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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

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House of Representatives

The House met at 10 a.m.

The Rabbi Peter J. Rubinstein, Central Synagogue, New York, New York, offered the following prayer:

Dear friends, we gather during this festival of Hanukkah when Jews celebrate the blessing of light and rededication and renewal. Long ago, those enemies who would have destroyed us profaned our sacred alters. They wished to rid the world of the fundamental teachings of our faith: that peace is founded upon justice, that all human beings are God's creation deserving of ultimate decency and goodness, and that the loveliness of light will always, in the end, obliterate the suffocating specter of darkness.

So, again, as we battle for the vision of light and peace, we ask You, O God, to bless us today in our gathering. Send healing to the sick, comfort to all who are in pain, and tender love to the sorrowing hearts among us. Deepen our love for our country and our desire to serve it. Let Your blessing rest upon us so that our Nation may forever be to the world an example of justice and compassion. As well, may all that we do be a blessing and in Your service, O God and let us say, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

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

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

WELCOME TO RABBI RUBINSTEIN

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

Mrs. MALONEY of New York. Mr. Speaker, I am proud to welcome to this Chamber Rabbi Peter J. Rubinstein, senior Rabbi at Manhattan's Central Synagogue.

Built in 1872, Central Synagogue is a national and city landmark that was nearly destroyed by fire in 1998. But thanks to Rabbi Rubinstein and others, the Central Synagogue rose from the ashes not only restored, but improved.

New York would do well to follow its example.

On September 9, along with thousands of New Yorkers, I was pleased to attend a glorious celebration when the synagogue reopened. But the joy was shortlived. Just days later, Central Synagogue was hosting memorial services for World Trade Center victims. In retrospect, the renovations were completed just in time.

The Central Synagogue and Rabbi Rubinstein have been there for New Yorkers in times of joy and sorrow alike, and the synagogue was ready for the most sorrowful day in our city's history.

It gives me great pleasure that a man who has meant so much to so many was able to lead us in prayer today.

NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

THE JOURNAL

The SPEAKER. Pursuant to clause 8, rule XX, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 44, answered ''present'' 1, not voting 33, as follows:

[Roll No. 486]

YEAS—355

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—44

Allen
Baird
Bonior
Borski
Brady (PA)
Brown (OH)
Capuano
Costello
Crane
DeFazio
English
Etheridge
Filner
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilliard
Holt
Hooley
Kelly
Kennedy (MN)
Kucinich
Larsen (WA)
LoBiondo
McDermott
Moore
Moran (KS)
Oberstar
Peterson (MN)
Ramstad
Sanchez
Schaffer
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wicker

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—33

Ballenger
Buyer
Cantor
Clay
Conyers
Coyne
Cubin
Culberson
Davis (IL)
Deal
Delahunt
Dingell
Dooley
Doyle
Fossella
Gephardt
Gonzalez
Granger
Hinchey
Hostettler
Leach
Luther
Meek (FL)
Miller, George
Mollohan
Obey
Sabo
Sessions
Slaughter
Stark
Weldon (FL)
Weldon (PA)
Young (AK)

□ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

ARMEY ANNOUNCES RETIREMENT FROM CONGRESS

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

Mr. ARMEY. Mr. Speaker, at the end of this Congress, I will have served 18 years in the United States House of Representatives.

Mr. Speaker, I want to thank the good people of the 26th Congressional District of Texas who nine times elected me to represent them in this body. How very privileged I am to have been given that trust, that responsibility and the opportunity to serve the values I share with these good people: faith, freedom, safety, security and peace, in that order.

Mr. Speaker, I have come to love this place. This is the most marvelous democratic institution in the history of the world. It is true what we say about this wonderful House Chamber. Here the people govern; we, the House of Representatives. It is more than a place. It is we the people, working each in our own way to secure the blessings of liberty for ourselves and our posterity.

In my time here we have managed to secure many blessings of liberty. We have been the instruments of the American people during a special period when America led the world in a freedom revolution. As a lesson in how freedom works, we whipped stagflation and set a course of economic prosperity and growth unparalleled in the history of the world.

America halted the march of communism in our hemisphere. We inspired the demise of its tyranny in Eastern Europe. The Cold War ended on our terms. The Soviet Union collapsed. The Berlin Wall fell. We won the Gulf War, and as we speak, we are removing the scourge of terrorism from the globe.

□ 1030

Peace through strength and supply-side economics changed this world for the better. Because the American people champion liberty, more people in the world live free today than at any time in the world's history. Yet there is more to be done, and it is America who will lead the way.

Mr. Speaker, that marvelous creativity known as practical American genius led us through the agricultural revolution and the industrial revolution. It now leads us through the electronic revolution. Once again we see new marvels, deriving from the American creativity and hard work. Today, we see a renewal of faith in God that lifts the hearts of everyone in America. There is a renewal of patriotism that vindicates the faith of our fathers and the sacrifices of our heroes.

America is a good Nation, where blessings endure and difficulties pass. The American people deserve a government that knows their goodness and has the decency to respect it. It is up to us to be that government, and I have complete confidence that we will continue to be just that.

Because of this confidence, I am comfortable telling you today that the end

of this 107th Congress is the time for me to stand down as majority leader and as a Member of Congress; to take my leave of this place and the people I love so much, and to return home to my beloved 26th district of Texas and, more importantly, to my beloved wife and family.

Mr. Speaker, I am sad to say what we all know is true. Too often our service to our Nation is a disservice to our family. To our spouses, our years of service seem to be an unbroken string of broken promises and disappointments. Our husbands and wives are too often excluded from what we do. They live a life of hardship that is rarely supposed and even less understood. It is as if they are single parents.

You all know what I mean. We all have our own heartbreaking chapter and verse. Bless our hearts, and, even more, bless our spouses' hearts.

But, Mr. Speaker, here is the good news. Throughout all the difficulties that only we who serve here can understand, I have kept the love of a good woman. And, Mr. Speaker, I have kept my love for her just as it was on the day we were wed. Just as she has always been, my darling wife Susan is here with me today from our home in Texas.

Honey, I want to thank you for all your years of sacrifice. And, honey, you get to keep this house. We are not moving again.

Mr. Speaker, let me just mention our children, Kathy and Brandon, David and Lori, Chip and Christine, Scott and Carisa, and Scott and Pam. They have given us our beautiful grandchildren, Avery, Christian, Christopher, and Jacob. I very much look forward to making up for lost time with them, just as with my wonderful mother-in-law, Alyne, our beautiful sister Betsy and her darling little Ryan.

Mr. Speaker, while this is a sad announcement for me, I am consoled by the fact that I have one more year, one more year in the leadership of this body. I am looking forward to that being the best year ever. We are just completing an outstanding legislative year, and we will do even more next year. I do not intend to miss a minute of it.

Mr. Speaker, my first lesson in politics was ''good policy makes good politics.'' I believe that. And I believe this majority makes good policy. That is why, Mr. Speaker, the American people elected us to this majority and that is why I know they will do it again in the next Congress, and I do not have a doubt about it. I can complete my work next year knowing the House will remain in good hands.

And, Mr. Speaker, may I say in that regard to you personally, to you personally, Mr. Speaker, thank you for answering your Nation's call to duty. Mr. Speaker, you are, in my life's experience, more than anybody else I have ever known, the right man to step up to provide the right leadership at the right time for all the right reasons, and I thank you. May God bless you.

I might add, Mr. Speaker, that you have made it possible for me to know I have got the best job in this town, and I am going to do it with all my energy for another year.

The good people of Texas have made it possible for me to work with the finest people in the world, the Members of the United States House of Representatives on both sides of the aisle. To my friends on the other side of the aisle, we have many good contests. We are sometimes together, but we are more often in opposition. But we always represent what we believe. Thank you, my friends. You are constant, consistent and reliable.

You know, despite the often too-bitter contests we have, I cherish the fact that when our country needed us to come together, we stood on the steps of this Capitol and hand to hand we sang ''God Bless America.'' It was that feeling of unity, not the heated exchanges, that I will remember most fondly when I leave here.

To my Republican colleagues, we should be proud of what we have done in our young majority. Twice now we have lowered the tax burden on America's working families and left them more in charge of their own hard-earned money. We reformed a failed welfare system in a way that has saved families. We honored the American people's prosperity by our spending restraint, and we turned government deficits into hard-won surpluses, and we must now hold them. We will hold those surpluses by restoring economic growth through supply-side tax cuts, and that is why we cannot leave here without an economic stimulus package.

My colleagues, my friends, my appreciation for you has only been made greater because in the past few years I have had the privilege of visiting nearly every congressional district in America. I am looking forward to returning to about 100 more next year. But for now, my friends, let us finish our work and go home.

Let me conclude by saying, I wish you all, all of you and all your hard-working staffs, and all the wonderful people that make this great organization work, and the security and the police, let me wish you all a happy holiday season. Whether it is the celebration of Chanukah or, for me, Christmas, the birthday of my Lord and Savior, Jesus Christ, I just hope this is a happy and joyous occasion. It will be for me and my family, it will be for America, and it should be in all our lives.

Thank you, God bless you, and God bless America.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following titles:

H.R. 2199. An act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 2336. An act to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1519. an act to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

S. Con. Res. 55. Concurrent Resolution honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers in Saudi Arabia on June 25, 1996.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 494) ''An Act to provide for a transition to democracy and to promote economic recovery in Zimbabwe.''.

HOW THE GRINCH STOLE THE CONSTITUTION

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

Mr. PITTS. Mr. Speaker, a fourth grader in Pennsylvania has been told that he cannot hand out Christmas cards to his classmates if they contain religious messages.

Two middle school students in Minnesota have gotten in trouble for wearing red and green scarves during a Christmas skit and for ending the skit by saying ''We hope you all have a merry Christmas.''

Two ninth graders in Massachusetts have been told they cannot create Christmas cards that say Merry Christmas or depict a nativity scene.

A teacher in Illinois has been warned by her principal not to read a book about Christmas to her second grade class, even though it is from the school library.

A school district in Georgia has deleted the word Christmas from its school calendar to avoid a lawsuit from the ACLU.

Mr. Speaker, the Constitution has been hijacked. The founders never intended the first amendment to prevent schoolchildren from wishing each other a merry Christmas.

Left-wing lawyers are distorting the Constitution beyond all recognition.

Pretty soon they will be able to make it say anything they want it to say, and then we will all be in trouble.

The Grinch may have already stolen Christmas. Let us keep him from stealing the Constitution too.

□ 1045

COMMITTEE FOR STIMULUS PACKAGE NEEDS TO MEET

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

Mr. RANGEL. Mr. Speaker, the President and many national leaders are asking us to stimulate the economy by putting together a package and presenting it to the President for his signature. Some may remember it was this House that passed the so-called stimulus package, but what was in it? Hundreds of billions of dollars of corporate tax cuts, and little if no notice was given to the hundreds of thousands of people that are unemployed. That is the Republican stimulus package. Yet Members are ridiculing the Senate for not moving. What they fail to realize is that the leadership of the committee is not on the Senate side. The chairmanship of the committee comes from the House side from the chairman of the Committee on Ways and Means.

Mr. Speaker, it would seem to me that if we were serious about doing something, the committee would have a meeting. What most Americans and Members do not know, we have not met since last Wednesday. If there is an urgency, let us not blame the Senate. Let us find out where the blame is, and have Members of Congress not having press conferences or fund-raisers, but coming together trying to resolve this difference.

MUSIC INDUSTRY NOT HELPING PARENTS

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

Mr. STEARNS. Mr. Speaker, recently the Federal Trade Commission released a study on the marketing practices of different sectors of the entertainment industry. The report finds movie and video game companies have made ''commendable'' progress since last year, placing limits on ads for violent games and movies in popular teen media and disclosing those ratings in its ads.

Regrettably, however, the commission found that only the music industry continues to place no restrictions on what materials it can market to underaged children in magazines, on TV, radio and over the Internet.

While the music industry labels its products, one of the FTC commissioners stated it correctly: ''I think it is hypocritical for the music industry to claim it is helping parents by placing a parental label on CDs, while at the same time undermining parents by aggressively marketing the same CD to children.''

When industry fails to institute meaningful self-regulation and act responsibly, I, both as a parent and a member of the community, believe government has an obligation.

NOBEL PEACE PRIZE NOMINATIONS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to encourage Members to join me in nominating two revered Vietnamese spiritual leaders for the Nobel Peace Prize.

Monday was International Human Rights Day. In accepting his Nobel Peace Prize on its 100th anniversary, U.N. Secretary General Kofi Annan urged all nations to focus more on human rights in a quest to end poverty, prevent conflicts, and to foster democracy.

It is for these reasons that I urge my colleagues to join me in asking the Nobel Peace Prize Selection Committee to nominate the Most Venerable Thich Quang Do and Father Van Ly of Vietnam for the Nobel Peace Prize.

The Most Venerable Thich Quang Do is the secretary-general of the banned Unified Buddhist Church of Vietnam. Since June 2001, he has been under house arrest for announcing his intention to escort the ailing 83-year-old Buddhist patriarch Thich Huyen Quang to Ho Chi Minh City for urgently needed medical attention.

Similarly, earlier this year, Father Ly was placed under house arrest and banned from running his church for providing testimony to the U.S. Commission on International Religious Freedom, which urged this Congress to do something about human rights and religious persecution in Vietnam.

Mr. Speaker, in recognition of their leadership and sacrifice, I urge my colleagues to join me in signing this letter to the U.N.

SUPPORT CALL TO SERVICE ACT

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

Mr. OSBORNE. Mr. Speaker, since the events of September 11, our country has witnessed a surge of patriotism and a desire to serve. This morning the gentleman from Tennessee (Mr. FORD) and I introduced the Call to Service Act which attempts to harness some of this energy.

I would like to emphasize three parts of this act which are particularly noteworthy. Number one, the act provides service opportunities all across the country, particularly in rural and underserved areas. An example is incentives for teachers to stay in rural and underserved areas.

Secondly, the act creates a new short-term military service category: 18 months of active duty and 18 months of reserve duty. These troops will provide security at airports, bridges, nuclear facilities, and our Nation's borders. They would also provide technical assistance in case of a health emergency caused by bioterrorism.

Lastly, the Call to Service Act will create thousands of opportunities to provide mentoring and tutoring for children who are desperately in need of a caring adult role model. Senior citizens will be especially helpful in this endeavor.

Mr. Speaker, I urge Members to support the Call to Service Act.

STIMULUS PACKAGE NEEDED TO HELP UNEMPLOYED, NOT JUST THE WEALTHY

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

Mr. HINOJOSA. Mr. Speaker, yesterday the Federal Reserve cut short-term interest rates for the eleventh time in as many months. However, the U.S. economy continues to grow weaker. Last month the Nation's unemployment rate hit a 6-year high of 5.7 percent. Industry production appears to be at its weakest level in 20 years. Factories are operating at the lowest levels of capacity since 1983.

These statistics translate into Americans losing jobs, and with them the means to obtain health care, food and shelter. The Latino community for example is the fastest growing segment of the workforce, but is one of the most vulnerable, as many Latino workers are concentrated in low-wage industries with unsteady work.

Mr. Speaker, it is good, commonsense public policy to stimulate the economy by putting money in the hands of people who need it most and who will spend it immediately. This action increases the demand for goods and services, which is the only way to get our Nation's business, all of the businesses, investing, producing, and hiring again. Congress must pass a stimulus package that helps the unemployed, not only the wealthy.

ECONOMIC STIMULUS BILL NEEDED

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

Mr. GIBBONS. Mr. Speaker, more than a month ago this House passed a much-needed economic stimulus package; but, unfortunately, America waits. American families have been waiting for the Democratic leadership in the other body to act; waiting for the relief to spur on economic investment; waiting for additional Federal assistance so

small businesses can obtain loans to keep their doors open and people employed; waiting for expanded health care and unemployment benefits for those in the tourism industry who have been laid off since September 11.

Mr. Speaker, like all Americans, Nevadans have waited too long for the Democratic leadership to start putting the welfare of this Nation and its economic prosperity ahead of their political priorities. It is time for an economic stimulus package to be passed by both Chambers of Congress and sent to the President and signed into law. America's economy, stability, and the individual prosperity of every American depends on it. Let us do it now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). The Chair would remind Members that remarks in debate may not include characterizations of Senate action or inaction.

CHRISTMAS IS ABOUT BIRTH OF CHRIST

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

Mr. TRAFICANT. Mr. Speaker, the school prayer issue is out of control, literally. Students in Pennsylvania were prohibited from handing out Christmas cards. Reports say students in Minnesota were disciplined for having said merry Christmas. Now if that is not enough to find coal in your athletic supporter, check this out: A school board in Georgia removed the word ''Christmas'' from their school calendar because the ACLU threatened to sue. Beam me up. If this is religious freedom, I am a fashion model for GQ.

Mr. Speaker, I yield back the fact that Christmas is not about a jolly old fat man. Christmas is about the birth of Christ.

A JOB WELL DONE

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

Mr. BARTON of Texas. Mr. Speaker, in 1984 the gentleman from Texas (Mr. ARMEY) and myself were elected to Congress from adjoining districts. He started out sleeping in his congressional office, and I started out picketing then-majority leader Jim Wright, which the gentleman from Texas helped me do. He went on to become conference chairman of the Republican Conference and when the Republicans became the majority, majority leader.

The gentleman from Texas (Mr. ARMEY) is a man of big ideas. It was his bill that began to streamline our military base positions in this country. He is also a supporter of school vouchers and flat taxes. He came from can-do North Dakota, and he brags about that even though he now lives in Texas.

Mr. Speaker, the gentleman from Texas (Mr. ARMEY) did come, he did do. I say well done to the gentleman from Texas (Mr. ARMEY).

REJECT RECOMMENDATIONS OF SOCIAL SECURITY COMMISSION

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

Mr. UDALL of New Mexico. Mr. Speaker, there are three good reasons we should reject the recent recommendations of the Social Security commission, this commission that has said that we should move in the direction of privatizing Social Security.

The first is the commission was stacked with individuals who had a preconceived notion of the outcome. Second, the commission recommends private accounts but does not take into consideration the cost. Many observers believe converting Social Security to private accounts would cost $1 trillion. Where is that money to come from? Out of Social Security, of course.

And finally, private accounts invested in the market are risky investments. We only need to look at our recent downturn to see how risky these investments are. Are we going to throw people out on the streets in their golden years because they have lost their retirements in the market? I certainly hope not.

COMFORT THE KIDS

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

Mr. FLAKE. Mr. Speaker, I rise today to commend the efforts of two Arizona families, the Porter family and the Rogers family. Following the September 11 attacks, Steve and Liz Porter and Todd and Mikki Rogers wanted to help those affected by the tragedies.

Together, these two families created a project called Comfort the Kids. Their goal was lofty, to create 10,000 small red, white and blue quilts for the children who have suffered family losses by the end of the year. They were not alone in their efforts. Their Web site, www.ComforTheKids.org, is currently receiving an average of one hit per minute. School districts, Boy Scouts and countless other families and individuals are joining them in their efforts. These quilts will not only comfort the recipient, but will serve as a hand-made symbol of compassion. I thank the Porter family and the Rogers family for their diligence and hard work, and commend them for their efforts. They represent the best of America.

SAVE AMERICAN STEEL INDUSTRY

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

Mr. KUCINICH. Mr. Speaker, today steelworkers from across the United States have come to Washington to ask our House to recognize their plight and the plight of U.S. Steel. Today the United States steel industry is faltering and in danger of collapse. Tens of thousands of men and women who have helped to secure the defense of this country through their work in creating and making this product called steel are in danger of losing their jobs and having their whole way of life be destroyed.

Mr. Speaker, it is time for this country to ask itself whether or not it is in our national interest and in the interest of our national defense to maintain our steel industry; or shall we become dependent on foreign steel, the same way we are dependent on foreign oil.

This House will have an opportunity before we complete our business to address the issues, to give the steelworkers some relief, to make it possible for steel loan guarantees to be more widely applicable, to give an opportunity for net operating loss to put cash into steel companies so they can keep going. This Congress has an obligation to carry forth for the future of this country our ability to make steel.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Members are again reminded not to characterize the actions of the Senate.

CALLING FOR LEGISLATION TO AID THE STEEL INDUSTRY

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

Mr. CARDIN. Mr. Speaker, many of my colleagues have talked about before we go home, we must pass a stimulus package. I agree that we cannot go home without doing something for the people who have lost their jobs as a result of the recession and the attack on our country. And we must do something for the steelworkers so they do not become part of the people collecting unemployment insurance in our community. We have to protect the retirees for the health benefits that they are currently receiving.

We need to do this because the price of steel in this country is below cost, international cost, because our trade policies have allowed dumped, subsidized steel to come into the United States. Our own trade policy has reduced capacity so we have what is known as legacy cost, high cost for the steel industry for retirees.

This House, this body, must pass legislation helping the steel industry before we leave town. It is our responsibility to do it. We must create a level playing field. If we do, steel in the

United States can compete with steel produced anywhere in the world on quality and cost. Yes, we must pass legislation before we go home.

STILL NO RESPONSE FROM THE SENATE ON ECONOMIC SECURITY

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

Mr. TIAHRT. Mr. Speaker, House Republicans have passed an economic security package to create new jobs and help unemployed workers. But the stalling economy continues to be in jeopardy because of the legislative process which continues to stall economic security legislation.

What are we waiting for? A stock market crash? Two-dollar-per-gallon gasoline? The failure to prepare and respond with sound initiatives to aid the economy indicates a disturbing disconnect between the elected officials and the state of the union.

The unemployment rate rose to its highest level in 6 years. Yet the leadership in Congress is constructing roadblocks and sitting on legislation to get the economy out of recession. More Americans lost their jobs last month, yet the legislative process refuses to respond with a plan of recovery.

Mr. Speaker, it is time to get the economic security act moving. It is time to get serious and match the House's work.

COMMEMORATING THE 25TH ANNIVERSARY OF FAMILY LIFE

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

Mr. BOOZMAN. Mr. Speaker, I rise today to commemorate a wonderful organization named Family Life. Since the tragic events of September 11, there have been numerous stories of couples seeking assistance in reconciling their differences and continuing their commitment to each other. Many of these couples have sought out the assistance of Family Life.

For 25 years, Family Life, under the leadership of Dennis Rainey, has been helping struggling relationships become happy unions again. Formed as a means to provide Campus Crusade staff members premarriage seminars, community leaders and pastors soon learned of the group and encouraged them to provide their blueprint on how to build strong homes to the general public.

Since then, more than 1 million people have attended Family Life conferences and even more have used their materials. At the heart of Family Life is a lay volunteer network of more than 10,000 couples. Many are helping Family Life reach couples as city ministers or by leading study groups. With their help, Family Life has blossomed into a very effective support network for families, one home at a time.

In honor of their hard work and dedication, Governor Huckabee proclaimed this week will be Family Life Week in Arkansas. Mr. Speaker, I stand with my governor in recognizing the importance of the family unit and the service that Family Life has provided to preserve this cornerstone of society.

HONORING STUDENTS FROM MOLALLA ELEMENTARY SCHOOL

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to honor a very special group of students from Molalla Elementary School. Like the rest of America, these girls and boys were shocked by the attacks on the Pentagon and the World Trade Center. After a great deal of brainstorming, they agreed to raise $1,000 to send to the Families of Freedom scholarship fund which has been set up by former President Bill Clinton and former Senator Bob Dole. This fund will provide education assistance for postsecondary education to financially needy relatives of those killed or permanently disabled as a result of the terrorist attacks.

I know that the students worked extremely hard to raise the $1,000. Some of them, I know, made great sacrifices to do this. I am so proud to represent the students of Molalla Elementary and thank them for their generous, heartwarming gift.

ECONOMIC SECURITY NOW

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

Mr. HAYES. Mr. Speaker, last week I wrote the leader of the other body a letter. Today I call on the majority leader in the other body to schedule a vote on the economic stimulus and security package immediately. There is no greater need in America today than to put people back to work in good jobs. People are hurting, unemployment is rising, and now we have proof that the economy is in recession. What more evidence does the leadership in the other body need? The American people deserve action on this now. It is time to put partisanship aside and work together to turn our economy around.

The Democratic leadership in the other body failed to push through a strictly partisan version of a stimulus plan on November 14. Despite including big subsidies for chicken manure and bison burgers, the other leadership did not even consider President Bush's plan to accelerate tax relief for at least 34 million American workers.

Mr. Speaker, the American people deserve action on this now. It is time for the other body to stop stalling and pass an economic security/stimulus plan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded by the Chair not to encourage or discourage action by the other body.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to 10 United States Code 4355(a), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Military Academy.

Mr. HINCHEY of New York.

There was no objection.

CONFERENCE REPORT ON H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 312 is a standard rule that allows the House to consider the conference report to accompany H.R. 2883, the Intelligence Authorization Act for Fiscal Year 2002. The rule waives all points of order against the consideration of the conference report. The rule is the normal rule we have for conference reports.

The intelligence authorization bill is a critical piece of legislation in any average year, but this year, given the recent September 11 tragedies and the war we are waging against terrorism as we speak, it is absolutely essential that we get this bill to the President's desk without any further delay. As Members are aware, the National Security Act requires that Congress authorize each dollar the U.S. spends on intelligence and intelligence-related activities. We are unique in that respect. The war on terrorism means that there has

been a fundamental shift in intelligence and defense priorities, as the President has stated, and these authorities must be reflected in law.

While we will discuss the conference report in greater detail during the general debate, I would like to highlight a few of the ways that the legislation will tackle both critical counterterrorism challenges as well as the long-term problems facing America's intelligence community.

The conference report increases funding for foreign language capability. Obviously this is a critical requirement in the fight against terrorism because it is all over the world and we need the language capability. It certainly is also a basic, core competency for our intelligence community. The Permanent Select Committee on Intelligence has pushed this issue for several years and we are going to continue to push it in the future until we get better results.

Another core intelligence capability this conference report bolsters is human intelligence. In addition to providing the necessary resources for this, the conference report includes a version of the House language directing the Director of Central Intelligence to repeal the so-called Deutch 1995 guidelines on the recruitment of human sources. These guidelines may have been issued with the best of intentions, and no doubt were, but in practice, they have had a chilling effect on our ability to gain vital intelligence from sources with access to unsavory characters, particularly such as terrorists.

Finally, this conference report includes a House provision requiring an accounting from the Director of Central Intelligence concerning whether and to what extent the intelligence community has implemented the recommendations of the Bremer, the Hart-Rudman and the Gilmore commissions. All of those were reports on terrorism and the vulnerabilities and threats to our security and the security of Americans at home and abroad. As Members are aware, these independent commissions examined the United States' measures for prevention of and preparedness for terrorist attacks. All of the provisions are essentially components to the health of the intelligence community and our country.

I urge the House to adopt the rule and embrace the conference report.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my good friend and colleague from Florida for yielding me the time. It is a pleasure for me to serve with Chairman GOSS on both the Committee on Rules and the Permanent Select Committee on Intelligence.

Mr. Speaker, I rise in support of this rule, providing for the consideration of H.R. 2883, the Intelligence Authorization Act for Fiscal Year 2002. H. Res. 252 is a modified open rule requiring that amendments be preprinted in the CONGRESSIONAL RECORD. However, Mr. Speaker, the preprinting requirement has been the accepted practice for a number of years because of the sensitive nature of much of the bill and the need to protect its classified documents. The bill is not controversial and was reported from the Permanent Select Committee on Intelligence by a unanimous vote.

Members who wish to do so, and I urge Members to pay attention to this, can go to the Permanent Select Committee on Intelligence Office to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the national intelligence program, which includes the Central Intelligence Agency as well as the foreign intelligence and counterintelligence programs within, among others, the Department of Defense, the National Security Agency, the Departments of State, Treasury and Energy and the FBI.

□ 1115

Also included in the classified documents are the authorizations for the Tactical Intelligence and Related Activities and Joint Military Intelligence Program of the Department of Defense. Members can go to the committee and review those matters.

Mr. Speaker, last week the House considered and passed the authorization for the Department of Defense for fiscal year 2002. The intelligence bill we consider today is another critical component in our national defense. Today, more than ever, we need to be vigilant about the myriad threats to our national security.

Mr. Speaker, while there will be debate on some worthy amendments, this is a noncontroversial bill providing authorizations for important national security programs. I urge my colleagues to support this rule and to support the underlying bill.

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

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GOSS. Mr. Speaker, pursuant to House Resolution 312 just passed, I call up the conference report on the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to rule XXII, the conference report is considered having been read.

(For conference report and statement, see proceedings of the House of December 6, 2001, at page H9057).

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. PELOSI) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support today of the conference report before us. Before I begin the main part of my statement, let me first acknowledge and thank the Members of the House Permanent Select Committee on Intelligence, each and every one of them, but especially our ranking member, the gentlewoman from California (Ms. PELOSI), for hard work, dedication, showing up and doing the business that needed to be done, and doing it intelligently and with a good deal of thoughtfulness.

I also want to specifically thank the committee staff on both sides of the aisle for their untiring efforts that have gotten us to this point. I very much appreciate the way they work in a nonpartisan way.

Obviously, I need to thank the Senate Permanent Select Committee on Intelligence Members and their staffs as well, especially under the steady hand of the chairman, my good friend, Senator GRAHAM, and the vice chairman, my good friend, Senator SHELBY. We appreciate the efforts they have put in.

Mr. Speaker, by definition a conference is a time when the two bodies come together to settle whatever differences there may be between the bills, often including resolution of differences of opinion and viewpoints on how money is needed, how it should be spent, what laws should be changed, what direction the administration should go, those kinds of things. But in this case, we are talking about protecting our Nation's security at a time when this is very much in the forefront of everybody's attention.

Ironically, Mr. Speaker, this conference found very, very few differences of opinion between the two bodies, and, frankly, between the points of view on either side of the aisle, on these and other areas. When it comes to national security, we seem to be pulling together very strongly in the area of intelligence.

Let me briefly review some of the areas of agreement. First, intelligence is our first line of defense; and it must be treated as such, especially on our war on terrorism, one of the new transnational threats we are, regrettably, beginning to understand a lot better. Although it may get lost in the continuous CNN optic of the coverage going on in Afghanistan and the Pentagon releases of bombs exploding and troops on the move, none of the activity that is actually happening would be possible without good intelligence.

Second, there are four key areas where the administration and Congress must immediately address themselves

if we are to properly protect the country's rights and freedoms. They are revitalizing the National Security Agency and the signals intelligence system, upon which we have had such wonderful production and service over the years and now needs upgrading; correcting deficiencies in conducting and collecting human intelligence, a matter which we all understand very well, something we cannot do without; providing a more appropriate balance between intelligence collection and analysis to better achieve a global awareness capability, something we have been talking about for years; and rebuilding a robust research and development program across the intelligence communities.

We have been so lucky and so well helped by the innovation and creativity that our country produces and the applications we have been able to use in the intelligence community over the last 50 years, and we need to have more of that in the days ahead.

There are other areas of concern besides these four, but these are the most critical for the types of threats that we face now and that we are going to face, we think, over the next few years; and they are certainly the areas that we are in full agreement with the other body on.

Thirdly, the intelligence community has got to be better focused on strategic intelligence and better positioned to be able to get access to so-called plans and intentions, that is, what is going on in the minds of the evil-doers, the mischief makers, in order to prevent the crisis. We do not want to be just great at sweeping up after the tragedy; we want to stop the tragedy before it happens. In short, we must have an intelligence community culture that is less risk averse.

My last example is that the conferees believe that any effort to invest in and expand intelligence capabilities, and such efforts clearly must be made, will only be marginally successful if it does not also include provision for a more appropriate management structure for the intelligence community. We are talking here basic architecture and the appropriate management overlay to make the system work.

Today's intelligence structure is insufficient for today's and tomorrow's challenges. We know it, and we have to get about the job of dealing with that; and I am pleased that the administration is taking up that challenge. We look forward to working with the President and his administration on these issues. They simply cannot wait.

Mr. Speaker, this does not mean that there were not differences between the bodies during our conference. There were. I am happy to report that there were few and that they were worked out successfully and the result is a conference report that was approved by a vast bipartisan majority of the conferees. There are a couple of areas where I would have liked things to have turned out differently personally, but that did not happen; and in the spirit of compromise, I am happy to support what I think is a very good conference report which will serve this country well. Again, I commend my colleagues for working in that spirit.

Mr. Speaker, on Monday we paused to remember the 3-month anniversary of the horrible and tragic attacks on America by the terrorists, those the President has referred to as the ''evil-doers.'' Also on Monday we laid to rest the first combat casualty of our war on terrorism, Mike Spann.

The fact that the first casualty was a CIA officer speaks to the fact that intelligence is in fact in the lead in this war. There is no argument about that. But some have questioned how our Nation got into this position, how these attacks could have occurred in the first place; and frankly, there is no easy answer to that question, as there are many facets.

For one thing, terrorists took advantage of the basic rights and freedoms that we so openly and charitably give to our citizens and visitors alike in this country. They abused those privileges.

Another point is that communications between the entities and agencies assigned the responsibility for protecting our borders was simply not adequate. We know that.

But there is also certainly an intelligence story here. Put simply, we do not have an intelligence community that is properly structured to collect the types of intelligence that would have prevented such attacks had the information been available. In part, this is of our own doing as a country and a Congress.

After the Cold War, a decision was made to ''build down'' intelligence. Many thought that we were at peace, perhaps this would be part of the peace dividend. We did not have a single major threat that people really could identify, and we could afford to spend intelligence monies elsewhere. Congress acted. Money was shifted, indeed.

Beginning in the 104th Congress, the Intelligence Committees of Congress on both sides, both Houses and both sides of the aisle, recognized the risks of the looming threats of transnational issues and year after year attempted to put more investment into intelligence. However, the administration's efforts were more focused on domestic issues and had little interest in that kind of investment at that time. Consequently, we ended up with a much-reduced intelligence capability, less access around the world, and a risk-averse environment, and, frankly, a growing threat.

This is not to say that those brave men and women in the rank and file of the intelligence community were not doing their jobs. They were playing the hand they were dealt, and they were doing very well under the circumstances. This is also not to say that Congress was not aware of the risks. We certainly were, and we talked about them a lot.

Recently, I had occasion to review the intelligence bills and conference reports since the 104th Congress. In the 104th Congress, we noted that there was a growing threat and a growing vulnerability to terrorism. We sent that message. We talked about the need to share information better between intelligence and law enforcement. Remember, this is back in the 104th Congress. We talked about the need to invest more robustly in intelligence resources.

Then in the 105th Congress we noted that the intelligence community must ''keep a watchful eye on the areas that are likely to be tomorrow's crises.'' I would point out that we mentioned the transnational threats.

We also mentioned that our national security was being affected by a broader set of issues that have not been identified with our global interests. We needed to rebuild our intelligence capabilities, and we expressed concern over the growing apathy toward national security and intelligence.

Again these issues were raised in the 106th Congress, where we stated that there was a growing possibility that a rogue nation or group would acquire the ability to attack U.S. interests with nuclear, biological, chemical, or some other weapon of mass destruction.

Mr. Speaker, I am not pointing these facts out to say ''we told you so.'' Far from it. The point is that we must engage with this administration now, and we must put significant effort into quickly rebuilding our intelligence capabilities. We cannot wait. The events of September 11, sadly, stand as a reminder of what happens when we let our intelligence guard down.

Mr. Speaker, this conference report is a good start toward rebuilding what the Nation needs. But it is only a start. It is a snapshot in time. Many of us refer to it as the first year of a 5-year plan. We look forward to working with the administration to secure our national freedom. We look forward to working in a nonpartisan way to do this with the passage of this conference report. I am fully supportive of the report. I encourage its passage.

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

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Our chairman has very well explained how we got to the point we are at today. I want to commend him for the leadership he has provided to the committee, not only at the conference meeting but throughout what has turned out to be a very challenging year. I thank the chairman.

The House version of the intelligence authorization bill came to the floor a little over 3 weeks after the terrorist attacks on New York City, Washington, and Pennsylvania. Active and retired intelligence community personnel were killed in the World Trade Center and at the Pentagon.

In the weeks since, the United States has begun to strike back at those who

were involved in the September attacks, and at those who support them. On Monday, the first combat fatality of the struggle against terrorism in Afghanistan was buried at Arlington National Cemetery. Mike Spann was a CIA officer. We eulogized him yesterday on this floor with the suspension vote in the presence of his family: his wife, Shannon; his parents, and his children.

Timely and reliable intelligence, as we know, is crucial to the successful conclusion of this campaign, and it is already clear that intelligence officers will be deeply involved, at home and in the field, in the difficult and dangerous job of ensuring that our policymakers and military commanders have the information on which they will increasingly depend.

The emergency supplemental appropriations bill passed in the wake of the September attacks provided a large amount of additional resources for intelligence programs and activities. This conference report provides more; substantially more, than was provided last year, and significantly more than was requested by the President.

Our chairman has gone over some of the priorities in the bill, and I want to associate myself with those. That would be human intelligence capabilities that he talked about and TPED, the tasking, processing, exploitation and dissemination of intelligence. It is very important for us to put more resources there. Another priority for us in the bill was the investment in advanced research and development projects necessary to keep pace with changes in technology, and, of course, the technology necessary to improve the process of collecting and processing intelligence.

Some of these funds that are in this bill will continue improvements as the chairman emphasized, in our human intelligence capabilities, to ensure that case officers receive the kind of training they need, particularly in foreign languages, to enable them to do their jobs effectively.

□ 1130

Some of these funds will make investments in the kinds of systems required if agencies like the National Security Agency and the National Reconnaissance Office are to keep pace with rapid technological change. The modernization of NSA remains a top priority of the committee and measurable progress is expected in the coming year. As steadfast as the committee has been in advocating more spending on intelligence, it must now be equally engaged in conducting the kind of oversight necessary to make certain that these additional funds are spent efficiently on programs that will really make a difference, not only in the current effort against terrorism, but on the demands of an uncertain future as well.

Although I am satisfied with the disposition made by the conferees on most of the items which separated the two bodies, I was disappointed with the resolution of the provision in the House bill which would have established an independent commission to review the Nation's security posture immediately preceding September 11. Our colleagues in the other body insisted that the two intelligence committees could undertake an inquiry into the readiness of the intelligence community, and other committees of jurisdiction could examine the other elements of the executive branch.

The issue was never whether the committees had the resources to do this job, it was whether it made sense for them to do it. I am concerned that an independent review would have had credibility with the American people that a congressional review, no matter how professionally done, will not.

The House version of the bill, when it left our committee stated, Mr. Speaker, ''The committee believes that the Commission will only be successful if it is seen to be truly independent of any preconceived notions about the effectiveness of the activities of the departments and agencies it will review. Appointing members with a reputation for challenging conventional wisdom, wide perspective, bold and innovative thought, and broad experience in dealing with complex problems will contribute directly to instilling the Commission with an independence of spirit which will enhance the credibility of its work.''

It goes on further. I want to put these words on the record. This body chose to modify the Commission and change its nature, but when we got to the conference, the Commission was eliminated all together. I want to put on the record the spirit of independence that I hoped the review would have.

This is not about fingerpointing or assigning blame; it really is more about understanding whatever government shortcomings may have contributed to the events of September 11. An independent inquiry will one day be commissioned, I am certain, although perhaps without the congressional input that we tried to do in our committee.

We need to know if there were gaps and where they were, again, not to assess blame, but to be sure that they are addressed. Our constituents must have confidence that an assessment of future needs is based on solid judgments about past performance. This will be especially important if we are to consider changing the structure of the intelligence community, and that is the challenge our chairman and our committee will have in the next year. Some of these reforms may be called for by President Bush, as is his right.

On another important issue the conference report more faithfully reflects the position of the House, and that was a compromise that the gentleman from Nebraska (Mr. BEREUTER) took the lead in shaping and I was pleased to support. It was necessary because in 1995, in response to concerns that there was insufficient CIA headquarters involvement in decisions to recruit as assets individuals with poor records of respecting human rights or the law, guidelines were issued to ensure that senior officials were aware of and approved, certain recruitments. The intent of these guidelines was to protect relatively junior officers in the field from later charges that they acted unilaterally, and unwisely, in entering into relationships with certain individuals. Despite repeated assurances to the committee from high-level intelligence officials of two administrations that the guidelines had not prevented the recruitment of a single, identifiable, worthwhile asset, concerns were raised that the bureaucratic process through which the guidelines were administered was so time consuming that it provided a disincentive to case officers. This controversy has obscured the fact that encouraging a potential asset on a hard target, like a terrorist cell, to betray his or her country or cause is tremendously time consuming, difficult and dangerous. That we have had uneven success against these targets is more a reflection of those facts than it is the fault, in my view, of any guidelines.

Nevertheless, to make clear that Congress wants the recruitment process to be as aggressive as possible given the totality of the circumstances involved, the House approved a provision in the committee's bill which would have required a rescission of the existing guidelines and their replacement with new guidelines which achieve balance that ''recognized concerns about egregious human rights behavior, but provides the much needed flexibility to seize upon opportunities as they present themselves.'' The House made clear that in striking this balance, ''clearly there is a certain class of individuals who, because of their unreliability, instability, or nature of past misconduct, should be avoided.'' Again, the gentleman from Nebraska (Mr. BEREUTER) led the way on this compromise that was in the House bill.

Although the DCI chose to rescind and reissue the guidelines before the legislative process was complete, the heart of the language which I was pleased to work with the gentleman from Nebraska on was retained in conference. The conferees want the current, more streamlined guidelines reviewed again to make certain that they provide appropriate encouragement to case officers to do their jobs well. As the statement of managers makes clear, however, whatever the results of that review, any guidelines issued ''must balance concerns about human rights behavior and law-breaking'' with the efforts to provide flexibility to take advantage of opportunities to gather information. That balance is the proper interpretation of the phrase ''more appropriately weigh and incentivize risk'' which appears in

clause (2) of section 403 of the conference report.

Mr. Speaker, our President, when he came to the House on September 14, three days after the tragedy, said that we will bring the perpetrators of that tragedy to justice, or we will bring justice to them, but justice will be done. We want to be sure that our intelligence capabilities help the President reach that goal, a goal that we all share. Hopefully, this bill will take us closer to that.

I believe the conference agreement will contribute significantly to meeting the intelligence needs of the Nation, and I urge its adoption. I again associate myself with many of the remarks made by my chairman, particularly those about sharing of information by the FBI. Once again, I want to extend the sympathies of my constituents and I know all of our colleagues, to the family of Mike Spann and the Special Forces soldiers, the Green Berets who lost their lives. If I may, I would like to put their names in the RECORD also: Master Sergeant Jefferson Davis; Staff Sergeant Brian Cody Prosser; and Sergeant First Class Daniel Petithory. God bless them. God bless America.

Mr. GOSS. Mr. Speaker, I am pleased to yield 6 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the Permanent Select Committee on Intelligence and the chairman of the Subcommittee on Intelligence Policy and National Security.

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

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this Member congratulates and commends the exemplary bipartisan effort of the chairman, the distinguished gentleman from Florida (Mr. GOSS), and his counterpart in the other body, the distinguished senior Senator from Florida, Senator GRAHAM. I also want to extend my congratulations and appreciation to the distinguished gentlewoman from California (Ms. PELOSI), for continuing to give us the leadership for a bipartisan conference report.

I rise, of course, in strong support of the conference report. Under the leadership of the people I have just mentioned, the legislative branch continues to move rapidly to address a number of long-standing deficiencies in our intelligence collection and analysis programs. The chairman's comments about the high quality work and dedication of the committee's first-rate staff are exactly on the mark, and I express my personal appreciation for their expertise, dedication, and hard work throughout the year.

Mr. Speaker, it is important to note that the Select Permanent Committee on Intelligence has not suddenly awakened to the very real funding deficiencies and program matter inadequacies of the intelligence agencies. For years, the intelligence committee has worked to reorient and enhance the effectiveness of the intelligence community and, of course, that has not received much public attention. But now, more than ever before, the American people understand through tragedy that our intelligence and counterterrorism programs are extremely important. As the distinguished chairman, the gentleman from Florida (Mr. GOSS) has frequently noted, ''The message is not new; the audience for the message is now new.''

I want to express my appreciation for the fact that he has gone back a few minutes ago to previous Congresses, back at least to the 104th Congress, to give some indication that the committee for some period of time has recognized and tried to address these transnational problems that are relatively new in the national focus.

Responsibly addressing the Nation's intelligence requirements now clearly has become a recognized national priority across the country in the aftermath of the September 11 terrorist attack. One result is a natural tendency to seek a simple solution, a quick fix. Certainly the conference report provides much-needed additional funds to improve our intelligence capabilities and to wage the war against terrorism, but at a more fundamental level, H.R. 2883 continues to aim even more aggressively to respond to serious underlying policy inadequacies and structural problems. I know all members of the committee would agree our work is not done, that we are looking forward to taking on this task during the next year.

In some cases, these are problems that have been years in the making and will take a number of years to reverse. For example, the conference report continues support for additional capacity in human intelligence collection. Human intelligence, or HUMINT, is the placement of highly-trained, language-capable officers in positions where they can acquire information vital to our national interests. Our HUMINT capacity was substantially downgraded in the years following the end of the Cold War. Also, our human intelligence collection efforts was understandably directed during the Cold War period at collection of the Soviet Union and its client states. Not in Africa, Latin America, the Middle East, South Asia, and especially not in the problems of transnational terrorism and narcotics trafficking. The conference report continues this body's efforts at addressing these deficiencies and the new priorities.

Addressing another reason for the HUMINT inadequacies, this Member is particularly gratified that the conferees agreed to reverse the 1995 limitations on asset recruitment, and I especially appreciate the cooperation and assistance of the gentlewoman from California (Ms. PELOSI) for the committee in working with me, and the chairman. These restrictions, called ''the Deutsch guidelines,'' were promulgated as a means to limit our association with unsavory individuals, with human rights or other criminal problems. While the concerns underlying these guidelines were understandable, resulting from revelations about the problems of the 1970s and early 1980s, the reality is that the Deutsch guidelines have had a chilling effect on the recruitment of people who can actually and efficiently penetrate the inner circles of terrorist networks and narcotics rings. The recruitment of assets with unique knowledge or access to these terrorists and drug cartels is the key to successful HUMINT against these targets. The regrettable, real-world reality is that especially in the crucial battle against terrorism, we must allow our foreign officers to recruit assets that sometimes are rather unsavory characters. To win the war on terrorism, we have to end the cycle of risk aversion by our intelligence operatives and their superiors in headquarters. Recruiting Boy Scouts will not give us the penetration and intelligence we need.

In many cases, there will be difficult decisions to make, but the U.S. has professionals in the intelligence and law enforcement fields who can and must make those decisions. This conference report makes clear that our foreign intelligence personnel must recruit as agents those who possess the detailed and timely information which the United States needs to defend its people and its interests. Admittedly, there are risks with such recruited agents, but if the risks are realistically weighed against the benefits, the enhanced chances of operational success, this body must not rashly second-guess those decisions or fail to replace the Deutsch guidelines where they are detrimental to effective intelligence-gathering.

Mr. Speaker, this Member urges adoption of the conference report on the intelligence authorization for fiscal year 2002.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Georgia (Mr. BISHOP), who is the ranking member on the Subcommittee on Technical and Tactical Intelligence of the Permanent Select Committee on Intelligence.

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman for yielding me this time.

As the ranking member of the Subcommittee on Technical and Tactical Intelligence, I rise in support of this conference report. It is a good work product. I want to thank and to congratulate the chairman and the ranking member, and especially our staff, who worked so hard and who did an extraordinary job to make sure that this package will serve to improve our country's ability to provide the best real-time information possible to our war-fighters and our policymakers, so as to protect Americans wherever they may be situated in the world.

The intelligence systems and activities that are funded by this conference report are a prominent and indispensable element of the war on terrorism. In the short time between September 11 and the time when the committee marked up the authorization bill, this committee worked extremely hard in a completely nonpartisan manner to develop proposals to correct shortfalls and to establish a basis for continued reform and innovation.

□ 1145

Most of these proposals are reflected in this conference report. The human element in this war on terrorism is fundamental, and it is an appropriate focus of our attention. But American technological prowess will greatly determine how effective our soldiers and intelligence officers will be, how many casualties our forces suffer, and how many innocent lives will be lost or protected.

The precision of our air campaign in Afghanistan is wondrous, and we must always remember that it depends as much on precise intelligence as on the guidance system of the missiles or the bombs. Developing these technical intelligence capabilities is expensive, and it is often difficult. Sometimes we make mistakes; but usually we, the government, and American industry get it right in the end. I am gratified to be part of this process.

Mr. Speaker, this bill is a good start on correcting the problems in the intelligence community, but there is clearly much more that must be done. I speak, I believe, for all of my colleagues on the committee in again commending the chairman and our ranking member for their dedication, and also the gentleman from Delaware (Mr. CASTLE), my own counterpart, in assuring that our intelligence organizations can protect Americans against the new menace.

Mr. Speaker, I urge adoption of this report.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. HARMAN), a distinguished member of our committee and the ranking member on the Subcommittee on Terrorism and Homeland Security.

Ms. HARMAN. Mr. Speaker, I thank my colleague for yielding time to me, and I join in saluting American heroes who have given their lives in the fight against terrorism in the aftermath of September 11.

Mr. Speaker, I commend the gentleman from Florida (Mr. GOSS) and the ranking member, the gentlewoman from California (Ms. PELOSI), for their leadership in bringing this conference report to the House.

I also commend the hard work of our committee colleagues and staff, whose bipartisan approach attempts to ensure that this Nation has the best intelligence capabilities.

I love serving on this committee and as ranking member of the Subcommittee on Terrorism and Homeland Security. It is a high honor, and it honors the constituents of California's 36th Congressional District, who design and build most of our Nation's intelligence satellites.

Yesterday, Mr. Speaker, President Bush spoke to 1,900 cadets at the Citadel and laid out three priorities for national defense: first, speeding the transformation of the military to face 21st century threats; second, protecting against proliferation of weapons of mass destruction; and third, strengthening our intelligence capability. All these goals are important, and I strongly support them.

This bill goes a long way toward accomplishing the third: this bill provides increased funding for human, technical, and tactical counterterrorist activities; it rescinds the CIA guidelines that may have restricted recruitment of some people with critical information on terrorist groups; and it requires the issuance of new guidelines to rebalance the recruitment process.

Also, it requires the administration to explain why it has not implemented the recommendations of three national commissions that studied terrorism and homeland security. I served on one of those commissions, the congressionally mandated Commission on Terrorism. All three produced good ideas that are still good today.

Our committee has served notice that it will do even more to push restructuring of the intelligence community next year; but meanwhile, this restructuring cannot happen in a vacuum. I believe the lesson learned from 9–11 is that good people had poor tools, and that our homeland security effort needs a leader with adequate power to conduct a unified threat assessment, develop a national plan, and compel agencies at all levels to share information and coordinate seamlessly to prevent or respond to acts of terrorism.

Governor Tom Ridge has this top job. Ridge is charged with coordinating all Federal efforts related to homeland security with those of State and local governments. The President's executive order also makes Ridge the chief communicator of homeland security policy.

Two months have passed since Tom Ridge started as director of the Office of Homeland Security; but in my view, he is losing power every day. He is a capable man with the skills and resume needed; but without the authority to influence Federal budgets, Ridge cannot enforce the changes that this committee has required and that this country needs. A bipartisan bill, H.R. 3026, would give him that authority.

Finally, Mr. Speaker, as I stated in a letter to the President on Monday, I continue to be concerned that the release of the new bin Laden videotape could prove damaging to American security. Those who do not believe bin Laden is guilty will not be persuaded by this tape. To me, the benefit of showing the tape is outweighed by the risks that secret messages, signals, or facial expressions of bin Laden or in the background are embedded in the tape. I would have preferred that its distribution be limited to those with a need to know, possibly including foreign leaders.

But Mr. Speaker, returning to this conference report, it gives the right tools to good people in our intelligence community. I thank them for working 24–7 before and after September 11 to protect this country from terrorist attacks.

Mr. Speaker, I urge strong bipartisan support for this bill.

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Delaware (Mr. CASTLE), who is also the chairman of our Subcommittee on Technical and Tactical Intelligence.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 2883, the Intelligence Authorization Act for Fiscal Year 2002. Before I get to my statement, I wish to acknowledge the superb leadership, and I mean this very sincerely, of our chairman, the gentleman from Florida (Mr. GOSS), and our ranking member, the gentlewoman from California (Ms. PELOSI), and the Senate Intelligence Committee's chairman, Senator GRAHAM, and the vice chairman, Senator SHELBY. Their support and guidance brought the Permanent Select Committee on Intelligence through a very difficult year, culminating in this fine piece of legislation. I think it is fitting to thank them for all of their efforts in support of our Nation.

Mr. Speaker, today we are voting on a bill that authorizes spending for the Nation's intelligence organizations, operations, and the brave men and women, such as our fallen CIA officer Mike Spann, who are stationed all around the globe collecting and analyzing information to provide our true first line of defense.

Tragically, the events of September 11 have made crystal clear what many of us in the Congress have been saying for sometime, that we need to significantly improve our intelligence-gathering, analysis, and dissemination capabilities.

I do not for one moment blame the attacks in New York, Washington, and Pennsylvania on an intelligence failure. Indeed, that blame can only be assigned to radical fanatics who would see America fall. But I do assign some blame on our collective lack of attention for maintaining a robust, properly resourced, and forward-leaning intelligence community that is not unduly restricted from collecting information on foreign threats to our country.

The authorization levels in this bill were determined by the conference committee as appropriate for beginning to rebuild our Nation's intelligence defenses. In the wake of 9–11, our intelligence organizations and

their professionals have been asked to do more than ever before, to provide more detailed information on an elusive but omnipresent enemy that directly threatens our country and our citizens.

Indeed, President Bush, Secretary of Defense Rumsfeld, Attorney General Ashcroft, and Director of Homeland Security Governor Ridge have all made statements about the increased need for and reliance upon our intelligence service in the wake of terrorist attacks.

There is no question in my mind that intelligence is now, more than ever, a critical function of national security worthy of this body's full funding support. It is in that spirit, Mr. Speaker, that I urge my House colleagues to support this conference report. We elected Members of Congress have no greater duty to the people of the United States of America than to protect their safety, their freedoms, and their way of life.

To do that in a world populated with any number of terrorists who have no remorse for loss of American lives and property we must go on the offensive. We must discover and take action against the people who would do us harm.

That requires knowledge. Before the FBI can arrest a single al Qaeda member, the Bureau must know who and where that person is. Before a B–52 bomber can effectively drop a single bomb, its crew must be given the information on what target to attack. Before we can better defend against an intended terrorist attack, we need forewarning of the attack location and timing. All of these require intelligence, intelligence for national defense. There is no higher priority.

Mr. Speaker, I urge my colleagues to support this measure.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. CONDIT), the ranking member on the Subcommittee on Intelligence Policy and National Security.

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

Mr. CONDIT. Mr. Speaker, I rise in strong support of the conference committee today. This is a very powerful tool in arming our intelligence agency in a campaign against terrorism.

Though I am disappointed the conference report does not include an outside commission to assess our national security readiness since September 11, it is still a very good conference report. It does increase human intelligence, and it improves foreign language skills and translation capabilities.

We face an extraordinary challenge now to collect information and preserve our national security, and we must focus now on the security of our homeland. We cannot sit back and think about the future in the out years; we must address security needs now. This conference report does just that.

Yesterday, we passed a resolution honoring Johnny Spann, the first American to die in combat in Afghanistan. We pledged to continue to support our men and women, to ensure the safety to all of our citizens. This conference report makes good on that pledge.

Mr. Speaker, I would like to commend and congratulate the chairman of the committee, as well as the ranking member, the gentlewoman from California (Ms. PELOSI), for this product, because I think it is a product that helps build a better and safer Nation. I congratulate them and thank them for their leadership.

Mr. GOSS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS), the chairman of our Subcommittee on Human Intelligence, Analysis, and Counterintelligence, our subcommittee on hacking. I will let him explain what that stands for.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the chairman of the full committee and the ranking member, the gentlewoman from California (Ms. Pelosi), for bringing before this House what I feel is probably one of the best intelligence authorization conference report bills we have had in a long time. As a result, I do stand here in strong support of the conference report.

Mr. Speaker, since September 11, all Americans have witnessed, I believe, our intelligence community working at its best. America, unfortunately, did witness its first loss, our first combat loss of an American hero in our war on terrorism, CIA agent Johnny Mike Spann. Now we must provide the resources needed to combat terrorism at the most basic level for intelligence.

This, Mr. Speaker, is a good bill. It provides significant resources to the intelligence community which, during the last decade, went underfunded, understaffed, and underappreciated.

The 1990s were a risk-averse period during which the bullies of the world began to get the idea that the United States had gone soft and no longer had the will to defend American lives and American interests. The intelligence community often was not performing aggressively enough, though this was by no means the fault of the dedicated men and women who constitute the intelligence agencies' rank and file. They are now doing a terrific job, a wonderful job of catch-up, and they deserve the best support that we can give them.

Regarding today's needs, we are providing logistical and technical resources for a worldwide campaign to root out terrorism. Our intelligence officers are working on the ground in Afghanistan, as the American public is now very much aware, sadly aware, with the news of our fallen CIA hero.

What the American public will probably never know is that American intelligence officers are working around the clock worldwide to neutralize terrorist cells and otherwise diminish the possibility of future attacks on innocent American citizens.

As for the needs and future needs, this bill provides resources for greater foreign language expertise, increased specialized training, increased analytical expertise, to include measures to restore the intelligence community's ability to provide worldwide analytical coverage.

This administration and this Congress are acutely aware of the need for a strong intelligence capability. We on the Permanent Select Committee on Intelligence have done our utmost to give the intelligence agencies what they need to do their job.

Mr. Speaker, I want to ask all my colleagues to support this bill, and I urge an ''aye'' vote.

□ 1200

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3½ minutes to the very distinguished gentleman from Indiana (Mr. ROEMER), a member of the Permanent Select Committee on Intelligence.

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

Mr. ROEMER. Mr. Speaker, I join in the accolades and the compliments to our chairman and to our ranking member, who have brought the committee together in a bipartisan way. When we do have differences in the committee, they are settled in an inclusive way and in an intelligent manner that I think benefits the bipartisan nature of the final product. They both do this institution well by their working together.

I also want to thank the staff. The staff has been through an exceedingly difficult year, working in an environment in the United States Capitol that has often been target or a suspected target, has been evacuated a number of times. It is a very difficult environment; and they do an excellent job creating an excellent product, and we are grateful for their hard work.

The intelligence budget and the reforms that are needed are now confronted with three different challenges. Certainly, we have the September 11 challenge, the attack on our country. We have the challenge of changing the culture in the intelligence community over the last 10 years from one that is targeted in an old-fashioned way, guards, guns and gates, to now trying to go after transnational targets, tents, technology, terrorism; and that is a slow and sometimes difficult push into the future.

We also have the difficult challenge of latching up the intelligence with the military capability as we are doing now in Afghanistan. Our intelligence personnel, our intelligence equipment become more and more important in the future.

How do we address that in this bill? We could do it with a quick fix, we could do it with bold reform, or we could construct the platform for

change into the future. We have mostly settled on the latter, platform for change, constructive change; and I think that has been a good, healthy approach. I do, however, wish that we would have taken steps for bold change in two or three areas, like, as our ranking member mentioned, an independent commission to look at what happened on September 11. We have the same people always looking at the same problems, and we do not have enough new eyes on old problems, giving us new solutions.

We need to work more on the information and collaboration in our intelligence community, and we need to look at the cultural changes. Moving to transnational targets, rather that than being comfortable going at just other countries' intelligence capability, we need to look at going after biological and chemical weapons and nuclear weapon capabilities of terrorist groups.

We have accomplished a lot, Mr. Speaker. We not only have more money for language and fluency capabilities; we have specifically said that there is congressional interest in this area and the intelligence communities cannot move this money away from language and fluency requirements.

We have improved human intelligence in this bill; and as I said before, we are improving the latching up of the military and the intelligence capabilities.

Finally, our hearts and our prayers go out to Johnny Mike Spann and to Shannon Spann for the sacrifices that they and their family have made and the three children who Shannon now raises with the help of that family.

Support this bipartisan conference report, and we look forward to bolder changes next year.

Mr. GOSS. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Georgia (Mr. CHAMBLISS), who is the chairman of our effort on counter terrorist efforts.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me the time, and I particularly thank him for his strong leadership, along with the gentlewoman from California (Ms. PELOSI) for bringing this bill to the floor in such great fashion and to the gentlewoman from California (Ms. HARMAN), the ranking member of my committee, for all who have worked in a very bipartisan way to ensure that we are improving our intelligence community. And to the staff, they have been under such great pressure. The staff on both sides of the aisle have worked close together to ensure that we are going to win this battle against terrorism.

Mr. Speaker, I do rise in support of the conference report for H.R. 2883. Yesterday, America paused to remember the terrorist acts that shook our Nation and the many acts of heroism and courage that followed. In the intervening 3 months, America has been fighting back and we are winning.

As the President has said on numerous occasions, this is a war that will extend far beyond the conventional battlefield in Afghanistan; and it is a war that will take years, not days, weeks or months. It is a war that will be fought on American soil and on the soil of our friends and enemies alike. It will be fought in the electronic air waves and the bazaars of the Mideast and north Africa, on the streets of London, Paris, Rome and Bangkok, right across the globe.

Conventional weapons will not be enough to safeguard our public from the long-term threat from terrorism. Smart bombs and Special Forces can only be used against targets that have first been identified as posing a threat.

Intelligence is the weapon most capable of identifying terrorists, their plans and intentions, operating methods, whereabouts and targets of terrorist attack. When 9–11 happened, the world changed but the threat from the terrorists stayed the same. What changed most of all was the recognition that intelligence is critical to our Nation's defense against terror. In fact, a whole new constituency for intelligence has arisen from the ashes of 9–11, and this constituency was far too long in coming.

As chairman of the Subcommittee on Terrorism and Homeland Security, I am here to tell the American people that the Intelligence Authorization Act lays the groundwork for fixing many of the problems that have plagued our intelligence professionals. We have sought to address systemic problems within the intelligence community and to begin to correct some of the funding deficiencies of years past that have crippled our ability to achieve true global coverage in intelligence collection and analysis.

This conference report provides the resources and direction necessary to overhaul the intelligence community language training programs and to begin to build a workforce that can operate effectively in the languages and environments used by terrorists. In addition, the report addresses in a more decisive fashion than ever before the chronic shortfall in language exploitation capabilities across the community.

The 9–11 attacks also highlighted shortcomings in the way in which information is shared and analyzed. This conference report provides significant new funding to establish additional joint terrorism task forces across the country, and it enables accelerated construction of analytic capability in the law enforcement, military and intelligence spheres that will aid in untangling the complex of webs of terrorist financing, support, movement, training, and operations, both through enhanced resources and cooperation.

This analytic capability, as a result of the report under consideration, will be applied more rigorously and in a more focused manner to raw threat reporting on terrorism matters. Such analysis, coupled with direction that the intelligence community establish a reasonable threshold for disseminating raw threat reporting, should vastly improve our ability to make sense of the many scraps of intelligence, real and fabricated, that are collected on a daily basis on terrorist threat activities.

Mr. Speaker, I urge the adoption of this conference report and ask that it proceed.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

I believe that we have completed our roster of Members who wish to speak on the Democratic side, and I would like to just say in a few closing remarks how appreciative we are to our distinguished chairman for the bipartisan nature of our proceedings, to extend to my Republican colleagues, again, thanks for their cooperation.

I want to acknowledge the good work of the gentleman from Georgia (Mr. BISHOP), the gentlewoman from California (Ms. HARMAN), the gentleman from California (Mr. CONDIT), the gentleman from Indiana (Mr. ROEMER), the gentleman from Florida (Mr. HASTINGS), the gentleman from Texas (Mr. REYES), the gentleman from Iowa (Mr. BOSWELL), the gentleman from Minnesota (Mr. PETERSON), the Democratic members of the committee for their attention to the important work of the Permanent Select Committee on Intelligence.

It is like signing up when you join the committee. It is very demanding and Members on both sides have made a strong commitment of time, enthusiasm, and dedication to these important issues so that we can have the force protection that is one of the main goals of intelligence and that we can have mission success on whatever we set out to do.

We talked about human intelligence at the beginning. The chairman mentioned it as a priority in his remarks and I did in mine. We want to commend all of the people who work in the intelligence community, in the human intelligence side, and otherwise, for their courage and their dedication. I also want to note the commitment that our committee has to bringing diversity to our human intelligence.

There are people in our country who understand the language, the cultures, the opportunities in other countries and in other cultures that would serve us well in achieving our mission success and we must draw upon them. Our HUMINT has to look different as we go into the future.

So we recognize and express gratitude to all of them, particularly Mike Spann and the others who lost their lives. We also recognize those who risk their lives every day for freedom in America and to root out terrorism wherever it exists.

I want to commend especially, though, the staff of Permanent Select Committee on Intelligence led by Tim Sample on the Republican side. We do

not really call it the Republican side. We really have a bipartisan approach to this. But he is the chief of staff for the Permanent Select Committee on Intelligence. I want to acknowledge the Democratic side staff: Mike Sheehy, Wyndee Parker, Beth Larson, Carolyn Bartholomew, Chris Healey for her good work on our issues, Kirk McConnell, Bob Emmett, and Ilene Romack, who work so hard for us.

I want to commend our chairman for his leadership. It was interesting to work with the Senate on this bill. So I commend the chairman, the new Democratic chairman, Senator GRAHAM, and Senator SHELBY for their cooperation as well. With that, Mr. Speaker, I urge our colleagues to support the bill.

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

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further speakers and I just wanted to finish this with some thoughts about how grateful I am and how privileged I am, indeed honored, to serve with such wonderful members. That is a select committee. And I mean it. We have heard today from the chairman and the ranking members of the four subcommittee we now have because we have so much business on the committee. But the others who did not speak, the gentleman from New York (Mr. BOEHLERT), the gentleman from Illinois (Mr. LAHOOD), the gentleman from California (Mr. CUNNINGHAM), the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from North Carolina (Mr. BURR), the gentleman from Minnesota (Mr. PETERSON), the gentleman from Texas (Mr. REYES), the gentleman from Iowa (Mr. BOSWELL), the gentleman from Florida (Mr. HASTINGS), have all contributed mightily to this.

It is obviously a wonderful select committee to have and be able to work with and we are backed up with the kind of staff that we have as the gentlewoman from California (Ms. PELOSI) has said, with Mike Sheehy and Tim Sample and Chris Barton, our top staff keeping us on the track. I think we are able to do our job well. And, of course, a big part of that is the gentlewoman from California (Ms. PELOSI), who has been outstanding with her time, her energy, her attention and her leadership when she has one or two other things to do, I understand, in her portfolio of responsibilities as well.

It is a very good situation for us. I think the people of the United States of America sometimes wonder what the job of Permanent Select Committee on Intelligence is and need to be reassured that today we are talking about advocacy for sure. That is part of our job. We need to make sure that our folks out there have the tools they need to do the job, to do national security.

But the other side of our job is oversight. We do it very diligently and dutifully. And that is to make sure that all of these awesome capabilities are used in a way that is entirely lawful and within keeping of character of the goals and wishes and the standards of the people of the United States of America.

We do not have a 1–800 number to flash across the bottom of the screen to say if you have a problem. But we are there as your oversight committee, and if there are problems, we are responsible for dealing with them. And I think we take that seriously, very seriously indeed.

Having said all of that, I think that we have with all of this wonderful good will, and responding to the tasks before us, come up with a good piece of legislation which is urgently needed. I see my friend, the gentleman from Washington (Mr. DICKS), sitting over there. A lot of us have taken credit and heaped praise back and forth on the work that has been done. A lot of the success we are enjoying today that you are seeing on CNN is coming from the hard work of the people who went before us on the oversight committees. And I take my hat off to those people because they too understood the need.

I am very sorry this year my friend Julian Dixon is not with us to be able to see some of the results of some of his hard work, and I know I am joined on that from my colleagues on the other side. Fortunately, there are always people to come along to fill shoes, and the gentlewoman from California (Ms. PELOSI) has done that so well. Having said that, I urge adoption of this particular conference report.

Mr. SIMMONS. Mr. Speaker, I rise in strong support of this conference report and commend the conferees and the professional staff for their hard work.

Specifically, I wanted to express my appreciation for the inclusion of the language I offered as an amendment that requires that the Central Intelligence Agency assume 100 percent of the cost of personal liability insurance for certain CIA employees involved in counter-terrorism activities.

Mr. Speaker, for 10 years I served with the Central Intelligence Agency. I spent five years overseas engaged in intelligence collection, counter-intelligence and, in some cases, counter-terrorism.

The work was difficult and dangerous. This fact has been reaffirmed by the terrible death of CIA operations officer, Johnny Micheal Spann, who was the first American to die in combat in Afghanistan in the fight against terrorism last week. But at no time did I doubt that my government would protect me from any personal liability if I encountered a lawsuit as a consequence of my professional duties.

Today, I understand that CIA officers engaged in counter-terrorism activities are virtually required to have personal liability insurance; but the CIA pays only half of the premium. What incentive does a CIA Case Officer have to do the job if he or she is subject to liability lawsuits? Why would they take any risks if the government were unwilling to cover the cost of liability?

I understand that I served in a different time. But I did have the backing of my government—100 percent. It is time to give this assurance back to our Case Officers, many of whom are on the front lines of the war on terrorism.

This is not an original idea. In fact, it was a recommendation of the Report of the National Commission on Terrorism, titled ''Countering the Changing Threat of International Terrorism'' submitted to Congress in June of 2000.

The report states, ''The risk of personal liability arising from actions taken in an official capacity discourages law enforcement and intelligence personnel from taking bold actions to combat terrorism.''

Following the tragic events of September 11th, it is apparent that we must do better in our counter-terrorism effort. The least that we can do is guarantee that any CIA officer participating in the war on terrorism will have the full backing of the federal government. They deserve no less.

Passage of this conference report will provide this full backing. It also maintains the authority of the Director of Central Intelligence to designate those CIA employees who qualify for this benefit.

Again, I thank the Members and staff of the House and Senate Intelligence committees for their hard work on this legislation, and I urge my colleagues to support the conference report.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

□ 1215

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2883, the conference report just passed.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 311 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 311

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards

for States and units of local government with responsibility for the administration of Federal elections, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. REYNOLDS. Mr. Speaker, H.R. 311 is a closed rule providing for consideration of H.R. 3295, the Help America Vote Act of 2001, with 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration.

The rule waives all points of order against consideration of the bill. Additionally, the rule provides that the amendment recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted.

And finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, last year's Presidential election was the most dramatic and most memorable in recent history. Election reform is not a new concept, but last fall was a stark reminder of the modifications that our voting system desperately needs. Voter fraud and faulty machines are only a few examples of the inadequacies of the system. That is why I am proud to stand before you today not only as a member of the Committee on Rules but also a member of the Committee on House Administration.

The gentleman from Ohio (Mr. NEY), chairman of the Committee on House Administration, and the ranking member of that committee, the gentleman from Maryland (Mr. HOYER), have approached this issue with open minds, and their cooperation has produced the bipartisan legislation before us today. I commend their efforts as well as the efforts of my other colleagues on the Committee on House Administration, both Republican and Democrat.

This legislation represents the true essence of bipartisanship. In fact, of the 170 total cosponsors, there are more Democratic cosponsors than there are Republican. Politics was put aside in order to strike an appropriate middle ground. Mr. Speaker, this is not a one-time fix miracle solution to election reform. However, this is a first step, a bipartisan step in the continuing effort to update and modernize the way Americans actively participate in our democratic process.

The Help America Vote Act of 2001 offers the best opportunity to pass real, comprehensive, and truly bipartisan election reform legislation before the end of session. While careful and thoughtful consideration was given to this issue throughout the year, America should not have to wait any longer. Before we know it, another election cycle will be upon us, and, so far, many States have had to rely on their own resources to modify the election systems. It is time for the Federal government to step up to the plate. Not only will this legislation infuse considerable funding into election reform initiatives, it will supply States with minimum election standards to reduce the frequency of inadequate, inaccurate, or duplicate voting.

The bill also addresses the issues of overseas voting. I am pleased that Chairman NEY was able to include some of the provisions in the manager's amendment that is now a part of this rule. Our men and women in uniform around the world should be afforded the same ease and efficiency of voting as all Americans. The most fundamental privilege of American citizenship is the right to vote.

Let us now embrace the spirit of bipartisanship that produced this legislation by supporting this bill and preserving the very integrity of democracy. At last night's Committee on Rules hearing on this bill, Chairman NEY said, ''We want fair elections.'' I urge my colleagues to join me in taking that first step towards fair elections by supporting this rule and the underlying bipartisan legislation.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Last year's elections brought to light, Mr. Speaker, troubling deficiencies in our electoral system, leaving many Americans disillusioned about our democracy itself. We are all, of course, painfully aware of the tragedy in Florida, which culminated on this very day 1 year ago. But the problem was clearly larger than that, so the Democratic Caucus' Special Committee on Election Reform, under the able leadership of the gentlewoman from California (Ms. WATERS), spent much of the past year conducting field hearings in communities around the Nation. The committee confirmed what so many others have found; that America's electoral system is broken, and that Americans from coast to coast have been disenfranchised in every election.

In my own Congressional District in Fort Worth, Texas last year, I personally witnessed and fought against a systematic partisan campaign to harass, intimidate, and suppress African American voters, especially senior citizens. For all these reasons, real election reform is a priority for the American people, and it is a passion for Democrats.

But protecting every American's right to vote should not be a partisan issue. It is the cornerstone to rebuilding faith in our democracy, and it is the civil rights issue of the new millennium. That is why Democrats have worked so hard to find bipartisan solutions to the ills that plague America's electoral system. And this bill, H.R. 3295, the Help America Vote Act, provides a very good start.

Chairman NEY and Ranking Member HOYER deserve tremendous credit for crafting a bipartisan approach to get election reform started. This bill sets minimum national election standards and provides Federal assistance for the States to improve ballot counting, access to the polls, and voter registration. It authorizes $2.65 billion for this overhaul, including $400 million to help States replace their punch card voting systems.

It also establishes an Election Assistance Commission to oversee the program, creates a variety of programs to get students involved as poll workers, and includes provisions intended to facilitate absentee voting by military and other overseas voters.

Unfortunately, the bill does not go as far as many Democrats believe it should. Unfortunately, Mr. Speaker, it does not get us all the way there. So the gentleman from New Jersey (Mr. MENENDEZ), the vice chair of the Democratic Caucus, had an amendment to improve this bill to achieve comprehensive election reform. And certainly we should all be able to agree on helping Americans with disabilities vote, on ensuring States meet the standards of this bill, and on ensuring compliance with other standards like the Voting Rights Act and the National Voter Registration Act. So the decision of the Committee on Rules last night to issue a closed rule, and particularly to deny the gentleman from New Jersey his right to offer his amendment, is inexcusable.

Election reform need not be a partisan issue, Mr. Speaker, but Republican leaders insist on trying to make it one. For that reason, I urge that this rule be defeated, and that we force Republican leaders to take a bipartisan approach to election reform.

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

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I rise today in support of this rule. This is great work done by the ranking member and the chairman. I want to point out one provision in this that I really am appreciative of, which is a self-executing provision in this rule that does address the disabled community, especially the blind and the visually impaired at the voting booth.

Everyone should have a right to cast a truly secret ballot. Unfortunately, with current voting methods, the visually impaired have to rely upon others to help them cast their votes. New voting technologies can enable the blind to complete their own ballots without assistance. The language included in this bill requires nonvisual access to be an essential component of any new voting machines designed for Federal elections. It also provides financial assistance to help local election officials pay for the cost of these machines.

I know the election officials in downstate Illinois have been doing a great job in ensuring that elections are run smoothly and that everyone who wants to vote is given the chance to do so. I am pleased that this amendment helps make voting easier for the visually impaired voters.

Mr. Speaker, I would like to thank my colleagues, the gentleman from Illinois (Mr. DAVIS), the gentleman from Maryland (Mr. EHRLICH), along with the Ranking Member HOYER and Chairman NEY for working on this issue and helping to get this provision included in this bill.

Mr. Speaker, I submit for the RECORD a letter from the National Federation of the Blind supporting this bill.

NATIONAL FEDERATION
OF THE BLIND,
Baltimore, MD, December 11, 2001.

Hon. ROBERT NEY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the support of the National Federation of the Blind for the Help America Vote Act of 2001 (H.R. 3295), including language we requested to address the needs of people who are blind. Thanks to your efforts and understanding, this legislation points the way for blind people to vote privately and independently.

While the 2000 election demonstrated significant problems with our electoral system, consensus regarding the solution has been much more difficult to find. Nonetheless, it is clear that installation of up-to-date technology will occur throughout the United States. This means that voting technology will change, and devices purchased now will set the pattern for decades to come. Therefore, requirements for nonvisual access must be an essential component of the new design.

With more than 50,000 members, representing every state, the District of Columbia, and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness from our own experience. The right to vote and cast a truly secret ballot is one of our highest priorities, and modern technology can now support this goal. For that reason, we support any legislation that will accomplish this objective. Thank your for your assistance in addressing this concern as part of the Help America Vote Act of 2001.

Sincerely,

JAMES GASHEL,
Director of Governmental Affairs.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend and colleague, the gentleman from Texas (Mr. FROST), for yielding me this time and for his distinguished leadership on this particular subject, and also my good friend, the gentleman from New York (Mr. REYNOLDS).

All the members of the Committee on Rules heard me last night speak very passionately, moved by the fact that now we have a year that has passed and we still have not undertaken what I believe to be what the American people want in the way of ensuring that we have free, fair, and transparent elections.

Before I get into the meat of my remarks, I want to share a vignette with everybody here. In 1974, in Florida, I ran for the Public Service Commission, and I lost that election by 2 percentage points. When I got home that night, my mother said to me, ''Something is wrong.'' My comment to her was, ''Mom, there can't be anything wrong with this election.'' I was kind of angry, upset, and hurt that I had lost. I said ''There can't be anything wrong, because we have this new punch card system.''

Well, now, 30-plus years have passed since that election, and the fact of the matter is that she has said to me, at times when we have spoken privately, that she thought something was wrong. And now I can say to you, ''Mom, you were right, something was wrong all that time.''

Mr. Speaker, I would like to think that when I speak on the floor, my words are eloquent and my thoughts are well expressed. But now is not the time for eloquence. Quite frankly, this rule just stinks. More than 13 months have passed since last year's debacle of an election. Now, when the House finally considers election reform legislation, the Republican leadership is eliminating the option of debate. The only word that I can use to describe this irresponsible act of poor leadership is shameful.

During last night's hearing in the Committee on Rules, more than 20 amendments were offered by Members on both sides of the aisle. I offered four amendments that would have fixed some of the problems that I believe currently exist in the bill.

□ 1230

My amendments would have required that every polling place in the country be fully accessible to people with disabilities, and somebody please tell me why we cannot accomplish that. They would have taken significant steps, my amendments, towards halting the illegal purging of voters' names, provided for the immediate restoration of former felons' rights to vote; and, finally, ensure that all Americans be given the right to cast a provisional ballot in the case their name does not appear on the list of eligible voters.

However, the American people will never hear debate on these amendments, nor the more than 16 others, because the rule that the Republican leadership has reported is closed. Not one amendment that was offered last night will be permitted to be debated today. Granted, I do not agree with all of the amendments that were offered last night. In fact, I am quite opposed to some of them. However, if the House is going to consider an issue as important as the integrity of the American election system, I think that it should be open for debate. I believe that, and I believe the American people do also.

Where has the leadership been on this issue? From the looks of this rule, we can tell where the leaders on the other side of the aisle have been. But what about the administration, the primary beneficiary of last year's sham of an election? The answer is we just do not know.

I asked the gentleman from Ohio (Mr. NEY) what is the position of the administration. To date, the administration has not even issued a statement on the Ney-Hoyer bill that is being considered.

Mr. Speaker, realize I applaud the work of the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) on the work that they have done on this bill; and so should the rest of this body, and we should thank the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. WATERS) for helping to improve this measure.

Under the constraints that were placed on the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), I do not think that we could have gotten a better bill. I am nonetheless astonished while we know what problems exist, and all of us know how to remedy them, I was astonished by the unwillingness of the Republican leadership to act on a bill that actually fixes all of the problems that exist in our country's broken election system, and it baffles me beyond comprehension that we are not doing it.

If the underlying bill is the best that we can do, then it is not good enough. If we are to define our democracy by the rights we guarantee to our citizens and the methods by which we choose our leaders, then we must never find ourselves denying these rights or questioning the results of our methods.

Mr. Speaker, few issues in this country ignite the tempers of the American citizenry as much as election reform. In the past year, many of us traveled across the country to hear voters speaking about the problems that they faced during last year's election. From these hearings and meetings, we have

garnered a general understanding that the problems we saw in Florida last year are not unique to Florida. On the contrary, the travesty that the Florida's voters faced last November is merely a representative sample of the problems voters faced throughout the United States. Civil rights violations, lack of provisional ballots, increasing amounts of overvotes and undervotes, uneducated voters and poll workers, outdated voting machines, the purging of eligible voters, confusing ballots, lack of accessibility, and not enough funding for States to improve their voting technology, are not problems that are unique to Florida.

The Ney-Hoyer bill fixes many of these problems, but at the same time it fails to mandate that others be addressed. Today, Members are faced with a difficult question: Do we allow the perfect to be the enemy of the good, or do we approve a bill that does not fix all of the problems that we know exist in our election system to date? This rule is not, in my view, just irresponsible and shameful; but it is an insult to this body, the American people and the integrity of our democracy. I urge my colleagues to oppose this closed rule.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

(Mr. GEKAS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to support the rule at hand and the bill that follows; but I must place into the RECORD my concern that the entire process did not go far enough with respect to election reform, and that has to do with the rampant number of complaints that every Member has received about the failings of the motor voter law. This bill and the rule that implements it, actually specifically states that the motor voter law that we passed in 1993 will remain practically inviolate. Yet the horror stories we have heard demands our attention to motor voter.

In that regard, I fashioned a Motor Voter Reform Task Force in my district which made certain findings and recommendations. The findings to which we must pay attention are very serious. Number one, there were a large number, not just in my district but in other districts as well, of people who were not American citizens who, by virtue of motor voter flaws, were able to cast votes. That is unacceptable. That dilutes the votes of people who are American citizens who are registered to vote. We must do something about that. Our task force has recommendations as to that, and this bill does not cover that particular situation.

Insofar as the bill goes to determining and helping States determine eligibility of voters to allow culling of votes to bring them up to date every couple of years, the bill goes a long way.

I hope in some future time that Congress tackles revision of motor voter, updating motor voter in a time and a place where we can concentrate on the flaws that everyone has discovered.

Mr. Speaker, I include for the RECORD the report of my Motor Voter Reform Task Force.

MOTOR VOTER REFORM TASK FORCE REPORT

INTRODUCTION

The Motor Voter Task Force was created in May of 2001, by Congressman Gekas of the 17th Congressional District to investigate the effects of the National Voter Registration Act of 1993. In June, the Task Force visited the five County Election Offices and also spoke to Jury Commissioners in the five counties in the Congressman's district and met with Pennsylvania's Commissioner Dick Filling and Ted Koval, Pennsylvania's Director of Voter Registration, both of whom serve under the Bureau of Commissions, Elections and Legislation. On July 9th, the Task Force held a hearing involving the five County Registrars, a representative from Penn DOT, a representative from the Department of State, and two Representatives from the Pennsylvania State House. The Task Force has also researched data concerning elections at the local, State and National level.

Although the Motor Voter Law of 1993 did make voter registration easier, it failed in its stated goals, it has incurred great cost to the American taxpayer, it has made maintaining the voter registration rolls more difficult, and it has facilitated voter fraud.

We, the Motor Voter Reform Task Force, believe the Motor Voter Act must be reformed to stop the current strains on our electoral system.

PROBLEM SPECIFICS

The Motor Voter Law, officially known as the National Voter Registration Act of 1993, allowed a potential voter to register while applying for, or renewing, a driver's license.

Motor Voter Has Caused Bloated Registration Rolls

While this Act made it easier to register to vote, it simultaneously made it much more difficult for election officials to remove inactive voters from the rolls.

Under the Motor Voter Act, all registered voters who have not had any activity (have not voted, changed address, changed name) are sent a ''Five-Year Notice.'' If the registered voter responds to the notice, they are coded ''active'' and remain on the rolls. If they do not respond, or if the Notice is undeliverable, they are coded as ''inactive'' and remain on the rolls until two more Federal elections have passed without any activity. Any registered voter who has been coded as inactive and remains on the rolls, may vote by asking for an ''Affirmation of Elector''. The Affirmation of Elector will activate their registration by verifying address information.

In addition, once every calendar year, counties are required by the Law to do either a mass mailing, or a cross-referencing with the U.S. Postal Service's National Change of Address Listing. This is a national list of residents by name and address in the country. Any address discrepancy between the county's address list and the National Change of Address list will trigger a notice to be mailed to the registered voter in question. Mass mailings are extremely expensive to counties costing tens of thousands of dollars. The National Change of Address Listing compiled by the U.S. Postal Service is less expensive, but also costs counties several thousand dollars to purchase. Some consideration should be given to making this list available to counties at either no cost or at a minimal cost.

All told, it may take up to nine years for an inactive voter to be removed from the registration rolls. This causes woefully inaccurate voter registries and the potential for fraud. The Task Force believes this is unacceptable.

The Motor Voter System Allows Fraudulent Registration

The Motor Voter Act requires only the ''minimum amount of information necessary'' to assess the eligibility of a registrant. Ironically, this minimum information is often insufficient in determining a registrant's eligibility. Because proof of identity and citizenship is not required when registering to vote, it is possible for resident aliens (i.e., non-citizens) to vote in our elections. There were several reported incidents in the 17th congressional district where non-citizens were registered to vote. This means that the fundamental right of legitimate Americans to vote is being undermined. It is alarming to think that American citizens may be letting fraudulent voters decide the outcome of their local, State and Federal elections.

Just as alarming is the fact that voter registration rolls are used across America as a source for selecting jurors. It is very possible that non-citizens have already been called for jury duty and have served. It was also discovered in conversation with Jury Commissioners is the 17th Congressional District that, indeed, jurors had been called who had registered to vote through Motor Voter, but were not citizens of the U.S.A. We must consider the possible serious consequences if a juror is discovered to be a non-citizen during a trial. If a non-citizen juror went undetected, the defendant's right to a jury of peers would be debased.

Evidence of Fraud

During the 2000 Presidential Election, the national media reported numerous cases of voter fraud. The shortcomings of Motor Voter are the reason behind several notable failings of our electoral system.

Examples of these weaknesses are vivid and well documented: A dog was registered to vote in St. Louis, Missouri, deceased individuals registered and voted, nonexistent individuals registered and voted, and false addresses were used to register. Eighteen municipalities in Allegheny County, Pennsylvania, reported a registry larger than the voting-age population. Clerical errors caused legitimate, eligible voters to be taken off registration rolls and/or listed in the wrong county.

Costs of the Motor Voter System

The Motor Voter Act has caused massive expense to the American public. Furthermore, the Act was an unfunded Federal mandate, so all expenses incurred were passed on to the States and counties. The extra costs have accrued in three basic areas: equipment, postage, and staff.

Equipment: The States have had to upgrade or install new technology at their respective Departments of Motor Vehicles to comply with the Motor Voter Law. Simultaneously, counties have had to upgrade or install new technology, provide additional polling places and purchase extra voting machines or booths and balloting materials, as State laws often requires the number of polls and equipment to be in a certain proportion to the number of registered votes. E.g., Pennsylvania state law requires one voting machine per 600 registered voters.

Postage: The Act required municipalities to send confirmation mailings to remove inactive voters from the registration rolls. Simultaneously, Motor Voter registrations are often left inaccurate or incomplete. Thus, election officials must frequently send mailings and make countless telephone calls in order to recollect information from people who registered through Motor Voter.

Staff: Additional election staff is now required at the State and county levels due to the increased numbers of mailings, polling machines, and polling locations.

Motor Voter Has Done Little to Increase Voter Turnout

While Motor Voter has increased the number of registered voters, it had done little to increase actual voter turnout.

Appendices A and B contain information taken from the Federal Elections Commission web site. Since voter turnout is traditionally better during a Presidential Election year, it is necessary to compare sets of years with the same number of Presidential Elections. Hence, both tables contain voter enumerations from three Federal elections, with each table containing one Presidential Election.

Appendix A comprises three years before Motor Voter was enacted and Appendix B spans three subsequent years after the Motor Voter Law was passed.

The difference between the two sets of elections is a mere 0.3% increase in voter turnout. The enormous costs of the Motor Voter system is hardly worth this questionable increase. Seven years after this Act became law, we have learned from experience and research that voter registration is not the impediment to low voter turnout. In fact, statistics published by the Federal Elections Commission shows that voter turnout has remained fairly constant since 1972.

The bloated registration rolls have made it very difficult to accurately report voting statistics. Percentages of voting seem lower because registration is so bloated. In reality, as stated above, voter turnout has remained about the same since 1972. The inaccurate interpretation of the statistics which are being reported may be adding to voter apathy and having an adverse effect on voter turnout.

For an example, in Congressman Gekas's district, we can look to Lancaster County's swelling registration rolls which have not produced increased voter turnout. If we compare the number of Motor Voter registrations in Lancaster County to the number who actually vote, a significant difference is observed. (Appendix C)

SUMMARY OF FAILINGS

The Motor Voter Law has four intended purposes, as per section b:

(1) To establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

Contrary to its stated purposes: ineligible citizens have registered to vote, the Federal government has not helped cover the expense of the new system, the integrity of the electoral process has been compromised, and the Law had made it more difficult to purge inactive voters from the rolls. As a result, rolls are neither accurate nor current.

In short, the Motor Voter Law has failed in all four of its intended purposes.

RECOMMENDATIONS

Because the States and counties have invested a great deal of money in the Motor Voter system, it would be irrational and wasteful to repeal the Law. Therefore, the Motor Voter Law must be amended if its various flaws are to be corrected. The Task Force has conceived of nine recommendations for amending the Motor Voter Law.

[Recommendation 1] Provide Monetary Compensation to States and Counties

Since the Motor Voter Law was enacted, there has been a great deal of expense incurred by the States and counties in meeting the Law's requirements. Most of the expenditures are due to additional equipment, postage, and staff. We believe Federal mandates should have Federal funding; it seems appropriate that the Federal government should compensate the states and counties for the overhead the Motor Voter Law created. Additionally, a special reduced postage rate for the official use of State and County Election Boards must be considered.

[Recommendation 2] Mandate Information Sharing between Bureaus to Keep Rolls Accurate

Unless election officials have access to information that disqualifies ineligible voters, these individuals will remain on the rolls. For that reason, we suggest the Immigration and Naturalization Service inform the counties about the citizenship status of registrants, if requested. We also suggest that the each Bureau of Vital Statistics share information with the counties regarding: deaths, marriages, felons, and changes of name, and that State cooperate with each other in order to prevent duplicate or multiple registrations by an individual in multiple States or municipalities in any one state. The U.S. Postal Service should also be a source for National Address Verification. The sharing of information between these Agencies and Bureaus and between States, in particular those states which maintain a central Voter Registry, and counties will allow election officials to maintain much more accurate registration rolls.

[Recommendation 3] Require Counties to Immediately Remove Ineligible Voters

Upon receipt of disqualifying information from a Bureau or Agency, county officials should be required to immediately remove an ineligible voter from the registry, regardless of their activity status.

[Recommendation 4] Rolls Should be Purged of Inactive Voters More Frequently

We recommend automatically removing any voter that should fail to vote in two consecutive Federal elections. Not only would this keep the rolls current and accurate, but it would completely eliminate the cost of sending confirmation mailings. Furthermore, this implementation would allow office holders and candidates running for office to target their constituents more effectively.

[Recommendation 5] Require Proof of Citizenship upon Registering to Vote

Proof of citizenship should be required of everyone upon registering or re-registering to vote. A signed attestation or a check box will not do, as many resident aliens may misunderstand the meaning of the word 'citizen.' There is also the very real possibility that many non-citizens may be taking advantage of the very lax system of voter registration which is now in place. Acceptable forms of proof would be: a passport, a birth certificate, or a naturalization document.

There must also be a system in place to make certain that everyone who registers to vote is indeed a real and living human being residing at an actual address in the county and state where they are registering.

[Recommendation 6] Voter Identification Number

A Voter Identification Card with an assigned Voter ID Number, a photo, and a digitized signature for every registered voter could be sent to County Election Boards to be kept in the voter registration roll books used by each county at each polling place. There must be a system in place to protect the confidential nature of these numbers. Otherwise, their purpose would be defeated. The Voter ID Numbers should be available only to Election Officials and the voter to whom the number is issued.

[Recommendation 7] Require Better Checks at the Polls

In addition to preventing registration fraud, better checks must be in order to prevent it at the polls as well. To keep anyone from voting under another person's name, there need to be better identity checks at the polls. A signature and presentation of a photo ID should be required of all voters. This should then be compared to the Voter ID Card in the county's roll book.

[Recommendation 8] Verification of Absentee Ballot Applications and Absentee Ballots

There must be a better system in place for verifying the authenticity of Absentee Ballot Applications and Absentee Ballots

[Recommendation 9] Personnel Training

All personnel mandated and responsible for registering voters as provided by the National Voter Registration Act of 1993, must receive comprehensive and intensive training in an attempt to prevent inaccurate, incomplete or fraudulent applications for voter registration.

RESPECTFULLY SUBMITTED

In conclusion, it is with sincere thanks to Congressman Gekas for his concern to insure a voting system with the utmost integrity, that we submit our findings and recommendations.

APPENDIX A.—THREE ELECTIONS BEFORE MOTOR VOTER

Year	VAP	No. registered	% Registered	No. voted	% Voted
1990	185,812,000	121,105,630	65.18	67,859,189	36.52
1988	182,778,000	126,379,628	69.14	91,594,693	50.11
1986	178,566,000	118,399,984	66.31	64,991,128	36.40
Total	547,156,000	365,885,242	66.87%	224,445,010	41.02%

APPENDIX B.—THREE ELECTIONS AFTER MOTOR VOTER

Year	VAP	No. registered	% Registered	No. voted	% Voted
1998	200,929,000	141,850,558	70.60	73,117,022	36.39
1996	196,511,000	146,211,960	74.40	96,456,345	49.08
1994	193,650,000	130,292,822	67.28	75,105,860	38.78
Total	591,090,000	418,355,340	70.78%	244,679,227	41.39%

APPENDIX C.—LANCASTER COUNTY MOTOR VOTER REGISTRATION STATISTICS

	Total MV registrations	Total MV to vote	Percentage
Fall 1995	36	3	8.33
Spring 1996	38	4	10.53
Fall 1996	39	16	41.03
Spring 1997	40	3	7.50
Fall 1997	42	5	11.90
Spring 1998	3,275	44	1.34
Fall 1998	5,568	1,167	20.96
Spring 1999	10,074	571	5.67
Fall 1999	12,324	928	7.53
Spring 2000	15,334	819	5.34
Fall 2000	18,922	10,581	55.92
Spring 2001	21,701	589	2.71

VAP: Voting-Age Population.
MV: Motor Voter.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, we arrive at a point where I think we will be considering the election reform bill, the Help America Vote Act. I believe this bill is one of the most important bills that we will vote on and pass this year. I am disappointed that the rule did not allow a substitute to be offered. I asked for that in the Committee on Rules. I urged that that be allowed.

Frankly, if the gentleman from Michigan (Mr. CONYERS), who is the sponsor of a very significant bill that is pending in the House Committee on the Judiciary, had wanted to offer his substitute, I would have been even more adamant.

Having said that, I want to see this bill move forward. I regret this rule did not allow a substitute, but I believe it is important that we pass this bill and pass it today. It provides, as I will say in the general debate later today, very substantial resources for States to get us to a point where votes will not only be cast, but will be accurately counted; where votes will be counted, having made sure that every American was able to cast their vote properly; that state-wide registration would make sure that we knew who was registered; that provisional ballots would make sure that, even if we made a mistake in the system, that people would be allowed to vote; where, if the technology allows in 2002, citizens will be told they made a mistake, and if they want to change it, voters have an opportunity to do so.

This bill brings some very significant reforms. It answers many of the questions raised by last year's extraordinarily difficult election. So although I am very deeply distressed, as expressed by the gentleman from Florida (Mr. HASTINGS), that we did not have the ability to offer a substitute, I know that the gentleman from New Jersey (Mr. MENENDEZ) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) will be offering a motion to recommit.

If we pass this rule, I will speak strongly on behalf of this bill and hope to see its passage. The reason that I say that I think it should pass today, I am hopeful that the earliest possible date to both appropriate funds for the funding of the reforms, doing away with the punch cards, upgrading technology, educating voters, educating and training election officials, all to enhance the election process for our citizens, I am hopeful that we can do this as quickly as possible so that 2002 and certainly 2004 will not be a repeat of 2000. That election in 2000 ended 37 days after it began. It ended on this day exactly 1 year ago. It is appropriate that we act today.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I could not agree more with the Committee on House Administration. We need to act today. This is bipartisan legislation. It has the best chance of passing Congress this year and becoming law before next November's elections. Time is of the essence. There are only a few days left in the session of this Congress, and we must act now. The train has sounded its whistle. Election reform must be aboard. The American people expect and deserve real election reform that ensures that every single vote is counted.

Mr. Speaker, there also must be some facts brought into the record as to the result of the Committee on Rules. With 435 Members of Congress, there are 435 ideas. That is important. It brings debate and consensus. But the Committee on Rules also has done the least partisan action today by taking a bipartisan product of 108 Democratic Members and 61 Republicans, which have come together with the bipartisan support of the gentleman from Maryland (Mr. HOYER), the ranking member, and the gentleman from Ohio (Mr. NEY), the chairman, and most of us on the Committee on House Administration. It was constructed in a bipartisan way, not only in the hearings and in the committee and in the result of the committee, but in the press conferences.

Quite frankly, maybe not allowing partisanship to come in now as each side of the aisle tries to figure out how they can angle their leverage up, to leverage up their best position on election reform.

A closed rule ensures that the bipartisan bill which actually has more Democratic Members than Republican on it, remains bipartisan. I remind my colleagues for the record in the Chambers and throughout the Capitol that no viable formal substitute came before the Committee on Rules until late in the process. As a matter of fact, in consultation with the other side of the aisle, they did not even know which Member was going to submit a formal amendment. There was no amendment on the summary list that all members, Republican and Democrat, that the Committee on Rules had before them because there was not a formal one presented yet. In the end, the ranking member of the Committee on Rules submitted the Menendez as a substitute.

The reality, as I opened my remarks, is maybe the best way to get a bipartisan result of what started with hearings months ago and came with bipartisan input, bipartisan sponsorship, bipartisan passage in the Committee on House Administration and now before the House under this rule if passed, is the best way to have bipartisanship is to move forward on a bipartisan bill without trying to leverage it up from either side of the aisle.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Speaker, I rise in opposition to the rule because of my belief in one of our core principles, which is ''one person, one vote.'' And it is that simple, but grand, principle we are here to protect. And to limit the debate on election reform which is the foundation of the democracy for which we risk the lives of our young men and women abroad with a closed rule is outrageous. That is why the debate here today goes to the very heart of this institution, the very heart of our democracy, the very heart of our Nation, because we have a solemn responsibility to ensure that every American is given a full and equal access to vote.

The bill before us takes a good step in that direction; but I believe it should go further, and that is why I introduced an amendment at the Committee on Rules with the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and others to clarify and expand the bill's provisions on full access for disabled voters, civil rights protections, multilingual ballots and materials, Federal enforcement of standards, guarantees for provisional voting and preservation of the Motor Voter Act.

Mr. Speaker, 14 million disabled voters cannot vote in secret. At the beginning of the 21st century, that is an outrage. The bill does not guarantee that that will change; my amendment would.

□ 1245

Hundreds, maybe thousands, of voters were improperly turned away at the polls in the last election, their votes effectively robbed through a careless bureaucracy at best, and malintent at worst. We may never know for sure, but we do know that we need provisional voting to prevent this travesty from ever occurring again. Our amendment would have guaranteed that. The bill we will be voting on today does not. The motor voter law has helped bring so many Americans into the democratic process. Our amendment would have preserved it.

These are vitally important issues that deserved a full and complete debate in the House on the fundamental issue of our democracy and the process by which we choose those who govern us. As it is, I will offer the amendment in the form of a motion to recommit. This bill is too important, too central to who we are, to close off debate as the rule does. I urge my colleagues to defeat it.

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

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

Mr. DREIER. Mr. Speaker, I want to begin by congratulating my friend, the gentleman from New York (Mr. REYNOLDS) for not only his handling of this rule, but also for his fine work on the Committee on House Administration and, of course, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) who have, as has been pointed out in this debate, fashioned this bipartisan effort to deal with a very serious problem that exists out there.

We know that it was a year ago today, Mr. Speaker, that we saw a conclusion to the most historic election in our Nation's history for President. If we have learned anything in the past year, it is that democracy is a work in progress.

A year ago this month, I had the opportunity to join with a number of other Americans in representing this country at the inauguration of President Vicente Fox in Mexico. It was the first time in 71 years that the ruling Institutional Revolutionary Party had, in fact, been defeated in a presidential election. I was an observer of that election on July 2 of last year. We as Americans were there in behalf of the International Republican Institute, an arm of the National Endowment for Democracy which President Reagan established in 1985, to talk about how to hold elections and how to encourage democracy and to observe that process a year ago this past July. I will say that to then go into our election process here and see former Secretary of State James Baker, with whom I stood checking the validity of ballots in the hills, above Pueblo, Mexico, doing the same thing in Florida following our presidential election, was clear evidence that democracy is a work in progress.

We also, over the past year, have had at least a couple of other experiences showing us that. Ten years ago in Nicaragua, we were able to bring about a free election, and it saw the removal of the Communist dictator, Daniel Ortega. Many of us who during the 1980s spent a lot of time encouraging the process of democracy and free and fair elections there had a rather rude awakening this year when this summer we found that the prospect of making changes that could have undermined the opportunity for voters to participate in Nicaragua was a serious one. I am happy to say that the International Republican Institute and other organizations played a role in encouraging voter registration and moving towards democracy, clearly showing that even though we saw an election a decade ago, it had to be closely monitored.

Of course, the attention of the world is focused on Afghanistan. Again, a decade ago we saw the liberation of the people of Afghanistan from the Soviet Union. Many of us, after having spent a great deal of time focused on the problems in Afghanistan, chose to put our attention elsewhere.

And so I think that this legislation is a demonstration that we as Americans understand that democracy is a work in progress. That is why I congratulate my colleagues on the Committee on House Administration for coming up with what is, as I said, truly a very bipartisan bill.

Passage of this rule, Mr. Speaker, will ensure that there is language to deal with the issue that the gentleman from New Jersey just raised, and, that is, the access of the disabled to the polls. We have seen organizations like the National Council on the Blind come forward and indicate their willingness to be supportive of this measure. We also know that there are disenfranchised voters in this country, and we are strongly committed, again in a bipartisan way, to ensuring that, in fact, we will see an opportunity for everyone who wants to have the right to vote and access to the voting booth.

It is just a first step, though. That is why I keep referring to this work in progress. We know that there are going changes that will be further proposed in the future. I know that under the leadership of the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) on the Committee on House Administration, there will be further efforts to look at this. But as was pointed out by the gentleman from Maryland (Mr. HOYER) in his testimony before the Committee on Rules last night for the first time ever, the Federal Government is stepping up to the plate and providing $2.65 billion in assistance to the States for Federal elections. Never in the history of our Republic has that been done before. This legislation moves us toward doing that.

Yes, it is a closed rule. It is a closed rule because there is strong bipartisan consensus, as was pointed out by both Presidents Carter and Ford, to support this measure, and there are a lot of people out there who do, as the gentleman from New York (Mr. REYNOLDS) said so eloquently, want to game this thing and improve the opportunity for the Republican Party or improve the opportunity for the Democratic Party to maybe get an edge in this. I think that this package, moving forward from this committee under the structure that we have proposed here for consideration by our colleagues, will, in fact, maintain the bipartisan nature of it and move us in a very positive and bold way towards achieving our goal, and, that is, enhancing the opportunity for the American people to choose their leaders.

It is a good measure, it addresses the concerns of the disabled, the concerns of minorities, and I think if there are proposals that others might want to offer, we had guaranteed the motion to recommit, and so that is a package that can come forward from our colleagues who do want to offer some other proposal on this. The rule deserves strong support, and I believe that the legislation at the end of the day deserves strong support as well. I encourage my colleagues to join with us.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the two gentlemen who have put in laborious time in crafting legislation which admittedly does advance, does progress the electoral system. We attempted last night through the gentleman from Florida (Mr. HASTINGS) to offer an amendment that was rejected because of the closed rule. I wanted to come to the floor and speak in a bipartisan way, those veterans who are Democrats and those who are Republicans and perhaps those who are libertarians but who form this bipartisan coalition of suffering posttraumatic stress and who end up after war, who have been there protecting this country, who end up homeless, who end up in prison. As we know, many States deny those individuals who have been convicted of felonies from ever having the right to participate in the electoral process.

We do not deny Members of Congress from coming to Congress because they are convicted felons, but we do deny people who have sacrificed their life and their well-being. Our amendment had the support of the Vietnam Veterans Coalition and many others. I would just encourage that we defeat the rule so that we can ascertain that democracy does indeed work.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding me

this time. I also want to commend Chairman NEY and Ranking Member HOYER for the development of this legislation, but I rise in strong opposition to this rule. I do not rise because it is a bipartisan bill, I do not rise because it has a large number of supporters, but I rise in opposition to this rule because it is a contradiction to democracy. It is a contradiction to the whole purpose of voting.

Voting is a way of expressing oneself, of expressing one's ideas, thoughts and opinions. This rule denies that opportunity. It is closed. I had offered an amendment that I wanted to offer last night in the Committee on Rules that would deal with the whole question of intimidation, of fraud, by making sure that States had some mechanism in place to deal with that. All of my life I have heard of intimidation and fraud in elections in communities where I have lived and worked. I have never seen anything really done about it. This would have been a great opportunity. It does not exist. For that reason, I urge that we vote down this rule and come back with an open rule that gives people the opportunity to really express what democracy and voting is all about.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank my good colleague from Texas for yielding me this time.

H.R. 3295 does not provide the comprehensive reform that this Nation's election system needs. While this bill does attempt to establish minimum standards for voting machines, it does not go far enough. The Federal Government should have the ability to take action against States that fail to meet minimum standards and it is not possible under this bill. The bill has no mandatory access to machines for individuals with disabilities. Citizens who have language barriers or physical disabilities should not have added difficulties when they go to vote.

Current law requires some jurisdictions with language minority groups to provide bilingual assistance in each step of the voting process. However, this law has been poorly enforced and it certainly is not strengthened by this bill. In addition, this bill does not specifically require assistance for elderly voters or for voters with disabilities. Polling places should allow people to exercise their right to vote, regardless of their disability.

Lastly, election reform must also ensure that sample ballots are distributed that educate voters and that poll workers are properly trained to assist the voter. A better informed electorate will be able to make better decisions when voting for their elected officials. Although H.R. 3295 authorizes the use of funds for voter education, it does not require them to be spent for that.

There is one thing I know. Democracy is stronger when more Americans vote. H.R. 3295 is well-intentioned, but it is not the solution to our Nation's needs.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

This legislation authorizes $2.65 billion for Federal election reform, including $400 million to buy out unreliable punch card voting systems that was brought out in this rule debate earlier, and $2.25 billion in election fund payments to improve equipment, recruit and train poll workers, improve access for disabled voters, and educate voters about their rights.

The Help America Vote Act would require States to adopt minimum election standards, including a statewide voter registration system, in-precinct provisional voting, assurances that voters who make errors will be able to correct them, and a means for disabled voters to cast secret ballots on new voting equipment. The bill is real, meaningful reform that will significantly improve our election system and restore public confidence in it.

I just want to outline that this bill is a bipartisan bill. It is not a magic elixir for the problems that plagued us last November, but it prescribes the right medicine for our ailing election system and Federal assistance to the States and minimum election standards that they must adopt. This bipartisan bill is the outgrowth of a series of hearings by the Committee on House Administration earlier this year and input from a wide variety of advocates for civil rights, disabilities and election reform groups. Their views were solicited and given serious consideration and this bill reflects their views and their efforts. This bipartisan legislation has been endorsed by the National Association of Secretaries of State as well as the National Conference of State Legislatures, NCSL, and others, like the Carter-Ford Commission.

Mr. Speaker, this is a good bill. It is a bipartisan bill that has the opportunity to be considered by this House today to move forward on election reform.

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

□ 1300

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I was sitting in my office and I thought I misunderstood what my colleague who is pushing this rule had to say, and then he said it again, that a bipartisan group of people have gotten together and gotten behind a bill; and, therefore, since you have a bipartisan bill, democracy should be suspended and other people who want to offer their amendments and have their voices be heard should not be given that opportunity.

I got alarmed by that, because quite often that is the way people perceive that democracy works. You get some people kind of at the center of the democracy and they say, well, we represent this perspective and this perspective, one marginally on the progressive side and one marginally on the conservative side, and we represent America, so the rest of America should not be heard.

That is what this rule reminds me of. A small group of people who have decided that this bill should be the vehicle for election reform have gotten together; and the Committee on Rules has said, well, if we break apart this fragile compromise and allow people either on the progressive side or on the conservative side to offer amendments, then somehow democracy will be undermined.

There is something wrong with that analysis. We all come here to represent our districts and to bring our voices to the table, and this process is not allowing that to happen. I hope we will vote down this rule and give us the opportunity to participate.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the right to vote is the cornerstone of our democracy. It is the most basic and most essential expression of citizenship. When that right is put into doubt, when citizens cannot know that a ballot cast is a ballot counted and that their unique voice has been heard. It undermines confidence in our entire political system, as well as the government formed on a foundation of those ballots. People must have confidence that their votes counts.

Last year's Presidential election shook that confidence to the core. And while the Ney-Hoyer bill is a first step toward reforming that system, the substitute that my colleagues and I would have offered, had it been allowed, would have vastly improved on the underlying bill. It would have required that all voting systems and polling places be accessible to disabled and blind voters and that alternative language accessibility be provided for citizens with limited English proficiency.

To accurately record the voter's intent, the amendment would have required that all voting systems notify voters of over- and undervotes, verify the vote, and provide the opportunity to correct the ballot before it was cast. This is particularly important, because the poorest technology, the most error-ridden technology, is often found in the poorest communities.

Our amendment would have allowed voters to be purged from the voter rolls in a way that is consistent with the motor voter law. It required that provisional voting be available for voters whose names have been mistakenly removed from the voter rolls.

Finally, it ensured that these measures are fairly and strictly enforced, by requiring the Attorney General to verify State certification and to enforce the minimum standards. Right now in cities and towns across the

country, it remains more difficult to go to the polls to cast your vote than it is to make a simple withdrawal from an ATM; and there is something very, very wrong with that.

The right to vote is the basic foundation of our rights as American citizens. We need to ensure that every American citizen has access to polling places, is able to cast a secret ballot, and is sure that his or her vote has been accurately counted. This issue is too important to merit anything less than a full and an open debate.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in strong support of H.R. 3295, the Help America Vote Act of 2001. I wholeheartedly endorse the efforts of my colleagues, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), and others in this great effort. It is a very important first step in correcting the mistakes made in our election system that were highlighted in the aftermath of the 2000 election.

While many minority groups such as the NAACP and the Council of LaRaza and senior groups have contacted me expressing concerns that the bill might not go far enough, I have seen firsthand the challenges inadequately equipped polling places and poorly trained poll workers pose to their constituencies.

This measure will go far in assuring everyone's right to access to a vote. I pledge to work with my colleagues in moving forward with this legislation and in future efforts to ensure that no voting population is disenfranchised in our democracy, and that every American, regardless of race, disability, age or creed, is afforded an equal opportunity to have their vote counted.

I am very pleased by the cooperative bipartisan effort behind this legislation. I urge support of it and the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, one of my Democratic colleagues as we voted on this in the Committee on House Administration summed it up so well, so I think the remarks of the gentleman from Ohio (Chairman NEY) that this is not a perfect bill, properly imply, and undoubtedly apply to every bill that has ever been considered in the Congress of the United States.

Having said that, I think this is a good bill. It is worthy of support, and it will move us forward. With 170 cosponsors on this legislation, 108 Democrats, 61 Republicans and one Independent, I believe as we move forward in passing this rule we will have a substantial vote in the affirmative on this legislation, which will move America forward with safe and solid elections.

The most fundamental privilege of American citizenship is the right to vote. Let us now embrace that spirit of bipartisanship that produced this legislation by supporting this bill and preserving the very integrity of democracy.

Mr. GEKAS. Mr. Speaker, I rise today to express my support for the rule and the bill on election reform, H.R. 3295, brought forward by the Chairman and Ranking Member of the House Administration Committee, Representatives NEY and HOYER.

Mr. Speaker, it is clear that local jurisdictions across America have voter registration rolls that are incomplete and grossly inaccurate. The Ney-Hoyer bill offers some real solutions. A $2.25 billion election assistance grant program will help States and localities invest in real solutions for their election system and voter registration problems. Further, the bill mandates statewide voter registration databases to enhance accountability and promote accuracy in voter registration. Pennsylvania has already taken this step and is implementing a statewide registration database that conforms with the requirements of Ney-Hoyer. Unfortunately, the Ney-Hoyer bill does not attack the problems associated with the Motor Voter Act (MVA) head on. The bill reaffirms that law and attempts to clarify some of its language regarding the purging of voter registration rolls. However, I believe Congress must reopen the MVA at some point, and I am committed to making that happen.

I am supporting this important legislation as it reflects many of the findings of a Pennsylvania 17th Congressional District Motor Voter Task Force I initiated in the spring of this year. After the last Presidential election, numerous concerns were raised by local election officials, elected representatives and citizens of central Pennsylvania. These concerns focused on the glaring failings of the Motor Voter Act. I believe that H.R. 3295 goes a long way toward addressing some of the most essential concerns raised in my District. While it is not the final answer, it is a good first step. I will vote for this legislation, but I will vigilantly monitor its implementation to ensure that it does indeed help improve the situation. Moreover, I will work to make sure Congress revisits the failings of the Motor Voter Act more specifically in the future.

In May of this year I appointed three local leaders to a bipartisan task force to study the impact of the MVA on our federal elections. Louisa Gaughen, chairperson, Sue Helm and Leon Czikowsky—together with Task Force Coordinator Jordan Olshefsky—engaged in formal hearings, interviews with election officials and fact finding sessions before drafting their report. The Task Force found that the law, "failed in its stated goals, that it incurred great cost to the American taxpayer, that it has made maintaining the voter registration rolls more difficult, and it has facilitated voter fraud." The MVA was touted as a mechanism for increasing voter registration and voter turnout. However, my task force found that, "[w]hile Motor Voter has increased the number of registered voters, it has done little to increase actual voter turnout." Disturbingly, the task force found that registration increases often are explainable by the fact that non-citizens have been registered to vote. Not only does this undermine the integrity of our election system, it also has adverse effects on our judicial system. For example, all across America jurisdictions use voter registration rolls as a primary source for selecting jurors. A corrupted voter registration list means a corrupted juror pool list.

In fact, the MVA has led to vastly inaccurate and bloated registration rolls. As my task force put it, "[w]hile this Act made it easier to register to vote, it simultaneously made it much more difficult for election officials to remove inactive voters from the rolls." Localities have interpreted the MVA in such a way as to prevent the expeditious removal of names from registration rolls even in cases of death of a registrant because of seemingly contradictory language in the MVA which seems to prevent the removal of a registrant's name upon failure to vote in consecutive federal elections. The Ney-Hoyer bill seeks to clarify this ambiguous language, but based on the recommendations of my task force, I feel Congress will soon have to take a stronger stand. Too many localities have vastly more registered voters than actual, legal voters residing in their jurisdictions. Regular purging of these rolls must happen in order to ensure the credibility of our election system. Ney-Hoyer helps, but we eventually may have to go farther.

Mr. Speaker, as I stated, I support the rule, and I will vote for H.R. 3295, The Help America Vote Act of 2001 because we need to begin the process of election reform in this country. After an unprecedented election year of butterfly ballots, chads, and court challenges, we need to assure the American public that real, practical steps are being taken to ensure that the events of Fall 2000 are never repeated. Ney-Hoyer is a good foundation upon which to build. I ask unanimous consent that the following recommendations of my task force be added to the RECORD.

MOTOR VOTER REFORM TASK FORCE COMMITTEE, COMMISSIONED BY CONGRESSMAN GEORGE W. GEKAS, REPORTED RECOMMENDATIONS, MONDAY, SEPTEMBER 17, 2001

Because the states and counties have invested a great deal of money in the Motor Voter system, it would be irrational and wasteful to repeal the Law. Therefore, the Motor Voter Law must be amended if its various flaws are to be corrected. The Task Force has conceived of nine recommendations for amending the Motor Voter Law.

Recommendation 1—Provide Monetary Compensation to States and Counties: Since the Motor Voter Law was enacted, there has been a great deal of expense incurred by the States and counties in meeting the Law's requirements. Most of the expenditures are due to additional equipment, postage, and staff. We believe Federal mandates should have Federal funding; it seems appropriate that the Federal government should compensate the states and counties for the overhead the Motor Voter Law created. Additionally, a special reduced postage rate for the official use of State and County Election Boards must be considered.

Recommendation 2—Mandate Information Sharing between Bureaus to Keep Rolls Accurate: Unless election officials have access to information that disqualifies ineligible voters, these individuals will remain on the rolls. For that reason, we suggest the Immigration and Naturalization Service inform the counties about the citizenship status of registrants, if requested. We also suggest that each Bureau of Vital Statistics share information with the counties regarding: deaths, marriages, felons, and changes of name, and that States cooperate with each other in order to prevent duplicate or multiple registrations by an individual in multiple States or municipalities in any one

state. The U.S. Postal Service should also be a source for National Address Verification. The sharing of information between these Agencies and Bureaus and between States, in particular those states which maintain a central Voter Registry, and counties will allow election officials to maintain much more accurate registration rolls.

Recommendation 3—Requires Counties to Immediately Remove Ineligible Voters: Upon receipt of disqualifying information from a Bureau or Agency, county officials should be required to immediately remove an ineligible voter from the registry, regardless of their activity status.

Recommendation 4—Rolls Should be Purged of Inactive Voters More Frequently: We recommend automatically removing any voter that should fail to vote in two consecutive Federal elections. Not only would this keep the rolls current and accurate, but it would completely eliminate the cost of sending confirmation mailings. Furthermore, this implementation would allow office holders and candidates running for office to target their constituents more effectively.

Recommendation 5—Require Proof of Citizenship upon Registering to Vote: Proof of citizenship should be required of everyone upon registering or re-registering to vote. A signed attestation or a check box will not do, as many resident aliens may misunderstand the meaning of the word 'citizen'. There is also the very real possibility that many non-citizens may be taking advantage of the very lax system of voter registration which is now in place. Acceptable forms of proof would be: a passport, a birth certificate, or a naturalization document.

There must also be a system in place to make certain that everyone who registers to vote is indeed a real and living human being residing at an actual address in the county and state where they are registering.

Recommendation 6—Voter Identification Number: A Voter Identification Card with an assigned Voter ID Number, a photo and a digitized signature for every registered voter could be sent to County Elections Boards to be kept in the voter registration roll books used by each county at each polling place. There must be a system in place to protect the confidential nature of these numbers. Otherwise, their purpose would be defeated. The Voter ID Numbers should be available only to Election Officials and the voter to whom the number is issued.

Recommendation 7—Require Better Checks at the Polls: In addition to preventing registration fraud, better checks must be in order to prevent it at the polls as well. To keep anyone from voting under another person's name, there need to be better identity checks at the polls. A signature and presentation of a photo ID should be required of all voters. This should then be compared to the Voter ID Card in the county's roll book.

Recommendation 8—Verification of Absentee Ballot Applications and Absentee Ballots: There must be a better system in place for verifying the authenticity of Absentee Ballot Applications and Absentee Ballots.

Recommendation 9—Personnel Training: All personnel mandated and responsible for registering voters as provided by the National Voter Registration Act of 1993, must receive comprehensive and intensive training in an attempt to prevent inaccurate, incomplete or fraudulent applications for voter registration.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 193, not voting 17, as follows:

[Roll No. 487]

YEAS—223

Aderholt
Akin
Armey
Bachus
Baker
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (NJ)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (CT)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Ballenger
Burr
Buyer
Cubin
Culberson
Delahunt
Dooley
Gephardt
Gonzalez
Granger
Hostettler
Jackson-Lee (TX)
Luther
Quinn
Smith (MI)
Smith (TX)
Young (AK)

□ 1329

Mr. CONYERS, Ms. McCOLLUM, and Ms. McCARTHY of Missouri changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. JACKSON-LEE of Texas. Mr. Speaker, because of a hearing in the Committee on Financial Services on Enron, I missed the previous vote, the rule on election reform. If I had been here, I would have cast a vote for no on the rule.

Ms. MILLENDER-McDONALD. Mr. Speaker, this is to inform you that on rollcall No. 487,

I inadvertently voted "yes" when my intention was to vote "no".

ANNOUNCEMENT REGARDING PROCEDURES AND DEADLINE FOR FILING AMENDMENTS TO H.R. 1542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

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

Mr. DREIER. Mr. Speaker, this is an announcement that I think Members might be interested in.

Mr. Speaker, today a Dear Colleague letter is going to be sent to all Members informing them that the Committee on Rules is planning to meet this week to grant a rule which may limit the amendment process for H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001.

Any Member who wishes to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 2 p.m. on Thursday. That is 24½ hours from now. That is December 13. It should be sent up to the Committee on Rules, H–312 in the Capitol.

Mr. Speaker, the bill, as our colleagues know, was reported favorably by the Committee on Energy and Commerce on May 24, and ordered reported, adversely, by the Committee on the Judiciary on June 18. Amendments should be drafted to the text of the bill as reported by the Committee on Energy and Commerce, which will be available on the Web sites of both the Committee on Energy and Commerce and the Committee on Rules.

Mr. Speaker, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

HELP AMERICA VOTE ACT OF 2001

Mr. NEY. Mr. Speaker, pursuant to House Resolution 311, I call up the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to House Resolution 311, the bill is considered read for amendment.

The text of H.R. 3295 is as follows:

H.R. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Help America Vote Act of 2001".

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

Sec. 1. Short title; table of contents.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

Sec. 101. Establishment of program.
Sec. 102. Eligibility.
Sec. 103. Amount of payment.
Sec. 104. Audit and repayment of funds.
Sec. 105. Punch card voting system defined.

Subtitle B—Enhancing Performance of Existing Systems

Sec. 111. Establishment of program.
Sec. 112. Eligibility.
Sec. 113. Amount of payment.
Sec. 114. Audit and repayment of funds.

Subtitle C—General Provisions

Sec. 121. Authorization of appropriations.
Sec. 122. Punch card voting system defined.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Membership and appointment.
Sec. 204. Staff.
Sec. 205. Powers.
Sec. 206. Limitation on rulemaking authority.
Sec. 207. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment.
Sec. 212. Duties.
Sec. 213. Membership of Standards Board.
Sec. 214. Membership of Board of Advisors.
Sec. 215. Powers of boards; no compensation for service.
Sec. 216. Status of boards and members for purposes of claims against board.

Subtitle B—Voluntary Election Standards

Sec. 221. Development of voluntary election standards.
Sec. 222. Technical standards development committee.
Sec. 223. Process for adoption of voluntary standards.
Sec. 224. Certification and testing of voting systems.
Sec. 225. Dissemination of information.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS

Sec. 231. Election fund payments to States for voting system improvements.
Sec. 232. Allocation of funds.
Sec. 233. Conditions for receipt of funds.
Sec. 234. Authorization of appropriations.

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 241. Grants for research on voting technology improvements.
Sec. 242. Report.
Sec. 243. Authorization of appropriations.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 251. Pilot program.
Sec. 252. Report.
Sec. 253. Authorization of appropriations.

PART 4—MISCELLANEOUS

Sec. 261. Role of National Institute of Standards and Technology.
Sec. 262. Reports.
Sec. 263. Audit.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 301. Establishment of Program.
Sec. 302. Activities under Program.
Sec. 303. Authorization of appropriations.

TITLE IV—HELP AMERICA VOTE FOUNDATION

Sec. 401. Help America Vote Foundation.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

Sec. 501. Minimum standards for State election systems.
Sec. 502. Standards described.
Sec. 503. Enforcement.
Sec. 504. Effective date.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 601. Voting assistance programs.
Sec. 602. Designation of single State office to provide information on registration and absentee ballots for all voters in State.
Sec. 603. Report on absentee ballots transmitted and received after general elections.
Sec. 604. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters.
Sec. 605. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.

TITLE VII—REDUCED POSTAGE RATES FOR OFFICIAL ELECTION MAIL

Sec. 701. Reduced postage rates for official election mail.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971.
Sec. 802. National Voter Registration Act of 1993.
Sec. 803. Transfer of property, records, and personnel.
Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws.
Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined.
Sec. 902. Miscellaneous provisions to protect integrity of election process.
Sec. 903. No effect on other laws.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

SEC. 101. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services (hereafter in this title referred to as the "Administrator") shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000.

(b) USE OF FUNDS.—A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to replace its punch card voting system with a voting system which does not use punch cards (by purchase, lease, or such other arrangement as may be appropriate).

(c) DEADLINE.—

(1) IN GENERAL.—A State or unit of local government receiving a payment under the program under this subtitle shall—

(A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and

(B) ensure that all of the punch card voting systems under its jurisdiction have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(2) WAIVER.—If a State or unit of local government provides the Election Assistance Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if—

(A) the reference in paragraph (1)(A) to ''November 2002'' were a reference to ''November 2004''; and

(B) the reference in paragraph (1)(B) to ''November 2004'' were a reference to ''November 2006''.

SEC. 102. ELIGIBILITY.

(a) STATES.—A State is eligible to receive a payment under the program under this subtitle if it submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains—

(1) assurances that the State will use the payment (either directly or as reimbursement) to replace punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000;

(2) assurances that in replacing punch card voting systems the State will continue to meets its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act;

(3) assurances that in replacing punch card voting systems the State will provide for alternative language accessibility for individuals with limited English proficiency, consistent with the requirements of the Voting Rights Act of 1965 and any other applicable provisions of law; and

(4) such other information and assurances as the Administrator may require which are necessary for the administration of the program.

(b) UNIT OF LOCAL GOVERNMENT.—A unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator—

(1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located—

(A) failed to submit an application under subsection (a) within the deadline specified under such subsection,

(B) is otherwise not eligible to receive a payment under the program, or

(C) will not use the payment to replace punch card voting systems in the unit; and

(2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a).

SEC. 103. AMOUNT OF PAYMENT.

(a) IN GENERAL.—The amount of payment made to a State or unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of replacing the punch card voting systems used in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of—

(1) the number of voting precincts administered by the State or unit which used a punch card voting system to carry out the general Federal election held in November 2000; and

(2) $6,000.

(b) APPLICABLE PER PRECINCT MATCHING RATE DEFINED.—In subsection (a), the ''applicable per precinct matching rate'' is—

(1) 90 percent; or

(2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census).

SEC. 104. AUDIT AND REPAYMENT OF FUNDS.

(a) AUDIT.—Funds provided under the program under this subtitle shall be subject to audit by the Administrator.

(b) REPAYMENT FOR FAILURE TO MEET DEADLINES.—If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 101(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State or unit under the program.

SEC. 105. PUNCH CARD VOTING SYSTEM DEFINED.

For purposes of this subtitle, a ''punch card voting system'' means any of the following voting systems:

(1) C.E.S.

(2) Datavote.

(3) PBC Counter.

(4) Pollstar.

(5) Punch Card.

(6) Vote Recorder.

(7) Votomatic.

Subtitle B—Enhancing Performance of Existing Systems

SEC. 111. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000.

(b) USE OF FUNDS.—A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to make technical enhancements to the performance of its punch card voting system (by any arrangement as may be appropriate).

(c) DEADLINE.—

(1) IN GENERAL.—A State or unit of local government receiving a payment under the program under this subtitle shall—

(A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and

(B) ensure that technical enhancements have been made to the performance of all of the punch card voting systems under its jurisdiction in time for the regularly scheduled general election for Federal office to be held in November 2004.

(2) WAIVER.—If a State or unit of local government provides the Election Assistance Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if—

(A) the reference in paragraph (1)(A) to ''November 2002'' were a reference to ''November 2004''; and

(B) the reference in paragraph (1)(B) to ''November 2004'' were a reference to ''November 2006''.

SEC. 112. ELIGIBILITY.

(a) STATES.—Subject to subsection (c), a State is eligible to receive a payment under the program under this subtitle if it submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains—

(1) assurances that the State will use the payment (either directly or as reimbursement) to make technical enhancements to the performance of punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000;

(2) assurances that in enhancing the performance of such voting systems the State will continue to meets its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act; and

(3) such other information and assurances as the Administrator may require which are necessary for the administration of the program.

(b) UNITS OF LOCAL GOVERNMENT.—Subject to subsection (c), a unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator—

(1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located—

(A) failed to submit an application under subsection (a) within the deadline specified under such subsection,

(B) is otherwise not eligible to receive a payment under the program, or

(C) will not use the payment to enhance the performance of punch card voting systems in the unit; and

(2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a).

(c) PROHIBITING PARTICIPATION IN PUNCH CARD REPLACEMENT PROGRAM.—A State or unit of local government is not eligible to receive a payment under the program under this subtitle if the State or unit receives a payment under the program under subtitle A.

SEC. 113. AMOUNT OF PAYMENT.

(a) IN GENERAL.—The amount of payment made to a State or unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of the activities to be funded with the payment under the program in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of—

(1) the number of voting precincts administered by the State or unit which used a

punch card voting system to carry out the general Federal election held in November 2000; and

(2) $2,000.

(b) APPLICABLE PER PRECINCT MATCHING RATE DEFINED.—In subsection (a), the ''applicable per precinct matching rate'' is—

(1) 90 percent; or

(2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census).

SEC. 114. AUDIT AND REPAYMENT OF FUNDS.

(a) AUDIT.—Funds provided under the program under this subtitle shall be subject to audit by the Administrator.

(b) REPAYMENT FOR FAILURE TO MEET REQUIREMENTS.—If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 111(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State or unit under the program.

Subtitle C—General Provisions

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for payments under this title $400,000,000, to remain available until expended (subject to subsection (b)).

(b) USE OF RETURNED FUNDS AND FUNDS REMAINING UNEXPENDED FOR ELECTION FUND PAYMENTS.—

(1) IN GENERAL.—The amounts referred to in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make Election Fund payments under part 1 of subtitle C of title II.

(2) AMOUNTS DESCRIBED.—The amounts referred to in this paragraph are as follows:

(A) Any amounts appropriated pursuant to the authorization under this section which remain unobligated as of the date of the regularly scheduled general election for Federal office held in November 2002.

(B) Any amounts paid to the Administrator by a State or unit of local government under section 104(b).

(C) Any amounts paid to the Administrator by a State or unit of local government under section 114(b).

SEC. 122. PUNCH CARD VOTING SYSTEM DEFINED.

For purposes of this title, a ''punch card voting system'' means any of the following voting systems:

(1) C.E.S.

(2) Datavote.

(3) PBC Counter.

(4) Pollstar.

(5) Punch Card.

(6) Vote Recorder.

(7) Votomatic.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

SEC. 201. ESTABLISHMENT.

There is hereby established as an independent entity in the executive branch the Election Assistance Commission (hereafter in this title referred to as the ''Commission''), consisting of—

(1) the members appointed under this part;

(2) the Election Assistance Commission Standards Board established under part 2 (including the Executive Board of such Board); and

(3) the Election Assistance Commission Board of Advisors established under part 2.

SEC. 202. DUTIES.

The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in subtitle B (relating to voluntary election standards);

(2) carrying out the duties described in subtitle C (relating to election assistance); and

(3) developing and carrying out the Help America Vote College Program under title III.

SEC. 203. MEMBERSHIP AND APPOINTMENT.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall have 4 members appointed by the President, by and with the consent of the Senate, of whom—

(A) 1 shall be appointed from among a list of nominees submitted by the majority leader of the Senate;

(B) 1 shall be appointed from among a list of nominees submitted by the minority leader of the Senate;

(C) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives; and

(D) 1 shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Each member of the Commission shall have experience with or expertise in election administration or the study of elections, except that no individual may serve as a member of the Commission if the individual is an officer or employee of the Federal Government at any time during the period of service on the Commission.

(3) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(b) TERM OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(A) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) CHAIR AND VICE CHAIR.—The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall each be paid at an annual rate equal to $30,000.

(2) TRAVEL EXPENSES.—Members of the Commission shall each receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) OUTSIDE EMPLOYMENT PERMITTED.—A member of the Commission may hold any other office or employment not inconsistent or in conflict with the member's duties, responsibilities, and powers as a member of the Commission.

SEC. 204. STAFF.

(a) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(1) IN GENERAL.—The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(2) TERM OF SERVICE FOR EXECUTIVE DIRECTOR.—Except as provided in paragraph (3)(C), the Executive Director shall serve for a term of 4 years. An Executive Director may be reappointed for additional terms.

(3) PROCEDURE FOR APPOINTMENT.—

(A) IN GENERAL.—When a vacancy exists in the position of the Executive Director, the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors (described in part 2) shall each appoint a search committee to recommend not fewer than 3 nominees for the position.

(B) REQUIRING CONSIDERATION OF NOMINEES.—Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) SPECIAL RULES FOR FIRST EXECUTIVE DIRECTOR.—

(i) CONVENING OF SEARCH COMMITTEES.—The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) INTERIM INITIAL APPOINTMENT.—Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as the first Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the first Executive Director from serving any additional term.

(4) OTHER STAFF.—Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(5) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule.

(b) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, with the approval of a majority of the members of the Commission.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that

department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD.—At the request of the Election Assistance Commission Board of Advisors or the Election Assistance Commission Standards Board established under part 2, the Executive Director shall enter into such arrangements as the Executive Director considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS.—In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board established under part 2.

SEC. 205. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Chair of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

SEC. 206. LIMITATION ON RULEMAKING AUTHORITY.

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under the National Voter Registration Act of 1993.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts authorized for payments and grants under subtitle C and the amounts authorized to be appropriated for the program under section 303, there are authorized to be appropriated for each of the fiscal years 2002 through 2004 such sums as may be necessary (but not to exceed $10,000,000 for each such year) for the Commission to carry out its duties under this title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

SEC. 211. ESTABLISHMENT.

There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the ''Standards Board'') and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the ''Board of Advisors'').

SEC. 212. DUTIES.

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in section 223, review any of the voluntary engineering and procedural performance standards described in section 221(a)(1), any of the voluntary standards described in section 221(a)(4), and any of the voluntary election management practice standards described in section 221(a)(6) (and any modifications to such standards) which are recommended by the Commission under subtitle B.

SEC. 213. MEMBERSHIP OF STANDARDS BOARD.

(a) COMPOSITION.—

(1) IN GENERAL.—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) 55 shall be the chief State election officials of each State.

(B) 55 shall be local election officials selected in accordance with paragraph (2).

(2) LIST OF LOCAL ELECTION OFFICIALS.—Each State's local election officials shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.—The 2 members of the Standards Board who represent the same State may not be members of the same political party.

(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

(1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.—Not later than 90 days after the date of the enactment of this Act, a State shall transmit a notice to chair of the Federal Election Commission containing—

(A) a statement that the chief election official of the State agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who will serve on the Standards Board under this title.

(2) CERTIFICATION.—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the chief election official and the representative local election official are appointed as members of the Standards Board under this title.

(3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the Executive Board under subsection (c).

(4) ROLE OF COMMISSION.—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) IN GENERAL.—Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select 9 of its members to serve as the Executive Board of the Standards Board, of whom—

(A) not more than 5 may be chief State election officials;

(B) not more than 5 may be local election officials; and

(C) not more than 5 may be members of the same political party.

(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) 3 shall serve for one term;

(B) 3 shall serve for 2 consecutive terms; and

(C) 3 shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

(4) DUTIES.—In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.

(a) IN GENERAL.—The Board of Advisors shall be composed of 25 members appointed as follows:

(1) 2 members appointed by the United States Commission on Civil Rights.

(2) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(3) 2 members appointed by the National Governors Association.

(4) 2 members appointed by the National Conference of State Legislatures.

(5) 2 members appointed by the National Association of Secretaries of State.

(6) 2 members appointed by the National Association of State Election Directors.

(7) 2 members appointed by the National Association of Counties.

(8) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(9) 2 members appointed by the United States Conference of Mayors.

(10) 2 members appointed by the Election Center.

(11) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(12) 2 members representing professionals in the field of science and technology, of whom 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the majority leader of the Senate (or, if the majority leader is a member of the same political party as the Speaker, by the minority leader of the Senate).

(13) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(b) DIVERSITY IN APPOINTMENTS.—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) TERM OF SERVICE; VACANCY.—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) CHAIR.—The Board of Advisors shall elect a Chair from among its members.

SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) MEETINGS.—The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the standards referred to it under section 223;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) POSTAL SERVICES.—The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

Subtitle B—Voluntary Election Standards

SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION STANDARDS.

(a) IN GENERAL.—The Commission shall:

(1) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary engineering and procedural performance standards for voting systems used in Federal elections which shall meet the following requirements:

(A) The scope of the standards should include security (including a documentary audit for non-ballot systems), the procedures for certification and decertification of software and hardware, the assessment of usability, and operational guidelines for the proper use and maintenance of equipment.

(B) The standards should provide that voters have the opportunity to correct errors at the precinct or other polling place, either within the voting equipment itself or in the operational guidelines to administrators for using the equipment, under conditions which assure privacy to the voter.

(C) Each voting tally system certified for use should include as part of the certification a proposed statement of what constitutes a proper vote in the design and operation of the system.

(D) New voting equipment systems certified either by the Federal government or by any State should provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

(2) Maintain a clearinghouse of information on the experiences of State and local governments in implementing the voluntary standards described in paragraph (1) and in operating voting systems in general.

(3) In accordance with section 224, provide for the voluntary testing, certification, decertification, and recertification of voting systems.

(4) Advise States and units of local government regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and compliance with other Federal laws regarding accessibility of registration facilities and polling places. Additionally, in accordance with section 223, the Commission shall develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary standards for maintaining and enhancing the accessibility and privacy of registration facilities, polling places, and voting methods with the goal of promoting for all individuals, including the elderly and individuals with disabilities, the accessibility of polling places and the effective use of voting systems and voting equipment which provide the opportunity for casting a secure and secret ballot, and shall include in such standards voluntary guidelines regarding accessibility and ease-of-use for States and units of local government to use when obtaining voting equipment and selecting polling places. In carrying out this paragraph, the Commission shall consult with the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) and other individuals and entities with expertise in the accessibility of facilities for individuals with disabilities.

(5) Make periodic studies available to the public regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(A) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services, blind and disabled voters, and voters with limited English proficiency;

(B) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(C) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote; and

(D) will be efficient and cost-effective for use.

(6) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years) voluntary election management practice standards for State and local election officials to maintain and enhance the administration of Federal elections, including standards developed in consultation with the Secretary of Defense to govern the treatment of absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) which will include provisions to address each of the following:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate pre-election deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(7) Carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7) regarding mail voter registration.

(8) Make information on the Federal election system available to the public and the media.

(9) At the request of State officials, assist such officials in the review of election or vote counting procedures in Federal elections, through bipartisan panels of election professionals assembled by the Commission for such purpose.

(10) Compile and make available to the public the official certified results of general elections for Federal office and reports comparing the rates of voter registration, voter turnout, voting system functions, and ballot errors among jurisdictions in the United States.

(11) Gather information and serve as a clearinghouse concerning issues relating to Federal, State, and local elections.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—The election administration issues described in this subsection are as follows:

(1) Current and alternate methods and mechanisms of voting and counting votes in elections for Federal office.

(2) Current and alternate ballot designs for elections for Federal office.

(3) Current and alternate methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that all registered voters appear on the polling list at the appropriate polling site.

(4) Current and alternate methods of conducting provisional voting.

(5) Current and alternate methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including disabled voters and voters with limited English proficiency.

(6) Current and alternate methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(7) Current and alternate methods of recruiting and improving the performance of poll workers.

(8) Federal and State laws governing the eligibility of persons to vote.

(9) Current and alternate methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) Matters particularly relevant to voting and administering elections in rural and urban areas.

(11) Conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time.

(12) The ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(c) CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.—The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

SEC. 222. TECHNICAL STANDARDS DEVELOPMENT COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Technical Standards Development Committee (hereafter in this subtitle referred to as the ''Development Committee'').

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of voluntary standards under this subtitle by recommending standards (and modifications to standards) to ensure the usability, accuracy, security, accessibility, and integrity of voting systems and voting equipment.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any standard pursuant to section 223, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the standard adopted.

SEC. 223. PROCESS FOR ADOPTION OF VOLUNTARY STANDARDS.

(a) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED VOLUNTARY STANDARDS TO BOARD OF ADVISORS AND STANDARDS BOARD.—

(1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE.—In developing standards and modifications for purposes of this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Standards Development Committee under section 222.

(2) BOARD OF ADVISORS.—The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Board of Advisors.

(3) STANDARDS BOARD.—The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Executive Board of the Standards Board, who shall review the standard (or modification) and forward its recommendations to the Standards Board.

(b) REVIEW.—Upon receipt of a voluntary standard described in subsection (a) (or modification of such a standard) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the standard (or modification) to the Commission.

(c) FINAL APPROVAL.—

(1) IN GENERAL.—A voluntary standard described in subsection (a) (or modification of such a standard) shall not be considered to be finally adopted by the Commission unless the majority of the members of the Commission vote to approve the final adoption of the standard (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (b).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a voluntary standard described in subsection (a) (or modification of such a standard) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the standard (or modification) to the Board of Advisors and the Standards Board under subsection (a).

SEC. 224. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary engineering and procedural performance standards under this subtitle, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) APPROVAL BY COMMISSION.—The Commission shall vote on the proposed accreditation of each laboratory on the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a majority vote of the members of the Commission.

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a majority vote of the members of the Commission.

SEC. 225. DISSEMINATION OF INFORMATION.

On an ongoing basis, the Commission shall disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) information on the activities carried out under this subtitle, including—

(1) the voluntary election standards adopted by the Commission, together with guidelines for applying the standards and other information to assist in their implementation;

(2) the list of laboratories accredited to carry out testing, certification, decertification, and recertification of voting system hardware and software under section 224; and

(3) a list of voting system hardware and software products which have been certified pursuant to section 224 as meeting the applicable voluntary standards adopted by the Commission under this subtitle.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS

SEC. 231. ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS.

(a) IN GENERAL.—The Commission shall make an Election Fund payment each year in an amount determined under section 232 to each State which meets the requirements described in section 233 for the year.

(b) USE OF FUNDS.—A State receiving an Election Fund payment shall use the payment for any or all of the following activities:

(1) Establishing and maintaining accurate lists of eligible voters.

(2) Encouraging eligible voters to vote.

(3) Improving verification and identification of voters at the polling place.

(4) Improving equipment and methods for casting and counting votes.

(5) Recruiting and training election official and poll workers.

(6) Improving the quantity and quality of available polling places.

(7) Educating voters about their rights and responsibilities.

(8) Assuring access for voters with physical disabilities.

(9) Carrying out other activities to improve the administration of elections in the State.

(c) ADOPTION OF COMMISSION STANDARDS NOT REQUIRED TO RECEIVE PAYMENT.—Nothing in this part may be construed to require a State to implement any of the voluntary standards adopted by the Commission with respect to any matter as a condition for receiving an Election Fund payment.

(d) SCHEDULE OF PAYMENTS.—As soon as practicable after all members of the Commission are appointed (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make Election Fund payments to States under this part.

SEC. 232. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Subject to subsection (c), the amount of an Election Fund payment made to a State for a year shall be equal to the product of—

(1) the total amount appropriated for Election Fund payments for the year under section 234; and

(2) the State allocation percentage for the State (as determined under subsection (b)).

(b) STATE ALLOCATION PERCENTAGE DEFINED.—The ''State allocation percentage'' for a State is the amount (expressed as a percentage) equal to the quotient of—

(1) the voting age population of the State; and

(2) the total voting age population of all States.

(c) MINIMUM AMOUNT OF PAYMENT.—The amount of an Election Fund payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, ½ of 1 percent of the total amount appropriated for Election Fund payments for the year under section 234; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, 20 percent of the amount described in paragraph (1).

(d) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—An Election Fund payment made to a State under this part shall be available to the State without fiscal year limitation.

SEC. 233. CONDITIONS FOR RECEIPT OF FUNDS.

(a) IN GENERAL.—In order to receive an Election Fund payment for a fiscal year, the chief State election official of the State shall provide the Commission with the following certifications:

(1) A certification that the State has authorized and appropriated funds for carrying out the activities for which the Election Fund payment is made in an amount equal to 25 percent of the total amount to be spent for such activities (taking into account the Election Fund payment and the amount spent by the State).

(2) A certification that the State has set a uniform Statewide benchmark for voting system performance in each local jurisdiction administering elections, expressed as a percentage of residual vote in the contest at the top of the ballot, and requires local jurisdictions to report data relevant to this benchmark after each general election for Federal office.

(3) A certification that the State is in compliance with the voluntary voting system standards and certification processes adopted by the Commission or that the State has enacted legislation establishing its own State voting system standards and processes which (at a minimum) ensure that new voting mechanisms have the audit capacity to produce a record for each ballot cast.

(4) A certification that—

(A) in each precinct or polling place in the State, there is at least one voting system available which is fully accessible to individuals with physical disabilities; and

(B) if the State uses any portion of its Election Fund payment to obtain new voting machines, at least one voting machine in each polling place in the State will be fully accessible to individuals with physical disabilities.

(5) A certification that the State has established a fund described in subsection (b) for purposes of administering its activities under this part.

(6) A certification that, in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), and the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(7) A certification that the State provides for voter education and poll worker training programs to improve access to and participation in the electoral process, and provides relevant training in the requirements of the National Voter Registration Act of 1993 for personnel of State motor vehicle authority offices and other voter registration agencies designated by the State under such Act.

(8) A certification that the Election Fund payment has not and will not supplant funds provided under existing programs funded in the State for carrying out the activities for which the Election Fund payment is made.

(b) REQUIREMENTS FOR ELECTION FUND.—

(1) ELECTION FUND DESCRIBED.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the Election Fund payment is made to the State under this part.

(B) The Election Fund payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the Election Fund payment is made to the State under this part.

(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the requirements described in subsection (a) shall be left to the discretion of the State.

(d) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this subtitle, the ''chief State election official'' of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

SEC. 234. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for Election Fund payments under this part an aggregate amount of $2,250,000,000 for fiscal years 2002 through 2004.

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

SEC. 241. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS.

(a) IN GENERAL.—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) assurances that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities (including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and assurances as the Commission may require.

(c) APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance).

SEC. 242. REPORT.

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later

than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 243. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this part $20,000,000 for fiscal year 2002.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

SEC. 251. PILOT PROGRAM.

(a) IN GENERAL.—The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are implemented on a trial basis.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) assurances that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities (including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and assurances as the Commission may require.

SEC. 252. REPORT.

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 253. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this part $10,000,000 for fiscal year 2002.

PART 4—MISCELLANEOUS

SEC. 261. ROLE OF NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) RECOMMENDATION OF TOPICS FOR RESEARCH UNDER VOTING RESEARCH GRANTS AND PILOT PROGRAMS.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the ''Director'') shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of research funded with grants awarded under part 2 and part 3 during the year.

(b) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under part 2 or part 3 to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(c) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES.—After the Commission has awarded a grant under part 2 or part 3, the Director shall monitor the grant and (to the extent permitted under the terms of the grant as awarded) may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(d) EVALUATION OF COMPLETED GRANTS.—

(1) IN GENERAL.—After the recipient of a grant awarded by the Commission has completed the terms of the grant, the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(2) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under paragraph (1) for a year in the report submitted for the year under section 262.

(e) INTRAMURAL RESEARCH AND DEVELOPMENT.—The Director shall establish a program for intramural research and development in areas to support the development of voluntary technical standards for voting products and systems, including—

(1) the security of computers, computer networks, and computer data storage used in voting products and systems, including the Statewide voter registration networks required under the minimum standard described in section 502(1);

(2) methods to detect and prevent fraud;

(3) the protection of voter privacy;

(4) the role of human factors in the design and application of voting products and systems, including assistive technologies for individuals with disabilities and varying levels of literacy; and

(5) remote access voting, including voting through the Internet.

SEC. 262. REPORTS.

(a) ANNUAL REPORTS ON ACTIVITIES.—Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the activities carried out by the Commission under this subtitle during the previous fiscal year, and shall include in the report a description of all applications for Election Fund payments and grants received by the Commission during the year under this subtitle and the disposition of such applications.

(b) REPORT ON HUMAN FACTOR RESEARCH.—Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities and to reduce voter error and the number of spoiled ballots in elections.

SEC. 263. AUDIT.

(a) IN GENERAL.—As a condition of receiving funds under this subtitle, a State or entity described in part 2 or part 3 shall agree that such funds shall be subject to audit if 2 or more members of the Commission vote to require an audit.

(b) MANDATORY AUDIT.—In addition to audits conducted pursuant to subsection (a), all funds provided under this subtitle shall be subject to mandatory audit at least once during the lifetime of the programs under this subtitle.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

SEC. 301. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the ''Help America Vote College Program'' (hereafter in this title referred to as the ''Program'').

(b) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

SEC. 302. ACTIVITIES UNDER PROGRAM.

(a) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 301(b).

(b) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

In addition to any funds authorized to be appropriated to the Commission under section 207, there are authorized to be appropriated to carry out this title—

(1) $5,000,000 for fiscal year 2002; and

(2) such sums as may be necessary for each succeeding fiscal year.

TITLE IV—HELP AMERICA VOTE FOUNDATION

SEC. 401. HELP AMERICA VOTE FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following:

''CHAPTER 1526—HELP AMERICA VOTE FOUNDATION

''Sec.
''152601. Organization.
''152602. Purposes.
''152603. Board of directors.
''152604. Officers and employees.
''152605. Powers.
''152606. Principal office.
''152607. Service of process.
''152608. Annual audit.
''152609. Civil action by Attorney General for equitable relief.
''152610. Immunity of United States Government.
''152611. Authorization of appropriations.
''152612. Annual report.

''§ 152601. Organization

''(a) FEDERAL CHARTER.—The Help America Vote Foundation (in this chapter, the 'foundation') is a federally chartered corporation.

''(b) NATURE OF FOUNDATION.—The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

''(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the foundation has perpetual existence.

''§ 152602. Purposes

''(a) IN GENERAL.—The purposes of the foundation are to—

''(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants;

''(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States; and

''(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary

schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

''(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS.—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

''(c) CONSULTATION WITH STATE ELECTION OFFICIALS.—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

''§ 152603. Board of directors

''(a) GENERAL.—The board of directors is the governing body of the foundation.

''(b) MEMBERS AND APPOINTMENT.—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows:

''(A) 4 directors (of whom not more than 2 may be members of the same political party) shall be appointed by the President.

''(B) 2 directors shall be appointed by the Speaker of the House of Representatives.

''(C) 2 directors shall be appointed by the minority leader of the House of Representatives.

''(D) 2 directors shall be appointed by the majority leader of the Senate.

''(E) 2 directors shall be appointed by the minority leader of the Senate.

''(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board.

''(3) A director is not an employee of the Federal government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

''(4) The terms of office of the directors are 4 years.

''(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

''(c) CHAIR.—The directors shall select one of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

''(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

''(e) MEETINGS.—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

''(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

''(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

''§ 152604. Officers and employees

''(a) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The board of directors appoints, removes, and replaces officers and employees of the foundation.

''(b) STATUS AND COMPENSATION OF EMPLOYEES.—

''(1) IN GENERAL.—Officers and employees of the foundation—

''(A) are not employees of the Federal government (except as may otherwise be provided in this chapter);

''(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

''(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

''(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal government.

''§ 152605. Powers

''(a) GENERAL.—The foundation may—

''(1) adopt a constitution and bylaws;

''(2) adopt a seal which shall be judicially noticed; and

''(3) do any other act necessary to carry out this chapter.

''(b) POWERS AS TRUSTEE.—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

''(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

''(2) to acquire property or an interest in property by purchase or exchange;

''(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

''(4) to borrow money and issue instruments of indebtedness;

''(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

''(6) to sue and be sued; and

''(7) to do any other act necessary and proper to carry out the purposes of the foundation.

''(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

''(d) CONTRACTS.—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

''(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.—During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C., metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

''§ 152606. Principal office

''The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

''§ 152607. Service of process

''The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

''§ 152608. Annual audit

''The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

''§ 152609. Civil action by Attorney General for equitable relief

''The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

''(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or

''(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

''§ 152610. Immunity of United States Government

''The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

''§ 152611. Authorization of appropriations

''There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

''(1) $5,000,000 for fiscal year 2002; and

''(2) such sums as may be necessary for each succeeding fiscal year.

''§ 152612. Annual report

''As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1523 the following new item:

''1526. Help America Vote Foundation ..... 152601''.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

SEC. 501. MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS.

(a) IN GENERAL.—The chief State election official of each State shall certify in writing to the Election Assistance Commission that—

(1) in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans With Disabilities Act of 1990; and

(2) the State has enacted legislation to enable the State to meet each of the minimum standards for State election systems described in section 502.

(b) METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.—The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a)(2) shall be left to the discretion of the State.

(c) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this title, the ''chief State election official'' of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

SEC. 502. STANDARDS DESCRIBED.

The minimum standards for State election systems described in this section are as follows:

(1) The State will implement a Statewide voter registration system networked to every local jurisdiction in the State, with provisions for sharing data with other States, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) The State election system includes provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance which removes registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993, registrants who have not voted in 2 or more consecutive general elections for Federal office and who have not responded to a notice shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(3) The State permits, by the deadline required under section 504(b), in-precinct provisional voting by every voter who claims to be qualified to vote in the State, or has adopted an alternative which achieves the same objective, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, all votes in the State in general elections for Federal office are cast by mail.

(4) The State has adopted uniform standards that define what will constitute a vote on each category of voting equipment certified for use in the State.

(5) The State has implemented safeguards to ensure that absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) in the jurisdiction have the opportunity to vote and to have their votes counted.

(6) The State requires new voting systems to provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

(7) If the State uses voting systems which give voters the opportunity to correct errors, the State shall ensure that voters are able to check for and correct errors under conditions which assure privacy. States, and units of local government within the States, replacing all voting machines within their jurisdiction shall ensure that the new voting system gives voters the opportunity to correct errors before the vote is cast.

SEC. 503. ENFORCEMENT.

(a) REPORT BY COMMISSION TO ATTORNEY GENERAL.—If a State does not provide a certification under section 501 to the Election Assistance Commission, or if the Commission has credible evidence that a State's certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General.

(b) ACTION BY ATTORNEY GENERAL.—After receiving notice from the Commission under subsection (a), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to remedy a violation of this title.

SEC. 504. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the requirements of this title shall take effect upon the expiration of the 2-year period which begins on the date of the enactment of this Act, except that if the chief State election official of a State certifies that good cause exists to waive the requirements of this title with respect to the State until the date of the regularly scheduled general election for Federal office held in November 2004, the requirements shall apply with respect to the State beginning on the date of such election.

(b) DEADLINES FOR IMPLEMENTATION OF PROVISIONAL VOTING.—The minimum standard described in section 502(3) (relating to permitting in-precinct provisional voting) shall apply with respect to the regularly scheduled general election for Federal office held in November 2002 and each succeeding election for Federal office, except that if the chief State election official of a State certifies that good cause exists to delay the implementation of such standard in the State, the standard shall apply in the State with respect to the regularly scheduled general election for Federal office held in November 2004 and each succeeding election for Federal office held in the State.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

SEC. 601. VOTING ASSISTANCE PROGRAMS.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1566. Voting assistance: compliance assessments; assistance

''(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to require that the Army, Navy, Air Force, and Marine Corps ensure their compliance with any directives issued by the Secretary of Defense in implementing any voting assistance program.

''(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In this section, the term 'voting assistance programs' means—

''(1) the Federal Voting Assistance Program carried out under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.); and

''(2) any similar program.

''(c) ANNUAL EFFECTIVENESS AND COMPLIANCE REVIEWS.—(1) The Inspector General of each of the Army, Navy, Air Force, and Marine Corps shall conduct—

''(A) an annual review of the effectiveness of voting assistance programs; and

''(B) an annual review of the compliance with voting assistance programs of that armed force.

''(2) Upon the completion of each annual review under paragraph (1), each Inspector General specified in that paragraph shall submit to the Inspector General of the Department of Defense a report on the results of each such review. Such report shall be submitted in time each year to be reflected in the report of the Inspector General of the Department of Defense under paragraph (3).

''(3) Not later than March 31 each year, the Inspector General of the Department of Defense shall submit to Congress a report on—

''(A) the effectiveness during the preceding calendar year of voting assistance programs; and

''(B) the level of compliance during the preceding calendar year with voting assistance programs of each of the Army, Navy, Air Force, and Marine Corps.

''(d) INSPECTOR GENERAL ASSESSMENTS.—(1) The Inspector General of the Department of Defense shall periodically conduct at Department of Defense installations unannounced assessments of the compliance at those installations with—

''(A) the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

''(B) Department of Defense regulations regarding that Act and the Federal Voting Assistance Program carried out under that Act; and

''(C) other requirements of law regarding voting by members of the armed forces.

''(2) The Inspector General shall conduct an assessment under paragraph (1) at not less than 10 Department of Defense installations each calendar year.

''(3) Each assessment under paragraph (1) shall include a review of such compliance—

''(A) within units to which are assigned, in the aggregate, not less than 20 percent of the personnel assigned to duty at that installation;

''(B) within a representative survey of members of the armed forces assigned to that installation and their dependents; and

''(C) within unit voting assistance officers to measure program effectiveness.

''(e) REGULAR MILITARY DEPARTMENT ASSESSMENTS.—The Secretary of each military department shall include in the set of issues and programs to be reviewed during any management effectiveness review or inspection at the installation level an assessment of compliance with the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and with Department of Defense regulations regarding the Federal Voting Assistance Program.

''(f) VOTING ASSISTANCE OFFICERS.—(1) Voting assistance officers shall be appointed or assigned under Department of Defense regulations. Commanders at all levels are responsible for ensuring that unit voting officers are trained and equipped to provide information and assistance to members of the armed forces on voting matters. Performance evaluation reports pertaining to a member who has been assigned to serve as a voting assistance officer shall comment on the performance of the member as a voting assistance officer. The Secretary of each military department shall certify to Congress that (at a minimum) a voting assistance officer has been appointed or assigned for each military installation and major command under the jurisdiction of the department and that a replacement will be appointed if the original officer is no longer able to serve.

''(2) Under regulations and procedures prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member's duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.

''(3) As part of each assessment prepared by the Secretary of a military department under subsection (e), the Secretary shall—

''(A) specify the number of members of the armed forces under the jurisdiction of the Secretary who are appointed or assigned to duty as voting assistance officers;

''(B) specify the ratio of voting assistance officers to active duty members of the armed forces under the jurisdiction of the Secretary;

''(C) indicate whether this number and ratio comply with the requirements of the Federal Voting Assistance Program; and

''(D) describe the training such members receive to perform their duties as voting assistance officers.

''(g) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the armed forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

''(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists, reenlists, or voluntarily extends an enlistment or who completes a permanent change of station in an active or reserve component of the Army, Navy, Air Force, or Marine Corps shall receive such form at the time of the enlistment, reenlistment, extension, or completion of the permanent change of station, or as soon thereafter as practicable.

''(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the armed forces and their dependents of election timing, registration requirements, and voting procedures.

''(h) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.—(1) During the four months preceding a general Federal election month, the Secretary of Defense shall periodically conduct surveys of all overseas locations and vessels at sea with military units responsible for collecting mail for return shipment to the United States and all port facilities in the United States and overseas where military-related mail is collected for shipment to overseas locations or to the United States. The purpose of each survey shall be to determine if voting materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location. During the fourth and third months before a general Federal election month, such surveys shall be conducted biweekly. During the second and first months before a general Federal election month, such surveys shall be conducted weekly.

''(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.

''(3) The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.

''(4) In this section, the term 'general Federal election month' means November in an even-numbered year.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1566. Voting assistance: compliance assessments; assistance.''.

(b) INITIAL REPORT.—The first report under section 1566(c)(3) of title 10, United States Code, as added by subsection (a), shall be submitted not later than March 31, 2003.

SEC. 602. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each State''; and

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

''(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

''(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

''(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.''.

SEC. 603. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 602, is amended by adding at the end the following new subsection:

''(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2001) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.''.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. 604. SIMPLIFICATION OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCEDURES FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.

(a) REQUIRING STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION; DEADLINE FOR PROCESSING APPLICATION.—

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 602, is amended—

(A) by amending paragraph (2) to read as follows:

''(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;'';

(B) by striking the period at the end of paragraph (3) and inserting ''; and''; and

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

''(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application.''.

(2) CONFORMING AMENDMENTS.—Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2) is amended by striking ''as recommended in section 104'' and inserting ''as required under section 102(4)''.

(b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.—Section 104 of such Act (42 U.S.C. 1973ff–3) is amended to read as follows:

''SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

''(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year.

''(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.

''(c) REVISION OF OFFICIAL POST CARD FORM.—The Presidential designee shall revise the official post card form (prescribed under section 101) to enable a voter using the form to—

''(1) request an absentee ballot for each election for Federal office held in a State during a year; or

''(2) request an absentee ballot for only the next scheduled election for Federal office held in a State.

''(d) NO EFFECT ON VOTER REMOVAL PROGRAMS.—Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993.''.

SEC. 605. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1)

of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: ", and ensuring that such officials are aware of the requirements of this Act;".

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

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

"(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.".

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(b)), as amended by sections 603 and 605(a), is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

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

"(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).".

(c) PROVIDING BREAKDOWN BETWEEN OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN STATISTICAL ANALYSIS OF VOTER PARTICIPATION.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by inserting after "participation" the following: "(listed separately for overseas voters and absent uniformed services voters)".

TITLE VII—REDUCED POSTAGE RATES FOR OFFICIAL ELECTION MAIL

SEC. 701. REDUCED POSTAGE RATES FOR OFFICIAL ELECTION MAIL.

(a) IN GENERAL.—Section 3629 of title 39, United States Code, is amended to read as follows:

"§ 3629. Reduced rates for official election mail

"(a) Notwithstanding any other provision of this title, the rate of postage for any first-class mail matter shall, in the case of official election mail, be equal to 50 percent of the regular first-class rate, subject to subsection (c).

"(b) For purposes of this section, the term 'official election mail' means any mailing by a State or local election official that—

"(1) is mailed in the course of official business;

"(2) consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner; and

"(3) bears such logo or other markings as the Postal Service may require.

Such term does not include any mailing that includes any mail matter intended to promote government action unrelated to the conduct of an election.

"(c) Nothing in this section shall, with respect to any official election mail, be considered to make unavailable—

"(1) any free mailing privilege under section 3406 or any other provision of law for which such mail otherwise qualifies; or

"(2) any reduced rate of postage under section 3626 or any other provision of law for which such mail otherwise qualifies, if lower than the rate that would otherwise apply under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 36 of title 39, United States Code, is amended by striking the item relating to section 3629 and inserting the following:

"3629. Reduced rates for official election mail.".

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of the Election Administration, established within the Federal Election Commission, exercised before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting "and" at the end;

(2) in paragraph (9), by striking "; and" and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under the National Voter Registration Act of 1993 before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking "Federal Election Commission" and inserting "Election Assistance Commission".

SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.

(b) PERSONNEL.—

(1) IN GENERAL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission.

(2) EFFECT.—Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.

SEC. 804. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203.

(b) TRANSITION.—With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting "or the Election Assistance Commission" after "Commission".

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting "or the Election Assistance Commission" after "Commission".

SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ", the Election Assistance Commission," after "Federal Election Commission,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. STATE DEFINED.

In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 902. MISCELLANEOUS PROVISIONS TO PROTECT INTEGRITY OF ELECTION PROCESS.

(a) CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.—Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: ", except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.".

(b) PROHIBITING EFFORTS BY POLL WORKERS TO COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON BALLOT.—Section 594 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) Whoever"; and

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

"(b) For purposes of subsection (a), a poll worker who urges or encourages a voter who has not cast a vote for each office listed on the ballot to return to the voting booth to cast votes for every office, or who otherwise intimidates, harasses, or coerces the voter to vote for each such office (or who attempts to intimidate, harass, or coerce the voter to vote for each such office), shall be considered to have intimidated, threatened, or coerced (or to have attempted to intimidate, threaten, or coerce) the voter for the purpose of interfering with the voter's right to vote as the voter may choose. Nothing in this subsection shall prohibit a poll worker from providing information to a voter who requests assistance.".

SEC. 903. NO EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Nothing in this Act and no action taken pursuant to this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the

Voting Accessibility for the Elderly and Handicapped Act, or the Americans with Disabilities Act of 1990.

(b) NO CONDUCT AUTHORIZED WHICH IS PROHIBITED UNDER OTHER LAWS.—Nothing in this Act authorizes or requires any conduct which is prohibited by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990.

(c) APPLICATION TO STATES, LOCAL GOVERNMENTS, AND COMMISSION.—Except as specifically provided in the case of the National Voter Registration Act of 1993, nothing in this Act may be construed to affect the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990 to any State, unit of local government, or other person, or to grant to the Election Assistance Commission the authority to carry out activities inconsistent with such Acts.

The SPEAKER pro tempore. The amendment printed in the bill, modified by the amendment printed in House Report 107–331, is adopted.

The text of H.R. 3295, as amended, as modified, is as follows:

H.R. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Help America Vote Act of 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

Sec. 101. Establishment of program.
Sec. 102. Eligibility.
Sec. 103. Amount of payment.
Sec. 104. Audit and repayment of funds.
Sec. 105. Punch card voting system defined.

Subtitle B—Enhancing Performance of Existing Systems

Sec. 111. Establishment of program.
Sec. 112. Eligibility.
Sec. 113. Amount of payment.
Sec. 114. Audit and repayment of funds.

Subtitle C—General Provisions

Sec. 121. Authorization of appropriations.
Sec. 122. Punch card voting system defined.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Membership and appointment.
Sec. 204. Staff.
Sec. 205. Powers.
Sec. 206. Limitation on rulemaking authority.
Sec. 207. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment.
Sec. 212. Duties.
Sec. 213. Membership of Standards Board.
Sec. 214. Membership of Board of Advisors.
Sec. 215. Powers of boards; no compensation for service.
Sec. 216. Status of boards and members for purposes of claims against board.

Subtitle B—Voluntary Election Standards

Sec. 221. Development of voluntary election standards.
Sec. 222. Technical standards development committee.
Sec. 223. Process for adoption of voluntary standards.
Sec. 224. Certification and testing of voting systems.
Sec. 225. Dissemination of information.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS

Sec. 231. Election fund payments to States for voting system improvements.
Sec. 232. Allocation of funds.
Sec. 233. Conditions for receipt of funds.
Sec. 234. Authorization of appropriations.
Sec. 235. Reports

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 241. Grants for research on voting technology improvements.
Sec. 242. Report.
Sec. 243. Authorization of appropriations.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 251. Pilot program.
Sec. 252. Report.
Sec. 253. Authorization of appropriations.

PART 4—MISCELLANEOUS

Sec. 261. Role of National Institute of Standards and Technology.
Sec. 262. Reports.
Sec. 263. Audit.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 301. Establishment of Program.
Sec. 302. Activities under Program.
Sec. 303. Authorization of appropriations.

TITLE IV—HELP AMERICA VOTE FOUNDATION

Sec. 401. Help America Vote Foundation.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

Sec. 501. Minimum standards for State election systems.
Sec. 502. Standards described.
Sec. 503. Enforcement.
Sec. 504. Effective date.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 601. Voting assistance programs.
Sec. 602. Designation of single State office to provide information on registration and absentee ballots for all voters in State.
Sec. 603. Report on absentee ballots transmitted and received after general elections.
Sec. 604. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters.
Sec. 605. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.
Sec. 606. Use of buildings on military installations and reserve component facilities as polling places.

TITLE VII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 701. Federal Election Campaign Act of 1971.
Sec. 702. National Voter Registration Act of 1993.
Sec. 703. Transfer of property, records, and personnel.
Sec. 704. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 711. Treatment of Commission personnel under certain civil service laws.
Sec. 712. Coverage under Inspector General Act of 1978.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. State defined.
Sec. 802. Miscellaneous provisions to protect integrity of election process.
Sec. 803. No effect on other laws.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

SEC. 101. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services (hereafter in this title referred to as the ''Administrator'') shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000.

(b) USE OF FUNDS.—A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to replace its punch card voting system with a voting system which does not use punch cards (by purchase, lease, or such other arrangement as may be appropriate).

(c) DEADLINE.—

(1) IN GENERAL.—A State or unit of local government receiving a payment under the program under this subtitle shall—

(A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and

(B) ensure that all of the punch card voting systems under its jurisdiction have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(2) WAIVER.—If a State or unit of local government provides the Election Assistance Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if—

(A) the reference in paragraph (1)(A) to ''November 2002'' were a reference to ''November 2004''; and

(B) the reference in paragraph (1)(B) to ''November 2004'' were a reference to ''November 2006''.

SEC. 102. ELIGIBILITY.

(a) STATES.—A State is eligible to receive a payment under the program under this subtitle if it submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains—

(1) assurances that the State will use the payment (either directly or as reimbursement) to replace punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000;

(2) assurances that in replacing punch card voting systems the State will continue to meets its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act, and will consider the use of new technology by individuals with disabilities (including blindness)

(3) assurances that in replacing punch card voting systems the State will provide for alternative language accessibility for individuals with limited English proficiency, consistent with the requirements of the Voting Rights Act of 1965 and any other applicable provisions of law; and

(4) such other information and assurances as the Administrator may require which are necessary for the administration of the program.

(b) UNIT OF LOCAL GOVERNMENT.—A unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator—

(1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located—

(A) failed to submit an application under subsection (a) within the deadline specified under such subsection,

(B) is otherwise not eligible to receive a payment under the program, or

(C) will not use the payment to replace punch card voting systems in the unit; and

(2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a).

SEC. 103. AMOUNT OF PAYMENT.

(a) IN GENERAL.—The amount of payment made to a State or unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of replacing the punch card voting systems used in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of—

(1) the number of voting precincts administered by the State or unit which used a punch card voting system to carry out the general Federal election held in November 2000; and

(2) $6,000.

(b) APPLICABLE PER PRECINCT MATCHING RATE DEFINED.—In subsection (a), the ''applicable per precinct matching rate'' is—

(1) 90 percent; or

(2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census).

SEC. 104. AUDIT AND REPAYMENT OF FUNDS.

(a) AUDIT.—Funds provided under the program under this subtitle shall be subject to audit by the Administrator.

(b) REPAYMENT FOR FAILURE TO MEET DEADLINES.—If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 101(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State or unit under the program.

SEC. 105. PUNCH CARD VOTING SYSTEM DEFINED.

For purposes of this subtitle, a ''punch card voting system'' means any of the following voting systems:

(1) C.E.S.
(2) Datavote.
(3) PBC Counter.
(4) Pollstar.
(5) Punch Card.
(6) Vote Recorder.
(7) Votomatic.

Subtitle B—Enhancing Performance of Existing Systems

SEC. 111. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000.

(b) USE OF FUNDS.—A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to make technical enhancements to the performance of its punch card voting system (by any arrangement as may be appropriate).

(c) DEADLINE.—

(1) IN GENERAL.—A State or unit of local government receiving a payment under the program under this subtitle shall—

(A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and

(B) ensure that technical enhancements have been made to the performance of all of the punch card voting systems under its jurisdiction in time for the regularly scheduled general election for Federal office to be held in November 2004.

(2) WAIVER.—If a State or unit of local government provides the Election Assistance Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if—

(A) the reference in paragraph (1)(A) to ''November 2002'' were a reference to ''November 2004''; and

(B) the reference in paragraph (1)(B) to ''November 2004'' were a reference to ''November 2006''.

SEC. 112. ELIGIBILITY.

(a) STATES.—Subject to subsection (c), a State is eligible to receive a payment under the program under this subtitle if it submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains—

(1) assurances that the State will use the payment (either directly or as reimbursement) to make technical enhancements to the performance of punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000;

(2) assurances that in enhancing the performance of such voting systems the State will continue to meets its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act; and

(3) such other information and assurances as the Administrator may require which are necessary for the administration of the program.

(b) UNITS OF LOCAL GOVERNMENT.—Subject to subsection (c), a unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator—

(1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located—

(A) failed to submit an application under subsection (a) within the deadline specified under such subsection,

(B) is otherwise not eligible to receive a payment under the program, or

(C) will not use the payment to enhance the performance of punch card voting systems in the unit; and

(2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a).

(c) PROHIBITING PARTICIPATION IN PUNCH CARD REPLACEMENT PROGRAM.—A State or unit of local government is not eligible to receive a payment under the program under this subtitle if the State or unit receives a payment under the program under subtitle A.

SEC. 113. AMOUNT OF PAYMENT.

(a) IN GENERAL.—The amount of payment made to a State or unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of the activities to be funded with the payment under the program in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of—

(1) the number of voting precincts administered by the State or unit which used a punch card voting system to carry out the general Federal election held in November 2000; and

(2) $2,000.

(b) APPLICABLE PER PRECINCT MATCHING RATE DEFINED.—In subsection (a), the ''applicable per precinct matching rate'' is—

(1) 90 percent; or

(2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census).

SEC. 114. AUDIT AND REPAYMENT OF FUNDS.

(a) AUDIT.—Funds provided under the program under this subtitle shall be subject to audit by the Administrator.

(b) REPAYMENT FOR FAILURE TO MEET REQUIREMENTS.—If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 111(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State or unit under the program.

Subtitle C—General Provisions

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for payments under this title $400,000,000, to remain available until expended (subject to subsection (b)).

(b) USE OF RETURNED FUNDS AND FUNDS REMAINING UNEXPENDED FOR ELECTION FUND PAYMENTS.—

(1) IN GENERAL.—The amounts referred to in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make Election Fund payments under part 1 of subtitle C of title II.

(2) AMOUNTS DESCRIBED.—The amounts referred to in this paragraph are as follows:

(A) Any amounts appropriated pursuant to the authorization under this section which remain unobligated as of the date of the regularly scheduled general election for Federal office held in November 2002.

(B) Any amounts paid to the Administrator by a State or unit of local government under section 104(b).

(C) Any amounts paid to the Administrator by a State or unit of local government under section 114(b).

SEC. 122. PUNCH CARD VOTING SYSTEM DEFINED.

For purposes of this title, a ''punch card voting system'' means any of the following voting systems:

(1) C.E.S.
(2) Datavote.
(3) PBC Counter.
(4) Pollstar.
(5) Punch Card.
(6) Vote Recorder.
(7) Votomatic.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

SEC. 201. ESTABLISHMENT.

There is hereby established as an independent entity in the executive branch the Election Assistance Commission (hereafter in this title referred to as the ''Commission''), consisting of

the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) under part 2 and the Election Assistance Commission Board of Advisors under part 2.

SEC. 202. DUTIES.

The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in subtitle B (relating to voluntary election standards);

(2) carrying out the duties described in subtitle C (relating to election assistance) '', and providing information and training on the management of the grants provided under such subtitle;''.

(3) developing and carrying out the Help America Vote College Program under title III.

SEC. 203. MEMBERSHIP AND APPOINTMENT.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall have 4 members appointed by the President, by and with the consent of the Senate, of whom—

(A) 1 shall be appointed from among a list of nominees submitted by the majority leader of the Senate;

(B) 1 shall be appointed from among a list of nominees submitted by the minority leader of the Senate;

(C) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives; and

(D) 1 shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Each member of the Commission shall have experience with or expertise in election administration or the study of elections, except that no individual may serve as a member of the Commission if the individual is an officer or employee of the Federal Government at any time during the period of service on the Commission.

(3) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(b) TERM OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(A) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) CHAIR AND VICE CHAIR.—The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall each be paid at an annual rate equal to $30,000.

(2) TRAVEL EXPENSES.—Members of the Commission shall each receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) OUTSIDE EMPLOYMENT PERMITTED.—A member of the Commission may hold any other office or employment not inconsistent or in conflict with the member's duties, responsibilities, and powers as a member of the Commission.

SEC. 204. STAFF.

(a) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(1) IN GENERAL.—The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(2) TERM OF SERVICE FOR EXECUTIVE DIRECTOR.—Except as provided in paragraph (3)(C), the Executive Director shall serve for a term of 4 years. An Executive Director may be reappointed for additional terms.

(3) PROCEDURE FOR APPOINTMENT.—

(A) IN GENERAL.—When a vacancy exists in the position of the Executive Director, the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors (described in part 2) shall each appoint a search committee to recommend not fewer than 3 nominees for the position.

(B) REQUIRING CONSIDERATION OF NOMINEES.—Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) SPECIAL RULES FOR FIRST EXECUTIVE DIRECTOR.—

(i) CONVENING OF SEARCH COMMITTEES.—The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) INTERIM INITIAL APPOINTMENT.—Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as the first Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the first Executive Director from serving any additional term.

(4) OTHER STAFF.—Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(5) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule.

(b) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, with the approval of a majority of the members of the Commission.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD.—At the request of the Election Assistance Commission Board of Advisors or the Election Assistance Commission Standards Board established under part 2, the Executive Director shall enter into such arrangements as the Executive Director considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS.—In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board established under part 2.

SEC. 205. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Chair of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

SEC. 206. LIMITATION ON RULEMAKING AUTHORITY.

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under the National Voter Registration Act of 1993.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts authorized for payments and grants under subtitle C and the amounts authorized to be appropriated for the program under section 303, there are authorized to be appropriated for each of the fiscal years 2002 through 2004 such sums as may be necessary (but not to exceed $10,000,000 for each such year) for the Commission to carry out its duties under this title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

SEC. 211. ESTABLISHMENT.

There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the ''Standards Board'') and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the ''Board of Advisors'').

SEC. 212. DUTIES.

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in section 223, review any of the

voluntary engineering and procedural performance standards described in section 221(a)(1), any of the voluntary standards described in section 221(a)(4), and any of the voluntary election management practice standards described in section 221(a)(6) (and any modifications to such standards) which are recommended by the Commission under subtitle B.

SEC. 213. MEMBERSHIP OF STANDARDS BOARD.

(a) COMPOSITION.—

(1) IN GENERAL.—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) 55 shall be State election officials selected by the chief State election officials of each State.

(B) 55 shall be local election officials selected in accordance with paragraph (2).

(2) LIST OF LOCAL ELECTION OFFICIALS.—Each State's local election officials shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.—The 2 members of the Standards Board who represent the same State may not be members of the same political party.

(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

(1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.—Not later than 90 days after the date of the enactment of this Act, ''the chief State election official of the State''; shall transmit a notice to chair of the Federal Election Commission containing—

(A) a statement that ''the selected State election official'' agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who will serve on the Standards Board under this title.

(2) CERTIFICATION.—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the ''selected State election official'' and the representative local election official are appointed as members of the Standards Board under this title.

(3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the Executive Board under subsection (c).

(4) ROLE OF COMMISSION.—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) IN GENERAL.—Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select 9 of its members to serve as the Executive Board of the Standards Board, of whom—

(A) not more than 5 may be State election officials;

(B) not more than 5 may be local election officials; and

(C) not more than 5 may be members of the same political party.

(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) 3 shall serve for one term;

(B) 3 shall serve for 2 consecutive terms; and

(C) 3 shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

(4) DUTIES.—In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.

(a) IN GENERAL.—The Board of Advisors shall be composed of 25 members appointed as follows:

(1) 2 members appointed by the United States Commission on Civil Rights.

(2) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(3) 2 members appointed by the National Governors Association.

(4) 2 members appointed by the National Conference of State Legislatures.

(5) 2 members appointed by the National Association of Secretaries of State.

(6) 2 members appointed by the National Association of State Election Directors.

(7) 2 members appointed by the National Association of Counties.

(8) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(9) 2 members appointed by the United States Conference of Mayors.

(10) 2 members appointed by the Election Center.

(11) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(12) 2 members representing professionals in the field of science and technology, of whom 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the majority leader of the Senate (or, if the majority leader is a member of the same political party as the Speaker, by the minority leader of the Senate).

(13) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(b) DIVERSITY IN APPOINTMENTS.—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) TERM OF SERVICE; VACANCY.—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) CHAIR.—The Board of Advisors shall elect a Chair from among its members.

SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) MEETINGS.—The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the standards referred to it under section 223;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) POSTAL SERVICES.—The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

Subtitle B—Voluntary Election Standards

SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION STANDARDS.

(a) IN GENERAL.—The Commission shall:

(1) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary engineering and procedural performance standards for voting systems used in Federal elections which shall meet the following requirements:

(A) The scope of the standards should include security (including a documentary audit for non-ballot systems), the procedures for certification and decertification of software and hardware, the assessment of usability, and operational guidelines for the proper use and maintenance of equipment.

(B) The standards should provide that voters have the opportunity to correct errors at the precinct or other polling place, either within the voting equipment itself or in the operational guidelines to administrators for using the equipment, under conditions which assure privacy to the voter.

(C) Each voting tally system certified for use should include as part of the certification a proposed statement of what constitutes a proper vote in the design and operation of the system.

(D) New voting equipment systems certified either by the Federal government or by any State should provide a practical and effective means for voters with physical disabilities including blindness to cast a secret ballot.

(2) Maintain a clearinghouse of information on the experiences of State and local governments in implementing the voluntary standards described in paragraph (1) and in operating voting systems in general.

(3) In accordance with section 224, provide for the voluntary testing, certification, decertification, and recertification of voting systems.

(4) Advise States and units of local government regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and compliance with other Federal laws regarding accessibility of registration facilities and polling places. Additionally, in accordance with section 223, the Commission shall develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary standards for maintaining and enhancing the accessibility and privacy of registration facilities, polling places, and voting methods with the goal of promoting for all individuals, including the elderly and individuals with disabilities including blindness, the accessibility of polling places and the effective use of voting systems and voting equipment which provide the opportunity for casting a secure and secret ballot, and shall include in such standards voluntary guidelines regarding accessibility and ease-of-use for States and units of local government to use when obtaining voting equipment and selecting polling places. In carrying out this paragraph, the Commission shall consult with the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) and other individuals and entities with expertise in the accessibility of facilities for individuals with disabilities.

(5) Make periodic studies available to the public regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(A) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services, blind and disabled voters, and voters with limited English proficiency;

(B) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(C) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote; and

(D) will be efficient and cost-effective for use.

(6) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years) voluntary election management practice standards for State and local election officials to maintain and enhance the administration of Federal elections, including standards developed in consultation with the Secretary of Defense to govern the treatment of absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) which will include provisions to address each of the following:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate pre-election deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(7) Carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7) regarding mail voter registration.

(8) Make information on the Federal election system available to the public and the media.

(9) At the request of State officials, assist such officials in the review of election or vote counting procedures in Federal elections, through bipartisan panels of election professionals assembled by the Commission for such purpose.

(10) Compile and make available to the public the official certified results of general elections for Federal office and reports comparing the rates of voter registration, voter turnout, voting system functions, and ballot errors among jurisdictions in the United States.

(11) Gather information and serve as a clearinghouse concerning issues relating to Federal, State, and local elections.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—The election administration issues described in this subsection are as follows:

(1) Current and alternate methods and mechanisms of voting and counting votes in elections for Federal office.

(2) Current and alternate ballot designs for elections for Federal office.

(3) Current and alternate methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that all registered voters appear on the polling list at the appropriate polling site.

(4) Current and alternate methods of conducting provisional voting.

(5) Current and alternate methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including disabled voters and voters with limited English proficiency.

(6) Current and alternate methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(7) Current and alternate methods of recruiting and improving the performance of poll workers.

(8) Federal and State laws governing the eligibility of persons to vote.

(9) Current and alternate methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) Matters particularly relevant to voting and administering elections in rural and urban areas.

(11) Conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time.

(12) The ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(c) CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.—The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

SEC. 222. TECHNICAL STANDARDS DEVELOPMENT COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Technical Standards Development Committee (hereafter in this subtitle referred to as the ''Development Committee'').

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of voluntary standards under this subtitle by recommending standards (and modifications to standards) to ensure the usability, accuracy, security, accessibility, and integrity of voting systems and voting equipment.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any standard pursuant to section 223, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the standard adopted.

SEC. 223. PROCESS FOR ADOPTION OF VOLUNTARY STANDARDS.

(a) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED VOLUNTARY STANDARDS TO BOARD OF ADVISORS AND STANDARDS BOARD.—

(1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE.—In developing standards and modifications for purposes of this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Standards Development Committee under section 222.

(2) BOARD OF ADVISORS.—The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Board of Advisors.

(3) STANDARDS BOARD.—The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Executive Board of the Standards Board, who shall review the standard (or modification) and forward its recommendations to the Standards Board.

(b) REVIEW.—Upon receipt of a voluntary standard described in subsection (a) (or modification of such a standard) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the standard (or modification) to the Commission.

(c) FINAL APPROVAL.—

(1) IN GENERAL.—A voluntary standard described in subsection (a) (or modification of such a standard) shall not be considered to be finally adopted by the Commission unless the majority of the members of the Commission vote to approve the final adoption of the standard (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (b).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a voluntary standard described in subsection (a) (or modification of such a standard) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the standard (or modification) to the Board of Advisors and the Standards Board under subsection (a).

SEC. 224. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary engineering and procedural performance standards under this subtitle, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) APPROVAL BY COMMISSION.—The Commission shall vote on the proposed accreditation of each laboratory on the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a majority vote of the members of the Commission.

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a majority vote of the members of the Commission.

SEC. 225. DISSEMINATION OF INFORMATION.

On an ongoing basis, the Commission shall disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) information on the activities carried out under this subtitle, including—

(1) the voluntary election standards adopted by the Commission, together with guidelines for applying the standards and other information to assist in their implementation;

(2) the list of laboratories accredited to carry out testing, certification, decertification, and recertification of voting system hardware and software under section 224; and

(3) a list of voting system hardware and software products which have been certified pursuant to section 224 as meeting the applicable voluntary standards adopted by the Commission under this subtitle.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS

SEC. 231. ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS.

(a) IN GENERAL.—The Commission shall make an Election Fund payment each year in an amount determined under section 232 to each State which meets the requirements described in section 233 for the year.

(b) USE OF FUNDS.—A State receiving an Election Fund payment shall use the payment for any or all of the following activities:

(1) Establishing and maintaining accurate lists of eligible voters.

(2) Encouraging eligible voters to vote.

(3) Improving verification and identification of voters at the polling place.

(4) Improving equipment and methods for casting and counting votes.

(5) Recruiting and training election official and poll workers.

(6) Improving the quantity and quality of available polling places.

(7) Educating voters about their rights and responsibilities.

(8) Assuring access for voters with physical disabilities; including blindness.

(9) Carrying out other activities to improve the administration of elections in the State.

(c) ADOPTION OF COMMISSION STANDARDS NOT REQUIRED TO RECEIVE PAYMENT.—Nothing in this part may be construed to require a State to implement any of the voluntary standards adopted by the Commission with respect to any matter as a condition for receiving an Election Fund payment.

(d) SCHEDULE OF PAYMENTS.—As soon as practicable after all members of the Commission are appointed (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make Election Fund payments to States under this part.

SEC. 232. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Subject to subsection (c), the amount of an Election Fund payment made to a State for a year shall be equal to the product of—

(1) the total amount appropriated for Election Fund payments for the year under section 234; and

(2) the State allocation percentage for the State (as determined under subsection (b)).

(b) STATE ALLOCATION PERCENTAGE DEFINED.—The ''State allocation percentage'' for a State is the amount (expressed as a percentage) equal to the quotient of—

(1) the voting age population of the State; and

(2) the total voting age population of all States.

(c) MINIMUM AMOUNT OF PAYMENT.—The amount of an Election Fund payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, ½ of 1 percent of the total amount appropriated for Election Fund payments for the year under section 234; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, 20 percent of the amount described in paragraph (1).

(d) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—An Election Fund payment made to a State under this part shall be available to the State without fiscal year limitation.

SEC. 233. CONDITIONS FOR RECEIPT OF FUNDS.

(a) IN GENERAL.—In order to receive an Election Fund payment for a fiscal year, the chief State election official of the State shall provide the Commission with the following certifications:

(1) A certification that the State has authorized and appropriated funds for carrying out the activities for which the Election Fund payment is made in an amount equal to 25 percent of the total amount to be spent for such activities (taking into account the Election Fund payment and the amount spent by the State).

(2) A certification that the State has set a uniform Statewide benchmark for voting system performance in each local jurisdiction administering elections, expressed as a percentage of residual vote in the contest at the top of the ballot, and requires local jurisdictions to report data relevant to this benchmark after each general election for Federal office.

(3) A certification that the State is in compliance with the voluntary voting system standards and certification processes adopted by the Commission or that the State has enacted legislation establishing its own State voting system standards and processes which (at a minimum) ensure that new voting mechanisms have the audit capacity to produce a record for each ballot cast.

(4) A certification that—

(A) in each precinct or polling place in the State, there is at least one voting system available which is fully accessible to individuals with physical disabilities including blindness; and

(B) if the State uses any portion of its Election Fund payment to obtain new voting machines, at least one voting machine in each polling place in the State will be fully accessible to individuals with physical disabilities, including blindness.

(5) A certification that the State has established a fund described in subsection (b) for purposes of administering its activities under this part.

(6) A certification that, in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), and the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(7) A certification that the State provides for voter education and poll worker training programs to improve access to and participation in the electoral process, and provides relevant training in the requirements of the National Voter Registration Act of 1993 for personnel of State motor vehicle authority offices and other voter registration agencies designated by the State under such Act.

(8) A certification that the Election Fund payment has not and will not supplant funds provided under existing programs funded in the State for carrying out the activities for which the Election Fund payment is made.

(b) REQUIREMENTS FOR ELECTION FUND.—

(1) ELECTION FUND DESCRIBED.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the Election Fund payment is made to the State under this part.

(B) The Election Fund payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the Election Fund payment is made to the State under this part.

(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the requirements described in subsection (a) shall be left to the discretion of the State.

(d) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this subtitle, the ''chief State election official'' of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

SEC. 234. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for Election Fund payments under this part an aggregate amount of $2,250,000,000 for fiscal years 2002 through 2004.

SEC. 235. REPORTS

Not later than the 6 months after the end of each fiscal year for which a State received an Election Fund payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report—

(1) a list of expenditures made with respect to each category of activities described in section 231(b); and

(2) the number and types of articles of voting equipment obtained with the funds.

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

SEC. 241. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS.

(a) IN GENERAL.—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) assurances that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities (including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and assurances as the Commission may require.

(c) APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance).

SEC. 242. REPORT.

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 243. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this part $20,000,000 for fiscal year 2002.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

SEC. 251. PILOT PROGRAM.

(a) IN GENERAL.—The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are implemented on a trial basis.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) assurances that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities (including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and assurances as the Commission may require.

SEC. 252. REPORT.

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 253. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this part $10,000,000 for fiscal year 2002.

PART 4—MISCELLANEOUS

SEC. 261. ROLE OF NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) RECOMMENDATION OF TOPICS FOR RESEARCH UNDER VOTING RESEARCH GRANTS AND PILOT PROGRAMS.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the ''Director'') shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of research funded with grants awarded under part 2 and part 3 during the year.

(b) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under part 2 or part 3 to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(c) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES.—After the Commission has awarded a grant under part 2 or part 3, the Director shall monitor the grant and (to the extent permitted under the terms of the grant as awarded) may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(d) EVALUATION OF COMPLETED GRANTS.—

(1) IN GENERAL.—After the recipient of a grant awarded by the Commission has completed the terms of the grant, the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(2) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted under paragraph (1) for a year in the report submitted for the year under section 262.

(e) INTRAMURAL RESEARCH AND DEVELOPMENT.—The Director shall establish a program for intramural research and development in areas to support the development of voluntary technical standards for voting products and systems, including—

(1) the security of computers, computer networks, and computer data storage used in voting products and systems, including the Statewide voter registration networks required under the minimum standard described in section 502(1);

(2) methods to detect and prevent fraud;

(3) the protection of voter privacy;

(4) the role of human factors in the design and application of voting products and systems, including assistive technologies for individuals with disabilities including blindness and varying levels of literacy; and

(5) remote access voting, including voting through the Internet.

SEC. 262. REPORTS.

(a) ANNUAL REPORTS ON ACTIVITIES.—Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the activities carried out by the Commission under this subtitle during the previous fiscal year, and shall include in the report a description of all applications for Election Fund payments and grants received by the Commission during the year under this subtitle and the disposition of such applications.

(b) REPORT ON HUMAN FACTOR RESEARCH.—Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities including blindness and to reduce voter error and the number of spoiled ballots in elections.

SEC. 263. AUDIT.

(a) IN GENERAL.—As a condition of receiving funds under this subtitle, a State or entity described in part 2 or part 3 shall agree that such funds shall be subject to audit if 2 or more members of the Commission vote to require an audit.

(b) MANDATORY AUDIT.—In addition to audits conducted pursuant to subsection (a), all funds provided under this subtitle shall be subject to mandatory audit at least once during the lifetime of the programs under this subtitle.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

SEC. 301. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the ''Help America Vote College Program'' (hereafter in this title referred to as the ''Program'').

(b) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

SEC. 302. ACTIVITIES UNDER PROGRAM.

(a) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 301(b).

(b) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

In addition to any funds authorized to be appropriated to the Commission under section 207, there are authorized to be appropriated to carry out this title—

(1) $5,000,000 for fiscal year 2002; and

(2) such sums as may be necessary for each succeeding fiscal year.

TITLE IV—HELP AMERICA VOTE FOUNDATION

SEC. 401. HELP AMERICA VOTE FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following:

''CHAPTER 1526—HELP AMERICA VOTE FOUNDATION

''Sec.
''152601. Organization.
''152602. Purposes.
''152603. Board of directors.
''152604. Officers and employees.
''152605. Powers.
''152606. Principal office.
''152607. Service of process.
''152608. Annual audit.
''152609. Civil action by Attorney General for equitable relief.
''152610. Immunity of United States Government.
''152611. Authorization of appropriations.
''152612. Annual report.

''§ 152601. Organization

''(a) FEDERAL CHARTER.—The Help America Vote Foundation (in this chapter, the 'foundation') is a federally chartered corporation.

''(b) NATURE OF FOUNDATION.—The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

''(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the foundation has perpetual existence.

''§ 152602. Purposes

''(a) IN GENERAL.—The purposes of the foundation are to—

''(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants;

''(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States; and

''(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

''(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS.—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

''(c) CONSULTATION WITH STATE ELECTION OFFICIALS.—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

''§ 152603. Board of directors

''(a) GENERAL.—The board of directors is the governing body of the foundation.

''(b) MEMBERS AND APPOINTMENT.—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows:

''(A) 4 directors (of whom not more than 2 may be members of the same political party) shall be appointed by the President.

''(B) 2 directors shall be appointed by the Speaker of the House of Representatives.

''(C) 2 directors shall be appointed by the minority leader of the House of Representatives.

''(D) 2 directors shall be appointed by the majority leader of the Senate.

''(E) 2 directors shall be appointed by the minority leader of the Senate.

''(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board.

''(3) A director is not an employee of the Federal government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

''(4) The terms of office of the directors are 4 years.

''(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

''(c) CHAIR.—The directors shall select one of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

''(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

''(e) MEETINGS.—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

''(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

''(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

''§ 152604. Officers and employees

''(a) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The board of directors appoints, removes, and replaces officers and employees of the foundation.

''(b) STATUS AND COMPENSATION OF EMPLOYEES.—

''(1) IN GENERAL.—Officers and employees of the foundation—

''(A) are not employees of the Federal government (except as may otherwise be provided in this chapter);

''(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

''(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

''(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal government.

''§ 152605. Powers

''(a) GENERAL.—The foundation may—

''(1) adopt a constitution and bylaws;

''(2) adopt a seal which shall be judicially noticed; and

''(3) do any other act necessary to carry out this chapter.

''(b) POWERS AS TRUSTEE.—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

''(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

''(2) to acquire property or an interest in property by purchase or exchange;

''(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

''(4) to borrow money and issue instruments of indebtedness;

''(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

''(6) to sue and be sued; and

''(7) to do any other act necessary and proper to carry out the purposes of the foundation.

''(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

''(d) CONTRACTS.—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

''(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.—During each year (beginning with 2003), the foundation may sponsor

a conference in the Washington, D.C., metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

"§ 152606. Principal office

''The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

"§ 152607. Service of process

''The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

"§ 152608. Annual audit

''The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

"§ 152609. Civil action by Attorney General for equitable relief

''The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

''(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or

''(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

"§ 152610. Immunity of United States Government

''The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

"§ 152611. Authorization of appropriations

''There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

''(1) $5,000,000 for fiscal year 2002; and

''(2) such sums as may be necessary for each succeeding fiscal year.

"§ 152612. Annual report

''As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1525 the following new item:

"1526. Help America Vote Foundation ..... 152601''.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

SEC. 501. MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS.

(a) IN GENERAL.—The chief State election official of each State shall certify in writing to the Election Assistance Commission that—

(1) in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans With Disabilities Act of 1990; and

(2) the State has enacted legislation to enable the State to meet each of the minimum standards for State election systems described in section 502.

(b) METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.—The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a)(2) shall be left to the discretion of the State.

(c) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this title, the ''chief State election official'' of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

SEC. 502. STANDARDS DESCRIBED.

The minimum standards for State election systems described in this section are as follows:

(1) The State will implement an official Statewide voter registration system networked to every local jurisdiction in the State, with provisions for sharing data with other States, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) The State election system includes provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance which removes registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993, registrants who have not voted in 2 or more consecutive general elections for Federal office and who have not responded to a notice shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(3) The State permits, by the deadline required under section 504(b), in-precinct provisional voting by every voter who claims to be qualified to vote in the State, or has adopted an alternative which achieves the same objective, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, all votes in the State in general elections for Federal office are cast by mail.

(4) The State has adopted uniform standards that define what will constitute a vote on each category of voting equipment certified for use in the State.

(5) The State has implemented safeguards to ensure that absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) in the jurisdiction have the opportunity to vote and to have their votes counted.

(6) The State requires new voting systems to provide a practical and effective means for voters with physical disabilities including blindness to cast a secret ballot.

(7) If the State uses voting systems which give voters the opportunity to correct errors, the State shall ensure that voters are able to check for and correct errors under conditions which assure privacy. States, and units of local government within the States, ''procuring new voting machines within their jurisdiction, except for States and units replacing or supplementing existing equipment (within the same voting system), shall ensure that the new voting system gives voters the opportunity to correct errors before the vote is cast.

SEC. 503. ENFORCEMENT.

(a) REPORT BY COMMISSION TO ATTORNEY GENERAL.—If a State does not provide a certification under section 501 to the Election Assistance Commission, or if the Commission has credible evidence that a State's certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General.

(b) ACTION BY ATTORNEY GENERAL.—After receiving notice from the Commission under subsection (a), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to remedy a violation of this title.

SEC. 504. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the requirements of this title shall take effect upon the expiration of the 2-year period which begins on the date of the enactment of this Act, except that if the chief State election official of a State certifies that good cause exists to waive the requirements of this title with respect to the State until the date of the regularly scheduled general election for Federal office held in November 2004, the requirements shall apply with respect to the State beginning on the date of such election.

(b) DEADLINES FOR IMPLEMENTATION OF PROVISIONAL VOTING.—The minimum standard described in section 502(3) (relating to permitting in-precinct provisional voting) shall apply with respect to the regularly scheduled general election for Federal office held in November 2002 and each succeeding election for Federal office, except that if the chief State election official of a State certifies that good cause exists to delay the implementation of such standard in the State, the standard shall apply in the State with respect to the regularly scheduled general election for Federal office held in November 2004 and each succeeding election for Federal office held in the State.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

SEC. 601. VOTING ASSISTANCE PROGRAMS.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1566. Voting assistance: compliance assessments; assistance

''(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to require that the Army, Navy, Air Force, and Marine Corps ensure their compliance with any directives issued by the Secretary of Defense in implementing any voting assistance program.

''(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In this section, the term 'voting assistance programs' means—

''(1) the Federal Voting Assistance Program carried out under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.); and

''(2) any similar program.

''(c) ANNUAL EFFECTIVENESS AND COMPLIANCE REVIEWS.—(1) The Inspector General of each of the Army, Navy, Air Force, and Marine Corps shall conduct—

''(A) an annual review of the effectiveness of voting assistance programs; and

''(B) an annual review of the compliance with voting assistance programs of that armed force.

''(2) Upon the completion of each annual review under paragraph (1), each Inspector General specified in that paragraph shall submit to the Inspector General of the Department of Defense a report on the results of each such review. Such report shall be submitted in time each year to be reflected in the report of the Inspector General of the Department of Defense under paragraph (3).

''(3) Not later than March 31 each year, the Inspector General of the Department of Defense shall submit to Congress a report on—

''(A) the effectiveness during the preceding calendar year of voting assistance programs; and

''(B) the level of compliance during the preceding calendar year with voting assistance programs of each of the Army, Navy, Air Force, and Marine Corps.

''(d) INSPECTOR GENERAL ASSESSMENTS.—(1) The Inspector General of the Department of Defense shall periodically conduct at Department of Defense installations unannounced assessments of the compliance at those installations with—

''(A) the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

''(B) Department of Defense regulations regarding that Act and the Federal Voting Assistance Program carried out under that Act; and

''(C) other requirements of law regarding voting by members of the armed forces.

''(2) The Inspector General shall conduct an assessment under paragraph (1) at not less than 10 Department of Defense installations each calendar year.

''(3) Each assessment under paragraph (1) shall include a review of such compliance—

''(A) within units to which are assigned, in the aggregate, not less than 20 percent of the personnel assigned to duty at that installation;

''(B) within a representative survey of members of the armed forces assigned to that installation and their dependents; and

''(C) within unit voting assistance officers to measure program effectiveness.

''(e) REGULAR MILITARY DEPARTMENT ASSESSMENTS.—The Secretary of each military department shall include in the set of issues and programs to be reviewed during any management effectiveness review or inspection at the installation level an assessment of compliance with the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and with Department of Defense regulations regarding the Federal Voting Assistance Program.

''(f) VOTING ASSISTANCE OFFICERS.—(1) Voting assistance officers shall be appointed or assigned under Department of Defense regulations. Commanders at all levels are responsible for ensuring that unit voting officers are trained and equipped to provide information and assistance to members of the armed forces on voting matters. Performance evaluation reports pertaining to a member who has been assigned to serve as a voting assistance officer shall comment on the performance of the member as a voting assistance officer. The Secretary of each military department shall certify to Congress that (at a minimum) a voting assistance officer has been appointed or assigned for each military installation and major command under the jurisdiction of the department and that a replacement will be appointed if the original officer is no longer able to serve.

''(2) Under regulations and procedures prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member's duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.

''(3) As part of each assessment prepared by the Secretary of a military department under subsection (e), the Secretary shall—

''(A) specify the number of members of the armed forces under the jurisdiction of the Secretary who are appointed or assigned to duty as voting assistance officers;

''(B) specify the ratio of voting assistance officers to active duty members of the armed forces under the jurisdiction of the Secretary;

''(C) indicate whether this number and ratio comply with the requirements of the Federal Voting Assistance Program; and

''(D) describe the training such members receive to perform their duties as voting assistance officers.

''(g) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the armed forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

''(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists, reenlists, or voluntarily extends an enlistment or who completes a permanent change of station in an active or reserve component of the Army, Navy, Air Force, or Marine Corps shall receive such form at the time of the enlistment, reenlistment, extension, or completion of the permanent change of station, or as soon thereafter as practicable.

''(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the armed forces and their dependents of election timing, registration requirements, and voting procedures.

''(h) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.—(1) During the four months preceding a general Federal election month, the Secretary of Defense shall periodically conduct surveys of all overseas locations and vessels at sea with military units responsible for collecting mail for return shipment to the United States and all port facilities in the United States and overseas where military-related mail is collected for shipment to overseas locations or to the United States. The purpose of each survey shall be to determine if voting materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location. During the fourth and third months before a general Federal election month, such surveys shall be conducted biweekly. During the second and first months before a general Federal election month, such surveys shall be conducted weekly.

''(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.

''(3) The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.

''(4) In this section, the term 'general Federal election month' means November in an even-numbered year.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1566. Voting assistance: compliance assessments; assistance.''.

(b) INITIAL REPORT.—The first report under section 1566(c)(3) of title 10, United States Code, as added by subsection (a), shall be submitted not later than March 31, 2003.

SEC. 602. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each State''; and

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

''(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

''(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

''(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.''.

SEC. 603. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 602, is amended by adding at the end the following new subsection:

''(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2001) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.''.

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. 604. SIMPLIFICATION OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCEDURES FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.

(a) REQUIRING STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION; DEADLINE FOR PROCESSING APPLICATION.—

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 602, is amended—

(A) by amending paragraph (2) to read as follows:

''(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;'';

(B) by striking the period at the end of paragraph (3) and inserting ''; and''; and

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

''(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application.''.

(2) CONFORMING AMENDMENTS.—Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2)) is amended by striking ''as recommended in section 104'' and inserting ''as required under section 102(4)''.

(b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.—Section 104 of such Act (42 U.S.C. 1973ff–3) is amended to read as follows:

''SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

''(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered ''an application for an absentee ballot for each subsequent election for Federal office held in the State through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot for each such election.''

''(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.

''(c) REVISION OF OFFICIAL POST CARD FORM.—The Presidential designee shall revise the official post card form (prescribed under section 101) to enable a voter using the form to—

''(1) request an absentee ballot for each election for Federal office held in a State ''for which the voter may be provided an absentee ballot under subsection (a)'', or

''(2) request an absentee ballot for only the next scheduled election for Federal office held in a State.

''(d) NO EFFECT ON VOTER REMOVAL PROGRAMS.—Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993.''.

SEC. 605. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: '', and ensuring that such officials are aware of the requirements of this Act;''.

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; and''; and

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

''(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.''.

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(b)), as amended by sections 603 and 605(a), is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

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

''(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).''.

(c) PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICE VOTERS.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by strking ''a general assessment'' and inserting ''a separate statistical analysis''.

SEC. 606. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) LIMITED USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under'';

(2) by striking ''this section'' and inserting ''this subsection''; and

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

''(b) USE AS POLLING PLACES.—(1) Notwithstanding any other provision of law, the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local public election, but only if such use is limited to eligible voters who reside on that military installation.

''(2) If a building located on a military installation is made available under paragraph (1) as the site of a polling place, the Secretary shall continue to make the building available for subsequent elections unless the Secretary provides to the appropriate State or local election officials advance notice, in a reasonable and timely manner, of the reasons why the building will no longer be made available as a polling place.

''(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local public election notwithstanding any other provision of law. If a facility is made available as the site of a polling place with respect to an election, the Secretary shall continue to make the facility available for subsequent elections unless the Secretary provides to the appropriate State or local election officials advance notice, in a reasonable and timely manner, of the reasons why the facility will no longer be made available as a polling place.''.

(2) Section 18236 of such title is amended by adding at the end the following:

''(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local public election notwithstanding any other provision of law.''.

(c) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following new sentence:

''This section shall not apply to the actions of members of the Armed Forces at any polling place on a military installation where a general or special election is held in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(2) Section 593 of such title is amended by adding at the end the following new sentence:

''This section shall not apply to the actions of members of the Armed Forces at any polling place on a military installation where a general or special election is held in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes of the United States (42 U.S.C. 1972) is amended by adding at the end the following new sentence: ''Making a military installation or reserve component facility available as a polling place in a Federal, State, or local public election in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, is deemed to be consistent with this section.''.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

''§2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections''.

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.''.

''3629. Reduced rates for official election mail.''.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of the Election Administration, established within the Federal Election Commission, exercised before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting ''and'' at the end;

(2) in paragraph (9), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under the National Voter Registration Act of 1993 before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking ''Federal Election Commission'' and inserting ''Election Assistance Commission''.

SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.

(b) PERSONNEL.—

(1) IN GENERAL.—The personnel employed in connection with the offices and functions of the

Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission.

(2) EFFECT.—Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.

SEC. 804. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203.

(b) TRANSITION.—With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ''or the Election Assistance Commission'' after ''Commission''.

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ''or the Election Assistance Commission'' after ''Commission''.

SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''the Election Assistance Commission,'' after ''Federal Election Commission,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. STATE DEFINED.

In this Act, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 902. MISCELLANEOUS PROVISIONS TO PROTECT INTEGRITY OF ELECTION PROCESS.

(a) CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.—Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: '', except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.''.

(b) PROHIBITING EFFORTS BY POLL WORKERS TO COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON BALLOT.—Section 594 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) Whoever''; and

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

''(b) For purposes of subsection (a), a poll worker who urges or encourages a voter who has not cast a vote for each office listed on the ballot to return to the voting booth to cast votes for every office, or who otherwise intimidates, harasses, or coerces the voter to vote for each such office (or who attempts to intimidate, harass, or coerce the voter to vote for each such office), shall be considered to have intimidated, threatened, or coerced (or to have attempted to intimidate, threaten, or coerce) the voter for the purpose of interfering with the voter's right to vote as the voter may choose. Nothing in this subsection shall prohibit a poll worker from providing information to a voter who requests assistance.''.

SEC. 903. NO EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Nothing in this Act and no action taken pursuant to this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Voting Accessibility for the Elderly and Handicapped Act, or the Americans with Disabilities Act of 1990.

(b) NO CONDUCT AUTHORIZED WHICH IS PROHIBITED UNDER OTHER LAWS.—Nothing in this Act authorizes or requires any conduct which is prohibited by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990.

(c) APPLICATION TO STATES, LOCAL GOVERNMENTS, AND COMMISSION.—Except as specifically provided in the case of the National Voter Registration Act of 1993, nothing in this Act may be construed to affect the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990 to any State, unit of local government, or other person, or to grant to the Election Assistance Commission the authority to carry out activities inconsistent with such Acts.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3295, the Help America Vote Act of 2001. This legislation is a culmination of a long series of hearings, discussions, and negotiations.

In crafting this bipartisan election reform bill, we heard from and consulted with groups from across the United States that represent the interests of voters, election officials, State and local governments, and others who care about this issue.

From the outset of this process, my goal was to craft legislation that could be supported by Members from both sides of the aisle. That is critical in this process.

Mr. Speaker, I recognize the gentleman from Maryland (Mr. HOYER), our ranking member of the Committee on House Administration, and all of the Members on both sides of the aisle from that committee, because if it were not for the gentleman from Maryland (Mr. HOYER), his diligence, and the integrity, the will and desire to improve elections in one of the most important bills in the history of this country in the election process, besides the Voting Rights Act, we would not be standing here today.

The fact that we have 173 cosponsors on the bill, 63 Republicans and 110 Democrats, more cosponsors than any other election reform bill in the House, I think demonstrates that we achieved the goal that we wanted. That is the way it should be. Improving our country's election system should not and cannot be a partisan issue. Everybody in the United States has the right to vote and has to feel secure that their vote counts.

Republicans and Democrats nationwide and here in this Congress agree on the necessity of ensuring that all citizens who wish to vote can, and that their votes will be counted accurately. This bill would advance us towards that goal.

The first title of the bill is the punch card replacement program. The title authorizes $400 million to allow those jurisdictions that used punch card voting systems in the November 2000 election to get rid of them. It is obvious that we need to get rid of these antiquated technologies and replace them with machines voters have confidence in.

I hope, Mr. Speaker, that one day the way we will see punch card machines in the United States is to go to the Smithsonian in order to view them. Mr. Speaker, this bill authorizes funds to make that happen.

This bill creates a new Election Assistance Commission called the EAC. This new commission will assume the functions of the Office of Election Administration currently under the Federal Election Commission.

The new EAC will serve as a national clearinghouse for the compiling of information and review of procedures affecting the administration of Federal elections. The EAC will also be charged with developing new voluntary election management practice standards. It will distribute the election fund payments, research and development grants, and pilot programs authorized by this bill.

I will point out that the name we chose for this commission is not by accident. The purpose of this commission is to assist State and local governments with their election administration problems; its purpose is not to dictate solutions or hand down bureaucratic mandates.

In fact, one of the first premises that our ranking member, the gentleman from Maryland (Mr. HOYER) and I agreed on, and we received sympathy on this issue around the entire Congress, I believe, is that it will not be a rulemaking body. It will have teeth, it will have an advisory board that the gentleman from Maryland (Mr. HOYER) has suggested, and a standards board of local officials across the U.S. that we had suggested, but in fact, it will not be dictating through rules and regulations on a daily basis of how local elections will be carried out.

The commissioners serve part-time. Of the four commissioners, no more than two can be from the same party, so bipartisanship is assured. Additionally, it must consult with and consider recommendations of the advisory board

and the standards board that I mentioned previously. These boards, again, will consist of election officials and other interested groups who have interest in or expertise in election issues. These boards will have a voice on this commission, and that voice will be heard.

In addition to the funds authorized for punch card replacement, this bill authorizes $2.25 billion for election fund payments to the States. The election fund payments will be used for a variety of things, from purchasing new equipment to updating registration systems, to assuring access for those with physical disabilities to the polls, to increasing poll worker education and training, sending sample ballots, and a wide variety of other uses that are, once again, good for the United States election system.

The fund is designed to allow a State to determine its greatest needs and to devote the resources to those needs. Along with these funds come funding conditions.

States that take fund payments must certify, for example, that they have provided $1 to match every $3 provided by the Federal Government, a 25 percent match. They also must demonstrate that they have established a statewide benchmark for voting system performance, and also that they have adopted the voluntary election standards developed by the new Election Assistance Commission, or they have developed their own standards that will do the job; and that they have in each precinct or polling place a voting system in place which is fully accessible to people who have a form of disability.

These funding conditions will ensure that the Federal dollars are spent appropriately, and that the EAC will monitor compliance with these conditions.

This bill also creates the Help America Vote program. This was an idea that the gentleman from Maryland (Mr. HOYER) brought forth that I think is tremendous. We have it at the high school level and at the college level. This program is designed to get the country's young people involved in the energetic give and take of public debate through our democratic process through volunteer service as nonpartisan poll workers and assistants.

One common view that we heard from election officials across the Nation in both parties was that there is a critical shortage of poll workers. This program will have the two-fold benefit of helping with this shortage, while also getting our young people involved in their democracy.

All of us in this institution constantly talk about getting young people involved in the process, getting them to be registered to vote. This component on this bill, this part, maybe has not been talked about daily in the media, Mr. Speaker, but it is, I think, one of the most valuable things also that we are doing in this bill.

Title V is the minimum standards section of the bill. During negotiations, some feared that having funding conditions was not adequate because voters who might live in States that did not take the funds would not be protected. Others opposed intrusive Federal mandates that could become burdensome and inefficient.

The minimum standards we included in this bill strike the appropriate middle ground. That is why I believe, Mr. Speaker, we see a wide variety of people from this House, Members from both parties, from all the political spectrums, who have cosponsored this, because we achieved that middle ground that we needed. The minimum standards guarantee certain protections for all voters in the United States without imposing an intrusive, federally-designed system.

There are seven minimum standards. Briefly, they are:

The State will implement a statewide registration system that is networked to every jurisdiction in the State;

The State has a system of file maintenance which ensures that the voting rolls are accurate and are updated regularly;

The State permits in-precinct provisional voting by any voter who claims to be qualified to vote;

The State has adopted uniform standards to define what constitutes a vote on the different types of voting equipment in use in the State;

The State has implemented safeguards to ensure that military service personnel and citizens living overseas have the opportunity to vote and have their vote counted;

The State requires that new voting systems provide a practical and effective means for voters with physical disabilities to cast a secret ballot;

And also, States that have technology that allows voters to check for errors must ensure that they are able to do so under conditions which assure privacy, and States replacing their voting systems must do so with machines that give voters the opportunity to correct errors before the ballot is cast.

The Commission will monitor compliance with these minimum standards, and can make a referral to the Justice Department in cases of noncompliance.

Mr. Speaker, this bill will also help assure the voting rights of our service personnel and overseas citizens. That was a huge issue, as we know, that has come to light, and we appreciate the work that many Members of the House did on this in giving input, people such as the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. REYNOLDS); the gentleman from Indiana (Mr. BUYER), and many others.

It includes a number of provisions that will make it easier for our service personnel to obtain ballots and transmit them in a timely fashion.

Additionally, we will require the Department of Defense to make sure that there are an adequate number of voting assistance officers assigned, and to make sure that ballots are properly postmarked so they cannot be challenged.

Mr. Speaker, this bill, once again, is the culmination of a lot of hard work. It is carefully crafted and written in the spirit of bipartisan and compromise. I think it is a package that really deserves support.

I also want to thank the gentleman from Missouri (Mr. BLUNT), who is a former Secretary of State. He gave us, from the first day forward, some dynamic ideas and great support on this bill.

Again, I want to thank the gentleman from Maryland (Mr. HOYER). We could not be here if it was not for his spirit on this, and his resolve to make sure that we have good elections in this country.

Mr. Speaker, this bill evolved from a punch card issue into something way beyond that that has teeth, that makes changes, but does it in a responsible way. That is why we have the support of local governments. Speaker Marty Stevens of the National Council of State Legislators and all their staff are supporting this bill; also President Jimmy Carter and President Gerald Ford; Phillip Zellico, the executive director of the National Commission on Election Reform; Ron Thornberg, a Republican Secretary of State from Kansas and president of the National Association of Secretaries of State; Sharon Priest, a Democrat from Arkansas and past president of this association; and Ken Blackwell, a Republican from Ohio.

On a bipartisan basis, the Secretaries of State stepped up to the plate to once again help us to craft this bill; Ralph Taber of NACO, Doug Lewis, executive director of the Elections Center, and many, many others.

The staffs of the Committee on House Administration on both sides of the aisle all came together to make these ideas gel, but all with the same spirit.

As we look around at what has happened to this country, as we look around at those who have tried to attack our very foundation, we realize that the election of individuals from all levels is important, because we do have the greatest democracy in the world. We want the people to feel comfortable with our election process.

□ 1345

This bill does that. It helps America vote, and I urge its support.

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

Mr. HOYER. Mr. Speaker, I yield myself 5½ minutes.

Let me at the outset say that no one could have had a more positive partner in working on this legislation than I had in the gentleman from Ohio (Mr. NEY). The chairman of the Committee on House Administration is dedicated and committed to producing a positive product. He has done that. I have been pleased to work with him in this process, and I thank him for his leadership.

Mr. Speaker, 1 year ago tonight in Bush v. Gore, the United States Supreme Court effectively determined the outcome of our last Presidential election. But today this House has an historic opportunity to let this day be remembered not for one of the most controversial decisions in the court's history, but for congressional action to protect our most cherished democratic right: the right to vote and the right to have that vote counted.

One hundred million Americans went to the polls on November 7, 2000, but an estimated 6 million, according to the CalTech-MIT study, failed to have their votes counted.

Thus, today, on this 1-year anniversary of Bush v. Gore, I am pleased to join our colleague, the gentleman from Ohio (Mr. NEY), the chairman of our committee, and Members from both sides of the aisle in strongly supporting H.R. 3295, the Help America Vote Act of 2001.

This bipartisan election reform legislation, the most widely supported election reform bill in the House with 173 cosponsors, addresses virtually every major election system flaw that came to light after our last national election. The Help America Vote Act is an important mixture of Federal assistance to States and minimum election standards.

It will require, not ask, but require, all States to adopt a state-wide voter registration system linked to local jurisdiction; in-precinct provisional balloting; a system for maintaining the accuracy of voter registration records; uniform standards for defining what constitutes a vote on different types of voting equipment in different parts of the States; assurances that overseas military voters have their votes counted; assurances that voters have the right and opportunity to correct errors; and practical and effective means for disabled voters to cast secret ballots on new voting equipment.

These election standards are not discretionary, nor are they dependent on the States' receiving Federal assistance under the bill. States shall enact them, and they shall be enforced.

The Help America Vote Act also authorizes, as the chairman has said, $2.65 billion for Federal election reform, which includes $400 million for buyout of the infamous punch cards. The remaining $2.25 million will help States establish and maintain accurate lists of eligible voters, improve equipment, educate voters, recruit and train poll workers, and assure access for disabled voters.

This bipartisan legislation is the product of numerous hearings, at least four in the Committee on House Administration, the most of any congressional committee this year, in which we received invaluable input from State and local officials.

Furthermore, this legislation has been endorsed by, among others, the National Commission on Federal Election Reform, known as the Ford-Carter Commission; the National Association of Secretaries of State; the National Conference of State Legislatures; the National Association of Counties; the National Association of County Recorders, Election Officials and Clerks; the Election Center; the National Federation of the Blind; and the League of Women Voters of Los Angeles County.

Why is this important? Because it is those individuals who will have to run elections, and the fact that they are supportive of these requirements and these procedures is critically important to the next election.

In fact, in a recent op-ed column in the Washington Post, former Presidents Ford and Carter observed: ''With the exception of the civil rights laws of the 1960s, this bill,'' that is on the floor today, ''could provide the most important improvements in our democratic election system in our lifetimes.''

This is an extraordinarily good bill. It is not a perfect bill, but it goes much further than anybody would have thought at the beginning of this session.

Finally, I want to specifically thank the gentleman from Michigan (Mr. CONYERS), the ranking Democrat of the Committee on the Judiciary, and the gentlewoman from California (Ms. WATERS), the chairman of the Democratic Caucus Special Committee on Election Reform. Their insight and tireless advocacy on this important issue has improved this bill. H.R. 3295, in fact, incorporates many of their recommendations.

This legislation is not a magic elixir. However, it will significantly improve the integrity of our election process, encourage voter participation and restore public confidence in our system. In short, it is a historic opportunity for this House to right the undemocratic wrongs in our election system.

Election reform is a down payment on the right that defines us as a people. That is an investment in democracy that I urge every one of my colleagues to make today. This is a good bill. Let us vote for it. Let us pass it to the Senate. Let us take action.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Horn).

Mr. HORN. Mr. Speaker, today, the House has an opportunity to address the many problems that were uncovered in past years' Presidential elections. In Florida and many other States, the past election made clear that there are serious doubts about how we conduct some of our elections.

This bill sets minimum Federal standards that the States must meet, and it provides more than $2.6 billion in Federal funds to help them meet those standards.

The bill specifically provides $400 million to begin getting rid of all the other punch card voting machines that were such a problem in Florida and many other places. Former Presidents Carter and Ford headed a national commission to examine solutions for all of the problems in our electoral system. They endorse this bill, so does the Los Angeles Times and dozens of other newspapers. It is a sensible step to protect the rights of voters, and we should pass it without further delay.

The legislation before us is well balanced, generally bipartisan. I congratulate the gentleman from Ohio (Chairman NEY) and the gentleman from Maryland (Mr. HOYER) for this wonderful bill that we have before us. They have produced excellent work in doing this; and the bill before us, H.R. 3295, the Help America Vote Act, offers a comprehensive and sensible response that will help to eliminate those doubts and restore the integrity and credibility of our elections.

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

Mr. HORN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman. The gentleman from California (Mr. HORN) has been involved since the very first day of this session and we introduced a bill that was not as comprehensive as this. The gentleman was a sponsor and has worked with us ever since. I thank him for his involvement.

Mr. HORN. Mr. Speaker, I thank the gentleman. The gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) have spent hours to do this. And when the 50 States say this is good, one can imagine that Members of this body think it is good.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Georgia (Mr. LEWIS). There is no one in this House, perhaps no one in this country, who has fought harder, risked more, shown more courage and commitment in assuring that every American has the right to vote.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for bringing this bill to the floor. I want to thank my friend and colleague, the gentleman from Maryland (Mr. HOYER), for yielding me time. I know this has not been easy for the two of you, but you brought us to where we are today.

Mr. Speaker, I rise today in support of moving the process of election reform forward. It has been over a year since the 2000 election and other elections have already been held. What happened in Florida last year and so many other places in our Nation must never ever happen again. Voters were denied the right to vote by incorrect voting lists, confusing ballots, and out-of-date voting machines.

The right to vote is precious. It is almost sacred. People died for the right to vote, and we must do whatever we can to protect that right. This is not a perfect bill. This bill is not a cure-all, but it is a step forward in correcting the problems with our election system and opening up the political process.

Many, many years ago I fought to give people a voice in the outcome of

elections, to get people included in the political process, to ensure their right to vote. And 40 years later I remain committed to that goal.

As I said before, this bill does not solve all of the problems, and it is not all that many of us wanted; but it does help to move this process forward this year, right here and now. It is past time that we address this important voting rights issue, and this bill is a necessary step in the right direction. I urge all of my colleagues to support this bill. It is the most important voting rights bill since the passing of the Voting Rights Act in 1965, 36 years ago. Vote for this bill.

Mr. NEY. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Michigan (Mr. EHLERS), who is also sort of the unofficial science advisor of the House Administration Committee and we appreciate his support.

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

Mr. EHLERS. Mr. Speaker, I am very pleased to rise in support of this bill. I rise on the premise that every registered citizen has the right to vote, can vote, and should vote. I also believe that every citizen who votes has the right to be assured that his or her vote is counted accurately and, furthermore, that that vote is protected against dilution by fraud of others who vote more than once or who vote illegally.

I have served in local, State and national office for over 25 years. During that time I have seen and participated in many elections. The problems we saw last year in Florida are not unique. These problems occur frequently, and I believe this bill will help to solve many of these election difficulties.

While we can debate the particulars of how to administer an election or which voting equipment to buy, we know that all voting equipment should be based on the strongest possible standards for usability, accuracy, security, accessibility, and integrity. In order to achieve all of that, I introduced a bill earlier this year, H.R. 2275, which would help to assist in establishing the technical standards for voting equipment, making use of the resources of the National Institute of Standards and Technology, which is uniquely qualified to do this. I am very pleased that those provisions of H.R. 2275 have been incorporated into the bill that is before us.

□ 1400

These provisions originally would have created a commission chaired by the Director of the National Institute of Standards and Technology and comprised of local election directors. This commission would have been responsible for developing voluntary technical standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems and voting equipment.

Those provisions have been carried over to this bill. It is a near perfect fit because it creates the process by which the Election Assistance Commission in this bill can develop and will develop technical standards, which currently are woefully inadequate under current guidelines. These provisions that have been inserted in this bill will help strengthen the bill, providing much-needed research into improving voting equipment.

This bill includes a grant program for developing better voting technology and making sure that our existing systems are secure. It also includes a research program inside the National Institute of Standards and Technology that will review, among other things, the role of human factors in the design and use of voting machines.

In summary, this legislation will ensure that the Election Administration Commission will have an effective, transparent, informed, and complete process for the development of voluntary technical standards for voting equipment and systems. I am very pleased to have participated in the creation of this bill, and I urge that we adopt it.

Mr. HOYER. Mr. Speaker, I am honored to yield 3 minutes to the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), my distinguished colleague on the Committee on House Administration who has worked very hard on this bill for the last 8 months.

Mr. FATTAH. Mr. Speaker, let me say first that I want to congratulate the principal sponsors of this, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER). Their work, along with the others on the committee, have really done a tremendous service for the country by moving this issue forward.

I join my colleague, the gentleman from Georgia (Mr. LEWIS), when he says that this is a necessary step towards election reform. It was just a year ago today that the Supreme Court ruled and stopped the vote counting in Florida. It was an international disgrace the way that the process unfolded, and with so many people's votes were discarded by machinery that did not work, or processes that did not comply with what was necessary to have every single person being able to cast a vote and to have that vote counted.

This bill moves us towards real election reform. It is imperfect, but it is part of a process in which I think that this is a bill that is much better than any of us could have hoped for leaving the House. We would hope that the other body will act and that then we would have a conference committee and a final product so that the people who we represent can be assured that in the next election, that some of the items that have been identified in this legislation, in terms of proxy voting and in terms of access and standards at the State level, and doing away with outdated machinery, along with the $2.6 billion in Federal resources that assist States in this effort, will be part of the final product.

So, again, I want to thank Chairman NEY, who I think has exhibited extraordinary leadership in moving this forward, and Ranking Member Hoyer, bringing together a bipartisan group of people. I am happy to be one of the principal cosponsors of this legislation.

I know there are some who are disappointed in the rule. I am disappointed in the rule. I would have preferred that we would have been able to have a more open process here on the floor in terms of the House fashioning its will. But I am mindful that as we go forward, we all have a responsibility and we are burdened with it to try to make real reform happen. And as we go forward and through this process today, I know that when we pass this out of the House, as has been mentioned before, that since the 1965 Voting Rights Act, this will be the most important voting rights legislation that the House has sent forward in many, many years.

So I want to urge the House to support it. I know that when we come to the final resolution on election reform, this bill will be the linchpin for the action that the entire Congress, along with a Presidential signature, will give to the American people; and that is a much better electoral system.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

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

Mr. TERRY. Mr. Speaker, I believe in the empowerment of local, county, and State governments. I believe that they, being closer to the people, can provide services better and cheaper. The Federal Government does ask that those local governments perform tasks on behalf of the Federal Government. Running elections is such a request. In fact, it is not a request, it is a mandate in the United States Constitution. Yet we do not partner and we do not help in the running of those Federal elections.

The consequences are outdated machines, poor election personnel training, poor coordination, bad voter lists, all making the system vulnerable to fraud. The Federal Government, with H.R. 3295, establishes that partnership, helping States and counties more efficiently run Federal elections.

This act enhances the credibility of the election system by providing some financial help to States and counties to upgrade from a punch card system to a newer technology less fraught with danger. It, importantly, also helps those States who moved forward to upgrade while Congress here debated, discussed and compromised.

This act helps to set minimum standards for elections, to avoid confusion in the future. It helps train election officials. It helps ensure, and this is an important aspect, it helps ensure that the votes of our overseas men and women, and those in the service, will count. It

requests States clean up their voter lists, and it allows our youth more participation in the process.

These are all extremely positive movements in the right direction for the future of our democracy, and I encourage my colleagues to help secure future elections by voting ''yes.''

Mr. HOYER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. BROWN), who has been as strong a voice on behalf of election reform as we have in this country.

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to thank the chairman and the ranking member both for their leadership on this matter.

One year ago today, 10 p.m., I was standing in front of the Supreme Court. And I tell my colleagues that it was the coldest night I have ever experienced in my life. And I am not talking about the weather. I am talking about when the Supreme Court selected the President of the United States.

Nobody feels more about this bill than I do, because my constituents were disenfranchised. There is no one in Florida who looks like me that believes we had a fair election in Florida. There is no one who looks like me that does not feel that we had a coup d'etat here in the United States. Harsh words. But the television today, and others, talked about what happened at the Supreme Court. But they said, well, everything is okay. Well, the end does not justify the means. We have to make sure that what happened in Florida never happens again.

Now, this bill is not a perfect bill. I have been an elected official for 20 years. I have never seen a perfect bill. But this bill is a perfect beginning, and I support it and urge my colleagues to vote for it. It starts us on our way.

One provision that I want to talk about that is in this bill is the provisional balloting, wherein 17,000 people would have had an opportunity to have their vote counted if that had been enacted.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today in strong support of H.R. 3295, the Help America Vote Act of 2001. I want to thank my colleagues, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for creating this bill that will strengthen our Nation's voting system and enhance America's democracy.

The 2000 election highlighted obviously the inaccuracies and inconsistencies in our voting systems. As the country waited to hear the final outcome of the Presidential election, many began to take a closer look at our voting systems. What we saw were outdated technologies and a lack of uniformity.

In my home State of West Virginia, 12 counties of the 55 counties still use the punch ballot. It is easily manipulated and archaic, but these 12 counties lack the funds to replace these machines. With the $3.6 million that West Virginia will receive in this bill, all those machines will be replaced.

But I think it is interesting to note that there are four other operating voting systems in our small State of West Virginia; optic scans, paper ballots, lever machines, and a highly innovative votronic technology. The lack of uniformity and compatibility creates confusion. This plan will help eliminate that. All States will be able to benefit from the flexible funds, which can be used to enable access to voters with disabilities, strengthen voter turnout, and to consolidate our statewide registration systems.

Voting for an elected official is the hallmark of American democracy. When citizens cast their votes, they are exercising a fundamental right that our forefathers worked to achieve for all generations. With our country at war, we must also be concerned now, more than ever, about ensuring the accuracy of the votes of our men and women overseas. This bill, H.R. 3295, addresses this concern.

Voting is an important and fundamental American right and should never be casually regarded. But our citizens need to have the confidence in their voting systems so they will eagerly and willingly cast their votes and feel confident that they are participating in a strong and efficient democracy.

Mr. Speaker, I urge my colleagues to support the bipartisan Help America Vote Act.

Mr. HOYER. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL), the distinguished former Mayor of Patterson, who has been involved in elections for a long time and worked very hard on election reform.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time, and thanks to the Chairman, the gentleman from Ohio (Mr. NEY), for all his work.

The great poet Langston Hughes asked, ''What happens to a dream deferred?'' Well, in the case of the dream of fair and equal treatment at the polls, a dream deferred is a dream denied. Let us defer these dreams no longer. Let us take this critical step to ensure that all Americans have their votes counted.

Last year's presidential election was a civics lesson for all of us. Not only did we learn that every vote counts, we learned that every vote is not counted. Although we all saw what happened in Florida, we realized the problems existed in every State and in every municipality.

In Atlanta's Fulton County, which uses punch card voting machines, one in every 16 ballots for president was invalidated. In many Chicago precincts that have high African American populations, one of every six ballots was thrown out. If we do not address this blatant irregularity and inequality, then we are letting down the thousands of Americans who take the time to vote each year.

This bill is the right approach. Buying out our punch card systems, improving equipment, recruiting and training poll workers, improving access for people with disabilities, and educating voters about their rights are the things we must be doing. And we should require States to adopt minimum election standards, whether it comes to voter registration or provisional voting.

When one voice is stifled because of outdated election procedures, it stifles our collective system, Mr. Speaker, as a Nation. And none of us should tolerate it any more.

Mr. NEY. Mr. Speaker, I would like to inquire as to how much time is remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio (Mr. NEY) has 10 minutes remaining and the gentleman from Maryland (Mr. HOYER) has 16½ minutes remaining.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I would like to thank the chairman for yielding me this time, and I rise today in support of H.R. 3295, the Help America Vote Act.

After experiencing the confusion and the uncertainty of the 2000 election, Congress must act to restore America's confidence in our voting system. H.R. 3295 does just that. This bill will strengthen our election system while ensuring lawful and impartial voting for every citizen.

□ 1415

Mr. Speaker, our government is based on participation by every citizen. The voice of the citizens in our government is heard through their vote. This legislation will ensure that every voice be heard. This bill not only allows citizens to vote with peace of mind, but also strengthens our democratic process.

The Help America Vote Act authorizes $400 million to buy out the problematic and outdated punch card voting machines, as well as establishing minimum standards for State election systems. Some of the requirements include that States have a voter registration system linked to local jurisdictions, systems to maintain the accuracy of voter registration records, and the adoption of uniform standards defining what constitutes a vote.

At a time when we honor the service of our brave men and women overseas, this bill includes a system to ensure that both uniformed military men and women and overseas voters have their votes counted.

As a member of the Committee on Science, I am proud to see that some of our provisions that our committee

passed earlier this year are included in H.R. 3295. One of the key provisions of the bill is the creation of the Help America Vote College Program. This important program would encourage college students to assist State and local governments in the administration of local elections by working as nonpartisan poll workers. By energizing our college students, we encourage young people to speak out, using both their voice and vote, to become more active in their government.

Mr. Speaker, there is a great need to improve the way our election system operates in America. We need to ensure that all Americans have their voices heard at the polls and their votes recorded fairly. I encourage all of my colleagues to support H.R. 3295.

Mr. HOYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me commend the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for the development of this legislation. I also thank the gentlemen for working with me and my colleagues, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Maryland (Mr. EHRLICH), to ensure that individuals who are visually impaired and blind are able to vote independently. We appreciate the inclusion of much of our amendment in the manager's amendment.

Mr. Speaker, the question I would like to ask the gentleman from Ohio is what does the gentleman envision by the term ''fully accessible'' as it relates to the bill?

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

Mr. DAVIS of Illinois. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I thank the gentleman for this very important question. It is my hope and expectation that ''fully accessible'' would mean that blind persons would have the ability to vote in private and have the ability to independently verify the vote cast.

Mr. DAVIS of Illinois. Mr. Speaker, I certainly appreciate that clarification and share the gentleman's expectation. I feel there is nothing more important than the right to the franchise and for the ability for all people to exercise that right independently and secretly. Again, I thank the gentleman for his accommodation and thank the gentleman for the development of this legislation.

Mr. NEY. Mr. Speaker, if the gentleman would continue to yield, I thank the gentleman for his very important work on this issue, and also for the work of the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. PORTMAN. Mr. Speaker, there is a broad consensus in this country that we need to make some commonsense changes to our election laws. I commend the gentleman from Ohio (Chairman NEY) and the gentleman from Maryland (Mr. HOYER), the ranking member, for reflecting those wishes from around the country and bringing them here to this House today to pass what is a truly bipartisan, truly commonsense approach to making our elections work better.

There is a lot to like about this bill. It provides States that still use punch-card voting systems with necessary funding to replace those outdated systems. This is something that came up in the last Presidential election, and something that needs to be addressed. It is not only a bipartisan issue, it is a nonpartisan issue that people care about at the local level.

It also takes steps to see that States will set up state-wide voter registration systems and make sure that voter rolls are properly maintained, which is very important to the integrity of elections.

It also encourages high school and college students to become nonpartisan poll workers to get involved in the system. But doing all that, it also respects the fact that State and local government must continue to be the overseers of the process of elections. There is a lot to like in this bill, including the way in which these two gentlemen put it together. I commend them and urge support from both sides of the aisle.

Mr. HOYER. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I want to say to the gentleman from Ohio (Mr. PORTMAN), I thank the gentleman for his words. There are, frankly, not very many better legislators in this Congress than the gentleman from Ohio (Mr. PORTMAN). He has done some extraordinary work through the years, and I appreciate his comments. I want him to know what a positive partner, as I said at the beginning of this process, the gentleman from Ohio (Mr. NEY) IS.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a former Secretary of State of Rhode Island.

Mr. LANGEVIN. Mr. Speaker, today I rise in support of H.R. 3295, the Help America Vote Act. Fixing the shortcomings in our election system is no easy task, and I commend the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for their tireless efforts to craft strong, bipartisan legislation, and for allowing me to assist in its development.

As Rhode Island's Secretary of State, I replaced our ancient lever voting machines with state-of-the-art voting equipment and created a system guaranteeing that every vote is counted and every person with a disability has 100 percent voting access; and that is exactly what we must demand in every State.

H.R. 3295 will let States like Rhode Island build on their successes. By counting State expenditures for ongoing election improvement programs toward the 25 percent State match requirement, these model States may implement new and innovative accessible voting technologies and serve as even better models for other States to emulate.

The Help America Vote Act also sets minimum standards for election administration and voting accessibility. Because 84 percent of the Nation's polling places are inaccessible to the physically disabled, I strongly encourage State election officials to follow Rhode Island's cost-effective model and guarantee to all Americans the fundamental right to vote independently.

This bill offers many good improvements, but we must go further. We must ensure full voting access to all people with disabilities. I have advocated for the access board to develop national standards and deadlines for polling place accessibility, and I will continue to push for this mandate.

Today's legislation will lay the foundation of a great new era of public participation in the democratic process. While it is not a perfect bill, it is an important first step in addressing the inequities of our Nation's voting systems, and I encourage my colleagues to support it.

Mr. NEY. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I thank the gentleman from Rhode Island (Mr. LANGEVIN). He has brought his expertise as Secretary of State to the table here in the House and has been a tremendous resource working with us throughout the process.

Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I, too, rise in support of H.R. 3295; and I, too, congratulate the sponsors for the work that they have done.

My State happens to be very advanced. We have a fully electronic system; and while some States such as Delaware have such a modernized voting system, we will be able to use these funds for voter outreach and training poll workers and making polls more accessible to disabled voters. There are a lot of good things in this bill.

Mr. Speaker, these gentlemen deserve congratulations; but I would like to speak to a couple of things. One, since I have been involved in elected politics, and I have seen all kinds of problems in Wilmington, Delaware, and the State of Delaware, I have seen a lot of improvements. The sanctity of the vote to people is of extraordinary importance. Americans have the right across the United States of America to feel that their vote is going to be counted and their vote counts as much as the President of the United States. That is at the heart of democracy, and that is why it is so important that Congress speaks to this today.

The fairness of elections is important. We need to feel it is not the Supreme Court, but the people of the United States of America who are deciding who our elected officials are

going to be. It is also very significant that we are addressing those problems as well; and the issues of disabilities are important. I hope all Members support the legislation.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I rise in support of the Help America Vote Act of 2001. I do this with some reservations. However, it is necessary that we pass this bill today. I thank the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for their persistence in bringing this bill to the floor.

The election of 2000 disenfranchised millions of voters and illustrated the shambles in which we find our current voting system. The right to vote is sacred and guaranteed by the Constitution. This right was made a mockery during the election of 2000. Congress must act to guarantee that every single vote is counted, and that did not happen in 2000.

Many citizens have died trying to secure and protect the right to vote in this country. James Chaney, Michael Schwerner, and Andy Goodman died in Philadelphia, Mississippi, in 1964 because of their efforts to protect the right of others to vote. I will not let their deaths be in vain. I hope that other Members of this body share that sensitivity. The bill is not perfect, but it is a compromise and a work in progress. Let us keep the process alive and vote for this bill. Let us send it to the Senate and allow them to work their will on their side.

The SPEAKER pro tempore. Does the gentleman from Ohio, the manager of the bill, yield for a unanimous consent request?

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I appreciate the efforts of the gentleman from Ohio (Mr. NEY) and all Members who have been involved in this legislation. Many of us have a concern, however, that although this addresses with some special funding States who have not been as diligent about updating their electoral machinery, although States which have been more apathetic are rewarded under this, there is no reward, no incentive, for States which have been diligent.

My State of Oklahoma is one such diligent State. Oklahoma spent $20 million to create optical scanning voting equipment in every precinct in every county in Oklahoma. I applaud the foresight of our former State election board secretaries, Lee Slater and Lance Ward, in doing so. The amendment, which was intended to be a part of a manager's amendment that ended up not being, is simply to say that States which have funded an optical scanner or electronic system on a state-wide basis would be reimbursed at the same per-precinct rate as States whose equipment we seek to replace under the bill.

REQUEST TO OFFER AMENDMENT

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent to offer the amendment at the desk.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Oklahoma?

Mr. PASCRELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN), the former Speaker of the House in Maryland.

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

Mr. CARDIN. Mr. Speaker, first, I congratulate the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for the manner in which they have brought forward this legislation. Along with the gentleman from Maryland (Mr. HOYER) and other Members of this body, I serve as a representative on the Commission on Security and Cooperation in Europe. That group monitors human rights and democratic issues in the European countries, the United States, and Canada. We have the responsibility at times to monitor elections in developing countries.

□ 1430

My point, Mr. Speaker, is that if our 2000 election was monitored by that body, it would not have passed international standards. I congratulate all that are responsible for bringing forward this legislation because it is an appropriate Federal response to start us down the road to guarantee to the American people that our State election process will, in fact, count every vote. It is the way that we should begin. It is good legislation, I urge my colleagues to support it, but let us not lose sight of the fact that we have a long way to go.

Mr. Speaker, I rise today in strong support of H.R. 3295, the Help America Vote Act. I want to commend the House Administration Committee for working in a bipartisan manner to bring this legislation to the floor. I am pleased to be an original co-sponsor of this very important legislation.

It has been a full year since the contested presidential election of 2000 which tested our democratic institutions. Last year the American people understood that our democratic process is more important than the victor, and the Americans accepted the outcome as final. That said, we must ensure that we as a nation never have to go through such an experience again. There must never be a question as to whether every vote was counted. We are the strongest democracy in the world and every American must be secure in knowing that his or her vote counts.

Mr. Speaker, this landmark legislation authorizes $2.25 billion for fiscal years 2002 through 2004 for payments to states for specified activities related to administering elections. In order to receive federal funding under this program, states must provide at least a 25% match of the federal funds. The bill authorizes the use of funds for states to replace punch card voting systems with more reliable voting systems, or to upgrade their existing voting equipment. Specifically, the bill authorizes $400 million for one-time payments to states or counties to replace current punch card voting machines with more reliable systems in time for the November 2002 elections.

The bill also establishes an Election Assistance Commission, with a $10 million annual budget, that would serve as a clearinghouse for information on federal elections, oversee the development of voluntary election standards, and provide funds to states to improve election administration. The bill also includes provisions intended to facilitate absentee voting by military and other overseas voters.

The bill requires states to adopt minimum election standards, and to make several important changes in their voting systems, including: a statewide voter registration system linked to local jurisdictions; in-precinct provisional voting when questions arise about a voter's eligibility; a system for maintaining the accuracy of voter registration records; uniform standards defining what constitutes a vote on different types of voting equipment; assurances that military and overseas voters will have their votes counted; assurances that voters have the opportunity to correct errors; and practical and effective means for voters with disabilities to cast secret ballots.

Mr. Speaker, I am also aware that for some civil rights organizations that this legislation does not go far enough to ensure every American's right to vote and to have every vote counted. I sympathize with this view, and would like to note that I am a co-sponsor of H.R. 1170, the Equal Protection of Voting Rights Act, introduced by the ranking member of the Judiciary Committee, Mr. CONYERS. H.R. 1170 seeks to strengthen federal Voting Rights Act protections for citizens pursuant to the guidelines set down by the United States Supreme Court in *Bush v. Gore.* In some respects H.R. 1170 goes farther to strengthen voting rights protections than H.R. 3295, and I would therefore urge the Judiciary Committee to mark up and report this legislation to the full House during the second session of the 107th Congress.

However, Mr. Speaker, we cannot allow the perfect to be the enemy of the good. The Help America Vote Act provides unprecedented federal resources to the states to modernize and upgrade their voting systems. The bill also requires states to adopt minimum election standards that will ensure that every vote is counted.

There are other very important provisions in H.R. 3295 that I would like to address.

For example, the bill strengthens existing civil rights protections. The bill is the first legislation to be reported by a house Committee that specifically requires state compliance "with the existing applicable requirements" of the ADA in the administration of elections. By expressly linking the ADA to elections, H.R. 3295 will give courts solid legislative foundation to apply ADA protections to the voting process. Moreover, one of the eligibility requirements for election assistance funding under H.R. 3295 is that there be at least one voting system available in each precinct or polling place that is fully accessible to voters with disabilities. Furthermore, it must be noted that the Help America Vote Act requires states

to certify that they are in compliance with the ADA, the Voting Rights Act, the Voting Accessibility for the Elderly and Handicapped Act, and the National Voter Registration Act.

In addition, the legislation addresses the second-chance voting requirement. The bill clearly prescribes that states must adopt an election standards that assures that voters have the opportunity to correct errors. Furthermore, H.R. 3295 requires jurisdictions that currently have voting machines that can detect errors to use that error-detection capability, and that all new voting machines purchased must be capable of detecting errors so that voters may correct possible errors.

The legislation also provides for voter education. Part of the $2.25 billion provided for states authorizes that states to ''educate voters about their rights and responsibilities.''

In conclusion, Mr. Speaker, Congress and the states have a lot of work to do before the next Presidential election in 2004. Voting is our most basic right, and Congress must take a role to ensure that all states have modern voting equipment that will count every vote accurately and fairly. Anything less than that weakens our democracy. I urge my colleagues to support H.R. 3295 as a critical first step in strengthening our democratic process.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, first I would like to thank the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) and the committee for the terrific job they have done on a piece of legislation that we need to pass.

I rise today to engage in a colloquy with my colleague from Maryland.

Millions of Americans now enjoy the convenience and security of voting at home by absentee ballot or, in my State, through an all vote by mail system. Is there anything in this bill that would define the home as a polling place with the intention of stopping or curbing absentee and at-home voting or, as we know it, vote by mail?

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentleman from Maryland.

Mr. HOYER. I appreciate the gentlewoman's request for clarification. I want to say emphatically, nothing in this bill defines anyone's home, nor do we interpret in any way a home as being included as a polling place with the intention of stopping or curbing absentee and at-home voting.

In recognition of Oregon's all-mail voting law, the bill exempted Oregon and other States with all-mail voting from the provisional voting requirements applicable to polling places. So nothing in this bill should be of concern to your State's all-mail voting process.

Ms. HOOLEY of Oregon. I thank the gentleman.

Mr. Speaker, I include the following letter for the RECORD:

STATE OF OREGON,
STATE CAPITOL,
Salem, OR, December 3, 2001.

Hon. DARLENE HOOLEY,
House of Representatives, Longworth Building, Washington, DC.

DEAR REPRESENTATIVE HOOLEY: It has come to my attention that H.R. 3295, the Ney-Hoyer elections reform bill, may come to a vote in the House as early as this week. I support this legislation but I request your assistance in seeking clarification on one section of the bill prior to a vote of the House. Clarification of this section could be very important in protecting Oregon's vote-by-mail system, which as you know is supported by an overwhelming majority of Oregonians.

Subtitle B—Voluntary Elections Standards, Section 221 (a)(1)(B), states that ''The Standards should provide that voters have the opportunity to correct errors at the precinct or other polling place, either within the voting equipment itself or in the operational guidelines to administrators for using the equipment, under conditions which assure privacy to the voter.''

I believe we need a clarification or assurance from the sponsors that they *do not* define the home as a polling place in a vote-by-mail or absentee voting environment. If the standard above were interpreted as applying to a home, it would have the effect of banning Oregon's vote-by-mail system for federal elections and absentee voting for federal elections in all states that allow it. It is hard to believe that the drafters intended to do such a thing, but a clarification could clear up any potential questions.

Thank you for your assistance in this matter. If you have any questions, contact Deputy Secretary of State Paddy McGuire or me at 503–986–1523.

My Best,

BILL BRADBURY,
Secretary of State.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE), one of our most distinguished members, a professor of political science, the author of many books on politics, who probably understands the election system as well as any of us.

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for his kind words, and I am proud to stand in support of this bill.

Mr. Speaker, last year's election revealed dangerous cracks in our voting system. This was most obvious in Florida where a month-long spectacle left Americans skeptical of the fairness and the legitimacy of our election system. But the problems were not limited to Florida. Studies have indicated that the votes of more than 6 million Americans went uncounted during last year's election cycle. The American people deserve better than that. They expect real election reform that ensures that every single vote counts and is counted.

H.R. 3295 takes a significant step toward improving the integrity of the election system and making certain that every vote will count. The bill grants $2.25 billion to help States educate voters about their rights; to improve equipment, ballots, and voter instruction; to recruit and train poll workers, and to improve access for disabled voters. The States would be required to implement basic standards for fair and accurate voting. This would include a statewide voter registration system linked to every jurisdiction, in-precinct provisional voting for voters whose credentials are challenged, and means for voters with disabilities to cast secret ballots.

H.R. 3295 also incorporates and builds on legislation I helped author, the Voting Improvement Act, H.R. 775. In particular, it would provide $400 million, up to $6,000 per precinct, to buy out unreliable and outdated punch card machines, the type of equipment that has the highest error rate.

Punch card machine use is widespread. Thirty-four percent of the American people cast their votes on this kind of machinery, including eight counties in my State of North Carolina. But a 12-year study done by CalTech and MIT found the spoilage rate for punch cards was unacceptably high, almost 3 percent nationwide. That means a million votes have been lost since 1988 due to punch card machine error and malfunction.

Mr. Speaker, now more than ever, we need to make certain that every American can participate fully and with confidence in our democratic form of government. We must ensure that every vote is counted. I urge my colleagues to take a significant step toward achieving this goal by joining me in support of H.R. 3295.

Mr. HOYER. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from New York (Mrs. MALONEY) who has done as much for counting every American as anybody in America and who has done as much for overseas voters as anybody in America working with our colleague, the gentleman from New York (Mr. REYNOLDS).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his kind words and his leadership and congratulate him and the gentleman from Ohio (Mr. NEY) for bringing this important bill to the floor which takes steps to correct the registration balloting and vote counting problems that disenfranchised so many Americans last year.

I also want to thank my good friend from the great State of New York (Mr. REYNOLDS) for being an important voice for the voting rights of Americans living abroad. We introduced a bill together, the Uniformed and Overseas Citizen Absentee Voting Reform Act and many of the elements of this bill are incorporated in the underlying important bill.

Though this legislation isn't perfect it's a positive step toward preventing another presidential election fiasco. The bill includes several improvements to the election process, including authorizing funds to help states and counties replace outdated punch card voting

systems. In addition, the bill establishes a minimum standard for state election systems to ensure that votes cast on all types of equipment are counted.

I would like to take a moment to discuss my concerns about the difficulty of Americans living abroad and participating in our election process. Congressman REYNOLDS and I introduced H.R. 1997, the Uniformed and Overseas Citizen Absentee Voting Reform Act of 2001. Though not all of the provisions of that legislation are included in this bill, this legislation does include many helpful provisions.

One would allow an absentee ballot application to apply to two consecutive general federal elections. These applications can be particularly difficult to obtain for overseas residents whose Board of Election in the U.S. do not keep regular business hours.

Another provision requiring the collection and publication of statistics on overseas voting by the states will fill a serious gap in our overseas voting monitoring system. The legislation also contains provisions to promote participation in voting assistance programs. They include providing voting assistance officers on military installations, and designating an office in each state, whose sole responsibility is to provide information on voter registration procedures and an absentee ballot application to any overseas citizen.

Passing the Help American Vote Act of 2001 would be a victory for the Democratic process. I urge a ''yes'' vote.

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise today in support of the Help America Vote Act and would like to commend Chairman NEY and Ranking Member HOYER for their unyielding and bipartisan work on this important legislation.

I also want to commend my colleagues who have taken to the floor today to talk about an issue that many of us 12 months ago would have found much more contentious than we have heard today. Long before there were wars and long before threats of anthrax on this Hill, we found ourselves locked as a Nation in a battle over the very integrity of the electoral process in America. In a bipartisan way, Chairman NEY and Ranking Member HOYER and the members of the relevant committee have come together and said, here is how we can come together to improve the very integrity of the electoral system, leaving past controversies over elections in the past, where they belong.

The Help America Vote Act will allow us to strengthen voter list management, voting standards, overseas military votes and even encourage the Nation's youth to participate more in our elections. And without encroaching upon States' rights in elections, we will also provide much needed resources for new machines.

I urge all of my colleagues to support this important bipartisan measure and strengthen the American voting system.

Mr. HOYER. Mr. Speaker, it gives me a great deal of pleasure to yield 1¼ minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), chair of the Congressional Black Caucus.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me quickly express my appreciation for the leadership of the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER). It has not been an easy job for them, and I understand that because I have been in touch this entire year. They have reached out and attempted to address what we consider a very fundamental right in any democracy, and most especially this one.

Winning and losing is all a part of a democracy. All of us can accept that, as long as we know that we can look upon this board and count the numbers correctly and get the results. The least we ask is for when people vote, that their votes be counted. We must make sure that their votes can be counted with the machinery that is needed.

I can appreciate the positive points in this bill of assisting those States who need assistance to implement this bill. I am hoping that as this bill moves along that it will be corrected and improved with more collaboration with the Senate side in conference. I do feel, however, that this is a step in the right direction.

Mr. HOYER. Mr. Speaker, I am pleased to yield 30 seconds to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER). After the Florida election debacle, we deserve a response. I would only say that this is a step in the right direction. The gentleman from Maryland knows that I would have voted against the rule and I am supporting the motion to recommit to address the disabilities issues and a lot of the civil rights issues, not specifically addressed in the Election Reform bill. I believe that this Congress must have a bill that can be signed by the President that includes the Conyers and Dodd legislative provision on Election Reform. But I do believe we have made the right decision to address the need for Election Reform by debating this legislation today.

Let me close by saying no matter what we do in election reform, we have to make sure we have a national holiday. I hope we will address H.R. 934 that provides us a national holiday that is different from Veterans Day to ensure that we all can vote, but we must move forward so that we can answer the questions raised by of the American people by confirming that every single vote must count.

Mr. Speaker, last week the House Judiciary Committee held a hearing on H.R. 3295, the ''Help America Vote Act of 2001'' and addressed one of the most important issues in America today: electoral reform.

I was pleased that the Judiciary Committee continued to address this serious issue, so that we can finally remedy the systemic disenfranchisement of voters evinced most dramatically and tragically by the 2000 presidential election.

The need for comprehensive electoral reform legislation is great. According to a report issued by Caltech and MIT, as many as 6 million Americans were denied their fundamental right to vote and to have their votes counted. More recently, in last month's Houston Mayoral runoff in Harris County, Texas, which I represent, a computer problem cut off access to the county's voter registration data base. As a result, voters were either turned away from the polls or were told by election officials that they could only vote if they had voter registration cards. Many could not vote at all.

The legislation before us today, H.R. 3295, is one of numerous efforts to reform a system which clearly needs fixing. As the Chair of the Congressional Election Reform Caucus, I applaud such efforts and would like to thank Congressman NEY and HOYER for their efforts. However, I am concerned with several problematic provisions in the bill which have the potential for the bill to fall short of the kind of comprehensive legislation that would ensure that every American's vote is cast and counted, particularly the aspect of the legislation that makes these standards voluntary and not mandatory.

I am particularly offended by the decision of the Rules Committee to preclude amendments to this legislation which would remedy several provisions that need correcting. For example, under Congressman MENENDEZ's proposed amendment, provisional voting which would help eliminate voting disparity, would have been included in the bill. Similarly, an amendment by Congressman DANNY K. DAVIS would have addressed the very serious problems of voter intimidation and fraud. Unfortunately, because of the closed rule, productive provisions like these will not appear in this bill.

Opponents of this bill in its current state make a compelling argument that it may actually reverse voting protections as provided under current law. First and foremost, the bill lacks standards requiring accessibility to voting for language minorities, disabled voters, and the elderly. Additionally, the bill lacks standards for voting rights education and for educating voters as to where and how to vote. Moreover, the minimum standards included in the bill are generally unenforceable because actions can only be taken against a state for failing to meet ''standards'' if the newly created federal agency receives credible information that the state has submitted false information. As such, the new agency would have no authority to gather information from the states.

Other problematic provisions are numerous. For example, the bill fails to ensure that Americans are allowed to cast important provisional ballots where their eligibility is questioned at the polls. The bill fails to ensure, regardless of race or ethnicity, that the voters have access to voting machines that perform accurately. The bill also deviates from current federal law by allowing for voter names to be ''purged'' from the voting rolls, and fails to provide protections ensured by computerized statewide voter registration lists. Finally, the bill fails to ensure that voters with disabilities are adequately assured of their voting rights, and fails

to ensure that all voters have access to machines that are easily and universally operable.

Alternatively, I believe that we should strongly consider the recent bi-partisan efforts of Senators DODD and DASCHLE, and Representatives CONYERS and MORELLA in their recent introduction of S. 565/H.R. 1170, the ''Equal Protection of Voting Rights Act''. This bill would provide greatly needed grants to states and localities for federal election administration systems that are part of state plans developed by the Governors and approved by the U.S. Attorney General. The requirements in the above legislature, S. 565/H.R. 1170 are mandatory. I am an original co-sponsor of that legislation.

Under H.R. 1170, states would have to include uniform national standards for accessibility, nondiscriminatory standards addressing election technology, provisional voting and sample ballots, and would be mandated to provide funds for voter education and worker training programs. Additionally, a truly bipartisan Commission on Voting Rights and Procedures would be created, consisting of 12 members; 6 appointed by the President, 3 appointed by Senate Minority Leader, and 3 appointed by House Minority Leader. The Commission would examine issues, develop ''best practices'' and issue a report within one year.

The report would include consideration of the best ways for the federal government to permanently assist state and local governments. H.R. 1170 is an important effort on behalf of America's right to vote deserving of all of our support.

Additionally, I would like to raise several key issues not addressed in either bill which are deserving of our attention. First, beyond the egregious voting irregularities already noted, millions of Americans were denied their fundamental right to vote simply because they were unable to vote due to prior work commitments. This is the phenomenon of voting disparity present in most elections in America between those who can afford to take time off work to vote and those who cannot. In fact, this perpetual disparity threatens the very fabric of our representational democracy.

In August, 2001 the non-partisan National Commission on Federal Election Reform, also known as the ''Ford-Carter Commission'' attempted to remedy this problem when it issued its policy recommendations with respect to electoral reform. Its premature recommendation for an Election Day holiday was as follows: ''in evenly numbered years the Veterans Day national holiday be held on the Tuesday next after the first Monday in November also serve as our Election Day.''

I take exception with this recommendation because it is precisely because of the sacrifices made by our Nation's Veterans for our freedom, our flag, and the American people that we are today able to vote. Their sacrifice, particularly in light of the September 11 attacks and the ongoing war on terror, reminds us that we cannot take our freedoms and democracy for granted. As such, this important day should be preserved and honored at all costs. That's why, on March 7, 2001 I introduced H.R. 934 which ensures that the fundamental right to vote is guaranteed to every citizen of the United States without interference with Veterans Day. H.R. 934 establishes Presidential Election Day on the Tuesday next after the first Monday in November in 2004 and each fourth year thereafter, as a legal public holiday so that all Americans can vote irrespective of their economic status. Importantly, it also recognizes the sacrifices of Veterans and the sanctity of Veterans Day by ensuring that Election Day never falls on Veterans Day.

I feel strongly that these issues should be noted in any discussion related to electoral reform.

While I thank the sponsors of H.R. 3295 for their efforts to reform our badly corrupted election system, the bill is lacking in several key areas, where other bills do not. The many areas for improvement in this bill should be addressed.

Mr. HOYER. Mr. Speaker, it gives me a great deal of pleasure to yield 1 minute to one of my very good friends in this House, the gentlewoman from Florida (Mrs. MEEK), who represents so ably South Florida, a former member of the State Senate.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for giving me this opportunity. It took me a very long time to get here. My father and my mother could not have stood here and expressed themselves as I am going to do today. I am thankful for that opportunity. It could be better, but we are at the point now to make it as good as we can.

Some good writer said a long time ago that perfect should not be the enemy of the good. I repeat it. Perfect should not be the enemy of the good. This bill is not a perfect bill, but it is a very perfect step. Many of the things that we have wished for and as I stood with my poor colleagues and poor constituents in Florida on Election Day, had you been there with me, you would have been happy today to come here and say ''yes'' on this bill, because you will have told this country you have helped America understand that even though how lowly or where they come from or what their nationality is, that this Congress would one day address this, even if by minimal standards only.

I want to thank again the gentleman from Maryland and the gentleman from Ohio for this bill.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS), one of the members of the Committee on House Administration who, as a freshman, was the Democratic leader with the Republican leader that worked together on election reform. He has been one of the most tenacious and effective advocates of meaningful election reform.

Mr. DAVIS of Florida. Mr. Speaker, at stake on Election Day was not just the selection of Al Gore or George W. Bush as President of the United States. What was at stake was the legitimacy of the process by which we made that choice. The bitter truth is that in Florida, my home State, the margin of error exceeded the margin of victory. Our fragile and somewhat faulty election system collapsed under the weight of the most closely contested presidential election in my lifetime.

The ultimate tragedy was that one year ago today when the Supreme Court effectively ended the recount, many Americans who voted on the losing side of that race had lost confidence in the legitimacy of the process. My State, Florida, as well as many other States, has been through as much soul searching on this problem and how to avoid repeating it than probably any State in the country. We came to some clear conclusions that were adopted in a State law that was enacted in Florida earlier this year. The crux of that solution, which is addressed in this bill today, is to replace the punch card machine with a technology that allows the voter the opportunity to verify that his or her vote is both complete and accurate.

This bill authorizes $400 million to Florida and States across the country to make that change. At a time in which the economy is dipping and State and local revenue is at a shortage, it is more important than ever that we adopt this bill and appropriate the entire $2.65 billion not just to replace the punch card machine but to educate voters, to train and recruit poll workers so that what happened in Florida will never happen again throughout the entire country. And when we have the next election for President or any election, regardless of how people vote, they will have confidence in the legitimacy of the process by which we as a democracy select our leaders.

Mr. HOYER. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

□ 1445

Mr. MORAN of Virginia. Mr. Speaker, the greatest democracy in the world deserves the best and most equitable electoral system. This bill will restore voter turnout and, most importantly, voter confidence. What happened a year ago was neither fair nor right. It was not fair to either of the candidates. This will ensure that we have fair, equitable elections; and I strongly urge unanimous support for this bill.

This legislation will ensure that all votes cast in elections count. It will assure that all states must meet minimum voting standards. It will also establish a new federal agency, the Elections Assistance Commission, to develop standards for voter registration, voter assistance programs for those citizens who serve in the military or live abroad, and vote counting.

The Ney-Hoyer bill also mandates that those jurisdictions that are receiving funds under the punch card replacement program, must consider the use of new technology by citizens with physical disabilities such as blindness.

Let us send a message to the American people, to our students and newly naturalized citizens eager to vote for the first time. Let that message be that we will build the best, most equitable electoral system possible.

This legislation is our best chance of increasing voter turnout and voter confidence in our electoral system.

I urge my colleagues today to vote for fair, democratic elections, by voting for the Help America Vote Act of 2001.

Mr. HOYER. Mr. Chairman, I yield myself 40 seconds to enter into a colloquy with the gentleman from Ohio (Mr. NEY).

Mr. Speaker, I have heard from some individuals who are concerned, as I am, that the section in this bill that clarifies the National Voter Registration Act, section 902(a), does not make reference to subsection (e) of 1973gg–6 of that act.

Is it the gentleman's understanding that this subsection (e) will remain in full force and effect with the passage of this bill?

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

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. NEY. To answer the question, Mr. Speaker, and to my distinguished colleague, yes. As the bill says in section 903, nothing in this bill shall supercede, restrict or limit the application of NVRA. Of course, subsection (e) remains in the law in full force and effect exactly as it is now, and this bill would not change that.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman. I would say to my colleagues that I am very concerned about provisional voting. It needs to be real. That is why I took such care to make sure that the National Voter Registration Act, known as motor voter, was not adversely affected in any way. I appreciate the chairman's assertion.

Mr. Speaker, I am pleased to yield 30 seconds to my friend, the gentleman from New York (Mr. BOEHLERT), I might say at the request of my distinguished chairman. I am pleased to accede to his request.

Mr. BOEHLERT. Mr. Speaker, the gentleman is getting much too conservative in his advanced years.

Mr. Speaker, I am especially pleased that the bill includes provisions of H.R. 2275, our Committee on Science's bill to reform voting technology standards. Standards are technical and arcane and obscure and sometimes even boring, but they can make the difference between having voting equipment that correctly tallies the public's votes and sowing confusion and chaos.

Our bill gives the lead role in developing standards to the National Institute of Standards and Technology, which is a premier Federal lab with unparalleled expertise in standards. We ensure that the best technical minds in the country will work with Federal, State and local officials on developing standards and on certifying the labs that will determine whether the standards are met.

The SPEAKER pro tempore (Mr. LAHOOD). Both sides have 2¼ minutes remaining. The gentleman from Ohio (Mr. NEY) has the right to close.

Mr. HOYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong opposition to H.R. 3295. As it is currently drafted, the Help America Vote Act of 2001 plainly fails to address the grave problems so many Americans faced in the 2000 elections and continued to face this year.

In our democracy, we must apply a gold standard when it comes to creating a fair, effective, and efficient electoral system. Americans citizens have fought, bled and died to protect all citizens from discrimination in their ability to vote. Therefore, the bloodied nose of the Rev. C.T. Vivian, and the use of fire hoses and the jailing of children to prevent some Americans from voting, must not be forgotten. The deaths of Schwerner, Goodman and Cheney must not be in vain. The struggle and advances in the 1965 Voting Rights Act and its extension and expansions in 1970, 1975, and 1982 must not be undercut. The Motor Voter Act must not be made less effective.

Congress needs to ensure that when it passes election reform legislation it truly solves the problems that voters throughout our nation encounter as they cast their ballots. Comprehensive electoral reform must move us forward with minimum mandatory standards that ensure uniformity and nondiscrimination. Under these standards all voters must have effective machinery that allows them to cast the vote they intend and to correct their ballot if they make a mistake. Comprehensive electoral reform must guarantee that legally registered voters are not erroneously purged from registration rolls, that voters are notified of and given the opportunity to cast provisional ballots, and finally, it must require that voters are informed of their rights under state and federal law. The one bill that goes the distance and addresses these problems head on is the Equal Protection of Voting Rights Act of 2001, introduced by Senator CHRISTOPHER DODD and Congressman JOHN CONYERS.

A simple examination of the details of the Help America Vote Act makes clear that there are serious problems that prevent it from bringing about true election reform and which actually take steps backward.

H.R. 3295 has inadequate minimum standards for machinery. It does not ensure that voting systems, even those newly purchased with federal monies, will be accessible, give the voter notice of overvotes and undervotes and the opportunity to correct their ballot before it is cast, and will meet a national error rate standard. Comprehensive electoral reform must provide these minimum requirements for all voting machines if it is to correct the problems that voters all over our nation faced on election day 2000 and 2001.

H.R. 3295 creates a loophole that allows states to opt out of provisional balloting. Provisional balloting is critical to ensure that registered voters have the ability to cast provisional ballots when there is confusion over issues of registration, identification or voting rights at the polling place. H.R. 3295 allows states to adopt "an alternative" to provisional balloting which in practice will undermine the access to and uniformity of provisional ballots. Furthermore, H.R. 3295 does nothing to guarantee that voters are aware of their right to cast a provisional ballot. More often than not, election officials do not provide adequate notification to voters that they can cast a provisional ballot. Therefore, for a provisional ballot measure to be meaningful and be a true safeguard, as it is intended to be, it must require that election officials notify voters that they can receive a provisional ballot and also notify the voter of the final result. Problems with registration cannot be remedied unless voters know whether their ballot is counted.

H.R. 3295 rolls back existing federal law that protects people from being purged if they have not voted. Two provisions in H.R. 3295 take a significant step backward to undermine the protections provided to voters against purging for erroneous information. These provisions turn the National Voter Registration Act of 1993 (the "NVRA") on its head by allowing state officials to remove individuals from registration lists because they have not voted in two successive federal elections and then don't respond to a notice. Current federal law does not allow voters to be purged from the rolls for not voting. However, the language of H.R. 3295 appears to allow such a practice and specifically amends a section of the National Voter Registration Act to change language which prevents voters from being purged for not voting. (See H.R. 3295, Section 502(2)(a) and Section 902(a)). Under these provisions, voters will be disenfranchised because the result of the purge is that they are not properly registered and, thus, cannot then have the safeguard of a provisional ballot to vote.

Additionally, H.R. 3295, as it is currently drafted, also eliminates the "fail safe" provision of the NVRA which allows voters to correct erroneous information that caused the purge and then confirm their address in writing so that they can cast their ballot at the polling place. (42 U.S.C. § 1973gg–6(g)). Without this provision voters can be removed from the polls with no opportunity to correct inaccurate information and will also not be able to cast an effective provisional ballot because the erroneous registration information drops them from the registration list so election officials will be unable to count the provisional ballot.

Finally, H.R. 3295 does not require full compliance with federal voting rights laws and offers no check on states to make sure they are in compliance. It is essential to election reform that as states contemplate how they will spend federal money there is a means to ensure that they are currently in compliance with existing federal voting rights laws. H.R. 3295 offers no such provision. This bill by simply allowing states to self certify their compliance, and only in area of "administering election systems" (which narrows where states need to be in compliance), offers no real protection for taxpayers as states spend millions of federal dollars without having to be in compliance with federal law. True election reform must have in place a mechanism that requires the Attorney General to check for compliance prior to releasing funds for electoral reform.

These provisions make clear, and other elements of the legislation confirm, that H.R. 3295, cannot meet the concerns and problems that voters continue to face at polling places around the country. Going part of the way, as H.R. 3295 would have us do, and turning back the clock on important current voting rights laws, is not an acceptable legislative compromise, but a compromise of principle of the right to vote. True election reform must safeguard existing law and then move to solve the problems

I urge members to vote "no."

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have come to a time after 11½ months of work on a bill which, although there is still controversy attached to it, has created, I think, great consensus. That consensus has been articulated on this floor, and that consensus is a conviction that every American ought to be assured the right to vote, full access to the polls and education so they know what they are voting for or against, and assistance in making sure that their vote is accurately cast.

In addition, we dedicate resources to ensure that the technology, once that citizen has voted, to make sure that that citizen's vote is correctly counted. As has been said on both sides of the aisle, it is central to democracy that that happen.

The former Governor of Delaware, one of our most respected colleagues, the gentleman from Delaware (Mr. CASTLE), said it best, that when on election day we vote and Americans go to the polls, both Presidents and paupers go to the polling place, and each will have his or her vote counted, and it will count equally.

That is the majesty of America; that is the general use of our democracy. That is central to our philosophy, and it must be our continuing commitment. For when one American's vote is not counted, when one American is prohibited by whatever means from coming to the polls, from casting their ballot, from participating in democracy, we lessen that democracy, and we lessen the promise of our Founding Fathers.

The gentlewoman from Florida (Ms. BROWN) said it best I think on this floor: "This bill perhaps is not perfect, but it is," as she said, "a perfect beginning."

Mr. Speaker, I urge all of my colleagues to vote for the Help America Vote Act.

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

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

Mr. KIRK. Mr. Speaker, I would like to thank the gentleman from Ohio (Chairman NEY), the gentleman from California (Chairman THOMAS), the gentleman from Maryland (Mr. HOYER), the gentleman from Rhode Island (Mr. LANGEVIN), and the gentleman from New York (Mr. REYNOLDS) for their support for my language which will allow polling places near military families.

This language clarifies an arcane statute that outlaws "military presence at voting facilities." It allowed the Department of Defense to vastly overreach their legislative authority in 1999 to ban polling on military bases. Nothing damages the military franchise more than this action.

The U.S. Code that our language amends was enacted in 1865 in response to irregularities during the 1863 elections. At that time it was an appropriate response. However, the 1999 DOD interpretation made voting for our men and women in uniform very difficult. When the DOD issued the directive to base commanders banning voting, it forced existing polling places to be closed; and according to CRS in an April 2000 survey, at least 20 States had to close polling places that were vulnerable. Some of these places had been voting for over 15 years.

It is time to return control of voting to local officials. I applaud the gentleman for putting this in and assuring that our military franchise is upheld.

Mr. NEY. Mr. Speaker, I yield 25 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, both sides had problems with the election. I think the number one thing that upset me was the dispatchment of hundreds of lawyers trying to disenfranchise our military from voting based on technicalities. I am also glad that this bill allows our military to vote on bases, because many of those young men and women cannot get off base for transportation. I want to thank both Members for this.

I would also like to thank the gentleman from Ohio (Mr. NEY) for during the anthrax scare on the Committee on House Administration, for his team working diligently with the gentleman from Maryland (Mr. HOYER) in correcting that.

Mr. NEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, let me just say that our patriots who founded this country and the veterans have over the years sacrificed for the greatest democracy, which we are humble to be a part of.

Langston Hughes, the great American poet, said, "Dream your dreams; be willing to pay the sacrifice to make them come true."

Many people have sacrificed to have our democracy so we can have our debate. What we are doing today is coming together to keep that dream alive, to keep it moving, and to help America vote.

I urge support of the bill.

Mr. HOYER. Mr. Speaker, I submit for the RECORD a clarification concerning Section 502(7) on line 16 of H.R. 3295, Union Calendar 201, regarding the term "error." In using the term "error", the Committee on House Administration referred to the findings of the National Commission on Federal Election Reform, also known as the "Ford-Carter Commission."

The Commission's definition of "error" is set forth in the accompanying letter from Philip Zelikow, executive director of the National Commission on Federal Election Reform, to me and dated November 16, 2001. It responds to a letter sent by me dated November 14, 2001. In complying with the Minimum Standard, the Committee on House Administration expects states and jurisdictions to buy voting machines that detect errors of the kind described in the letter, commonly referred to as "overvotes," "undervotes," and "residual votes."

The two letters follow:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, November 14, 2001.

Mr. PHILIP D. ZELIKOW,
Executive Director, The National Commission on Election Reform, Charlottesville, VA.

DEAR DIRECTOR ZELIKOW: In an effort to craft Federal policy addressing electoral reform recommendations contained in the Commission's report, the Commission's use of the word "error" has sparked much attention and debate. I would very much appreciate a response containing a definition of what the Commission contemplated in using the word "error" in the context of the Ford—Carter Commission report. I will use your letter to establish the legislative record regarding electoral reform legislation.

With kindest regards, I am

Sincerely yours,

STENY H. HOYER.

THE NATIONAL COMMISSION
ON FEDERAL ELECTION REFORM
November 16, 2001.

Congressman STENY HOYER,
House of Representatives, Longworth Office Building, Washington, DC.

DEAR CONGRESSMAN HOYER: Thank you for your letter of November 14. You asked how the Commission defined voter error in the context of the Commission's report.

In its discussions the Commission viewed voter error as occurring when a voter casts a ballot for a candidate whom the voter had not meant to choose, or when a voter unknowingly invalidates a ballot, or when a voter inadvertently fails to register a choice while having wanted to make one. Voters being human, not all voter errors can reliably be detected or avoided. Voter error also presents itself in many ways, depending on the voting systems and administrative practices in different jurisdictions. But the Commission did find that there are ways to reduce the likelihood of error. These include voter education, better equipment, improved software and ballot design, and more uniform and objective definitions of that actions will and will not be counted as a vote for each category of machine. All of these subjects are addressed in your current bill, H.R. 3295.

Please contact me if I can be of any further assistance.

Sincerely,

PHILIP ZELIKOW,
Eecutive Director.

Mr. HOEFFEL. Mr. Speaker, I rise in support of H.R. 3295, the Help America Vote Act of 2001.

The 2000 presidential election demonstrated the need for reform of the nation's electoral system.

There is no doubt that tens of thousands of voters were disenfranchised in the election. It is quite probable that similar numbers have been disenfranchised in other elections, but the closeness of the 2000 presidential election highlighted the problem like no other.

A nation that can launch a craft to a space station hundreds of miles above the earth, should be able to count every ballot accurately.

I believe the federal government must take a leading role in this effort by establishing minimum voting standards and providing funding to modernize voting systems. When you introduce technology into an election, it leaves

room for error. My Congressional district is a clear example of this.

Prior to my election to Congress in 1998, I served for seven years as a County Commissioner in Montgomery County, Pennsylvania, a County of over 700,000 people. During my tenure, I supervised the replacement of the old, mechanical voting machines in Montgomery County with those using the more modern advanced touch screen technology that are widely recognized as the most reliable voting machines in terms of accuracy of vote tabulation.

A Congressional study of the rates of uncounted votes in 40 congressional districts nationwide found that voters in Montgomery County were less likely to have their votes discarded than voters in most of the other districts surveyed. These results are directly attributable to the modern voting machines used in Montgomery County.

This bipartisan legislation before us today is not perfect; no bill is. However, H.R. 3295 is a good starting point to ensure that every vote is counted.

This legislation authorizes a total of $2.65 billion for federal election reform.

The Help America Vote Act provides states that use punch card voting systems with funding to replace these outdated and unreliable machines. Punch card machines produced the controversial ''hanging chads'' which illustrate how flawed our system of electing Presidents can be.

H.R. 3295 also requires states to adopt minimum election standards, including a statewide voter registration system, in-precinct provisional voting, assurances that voters who make errors will be able to correct them, and means for disabled voters to cast secret ballots on new voting equipment.

Mr. Speaker, I urge passage of the important legislation.

Ms. SCHAKOWSKY. Mr. Speaker, one year ago today the Supreme Court, by a vote of 5–4, determined the outcome of the 2000 Presidential election. Today, the U.S. House of Representatives, by considering the Help America Vote Act, is taking a measured step forward to ensure that future elections will be decided in the polling place instead of the courthouse.

During the 2000 election, six million votes were not counted and voters were turned away at the polls, harassed, or intimidated. The American people expected that, by now, Congress would have taken action on election reform so that history would not repeat itself. But until today, we have not.

I traveled the country with my colleagues, including Representative MAXINE WATERS, Chairperson of the Democratic Caucus Special Committee on election Reform, and met with disenfranchised voters, who demanded that the federal government repair the deficiencies of the last election. And we should have delivered on that demand months ago by passing the Equal Protection of Voting Rights Act of 2001, a comprehensive reform bill introduced by Representative JOHN CONYERS. That legislation, which is endorsed by civil rights, labor, disability and voter rights organizations, is the benchmark for true reform. It thoughtfully addresses concerns raised during last year's election, including voter records, accessibility, and equal opportunity at the voting place.

Now, with less than a year before the next general election, Congress is running out of time. The Equal Protection of Voting Rights Act is not scheduled for consideration by the House, and what is before us is the Help America Vote Act of 2001. By passing this bill, we are moving the legislative train out of the station. While the Help America Vote Act contains provisions I strongly support, including funds to help states improve some aspects of their election systems and to involve younger voters in the process, I believe this bill contains flaws that must be addressed.

I am concerned that the Help America Vote Act is broad and ambiguous and does not give clear direction to states, particularly in regards to provisional voting. I will work to strengthen that section of the bill. In addition, I strongly believe that Congress must set federal minimum standards to ensure that no eligible voter is denied the right to vote. However, the standards in the Help America Vote Act do not go far enough to ensure that all voters with disabilities have access to the polls and to guarantee that all machines notify voters of undervotes and overvotes. Furthermore, the legislation does not require states to provide adequate voting machinery to poor and minority districts.

This legislation is not the final answer to our election woes. As a matter of fact, far from it. However, this bill puts Congress squarely on record as supporting a measure of election reform. I commend the Democratic author of the bill, Representative STENY HOYER, for his dedication, and I pledge to work with him and my colleagues, including civil rights and election reform leaders MAXINE WATERS and JOHN CONYERS, to ensure that the final product truly addresses the serious flaws that resulted in last year's election fiasco. Every American is entitled the right to vote and the right to have his or her vote counted.

Mr. FORBES. Mr. Speaker, as a cosponsor of the Help America Vote Act, I rise in strong support of this landmark bipartisan legislation.

My home state of Virginia was one of the few states to hold an election this year. Thankfully, there appear to have been no major problems revealed in the administration of that election. But, the memories of the 2000 election are still fresh in the American mind and it is clear that we as a society must address the flaws that were revealed in that election cycle.

The Help America Vote Act is a fair and reasonable compromise on an issue that is still being hotly debated and considered in states across the nation. It provides $400 million in federal funds for a buy-out of the infamous punch card ballot machines. Great and honest minds can disagree about whether these machines have a substantially higher rate of error than other systems. But, one thing is absolutely clear: The American people have no faith in punch card ballots. There are strong alternatives available, and this federal funding will enable communities large and small to afford those alternatives.

The bill also provides a mechanism for getting more people involved in the civics of elections. We all agree that voting is an important civic duty. But, our responsibility as citizens does not end there. Voting only works when good people step forward and participate as electoral officers at polling places. These are the non-partisan assistants who give up a full day of work or personal time to make the process work. Unfortunately, the number of people who are participating in this way is waning. The Help America Vote Program and Help America Vote Foundation established by this legislation will go far to bring more people into this process.

I am also very pleased, Mr. Speaker, that this bill includes provisions of the voting standards legislation produced be the House Science Committee, of which I am a member, earlier this year. Debates about standards are arcane and technical, but they are vitally important to ensuring that the procedures we put in place work.

I am proud to be a cosponsor of this legislation, and I urge my colleagues to support it toady on the floor.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3295, the Help America Vote Act of 2001, which will effectively implement long-needed minimum election standards throughout our Nation. The flaws within our current system became widely evident during the 2000 Presidential election season. I had the opportunity in November of 2000 to serve along with some of my congressional colleagues as an observer during the Florida recounts. During that process, I observed first hand the problems of utilizing the antiquated punch card ballot.

Accordingly, following that election I joined my colleagues in calling for a broad and practical revision of the system. I commend my colleagues, the gentleman from Ohio Mr. NEY and the gentleman from Maryland Mr. HOYER in crafting a bi-partisan bill that addresses those concerns.

H.R. 3295 will provide individual States with the means to replace antiquated voting machines with newer, and more modern voting technology. Moreover, this legislation establishes a nonpartisan election assistant commission which will oversee the Nation's federal election process and ensure that minimum standards are being followed in federal elections. The commission will also implement a reporting procedure to ensure that individual States satisfactorily provide information to members of the armed services concerning absentee registration and voting in the state.

Also notable in H.R. 3295 is the ''Help America Vote College Program'' which encourages university students to take a more active role in our Nation's democratic election process by serving as nonpartisan poll workers or assistants. In promoting active and participatory public service by our Nation's young adults, our Nation's democratic tradition will be strengthened.

I thank my colleagues Mr. NEY and Mr. HOYER for introducing this timely and important legislation. It is high time we implement real reform in our Nation's election system. I am pleased to be an original co-sponsor of this bill and I urge my colleagues to support this measure.

Ms. HARMAN. Mr. Speaker, I rise in strong support of HR 3295, the ''Help America Vote Act,'' introduced by my colleagues, BOB NEY and STENY HOYER. The bill before us is an important step in reforming our electoral process and rebuilding public confidence.

We are well aware that our administration of elections was tested by last year's presidential election contest. The American political system proved resilient, but not before putting many aspects of the election process under a microscope. That microscope revealed many problems, beginning with ballot design, voting machines, and the rules by which registration

lists are respected and ballots counted. Most importantly, those problems were not isolated in one or just a few states.

The election fiasco did have the benefit of returning to the legislative agenda the issue of election reform. Beginning with the National Commission on Federal Election Reform and culminating in this bill, the cause of reform has taken significant strides since last November. We must continue that momentum.

Like the main sponsors of the bill, I believe we need to enact a bill that improves the balloting process before the 2002 elections. If we stake out the perfect positions—however principled—we could well face the same kind of delays and difficulties that prevented for months enactment of a much-needed aviation security bill. Election reform is needed and we must use the sense of urgency to achieve results, and achieve them quickly.

Importantly, the bill before us starts with the premise echoed in the Article I, Section 4 of the Constitution that ''the times, places and manner of holding elections . . . shall be prescribed in each State.''

This admonition is balanced against language in the same Section of the Constitution simultaneously giving Congress the discretion to alter such regulations. And, in fact, the exercise of that Congressional authority has been critical to protecting our citizens' right to vote and ensuring the basic fairness and integrity of the election process. H.R. 3295 is part of that historic legacy.

For my own State of California and County of Los Angeles, passage of the bill is critically important. Several months ago, California Secretary of State Bill Jones decertified every one of Los Angeles County's punch card machines. This means that Los Angeles County, the largest election jurisdiction in the United States with over 4 million registered voters, must purchase and install tens of thousands of new machines under an incredible time constraint. Conny McCormack, the Country Registrar-Recorder, estimates that replacing the machines will cost more than $100 million—an impossible financial burden without federal assistance.

H.R. 3295 provides that assistance—more than $2.6 billion to improve election systems through poll worker training, access for disabled, and removal of punch card ballot machines. In doing so, the bill strikes the right balance in setting out the federal government's role in this partnership by requiring every state to be in compliance with minimum standards.

These minimum standards will ensure that voter registration rolls be accurate and complete, making them less vulnerable to fraud and incorrect removal of eligible voters. The minimum standards will also allow for inprecinct provisional ballots, so that a voter who believes he or she has been wrongfully removed from the voter rolls will have the opportunity to immediately cast a ballot and have their eligibility determined later. The standards required by the Act will assist both military and overseas voters as well as voters with disabilities. Furthermore, the Act leaves every one of the existing, landmark voting rights laws intact and strengthens compliance.

Mr. Speaker, as a mother, I am well aware that perfection is not an option. The bill is endorsed by an impressive list of individuals, including California's Secretary of State, Bill Jones, who said the ''measure makes a critical investment in the foundation of our Republic.'' It is also supported by the co-chairs of the National Commission on Election Reform—Presidents Carter and Ford, Bob Michel and Lloyd Carter—who said in a recent Washington Post op-ed, that the commission's ''most important recommendations are fully adopted in (H.R. 3295).''

I urge prompt passage of H.R. 3295.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 3295. The 2000 Presidential election was a source of great controversy and diminishing confidence in our electoral system. Voters have a broad range of concerns resulting from the 2000 election, including outdated voting machines and procedures, potentially confusing ballots, allegations of ballot tampering and biased reporting, disenfranchisement, and the use of unethical practices to garner votes. Above all, the 2000 election made clear to all Americans that the election process in many parts of this country must be reformed.

I believe this legislation is a good start at correcting the flaws in our electoral system. This legislation authorizes $400 million to buyout the punch card voting machines that caused so many problems during the 2000 Presidential election. In addition, H.R. 3295 authorizes another $2.25 billion over the next 3 years to aid states in acquiring new voting equipment and improving their electoral systems with help and monitoring from a new, bipartisan Federal Election Assistance Commission.

Furthermore, I support this bill because it establishes minimum standards for state election systems, enforced by the Department of Justice and the Federal Election Assistance Commission, that would require states to have a voter registration system linked to local jurisdictions in the state, adopt uniform standards defining what constitutes a vote on the different types of voting equipment, ensure that absent uniformed and overseas voters have their votes counted, and give voters the opportunities to correct errors before they leave the polling place.

Finally, H.R. 3295 creates a small grant program which trains college and high school students to work at the polls on election day, thereby filling a crucial shortage of election personnel and encouraging participation among young people in the electoral process.

Mr. Speaker, I acknowledge this legislation could do more to help minorities and disabled Americans, many of whom were disenfranchised during the 2000 election. I expect changes to be made to this legislation during consideration in the Senate, and will support stronger provisions as a final version is crafted. However, this legislation moves the process forward and that is critical at this time. For these reasons, I support this legislation and encourage my colleagues to do the same.

Mr. REYES. Mr. Speaker, I urge my colleagues today to vote against H.R. 3295, the Help America Vote Act. While this bill makes efforts to improve our electoral system, I oppose it because it fails to provide key safeguards that ensure every voter will be able to cast a ballot and have that ballot counted.

As the Chair of the Congressional Hispanic Caucus, I proudly support the election reform principles our Caucus adopted earlier this year. Thanks largely to the hard work of Congressman CHARLIE GONZALEZ, who chairs the Hispanic Caucus' Civil Rights Task Force, we developed a set of principles which state that election reform should include minimum standards, guarantee accessibility for language minorities and the disabled, provide for provisional ballots, and establish a voter bill of rights.

Unfortunately, H.R. 3295 fails to adequately address these principles, which are tremendously important to Hispanic voters and those who expect fairness at the polling place. This bill was brought to the floor on the back of an unfair rule that did not allow any debate on critical amendments that would have made the difference between complete election reform that takes into consideration the principles I just mentioned, and incomplete reform, which, unfortunately, ignores the necessity of improving the electoral system for all voters with full consideration of their rights as participants in a democratic process. I therefore urge Members to vote against the rule and vote in favor of the motion to recommit.

Election reform legislation should establish and enforce minimum standards for election technologies, voter education, and election worker training. We cannot let local jurisdictions opt out of ensuring that our elections are fair and accurate. States and localities must comply with all federal voter rights safeguards, including those established by new election reform legislation and those guaranteed by the Voting Rights Act and the National Voter Registration Act.

Election reform legislation must reinforce the existing minority language provisions of the Voting Rights Act, which ensure that voters in areas with a significantly large language minority population can receive a ballot and election information in a language other than English. While this bill does contain language that would ensure accessibility for voters with limited English proficiency for optional activities, there is no reinforcement of existing language access requirements. These laws have been poorly enforced, as the 2000 election demonstrated, and many jurisdictions fail to comply with them.

To combat voter disenfranchisement, election reform must include poll worker training and a voter bill of rights that empowers voters through pro-active steps, including the use of sample ballots, that educate them about their rights and voting process. Voters have a right to know that if they are standing in line to vote before polls close, they can't be turned away; that they cannot be asked for more than one form of identification; and that they have the right to a provisional ballot.

Currently, H.R. 3295 does not significantly address these important issues. While it provides funds for new voting equipment, poll worker training and voter education, H.R. 3295 would allow jurisdictions to continue disenfranchising voters by using abysmally inaccurate voting machines and by poorly administering elections.

Based on these reasons, I hope my colleague will join me in voting against final passage of H.R. 3295.

Ms. KILPATRICK. Mr. Speaker, during the 2000 Presidential election, nearly 100 million Americans went to the polls to vote. Of those who went, nearly 6 million votes were discarded and thrown out due to faulty machines. In addition to these 6 million wasted votes, there were countless Americans who were not allowed to vote due to erroneous records and over zealous vote purging efforts. Many of

these people, unfortunately, were from poor and minority communities.

The election reform legislation we are considering today does not establish adequate voting rights protections to prevent many of the problems that we experienced in the 2000 presidential elections. According to Civil Rights Organizations like the ACLU, there are three goals that legislation must accomplish to achieve maximum election results. Voters should be able to count on uniformity of voting equipment and laws, adequate accessibility to the polls and accuracy in the accounting of votes.

A critical issue in any election reform measure is the enforcement of some minimum uniform standards for elections. After all, the Supreme Court rejected the Florida Presidential election recount because of the lack of uniformity in the standards used to recount the votes. I personally find it ironic that the Court chose to limit uniform standards to uniform state laws as opposed to uniform Federal laws, which would require all states to meet minimum uniform election standards.

The Ney-Hoyer bill does not adequately address the issue of uniform standards and in many ways continues wide and varied election practices from state to state. The Ney-Hoyer bill includes an opt-out provision that would allow any state to easily avoid complying with suggested federal standards.

The bill makes token suggestions to states to take greater efforts to address the serious problems facing non-English speaking minorities and the disabled in casting their ballots. Disabled and non-English speaking voters face hurdles to proper access due to physical and language barriers at the polling place. They, perhaps most of all, need a bill that provides voter education so that citizens know how to vote and are aware of the constitutional right to vote.

The bill simply encourages states to take steps to provide for provisional voting as opposed to mandating compliance with federal standards. This again allows states to choose whether or not to take steps that would make our voting system more uniform across the country. For example, provisional voting, which would allow voters to challenge erroneous records, is a highly recommended reform to our current voting system. Under this measure states are given the option to implement this recommendation.

The most disturbing provisions in the bill are provisions, I believe, that would push voters from the rolls. Under the legislation, voters would be disqualified from casting their ballots if they fail to vote in two elections and fail to respond to a mailed notice. This contradicts current law and subjects voters to continued vigilance to ensure that their names are not inadvertently removed from the voting rolls.

I am also disappointed that the rule only allows for an hour of debate on a bill that claims to be election reform. The rule only allows for one hour of general debate with no opportunity to amend the bill. How can we consider a bill affecting the most fundamental attribute of democracy—voting—and not have the opportunity to fully debate and amend the provisions of the bill? Furthermore the bill was not fully vetted by the appropriate committees in the House. Voting legislation is generally within the jurisdiction of the Judiciary Committee, which deals with issues of a constitutional or judicial nature. The Judiciary Committee never considered this bill.

I did not cosign this election reform bill. I cosponsored a bill offered by Mr. CONYERS, H.R. 1170, the Equal Protection of Voting Rights Act. I would add that Mr. CONYERS is the ranking member of the Judiciary Committee. That bill takes substantive steps to apply uniform voting standards across the country and provides enforcement mechanisms that ensure compliance with these standards. It was my hope that the Rules Committee would at least allow this bill to be considered as a substitute amendment to the bill. Once again, the leadership in the House has chosen politics over the people. Once again, the rights of the people, through their elected representatives, to consider all the relevant alternatives is being abridged. Once again, we are being forced to consider a limited measure that does not adequately address the concerns of the majority of the American people.

We are on the heels of the 2002 elections and we are just now considering an election reform measure. If the upcoming elections are anything like the 2000 presidential election, it is my fear that we are in for more of the same. Mr. Speaker, I urge my colleagues to vote against the rule and final passage of this token election reform legislation.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to H.R. 3295, the ''Help America Vote Act of 2001.''

I am particularly concerned about a problem my home state of Wisconsin will face under section five of the bill and its mandatory requirement that each state implement a statewide voter registration system. The state of Wisconsin does not require statewide voter registration in communities with populations of less than 5,000. This bill will require Wisconsin to comply by requiring registration at the expense of the local governments in communities where registration is not required by law. This legislative provision will place a substantial administrative and financial burden on the state and, perhaps result in an unfunded federal mandate.

Mr. Speaker, I also have a significant concern that my constituents in my home state of Wisconsin will be double taxed under Section One of H.R. 3295. That is the section which furnishes states with funds to buyout their punchcard voting machinery. However, Wisconsin has already phased out the use of punchcard voting systems on their own, at the expense of the local counties and municipalities, to the tune of over $650,000. How can it be justified that my constituents will be double taxed to pay for replacing punch card machines? The first tax paid by Wisconsin residents was in the form of local tax revenues and the second tax will be in the form of federal tax dollars.

And, let me be very clear here, the local tax revenues spent on punchcard machines could easily have been spent on other important local needs, especially if they knew federal money was on the way. The elimination of these punchcard systems may be a laudable goal, however, it clearly unfair to double tax the residents of Wisconsin in order to pay for upgrades in another state when that state did not determine it was important enough to them to use their own resources to pay for the elimination of punchcard ballots.

The basic principle of ''one person, one vote'' is one that crosses party lines, for voting is not a partisan issue, it is an American issue. All Americans want to know that the vote they cast, for the candidate of their choice, will be counted fairly and accurately.

Unfortunately, it is also the concern of a great many Americans that widespread voter fraud is diluting or cancelling out the value of their legally cast vote. For example, in Madison, Wisconsin, students from the University of Wisconsin bragged about voting two and three times in last year's presidential election. Coincidently these students recanted their statements when pressed. Perhaps it was when they realized that voting two and three times violated state and federal election laws. However, this is just one minor example of what has been allowed to occur in jurisdictions all around this country without any tangible consequences. Another example of rampant voter fraud can be found when examining the events surrounding the 2000 election in St. Louis, Missouri. There were hundreds of felons, non-citizens, duplicate and dead voters who cast ballots for candidates illegally. And in the city of Philadelphia, there were over 5,000 voters registered at vacant city-owned lots.

I strongly believe we must seriously examine allegations of voter fraud and press for the prosecution of those who are found to have violated existing laws. We should also examine existing federal statutes and the Department of Justice prosecution guidelines to determine if stiffer federal penalties and fines and greater enforcement is necessary. It should become routine that when evidence of voter fraud is found, perpetrators can expect to be prosecuted to the fullest extent of the law. For vote fraud is not a victimless crime. It is crime which erodes the integrity of the very system our forefathers put into place to insure the continuance of the freedoms we hold dear. It is time we get serious about insuring the integrity of the election process, and protecting the public trust in the election system of the United States.

This legislation does not go far enough to address the issue of voter fraud and it will continue to flourish without significant legislative changes. I fear that once this legislation is passed, this Congress will not come back to examine measures aimed at eliminating voter fraud, proposals such as requiring photo identification at the polls, requiring proof of citizenship and requiring removal of dead voters from current voting rolls are just a few provisions which need to be considered.

The individual states across the country have been hard at work in 2001 reviewing their election laws with a fine-tooth comb, identifying the weak spots and potential causes for concern, and, most importantly . . . developing solutions. Reforming election laws is a complex job but it is one that is *best* left to the states. This hard work will certainly continue into 2002 but look at what has happened so far at the state level: more than 1,770 bills have been introduced, 249 have been passed and 487 bills are still pending.

One of the most profound examples of state reform is in Florida where they have passed the most sweeping election reforms of any state so far. These reforms include, among other things, the banning of punch card ballots by providing $24 million to counties to purchase optical scan or electronic systems, $6 million for voter education and poll worker recruitment and training, and $2 million to create a statewide voter registration database. Their bill also provides for uniform ballot design, no-excuse absentee voting and provisional balloting. However, Florida made these changes

after consideration of their unique needs and goals without federal mandates from Congress, such as those required under H.R. 3295. And, many other states legislatures have followed suit by passing their own election reform bills without the direction from Congress. As was the case in Wisconsin a few years back, individual states are proving that they are the best able to determine what solutions will work effectively for their unique needs and the focus of election reform should be left to them.

Ensuring fair and honest elections by eliminating voter fraud, improving voting techniques, eliminating disenfranchisement, and respecting the constitutional role of the states and localities should not be partisan issues. Our fundamental system of elections is sound, and just as with all things, there is always room for improvement. However, we need to make certain that legislation does in fact provide improvement and not just rhetoric and that Congress is not simply throwing $2.65 billion at this issue so we can claim we've solved all alleged problems.

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 3295, the Help America Vote Act. The deeply troubled election of 2000 taught us many lessons. Chief among them was the need to improve our election system. When hanging chads and butterfly ballots kept the presidency in the balance, America's credibility as the oldest democracy in the world was compromised. The American people have overwhelmingly called on Congress to act, and this bill is at least a step in the right direction.

The Help America Vote Act does several things to improve our election system. First, it establishes minimum election standards that all states should meet. The bill requires each state to maintain a complete and accurate voter registration system and to maintain uniform standards on what constitutes a vote for different voting machines. It requires states to have safeguards ensuring that military and other overseas voters have their votes counted and ensures that voters who make errors in their ballots have the opportunity to correct them. The bill provides $400 million to replace unreliable punch-card voting systems, whose problems were so dramatically displayed on our television screen a year ago. It also authorizes another $2.25 billion to help states establish and maintain accurate lists of voters, improve equipment, recruit and train poll workers and educate voters about their rights.

Despite these good provisions, I have several serious concerns about the bill. First, the bill allows states to purge voters from the registration rolls if they don't vote in one election without giving them enough notice that their names are being purged. This weakens the very successful Motor Voter Law, which provides voters with these protections. In addition, the bill allows states to create alternatives to the provisional ballot, something that has allowed citizens who are not registered to vote to still have their voices heard. This bill provides no standard to ensure that all wishing to vote will be able to do so on election day. Finally, the bill is woefully inadequate in providing protection for people with disabilities and those with limited English ability. The bill should ensure that all Americans, regardless of color, creed, or handicap, have the ability to cast a vote and have it counted.

Nevertheless, I support H.R. 3295 because it moves the process of election reform forward and I think is an improvement from the status quo. It is unfortunate, however, that the House Leadership refused to allow amendments to the bill that would have corrected its flawed provisions. I will work with my friends in the Civil Rights, disability and labor communities to make this bill better. I am hopeful that the Senate will also pass an election reform bill and that we can improve upon this bill in conference. The election of 2000 revealed gaping holes in our election system. To maintain our nation's standing around the world and, more importantly, to maintained government's credibility with our own citizens, the Congress must make reform a top priority.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 311, the previous question is ordered.

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

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

MOTION TO RECOMMIT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MENENDEZ. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MENENDEZ moves to recommit the bill H.R. 3295 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendments:

Amend section 502(2)(A) to read as follows:

(A) A system of file maintenance which removes registrants who are ineligible to vote from the official list of eligible voters consistent with the National Voter Registration Act of 1993.

Amend section 502(3) to read as follows:

(3) The State permits, by the deadline required under section 505(b), in-precinct provisional voting by every voter who claims to be qualified to vote in the State, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, all votes in the State in general elections for Federal office are cast by mail. Under the in-precinct provisional voting described in the previous sentence, if the name of an individual who claims to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(A) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(B) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(C) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the claim made by the individual in the affirmation required under subparagraph (B);

(D) if the appropriate State or local election official verifies the claim made by the individual in the affirmation, the individual's vote shall be tabulated; and

(E) the appropriate State or local election official shall notify the individual in writing of the disposition of the individual's claim and the treatment of the individual's vote.

Strike paragraphs (6) and (7) of section 502 and insert the following:

(6) Effective January 1, 2006, the State requires all voting systems—

(A) to be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired which provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(B) to provide alternative language accessibility for individuals with limited proficiency in the English language with respect to each political subdivision in the State for which, as determined by the Director of the Bureau of the Census—

(i) the number of voting-age citizens who have limited proficiency in the English language and who have a single language other than English as their first language is at least 5 percent of the total number of voting-age citizens,

(ii) in the case of a political subdivision which contains all or any part of an Indian reservation, the number of voting-age American Indian or Alaskan Native citizens within the reservation who have limited proficiency in the English language is at least 5 percent of the total number of voting-age citizens on the reservation, or

(iii) there are at least 10,000 voting-age citizens who have limited proficiency in the English language and who have a single language other than English as their first language.

(7) Effective January 1, 2006, the State requires all voting systems—

(A) to permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated;

(B) to notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for a single office or fewer votes than the number of candidates for which votes may be cast; and

(C) to provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(8) Effective January 1, 2006, the State requires that the error rate in counting and tabulating ballots by all voting systems may not exceed the error rate provided under the voting system error rate standards developed pursuant to section 504(a)(2).

(9) Effective January 1, 2004, the States requires all polling places to be accessible to individuals with disabilities and other individuals with special needs.

Amend section 503 to read as follows:

SEC. 503. ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall be responsible for verifying that State certifications under section 501 are accurate and for enforcing the requirements of section 502 with respect to State election systems, in accordance with such regulations as the Attorney General may issue.

(b) RELIEF.—

(1) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this title.

(2) RELATION TO OTHER LAWS.—The remedies established by this subsection are in addition to all other rights and remedies provided by law.

(c) ACTION THROUGH ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS.—The Attorney

General shall issue regulations pursuant to this section, and shall otherwise carry out the Attorney General's responsibilities under this title, through the Assistant Attorney General for the Civil Rights Division.

Insert after section 503 the following new section (and redesignate the succeeding provision and conform the table of contents accordingly):

SEC. 504. TECHNICAL SPECIFICATIONS AND GUIDELINES.

(a) IN GENERAL.—

(1) ACCESSIBILITY REQUIREMENTS.—In consultation with the Election Assistance Commission and the Office of Civil Rights of the Department of Justice, the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) (hereafter in this section referred to as the ''Compliance Board'') shall develop technical specifications with respect to each of the following:

(A) The voting system accessibility requirements (relating to individuals with disabilities and other individuals with special needs) described in section 502(6)(A).

(B) The polling place accessibility requirements described in section 502(9).

(2) OTHER REQUIREMENTS.—In consultation with the Election Assistance Commission and the Compliance Board, the Office of Civil Rights shall develop technical specifications and guidelines with respect to each of the following:

(A) The provisional voting requirements described in section 502(3).

(B) The alternative language accessibility requirements described in section 502(6)(B).

(C) The requirements relating to the correction of errors in voting systems described in section 502(7).

(D) The voting system error rate standards described in section 502(8).

(b) DEADLINE FOR INITIAL SPECIFICATIONS AND GUIDELINES.—The Compliance Board and the Office of Civil Rights shall each develop the initial set of technical specifications and guidelines under subsection (a) not later than 1 year after the date of the enactment of this Act.

(c) PROVISION OF CONTINUING INFORMATION.—After preparing the initial set of technical specifications and guidelines under subsection (a), the Compliance Board and the Office of Civil Rights shall continue to provide information to assist the Attorney General in carrying out this title, including preparing revised technical specifications and guidelines at such times as the Attorney General considers appropriate.

In section 505 (as redesignated above)—

(1) in subsection (a), strike ''subsection (b)'' and insert ''subsections (b) and (c)''; and

(2) add at the end the following new subsection:

(c) OTHER DEADLINES.—(1) The minimum standards described in paragraphs (6), (7), and (8) of section 502 shall apply not later than January 1, 2006.

(2) The minimum standard described in section 502(9) shall apply not later than January 1, 2004.

Amend section 902 to read as follows:

SEC. 902. PROHIBITING EFFORTS BY POLL WORKERS TO COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON BALLOT.

Section 594 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) Whoever''; and

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

''(b) For purposes of subsection (a), a poll worker who urges or encourages a voter who has not cast a vote for each office listed on the ballot to return to the voting booth to cast votes for every office, or who otherwise intimidates, harasses, or coerces the voter to vote for each such office (or who attempts to intimidate, harass, or coerce the voter to vote for each such office), shall be considered to have intimidated, threatened, or coerced (or to have attempted to intimidate, threaten, or coerce) the voter for the purpose of interfering with the voter's right to vote as the voter may choose. Nothing in this subsection shall prohibit a poll worker from providing information to a voter who requests assistance.''.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes in support of his motion to recommit.

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

Mr. MENENDEZ. Mr. Speaker, there is one principle alone that should be guiding our debate on this election reform, and that is every American has a full and equal opportunity to vote. It is a simple but extraordinarily important proposition, because it forms the justification of and expression for our democracy.

Any undermining of that principle, even the perception of undermining, can do great damage to us.

One person, one vote. We all know the questions about our system that the last Federal election left with our citizens. We must never allow a repeat of that. The Ney-Hoyer bill is a good step in that direction. Most importantly, their bill commits the resources we need to replace outdated voting systems. However, the bill turns a standard we passed in the Motor Voter Act on its head.

The Motor Voter Act says that before someone is removed from the voting rolls, they must be given written notice, and then have two elections to correct the removal at the ballot place before the removal is finalized. The Motor Voter Act stands for the principle that before you take away someone's right to vote, you give them a chance to prove they are still legally voting in the correct place.

The bill as written, however, says if you fail to vote in two elections, you can be purged from the rolls. In other words, if you do not vote, you can lose the right to vote. Our motion simply states that the rules of the Motor Voter Law should continue to govern.

Given the number of false purges we saw in the last election, it is critical that the right to provisional voting is guaranteed. There should be no need for alternatives. If an improperly purged voter is turned away on election day, that error is irreversible.

For disabled voters, the bill requires that States provide a ''practical and effective'' means to vote. Keeping in mind the guiding principle of equal and full access, we believe ''separate but equal'' is not good enough for disabled voters. With our technology and ingenuity, there is no reason why we cannot create uniform systems that can accommodate almost all of our disabled and non-disabled voters, and our amendment allows 4 years to make the necessary changes.

The bottom line is that currently 14 million disabled voters cannot cast a secret ballot, and there is no excuse for this. The bill does not guarantee that this will change. Our motion does.

For voters with different native languages, the Ney-Hoyer bill relies on current law. We simply give that standard to any other group of Americans so situated.

These are Federal elections, and we have a responsibility to ensure that a voting procedure in Florida is subject to the same minimum standards as a voting procedure in New Jersey. That is why our amendment gives the Attorney General the direct responsibility for certifying that States are in compliance with the minimum standards in this bill, without an intermediary. It is that important.

How many of us would be satisfied with the counsel of patience and delay if it were our right to vote that was being compromised? Very few of us, I think. When it comes to the right to vote, there is no margin for error. Every vote must be ensured, counted and protected equally. But in all of these ways, our motion eliminates the margin for error and makes it better. So I certainly urge my colleagues to support the motion.

Mr. Speaker, I yield to the distinguished gentlewoman from Texas (Ms. Eddie Bernice Johnson), the Chair of the Congressional Black Caucus.

(Ms. Eddie Bernice Johnson of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, several universities and news organizations have conducted studies, and every study has found that votes cast are not being counted. The House Committee on Government Reform minority staff conducted a study in 40 congressional districts and found that the highest percentage of undervotes were in places which had poor and minority populations.

Mr. Speaker, there are volumes of evidence which clearly and convincingly prove that the election system in this country is broken and must be fixed.

□ 1500

We deeply believe in a need to safeguard the rights and liberties of the American people. I join the gentleman

from New Jersey (Mr. Menendez), the gentlewoman from Connecticut (Ms. DeLauro) and the gentleman from Connecticut (Mr. Shays) in offering this motion to recommit. I joined them in requesting that the Committee on Rules, once again, allow the amendment, which would only allow purged voters from the voting rolls through means consistent with national voter registration and for the handicap to have the ability to vote, and provisional voting.

Mr. Speaker, I will submit the rest of my statement. This is so basic and fundamental to our democracy. I just cannot imagine anyone not being in support of these recommendations that we made to make this democracy real.

Mr. MENENDEZ. Mr. Speaker, I yield the balance of the time to the gentlewoman from Connecticut (Ms. DeLauro).

Ms. DELAURO. Mr. Speaker, our entire system of government is based on the premise of one person, one vote. For our democracy to work, people must have confidence that their vote counts. We have a responsibility to do all that we can to make sure that every citizen is able to fully exercise their fundamental right to vote.

This motion to recommit ensures that polling places are accessible, voting equipment is updated, voters are not mistakenly taken off the rolls, and that these standards are endorsed.

In cities and towns across this country it remains more difficult to go to the polls and cast a vote than it is to make a simple withdrawal from an ATM machine. There is something wrong with that, I say to my colleagues.

The world looks to America as a shining example of democracy in action. We need to act today to ensure that every American has the right to participate in that democracy by casting a vote that will be counted. I urge my colleagues to vote ''yes'' on the motion to recommit.

Mr. NEY. Mr. Speaker, I rise to stand in opposition to the motion to recommit, and I claim the time in opposition.

Mr. Speaker, I yield 40 seconds to the gentleman from Maryland (Mr. Hoyer).

Mr. HOYER. Mr. Speaker, I rise simply to say that the objectives of this motion to recommit I think are worthwhile and good, but I want to make the record clear. The gentleman from Ohio (Mr. Ney) and I have had a colloquy on section 3 of the National Voter Registration Act. It is the committee's view that nothing in this bill changes or diminishes in any way any provision, including provisional voting, of the National Voter Registration Act. In fact, I made it a condition to my participation in the bipartisan bill that that be the case.

In addition to that understanding with the gentleman from Ohio (Mr. Ney) and all of us on the committee and the staff, we have contacted the Attorney General's Office and I would include at this point in time in the RECORD a letter that was received by the gentleman from Ohio (Mr. Ney) and myself on December 10, 2001 from the Assistant Attorney General.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, December 10, 2001.

Hon. STENY HOYER,
Ranking Minority Member, Committee on House Administration, House of Representatives, Washington, DC.

DEAR CONGRESSMAN HOYER: This letter responds to your letter of November 29, 2001 regarding the effect of H.R. 3295. the ''Help America Vote Act,'' upon the National Voter Registration Act of 1993 (''NVRA'').

Although several provisions in the bill affect the list maintenance provisions in section 8 of the NVRA, it is evident that the bill is not designed to modify the NVRA and, in fact, it does not alter or undermine the NVRA's requirements. Section 903 of the bill itself specifically provides that nothing in H.R. 3295 ''shall supercede, restrict or limit the application of . . . NVRA,'' that nothing in the bill ''authorizes or requires any conduct which is prohibited by the NVRA,'' and that nothing in the bill ''may be construed to affect the application of the . . . NVRA . . . to any State'' (except as specifically provided in the bill). These provisions would guide the Department's enforcement efforts if the bill becomes law.

Various parts of the bill reference the NVRA and appear designed to clarify and strengthen enforcement of the NVRA's list maintenance provisions. Section 502(2) would require all 50 States and the District of Columbia, Puerto Rico, Guam, American Samoa, and the United States Virgin Islands to adopt a system of list maintenance ensuring that voter registration lists are accurate and updated regularly, and that removes registrants who are ineligible to vote. Under this system, ''consistent with the [NVRA],'' registrants who have not voted in 2 or more consecutive Federal general elections and who have not responded to a notice would be required to be removed from the list of eligible voters, except that no registrant could be removed solely by reason of failure to vote. This system also would have to have safeguards to ensure that eligible voters were not removed in error. Section 501(a)-(b) would require all States to enact legislation to adopt such a list maintenance system, but properly would leave States discretion as to the specific methods of implementing such a system.

Secton 902(a) entitled ''Clarification of ability of election officials to remove registrants . . . on grounds of change of residence,'' would amend the NVRA's existing requirement (at 42 U.S.C. 1973gg-6(b)(2)) that any general program not result in removal of voters' names due to their ''failure to vote.'' However, the amendment in section 902(a) merely would clarify that nothing in section 19733gg-6(b)(2) was intended to prohibit a State from using the procedures already in sections 1973gg-6(c)-(d) to remove the names of voters who have not voted or have not appeared to vote in two or more consecutive Federal general elections and who have not notified the registrar, or responded to a notice sent by the registrar, that they intend to remain registered in the jurisdiction. As an amendment to the NVRA, this provision would apply only in the 45 jurisdictions covered by the NVRA (44 States and the District of Columbia).

In view of the bill's several affirmations that removal of names from voter rolls should be carried out in a manner consistent with the NVRA and in view of the general affirmations in section 903 that the bill will not restrict or limit the NVRA, the bill's list maintenance provisions can and should be read consistently with the NVRA's existing list maintenance procedures, which basically are: section 1973gg-6(c) suggests the Postal Service National Change of Address program as one example of a means of identifying voters who have become ineligible because they have moved outside the jurisdiction. Section 1973gg-6(d) them provides a confirmation process that States must follow before removing voters identified as potentially ineligible due to having moved. As above, voters may be removed if: (1) they do not respond to the registrar's notice and do not vote or appear to vote in two Federal general elections; or (2) they confirm in writing that they have moved outside the jurisdiction.

Many States, following guidance from the Federal Election Commission, legislatively adopted or legislatively revised list maintenance provisions after passage of the NVRA. *See, e.g.,* Ak. Stat. 15.07.130; Fl. Stat. 98.065, 98.075, 98.093; Ga. Stat. 21–2–231 to 21–2–235; Va. Stat. 24.2–427 to 24.2–428.2. To the extent that the 45 jurisdictions covered by the NVRA have adopted list maintenance programs consistent with 42 U.S.C.. 1973gg-6, we conclude that the new clarifying provisions of section 902(a) of the bill would not require those States to amend their programs. Likewise, State legislation consistent with the NVRA probably would meet the new, less specific, minimum standards for list maintenance required in section 502(2) of H.R. 3295. If this interpretation differs with that of the drafters of the bill, some clarification may be warranted.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

Identical letter sent to the Honorable Bob Ney, Chairman.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I wanted to point out just a couple of items about this motion to recommit, and I do respect the gentleman from New Jersey and his intentions. But this does eliminate provisions to improve list maintenance, and this is something that we all have fought very hard for. Democrats and Republicans from across the country want to make sure that they have the best voter lists possible and that they are in the best condition possible. That was a bipartisan request. This would eliminate the provisions to improve list maintenance.

Also, unless I have read this wrong, this also would deal with the issue of accessibility at the polling places. We are talking about 200,000 polling places, and this theory that was brought forward in committee on the basis of what this motion to recommit is about was discussed in the committee. No one could even give us an estimate of the billions and billions of dollars. Also, I would raise this issue: are we going to use taxpayers' dollars, then, to fund something the private sector should do, if one votes at a mall or a church? There are a lot of significant issues to that provision itself.

As far as the issue of persons with disabilities, let me just quote from the bill, and this is an important issue that I care about and a lot of people in this country obviously do care about, and it has been stated many times through this process that this bill makes one of the first significant steps in trying to help persons who have some form of a disability to vote.

The Ney-Hoyer bill is an important breakthrough for the voting rights of persons with disabilities. All new voting systems must provide a practical and effective means for voters with physical disabilities to cast a secret ballot. That is language from the Ford-Carter Commission. All States receiving Federal funds under this bill must certify that in each precinct or polling place, there is at least one voting system available which is fully accessible to individuals with physical disabilities. It also states that it uses Federal funds to purchase new machines, and must ensure that at least one voting machine in each polling place in the State will be fully accessible to individuals with physical disabilities.

This bill has also been endorsed by the National Federation of the Blind.

Mr. Speaker, I just want to urge my colleagues to hold to the bill, the Ney-Hoyer bill, and defeat the motion to recommit. Also, Mr. Speaker, at this time I include for the RECORD the following letters of endorsement.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, November 21, 2001.

Hon. BOB NEY,
Chairman, Committee on House Administration, Longworth House Office Building, Washington, DC.

Hon. STENY HOYER,
Ranking Member, Committee on House Administration, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVES NEY AND HOYER: We want to commend you for your hard work and perseverance in introducing a bipartisan election reform bill. The legislation is a compromise and not everyone is going to agree with all of its provisions which includes some of our county officials.

The National Association of Counties (NACo) would like to go on record as supporting H.R. 3295 as it was reported by the House Administration Committee. We would have to review this position if extensive changes are made on the House floor or in the Senate.

NACo still has concerns about Congress providing adequate funding for carrying out the mandates in the bill. We believe the authorizations would be adequate but we also would like to see a commitment from the leadership on providing sufficient appropriations in FY2002 and FY2003. We will be urging President Bush to request the full authorization amounts in his budget for FY2003.

We will be sending letters to all Members urging them to vote for H.R. 3295. We also will be urging county officials to contact their state delegations to support the bill.

If you have any questions, please call me or Ralph Tabor on our staff (202–942–4254).

Sincerely,

LARRY E. NAAKE,
Executive Director.

ELECTION CENTER,
Houston, Texas, November 26, 2001.

Hon. ROBERT NEY,
Hon. STENY HOYER,
House Administration Committee, Longworth House Office Building, Washington, DC.

CONGRESSMANS NEY and HOYER: On behalf of the elections community of America. I want to congratulate the two of you for accomplishing what grizzled veterans said could not be done: you have produced true bi-partisan legislation that will help America cure the worst of the problems discovered in Election 2000.

As you are aware, the rules and laws under which The Election Center was formed prevent us from lobbying for or against any legislation—our members nationwide will do that on their own—but we can speak to what we believe the impact of the legislation will do for American elections.

The two of you have shown what men of goodwill can do when a difficult issue arises. Obviously there were partisan considerations involved in this legislation and each of you was a noble champion for your party's particular view—but you also showed that you could find a way to reach consensus and still effect meaningful legislation.

I know this bill will not please all voter groups—even the elections community find items they dislike in this legislation. I know there are already claims that it does not go far enough for some—or too far for others. you and the House Administration Committee have fashioned legislation which does, however, address the serious problems discovered in Election 2000. You have found methods which reach and solve the real problems without doing it in heavy handed Federal edicts.

Finding the right balance of voter protections and yet not upsetting the rights of states and local governments to maintain responsibility for this process has not been an easy task but you have managed to reach consensus that protects the rights of minorities and even extends new services to the blind and disabled, to military and overseas voters, and provides new poll workers for elections. The months of delay waiting on bipartisan legislation have been well spent in developing a true compromise bill.

Congratulations on a job well done. This is responsible legislation.

Sincerely,

R. DOUG LEWIS,
Executive Director.

A NATIONAL ASSOCIATION OF COUNTY RECORDERS, ELECTION OFFICIALS AND CLERKS,
Durham, NC, November 26, 2001.

HONORABLE ROBERT W. NEY: The National Association of County Recorders, Election Officials and Clerks (NACRC) would like to go on record in support of H.R. 3295 sponsored by Bob Ney, Chairman of the House Administration Committee, and Steny Hoyer, Ranking Member of the House Administration Committee.

We support the bill in its current form. If there are extensive changes, we would have to review our support at that time.

Although we have studied all of the provisions and are not happy with each and every one, we do feel we can support the majority of the bill. We are particularly pleased that it is a bipartisan effort.

As election officials we truly strive to conduct all elections as fairly and accurately as possible and we feel this cannot be done when partisanship is present.

Please feel free to contact me if you have any questions at 253.798.3189.

Sincerely,

CATHY PEARSALL-STIPEK, CPO,
NACRC President, Pierce County Auditor—Supervisor of Elections.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
November 26, 2001.

Hon. BOB NEY,
Chair, Committee on House Administration, House of Representatives, Longworth House Office Building, Washington, DC.

Hon. STENY H. HOYER,
Ranking Member, Committee on House Administration, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVES NEY AND HOYER: We are writing to express the support of the National Conference of State Legislatures for H.R. 3295, the ''Help America Vote Act of 2001.'' We commend you on your leadership in undertaking to draft sound election reform legislation and appreciate your steadfast willingness to work with states to craft a balanced bill for states and the American people. H.R. 3295 provides an effective means for states to update and change their election processes without an unduly burdensome federal presence, and with much-needed federal financial support.

State legislators are committed to a fair election process. The bipartisan NCSL Elections Reform Task Force adopted ten core principles that embody the fundamental views of elections in the states. The first principle is that ''the right to vote is perhaps the most basic and fundamental of all the rights guaranteed by the U.S. democratic form of government. Implicit in that right is the right to have one's vote count and the right to have as nearly perfect an election proceeding as can be provided.'' NCSL believes that the core principles enumerated in H.R. 3295 are consistent with the findings of our own Election Reform Task Force and identify an appropriate role for the federal government in meeting the states shared commitments to modernizing the voting process and ensuring the integrity of the ballot.

Although H.R. 3295 contains minimum standards that will require states to certify that they have enacted legislation to provide for such things as a statewide voter registration database and provisional voting, these standards do not mandate how states should fulfill these requirements, thus allowing for necessary state flexibility in the implementation of the standards. It is only through a flexible approach to election reform that states can meaningfully improve elections processes for all voters. NCSL is satisfied that H.R. 3295 provides sufficient state flexibility.

We also wish to underscore the importance of receiving an appropriate amount of federal monies to assist states with the implementation of those standards that may otherwise be too costly. In these uncertain times and tight state budgets, federal financial assistance is critical to states' compliance with these new federal standards. We understand there is a commitment from Speaker Hastert and the Administration that sufficient federal funds will be appropriated to meet the needs of the states under this bill. We urge you to continue to strive for federal funding.

We again thank you for your excellent leadership on this issue and look forward to working with you for passage of this bill. Please have your staff contact Susan Parnas Frederick at (202) 624–3566 of Alysoun McLaughlin at (202) 624–8691 or by e-mail at *susan.frederick@ncsl.org*, *alysoun.mclaughlin@ncsl.org*. Thank you.

Sincerely,

Speaker MARTIN R. STEPHENS,
Utah House of Representatives.

Representative DANIEL T. BLUC,
North Carolina House of Representatives.

INTERNATIONAL ASSOCIATION OF CLERKS, RECORDERS, ELECTION OFFICIALS AND TREASURERS,
Chicago, IL, November 29, 2001.

Hon. ROBERT NEY,
Hon. STENY HOYER,
House Administration Committee, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMEN NEY AND HOYER: As President of the International Association of Clerks, Recorders, Election Officials, and Treasurers (IACREOT), and Executive Director of the Chicago Board of Election Commissioners, one of the Nation's largest election jurisdictions, I have been asked for my opinion concerning H.R. 3295, known as the Ney-Hoyer Bill on election reform.

Obviously, you have undertaken a very difficult challenge in fashioning an election reform proposal to meet the needs of thousands of election jurisdictions throughout the nation. I want to congratulate you and your committee on a very thoughtful and thorough legislative package that will help ensure that every vote in this great nation is counted, and counted accurately. Although I have some specific reservations and suggestions on some of the bill's provisions, I think overall it is the best proposal among the many we have seen since the November 2000 Presidential Election.

At a later date, I would be honored to appear before your committee to present my specific recommendations to make this legislation even more palatable. I know you and your committee have worked very hard on this bill. Again, please accept my congratulations.

Sincerely,

LANCE GOUGH,
President.

NATIONAL FEDERATION OF THE BLIND,
Baltimore, MD, December 11, 2001.

Hon. ROBERT NEY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the support of the National Federation of the Blind for the Help America Vote Act of 2001 (H.R. 3295), including language we requested to address the needs of people who are blind. Thanks to your efforts and understanding, this legislation points the way for blind people to vote privately and independently.

While the 2000 election demonstrated significant problems with our electoral system, consensus regarding the solution has been much more difficult to find. Nonetheless, it is clear that installation of up-to-date technology will occur throughout the United States. This means that voting technology will change, and devices purchased now will set the pattern for decades to come. Therefore, requirements for nonvisual access must be an essential component of the new design.

With more than 50,000 members, representing every state, the District of Columbia, and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness from our own experience. The right to vote and cast a truly secret ballot is one of our highest priorities, and modern technology can now support this goal. For that reason, we support any legislation that will accomplish this objective. Thank you for your assistance in addressing this concern as part of the Help America Vote Act of 2001.

Sincerely,

JAMES GASHEL,
Director of Governmental Affairs.

OHIO SECRETARY OF STATE,
Columbus, OH, November 20, 2001.

Hon. BOB NEY,
Chairman, Committee on House Administration, Longworth House Office Building, Washington, DC.

DEAR BOB: For the last year, professional election officials across the nation have wrestled with the challenges brought to light as a result of the 2000 Presidential Election. At the heart of the issue is the suitability for ongoing use of punch card voting systems and the need for statewide uniform standards of election administration within each state.

It has been my pleasure to work with you and the House Administrative Committee as you have worked so hard to reach a bi-partisan compromise for election reform. I am very pleased to see that you have built a consensus for reform and offer you my whole-hearted endorsement of HR 3295, the Help America Vote Act of 2001.

This important legislation reflects the best balance of federal involvement and local control of elections that I have seen to date. You have reached a fine balance that reflects the serious need for election reform without federalizing the election process and minimizing local election administration, as some proposals do. By funding the buy-out of punch card ballot systems, your bill will help guarantee that we never again see the debacle that occurred in Florida because of punch card balloting inconsistencies. By requiring the adoption of reasonable ballot-counting standards, you also make sure that states are prepared to deal with ballot-counting questions before an election is contested and not after the fact. This will be a tremendous benefit to all Americans.

I realize there are some that wish the federal government to mandate a uniform voting system and standards for every jurisdiction. I believe this would be a terrible mistake. Election officials everywhere recognize the solutions for one precinct may not work the same in the next—particularly when separated by thousands of miles. Almost every election reform report I have seen confirms this important fact. While states can and should be held accountable for adopting uniform standards for their voting machines, each state should be left the option of choosing solutions that work the best. The cookie cutter approach will not work for elections and I encourage you to continue your efforts to fight this movement.

To assist you in the passage of this critical legislation, I will be sending a copy of this letter to every Secretary of State in the nation, every election official in Ohio and every county commissioner in Ohio. I will also be discussing your legislation in an upcoming article in our Spirit of Ohio publication, so even more Ohioans can learn of your good work and will know how to contact you to lend their support. If there is any further assistance I can provide you, please do not hesitate to let me know.

Again, thank you very much for all you are doing. I look forward to seeing Congress pass balanced and meaningful election reform legislation—HR 3295.

Sincerely,

J. KENNETH BLACKWELL,
Ohio Secretary of State.

STATE OF WISCONSIN ELECTIONS BOARD,
Madison, WI, December 10, 2001.

To: Members, Wisconsin Congressional Delegation.
From: Kevin J. Kennedy, Executive Director, Wisconsin State elections Board.
Subj: Ney/Hoyer Election Legislation (H.R. 3295).

H.R. 3295 sponsored by Congressmen Ney and Hoyer is scheduled for a vote in the House of Representatives this Wednesday, December 12, 2001. The Ney/Hoyer proposal is one of several election reform proposals initiated at the federal level. In my opinion it contains the most comprehensive set of solutions to problems identified in the 2000 election. It most closely reflects the items of consensus identified in the numerous commissions that submitted reports this summer.

The State Elections Board has not taken a position on any recommended federal legislation. However, as Wisconsin's chief election officer for the past 19 years I would like to urge your serious consideration of H.R. 3295.

I had the privilege of serving on the Election Center Task Force that consisted entirely of state and local election administrators. Many of our recommendations are reflected in H.R. 3295. The bipartisan proposal strikes a very reasonable balance among the competing interests at stake. Most importantly, the legislation recognizes the role of state and local government in election administration.

Several stakeholders, including State Election Directors, would like to see more far reaching initiatives. However, given the highly partisan atmosphere in which election reform is discussed, I believe that this legislation provides the most realistic solution. The legislation provides a mechanism for developing realistic standards in conjunction with state and local election administrators and a reasonable funding mechanism.

None of the minimum standards described in the legislation adversely impact Wisconsin. With the exception of a statewide voter registration database, Wisconsin already meets or exceeds the minimum standards articulated in the legislation. Quite frankly the state legislature recognizes that a statewide voter registration database is inevitable. If funding accompanies the bill, it can be used to assist Wisconsin in getting the system in place.

H.R. 3295 provides an excellent opportunity to address the lack of confidence in the electoral process that has been fanned by the media. I encourage you to support the bill when it comes up for a vote this week. I would be happy to discuss the impact of this legislation on Wisconsin with you or a member of your staff. Our website, elections.state.wi.us, contains links to the major reports on election reform.

Please contact me with any questions. I can be reached at 608–266–8087.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE,
Washington, DC, November 20, 2001.

Hon. BOB NEY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR BOB: On November 14, 2001, you introduced H.R. 3295, the ''Help America Vote Act of 2001.'' The bill was referred to the Committee on House Administration, and in addition to the Committee on Science (among others). The bill contains provisions that fall within the jurisdiction of the Committee on Science.

In deference to your desire to bring this legislation before the House in an expeditious manner, I will not exercise this Committee's right to mark-up H.R. 3295. Despite waiving its consideration of H.R. 3295, the Science Committee does not waive its jurisdiction over H.R. 3295. Additionally, the Science Committee expressly reserves its authority to seek conferees on any provision that are within its jurisdiction during any House-Senate conference that may be convened on this legislation or like provisions in H.R. 3295 or similar legislation which falls within the Science Committee's jurisdiction. I ask for your commitment to support any

request by the Science Committee for conferees on H.R. 3295 as well as any similar or related legislation.

I would also like to take this opportunity to thank you for including provision of H.R. 2275 within H.R. 3295. As a result of the negotiation between our Committees, the provisions of the Science Committee's bill to improve voting technology (H.R. 2275) have been incorporated into the Ney-Hoyer (H.R. 3295) bill. The thrust of the Science Committee bill was to set up a process to ensure that proper technical standards would be developed to improve voting technology and that a reliable system would be set up to test equipment against those standards. Virtually every provision of the Science Committee bill has been included in the House Administration Committee legislation. Because of the hard work and cooperation between our Committees, the new standards will ensure that voting machines tally voters' ballots accurately. They will help reduce voter error by ensuring that new voting equipment is user-friendly. Additionally, these standards will ensure that voting machines are accessible to the disabled.

I request that you include this exchange of letters as part of your report on H.R. 3295. I look forward to continuing to work with you on matters of mutual concern.

Thank you for your consideration and attention regarding these matters.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 7, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In recognition of the desire to expedite floor consideration of H.R. 3295, the Help America Vote Act of 2001, the Committee on Armed Services agrees to waive its right to consider this legislation. H.R. 3295, as introduced on November 14, 2001, contains subject matter that falls within the legislative jurisdiction of the Committee on Armed Services pursuant to rule X of the Rules of the House of Representatives.

The Committee on Armed Services takes this action with the understanding that the Committee's jurisdiction over the provisions in question is in no way diminished or altered, and that the Committee's right to the appointment of conferees during any conference on the bill remains intact.

Sincerely,

BOB STUMP,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, December 11, 2001.

Hon. ROBERT W. NEY,
Chairman, Committee on House Administration,
Washington, DC.

DEAR MR. CHAIRMAN: As you know, under Rule X of the Rules of the House of Representatives, Establishment and Jurisdiction of Standing Committees, the Committee on Government Reform has exclusive jurisdiction over matters relating to transportation of the mail, and all matters involving the United States Postal Service. H.R. 3295, the ''Help America Vote Act of 2001,'' includes language that falls within the jurisdiction of the Committee (Title VII—Reduced Postage Rates for Official Election Mail). In its present form Title VII would create an open-ended subsidy that would be difficult to administer, and would be financed by a ''tax'' on postal customers.

I appreciate both you and your staff consulting with my Committee on your legislation. In accordance with our discussions you have agreed to remove Section VII of the bill. The Government Reform Committee will no longer have any jurisdictional claim over the legislation, since no other provisions of the bill are under the purview of the Committee.

Under the National Voting Rights Act of 1993, Congress contemplated that election officials would have the ability to access the same reduced mailing rates available to nonprofit organizations. As you mentioned there have been a number of problems associated with the implementation of this part of the law. I am strongly committed to working closely with State and local election officials, the United States Postal Service and you to solve this problem. If this effort proves to be problematic I stand ready to examine alternatives—including a possible legislative solution.

Thank you again for your consultation and I would ask that a copy of this letter be included in the Congressional Record during Floor consideration. I look forward to continuing cooperation on matters within the jurisdiction of both committees.

Sincerely,

DAN BURTON,
Chairman.

Mr. NEY. Mr. Speaker, I urge the motion to recommit be defeated, and I urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by a 5-minute vote, if ordered, on the question of passage.

Pursuant to clause 8 of rule XX, proceedings will then resume on the three motions to suspend the rules and the one corrections bill postponed from yesterday, on which the yeas and nays are ordered, each of which will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 197, nays 226, not voting 10, as follows:

[Roll No. 488]

YEAS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Shows
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh

McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—10

Buyer
Cubin
Delahunt
Dooley
Evans
Gonzalez
Granger
Hostettler
Luther
Young (AK)

□ 1529

Messrs. GALLEGLY, McHUGH, SHERWOOD, BARTLETT of Maryland, SOUDER, FLETCHER, BONILLA, TERRY, WATTS of Oklahoma, PICKERING, and FOLEY changed their vote from ''yea'' to ''nay.''

Mr. BLUMENAUER, Ms. WATERS, and Ms. CARSON of Indiana changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

□ 1530

The SPEAKER pro tempore (Mr. LAHOOD). The question is on passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 63, not voting 9, as follows:

[Roll No. 489]

YEAS—362

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barrett
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—63

Baldwin
Barr
Barton
Becerra
Blagojevich
Bonilla
Bonior
Brown (OH)
Capuano
Clayton
Coble
Conyers
Culberson
Davis (IL)
Doggett
Flake
Frank
Goode
Gutierrez
Hefley
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)
Kilpatrick
Kingston
Kleczka
Kucinich
McDermott
McGovern
McKinney
Meehan
Mollohan
Murtha
Napolitano
Olver
Pastor
Paul
Payne
Pelosi
Petri
Pombo
Putnam
Rahall
Reyes
Rodriguez
Rohrabacher
Roybal-Allard
Rush
Sanchez
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shows
Smith (MI)
Solis
Toomey
Waters
Watt (NC)

NOT VOTING—9

Buyer
Cubin
Delahunt
Dooley
Gonzalez
Granger
Hostettler
Luther
Young (AK)

□ 1539

Mr. SCHAFFER and Mr. RUSH changed their votes from ''yea'' to ''nay.''

Mr. NEAL of Massachusetts changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules and on H.R. 1022 considered on the Corrections Calendar on which further proceedings were postponed on Tuesday, December 11, 2001.

Votes will be taken in the following order:

H. Con. Res. 282, by the yeas and nays;

H.R. 3209, by the yeas and nays;

H.R. 1022, by the yeas and nays;

H.R. 3448, by the yeas and nays.

The Chair will continue to reduce to 5 minutes the time for which each electronic vote in this series will be taken.

KEEPING THE SOCIAL SECURITY PROMISE INITIATIVE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 282.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and agree to concurrent resolution, H. Con.

Res 282, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 5, not voting 13, as follows:

[Roll No. 490]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—5

Flake
Kolbe
Radanovich
Smith (MI)
Stenholm

NOT VOTING—13

Bass
Boehner
Buyer
Calvert
Cubin
Delahunt
Dooley
Fattah
Gonzalez
Granger
Hostettler
Luther
Young (AK)

□ 1548

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H.R. 3295.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANTI-HOAX TERRORISM ACT OF 2001

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3209, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3209, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 491]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch

Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Boehner
Buyer
Cubin
Delahunt
Dooley
Gonzalez
Granger
Hostettler
Luther
Young (AK)

□ 1557

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNITY RECOGNITION ACT OF 2001

The SPEAKER pro tempore. The unfinished business is the question of passage of the bill, H.R. 1022, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill, on which the yeas and nays are ordered.

This is a 5-minute vote on H.R. 1022.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 492]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—13

Boehner
Buyer
Cubin
Delahunt
Dooley
Gonzalez
Granger
Hilleary
Hostettler
Luther
Miller, George
Sanders
Young (AK)

□ 1605

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3448.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3448, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 13, as follows:

[Roll No. 493]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci

Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Paul
Pombo

NOT VOTING—13

Bishop
Boehner
Buyer
Cubin
Cummings
Delahunt
Dooley
Gonzalez
Granger
Hostettler
Luther
Miller, George
Young (AK)

□ 1614

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on the bill, H.R. 3338, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 3338, be instructed to insist on the maximum levels within the scope of conference for defense, homeland security, and local recovery efforts from the terrorist attacks of September 11, 2001; in particular, to insist on:

(1) the House position for higher levels for defense, including fully funding the $7.3 billion requested by President Bush as emergency spending for defense;

(2) the Senate position for higher levels to counter potential biological and chemical terrorist threats (including additional funds to improve State and local capacity to track and to respond to bioterrorism, to purchase smallpox vaccine, and to sanitize mail and protect postal employees and customers from exposure to biohazardous material),

(3) the Senate position for higher levels to increase staff to combat terrorism along the Nation's borders and ports of entry, to improve food safety, to assist state, local and federal antiterrorism law enforcement, to accelerate nuclear non-proliferation activities, and to enhance security for nuclear labs and plants, and other federal facilities;

(4) the higher of either the House or Senate provisions for transportation security, including the higher Senate level for cockpit security, the Senate higher funding for the Coast Guard, the Senate provision to compensate airports for the costs of implementing stronger security requirements and the higher House level for hiring sky marshals;

(5) the Senate position for higher levels for FEMA disaster relief payments for recovery activities in New York, Virginia and Pennsylvania, Community Development Block grant assistance, Payments to hospitals that responded to the attacks of September 11, 2001, assistance in meeting workmen's compensation needs related to the terrorist attacks, funding for improved security in the Amtrak tunnels in New York, assistance to the ferry system between New York and New Jersey, and to reimburse claims for first response emergency service personnel who were injured, disabled or died in the terrorist attacks.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) will be recognized for 30 minutes and the gentleman from Florida (Mr. YOUNG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the House has a decision to make today which in the real world would have a real effect on virtually every American. We have to face this question:

Are we going to provide money now to tighten security on our borders, in our ports, on our airplanes, or are we going to wait?

Are we going to provide the public health services and local governments with money now to defend against bioterrorism, or are we going to wait?

Are we going to accelerate our efforts to protect nuclear, biological and chemical weapons from falling into the wrong hands in the former Soviet Union now, or are we going to wait?

Are we going to clean up our mail, or are we going to wait?

Are we going to give the Nation's Federal, State and local law enforcement officials the additional resources they need to find al Qaeda cells operating in this country, or are we going to wait?

There are people downtown who would like us to wait. They want to take the time to study these problems. They want to participate in these decisions. Perhaps they want credit for being part of the solution. That is all fine. We need their thoughts. We need their input. We need them both. Now. We are glad to give them credit, but we cannot wait. We are in a race against time. All you have to do to understand, that is, to look at the headlines every day in the newspaper, look at the pictures on your television, and listen to what our enemies say. We may have an enemy that is wounded, but they are not destroyed. They are as dangerous now as they have ever been. And while we need to do all that we can do to defeat them overseas, we have to be equally aggressive at blocking their efforts here at home.

This motion is very simple. It would instruct the conferees to maintain the House position on defense which is $5.3 billion higher than the Senate's figure; it would insist that the conferees support the Senate position on homeland security which is $2.7 billion above the House bill; and it would instruct the conferees to support the Senate position for funds to help recover from the attacks of September 11, an additional $2.6 billion above the amount in the House bill. There is only one way that that can happen. Everyone here needs to understand that this instruction will put the conference at least $5.3 billion above the House-passed bill.

Members may try to pretend that they cannot add, but numbers are stubborn things. If you want to tell the conferees to stay within the $20 billion limit that the House Republican leadership has mandated, then you had better vote against this instruction, because this instruction breaks that limit by at least $5.3 billion, and I make absolutely no apology for that in any way whatsoever. We cannot have it both ways. You cannot spend the same money twice.

In fact, Members need to understand that this bill, in fact, will be a little bit above $5.3 billion above the House bill because we take the Senate number on sky marshals which is higher than the House number is.

I would urge Members to vote for this motion to instruct because it is the right thing to do, it puts the security of the country's home front first, it recognizes that we have additional costs in running the war as well, and it forthrightly admits that this is now the time to pay for them rather than putting it off to another more convenient day. I do not think our adversaries will wait for whatever actions they contemplate. We have an obligation not to wait, either.

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

Mr. OBEY. I yield to the gentleman from Minnesota.

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

Mr. SABO. Mr. Speaker, I rise in support of the motion to instruct.

While we have made improvements to transportation security since September 11th, we must do more. This motion directs the House conferees to seek the higher funding levels for transportation security programs.

The tragedies of September 11th happened because terrorists were able to enter the cockpits of four airplanes. Unfortunately, the House bill contains only $50 million for cockpit door improvements. The Senate bill contains $251 million for cockpit door improvements, much closer to the Administration's request of $300 million. This motion instructs the House conferees to accept the Senate funding level.

Today, the airlines have made some improvements so that cockpit doors cannot be as easily broken into, such as the strengthening of bolts. The President proposed $300 million so that modifications can be made to secure the cockpit door in such a way as to permanently prevent an intruder from entering the cockpit door.

The funding included in the Senate bill would be provided to airlines to ensure that all aircraft cockpit doors are modified as quickly as possible. This funding should be included in the conference bill.

The House bill provides additional funding for more federal air marshals, where the Senate bill contains no such funding. The Administration has made good progress in increasing the number of federal air marshals, and the House bill would provide for a further increase. It is important to public safety and confidence that we bolster their numbers to the greatest extent possible. This motion would instruct the House conferees to insist on the House funding for more air marshals.

The Senate bill also provides additional funding to our nation's airports to meet additional security needs.

Since September 11th, the Federal Aviation Administration has imposed additional security requirements on our nation's airports, and rightly so.

Increased patrols of ticket counters, baggage claim areas, and screening checkpoints have been mandated, as has increased inspections of controlled access points and the areas outside the airport. Airports have also been required to re-issue all airport identification and verify such identification at all access gates.

To meet these additional requirements, the airports have incurred additional costs, primarily for additional law enforcement officers and overtime.

The American Association of Airport Executives estimates the cost of these additional requirements to be about $500 million this year. These increased costs come at a time when airports are losing money. The airports estimate the total revenue decrease to be $2 billion in 2002, or 20 percent of estimated revenue.

The Senate bill includes $200 million to assist airports in meeting the costs of the increased security requirements mandated by the FAA. This motion instructs the House conferees to accept this funding level.

The Senate bill also includes a total of $285 million for the Coast Guard, compared to the House level of $145 million. The higher funding level in the Senate bill is needed so that the Coast Guard may continue its current, increased level of operations, and further expand its port security activities.

Since September 11, Coast Guard port security operations have increased substantially. The Coast Guard is now patrolling ports and checking crew lists of those entering our ports. Much more needs to be done to enhance port security, but what the Coast Guard has done is a good start.

These current Coast Guard operations should not be reduced; and the funding provided in the Senate bill will ensure that they are not. This motion would instruct the House conferees to accept the Senate's higher funding for the Coast Guard and port security.

In closing, let me say that this motion to instruct is the right one. It addresses the security needs of this country and the traveling public. We should do no less.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

I want to say at the outset that I congratulate the gentleman from Wisconsin for the work that he has done on this issue. We have had this discussion between the two of us. We have had this discussion with the President of the United States. We have had this discussion at the Committee on Appropriations. And we had this discussion on the floor of the House when we passed the bill.

I would like to say, Mr. Speaker, I do not disagree with the needs that the gentleman from Wisconsin has pointed out here. If you recall, on September 14, the House, with the gentleman from Wisconsin and I working closely together, passed an emergency supplemental of $40 billion right after the attacks on the World Trade Center and the Pentagon. The same day, the Senate passed the bill and we actually conferenced that bill and passed a conference report, all on the same day. So we moved quickly. We have proved that we can move quickly when it comes to the defense of our Nation and the protection of our citizens.

I want to make the case that of the $40 billion emergency supplemental, most of the money has not been allocated yet. In that $40 billion, the first $20 billion that the President had control over plus what the House did in our supplemental, there is $21 billion for the Defense Department to prosecute the war. Will it take more than that? Very likely.

We do not require that money today, but we are going to provide whatever is necessary to complete that war in Afghanistan and anyplace else that we

might have to go to seek out and destroy the terrorist cells that pose a threat to the United States of America and to our people and our interests, wherever they might be. We are going to provide whatever it takes to make that happen. We are not going to allow Americans to live in fear, and we are not going to allow our places and our properties to be attacked. That is pure and simple.

On the issue of biological and chemical terrorist threats, we need to be concerned about that, and we are concerned. This Congress several years ago began providing the preparation and the research necessary to combat any biological and chemical threat, but more needs to be done. In the House bill together with the President's $20 billion package, there is already $2.2 billion. One of the most important things that we need to do is guarantee that our ports of entry, that our borders, are protected. We provide about $700 million immediately to begin to hire and train the people who would provide that security.

As for transportation, The United States of America, without transportation is in deep trouble. Economically and every other way, from the national defense standpoint, our transportation systems must be safe. We provide funding for the hiring of sky marshals and to train them and to implement stronger security requirements at our airports and our other transportation stations.

□ 1630

We have $1.2 billion already here to begin that process.

We need to assist our State officials, local officials and Federal officials who deal with the antiterrorism law enforcement. We have $400 million to begin that process already in the bill.

Nuclear nonproliferation activities are very important. We have money in our regular bills for this purpose. We add another $100 million in the package that we present today.

To the City of New York, we have all made commitments to the City of New York. We are going to keep them. The President agreed to a $20 billion package for New York, and we immediately agreed to that; and it was put into our $40 billion emergency supplemental. Already in the package that we present, $10 billion is made for the City of New York. We are doing all of these things at the present time.

Now, we could take the package of the gentleman from Wisconsin (Mr. OBEY), and, frankly, I would have liked to have supported it all the way through the process with the President, the leadership, the committee, and lastly, on the floor. But we agreed to a $20 billion limit on the supplemental, and that is the only difference that I have with the gentleman from Wisconsin (Mr. OBEY) on this motion to instruct today.

We are going to do the items that the gentleman from Wisconsin (Mr. OBEY) identifies, because he and I have gone over these items already, and I agree with what he is suggesting. The only difference we have is timing.

The President of the United States has said that he will request an emergency supplemental at the moment that it is needed, when we do not have enough money already in the pipeline to provide the things that we are talking about here to secure our Nation. Our leadership has promised that when that request is made available to us it will be presented immediately.

As chairman of the Committee on Appropriations, I have made the commitment over and over again that I will move that supplemental appropriations bill just as soon as I possibly can after we receive the information and the request from the President of the United States, who is leading the battle to secure America, who is leading the battle to seek out the perpetrators of terrorism, and to do away with their ability to threaten us at any time in the future.

The President is the leader. Congress is important, we are in a support role in this issue; but we cannot all run that war. That is why we have a Commander in Chief as proposed by the Constitution of the United States.

So, Mr. Speaker, today I am going to accept the gentleman's motion to instruct, with that reservation that we are going to try to do as much as we possibly can on that motion within the $20 billion limit, and that we will address the additional amounts at whatever moment they are identified as being required.

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

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, what we just heard from my good friend from Florida is that he is going to accept this amendment, which requires the conference committee to report back with a bill which is $5.3 billion higher than the $20 billion ceiling to which he has just referred, and yet he has suggested that somehow he is going to reserve the right to come back still under that $20 billion cap. One cannot do both at the same time.

Now, I sympathize with the gentleman, because I know he is personally in favor of what we are trying to do. So are many other Members on the Republican side of the aisle. They have told me that. His problem is he has been ordered by his leadership, no matter what, to stay under the $20 billion ceiling.

He knows he cannot win a vote against this motion, and so he is accepting it to try to leach all meaning from the vote. Yet you cannot hide from the fact that this motion to instruct says we should ignore the $20 billion artificial limit and meet the legitimate security needs of this country, both in the defense budget and in homefront defense. That is what this motion says.

If people want to try to play it both ways, I understand the gentleman's dilemma, but that does not make his position any more real.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I think in fairness to the gentleman from Florida, my friend misheard him. I do not always speak with perfect diction. I understand when people mishear people.

You said you think he said he would accept it, A-C-C-E-P-T; he said he would except it, E-X-C-E-P-T. That means he is going to vote for it, except for the money for the Defense Department; he is going to vote for it, except for the money for New York; and he is going to vote for it, except for the money for domestic homeland security.

So, if the gentleman had said he was going to accept it and simultaneously disregard it, you would be perplexed; but if you had understood him correctly as saying he is going to except it and do everything except what it says it is supposed to do, the perplexity would be gone.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think what the gentleman is pointing out is there is a word game going on here, and the fact is this is too serious for games. The gentleman from Florida is right in his heart. He knows we need this money. He knows we need it now.

He knows that we need new border guards now, not in 3 months. He knows we need greater security at the FBI, the NSA and a number of other national security agencies. He knows we need it now, not later. He knows that we need a far greater protection for public health than we have right now. He knows that right now we are not prepared for chemical or biological attacks in most of the municipalities in this country.

He knows all of that, but he is being required by his leadership to pretend that this motion to instruct does not in fact vitiate his leadership's instructions, because his leadership knows and he knows they cannot win a vote on the merits, because there are too many responsible Republicans who recognize that this money is needed and it is needed now.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of the motion to instruct. I opposed the House version of this bill precisely because it failed to live up to the House's commitment and in fact repealed the requirement in the original supplemental bill that we had earlier passed to provide at least $20 billion in relief and recovery costs to the victims of the September 11 attack and to the people of New York, Virginia, and Pennsylvania.

Thankfully, we still have a chance to improve the bill and increase funding for areas of critical need, and that is

why we should support this motion to instruct.

Now is not the time to artificially cap the costs of this crisis. If it costs more than $40 billion, we ought to provide more. We should not be bound to an artificial limit that was agreed to 3 days after the attack.

Today we know that in fact we do need more funds to help New Yorkers, to aid small businesses, to protect against chemical and biological attacks and to substantially increase our national security.

Some say we in New York do not need more funds than provided in this bill now; but we do, now. Yes, sufficient funds are flowing for the cleanup and the physical reconstruction, but not for the 100,000 people who lost their jobs as a direct result of the attack; not for the 10,000 small businesses at risk in Lower Manhattan.

The Small Business Administration is proud it has given out over 17,000 loan applications, but it has made only 360 loans. Our small businesses need help, cash grants, now. Next spring will be too late. They may not exist by next spring.

Let us pass this motion to instruct. Let us live up to our commitments and let us be proud to support a bill that meets the desperate needs of our constituents and the desperate needs of our country. I urge support for the motion to instruct.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I listened with great interest to my friend from Massachusetts, to the points he made. I am sure he believes he made a real powerful point, but I have not been able to figure out what it was yet.

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

Mr. YOUNG of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, my point was that it would be confusing if the gentleman had accepted the motion and simultaneously disregarded it. So it seemed to me what he was saying was he intended to make exceptions to it, and that ''acceptance'' and ''exception'' got confused, because the gentleman said he was going to vote for a motion which required additional spending which he then said he planned to oppose.

Since that would not have made any sense, I tried to follow the principle that you try to listen to what people say and you try to make some sense out of it.

Mr. YOUNG of Florida. Okay. Mr. Speaker, I appreciate the gentleman reexplaining that.

Mr. Speaker, we have to be real. The other body had this issue of appropriating money over the $20 billion. Because it went over the $20 billion, it was subject to a point of order and it required a 60-vote margin to overcome the point of order. The vote was 50–50, and that 50–50, I would suggest, is going to stay in the Senate regardless of what we might do here today and what we might do in conference. So I am just trying to be helpful and friendly here. The gentleman from Wisconsin (Mr. OBEY) is very well aware of the fact that I want to be helpful. We are going to do the very best we can in this conference.

The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) have developed an outstanding defense bill for the $317 billion basic defense bill. Most of our differences in conference will be over this $20 billion emergency supplemental package that is attached to the defense bill as an amendment.

We are going to do the best we can, but I will guarantee you we are not going to leave something undone that needs to be done today, because there is more flexibility in monies that have already been appropriated.

So I say that we will support this today, and we are going to do the best we can in conference to accomplish what the gentleman from Wisconsin (Mr. OBEY) wants to accomplish; but before it is over, we will have provided whatever is needed to secure the United States of America and to allow the President to run this war and make sure that he has the money when it is needed to do that.

None of us are going to be satisfied if something is undone, if something is not done, if some security measure is not taken care of because of a lack of money. We are going to provide whatever is necessary to fight terrorism, to guarantee that the terrorists do not have an opportunity to attack America again or our friends or our allies or our interests, wherever they might be.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply want to note that if anyone votes for this motion today, they are accepting the obligation of the conferees to report back a bill which is $5.3 billion higher than the bill as it left the House.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. MURTHA), the distinguished ranking member of the Committee on Appropriations Subcommittee on Defense.

Mr. MURTHA. Mr. Speaker, the dilemma we are caught in here, and the gentleman from Florida, the gentleman from Wisconsin, the gentleman from California, all of us know this, is we have an agreement with an artificial cap, and we have to try to meet the needs of the war while this is going on.

We know that in the amendment that we have offered we can speed up the renovation of the Pentagon. We know we can speed up some of the weapons systems; and some people would say that with the phenomenal increase already, we do not need any more. But some of the problems we are trying to solve have gone on for years.

For instance, we are trying to figure out a way to replace tankers. We run into the artificial ceiling. The tankers are worn out. We are using them every day. Some of those flights today have to be refueled four or five times by the time they get to Afghanistan and back. Yet we cannot buy the tankers, so we are probably going to have to lease them, if we finally agree; and we have been resisting this on the House side. But if we agree, it will cost us $7 billion or $8 billion more in order to lease them rather than buy them. So we have put ourselves in a dilemma.

I realize the Speaker and the President have made an agreement, and I would hope at some point we can convince them. I worry that last year, the supplemental, we kept thinking it was going to be up here, we kept urging him to bring it up. We all called for him to send the supplemental up, and they waited forever. I would hope they would get a supplemental to us as soon as possible, because we only have like 12 legislative days from January to the end of March. So we really are in a box in the sense that while the war is going on, unless they send a supplemental up that we can act on, we will have them doing the same thing they did last year, reaching into other processes in order to get the money.

So we have some real problems here that we have to solve. I know the reason that the gentleman from California (Chairman LEWIS) decided that he could not support extra money is because when the President said he is going to veto the bill, he would veto the bill. I know that is a problem. We have this artificial ceiling we have to deal with, but I hope at some point we can convince the President and the Speaker that we really do have a problem here.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from California.

□ 1645

Mr. LEWIS of California. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I have been concerned about our crossing that line of the agreement, because it conceivably could lead to a veto, but I think the gentleman's motion today is very helpful in connection with that, because it, indeed, is very possible that the other body will come in with a lot less in that package than we have, and if there is a statement here that suggests that we really know what we would prefer to have move, that may very well cause the administration to bring us back for a supplemental much earlier. So I feel very comfortable with this discussion and I hope we go forward positively.

Mr. MURTHA. Mr. Speaker, reclaiming my time, I just hope that when Members vote on this, they will understand that we need more money in homeland security. We need to speed up the process of getting teams to combat biological and chemical warfare out; we need money for the borders;

but we also need money for operational money and the war. I know we will take care of the immediate needs, but I worry about the supplemental, and I hope we are putting the executive branch on notice that they need to send us a supplemental as soon as possible, that they do not wait around and let those experts at OMB decide when the supplemental is sent up.

So I would just urge the Members to vote for this motion and, hopefully, in the subcommittee, we will be able to work the best we can under the artificial limitations we have, and then they will understand that we need more money and get the supplemental up as quickly as possible.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

I rise to agree with the gentleman from Pennsylvania (Mr. MURTHA). He is one of the best national defense experts that I know anywhere in the House or the Senate, or at the Pentagon, as a matter of fact. He is right. He mentioned the tankers. There is no doubt that our tankers have been worn out. Our AWACS, we actually have foreign AWACS flying around the United States protecting our major cities. There is no doubt we have a lot of needs.

But I also agree with the gentleman that we should have a supplemental as early as we possibly can. He mentioned how slow the administration was last spring getting us a supplemental and, again, he was right. But that was prewar. When that supplemental came down, it was before September 11. After September 11, we took up the emergency supplemental, passed it in the House, the Senate, and conferenced it all on the same day. So we can move quickly when the security of our Nation is at risk.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, nuclear terrorism is a serious threat to our Nation and our families, but this Congress is not acting like it. Inexplicably, in the waning hours of this session of Congress, we will have spent less on nuclear nonproliferation this year than we did last year.

Considering the consequences of September 11, considering all that we have learned in recent weeks since then about even al Qaeda trying to get its hands on nuclear materials which could, in effect, kill millions of American citizens in one nuclear incident, I just cannot understand how we can go back home to our constituents and say we should be spending less to protect them from the potential holocaust of nuclear terrorists.

President Bush recently said that preventing nuclear terrorism should be a top national priority. I agree. The President is right. I think today it is time we start following through on that belief.

We have had enough rhetoric about dealing with nuclear terrorists. Tonight, in this Obey motion, we need to actually take concrete action to prevent it. We must decide whether we just want to talk about stopping nuclear terrorists or really want to prevent them. I believe we have an obligation to our constituents and families and, yes, even our children and grandchildren to do everything possible now, not next year, not the year after, to do something now to stop a nuclear holocaust in our country.

How serious is this threat? Well, this year, former Senator Sam Nunn and Howard Baker, a Democrat and a Republican together, after a year-and-a-half study concluded, and I quote, that ''Nuclear terrorism is the most urgent unmet national security threat to the United States.''

In my opinion, as of this moment, this Congress has failed in our serious responsibility to the American people to take responsible, effective, proven steps to keep nuclear materials away from terrorists.

Nobody in this House or this country would intend to help nuclear terrorists, but I would suggest that we have to do more than just talk against them; we have to fund the programs that help protect nuclear materials from these kinds of people.

The Obey motion that we will vote on in just a few moments will add over $220 million to proven, effective programs that our Department of Energy has carried out in Russia to protect Americans from nuclear holocaust.

The question of timing has been raised. Well, let us just wait until next year. The President will have a proposal, let us fund it then. If that is what happens, I hope and pray that that will be soon enough. But taking action next year will not do Americans and future generations any good if grapefruit size of nuclear material needed to kill 2 million Americans is stolen next month or in the next several months. We must support this Obey motion.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), a subcommittee chairman on the Committee on Appropriations.

Mr. WALSH. Mr. Speaker, I thank the gentleman for yielding me time.

This discussion is a bit difficult to follow. The gentleman from Wisconsin (Mr. OBEY), the leader of the minority on this issue, offers a motion to instruct. Our chairman, the leader of the majority on this issue, accepts. But what does this really mean? Well, I would submit that it means nothing, because we are not instructing the Senate; the Senate is instructed by the Senators. We are instructing the House conferees. Since there is no controversy over the defense bill, the only thing we are instructing the conferees on is the supplemental.

Now, who are the conferees? Well, they just happen to be all here today at the same time in the same room: the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. LEWIS), and the gentleman from Florida (Mr. YOUNG.) They know how they are going to vote, clearly. So who are we really instructing? What is this exercise all about? Polemics? Politics? I am not sure.

The fact is, the President has made the point over and over again. The supplemental will not go over $20 billion. It took me a while to figure that out. I offered an amendment in the Committee on Appropriations to add money to this. We lost the amendment. The House decided not to go over $20 billion, and we did not. The Senate, reacting to what the House did and what the President said that he would do, also did not go over the $20 million. I submit to my colleagues, Mr. Speaker, that the conference will not go over $20 billion either.

Now, there are a couple of problems with what has not happened. We have not helped workers with unemployment insurance benefits or their health benefits. If the Senate majority leader, Mr. DASCHLE, would stop obstructing the stimulus package and let that bill go forward, we could deal with the really vital issues that need to be dealt with in this bill.

So, Mr. Speaker, I would submit that we need to move forward on this bill and we need to have this conference and we need to get these expenditures resolved quickly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will remind all Members not to urge Senate action or inaction on any matter.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman asked what this is about. It is very simple. What this is about is the fact that thousands of Americans died 3 months ago because the country was hit by terrorists in an unexpected way. What this is about is trying to see to it that that does not happen again. That is what this is about.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, I want to rise in very strong support of this motion. As I understand it, we would go to the higher levels and, in that case for defense, it would be additional; we would go back to the $7 billion that was in the House bill.

In my judgment, we desperately need that money for defense and national security. One of the things that came out at our hearings this year, led by the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), is that each of the services told us that they were somewhere between $10 billion and $12 billion short on money for procurement of new

weapons systems to recapitalize our force. This is something that I am very concerned about, because in each of these wars that we have had, Desert Storm, Desert Shield and Kosovo, now Afghanistan, we have heavily used this equipment. It is getting older. It is going to have to be replaced.

Unfortunately, one area where the Clinton administration did not do enough and, in fact, the Bush administration is a little below them this year in the 2002 budget on procurement, is in the area of buying new weapon systems. The CNO of the Navy testified that in order to maintain a 300-ship Navy, he has to buy 10 ships a year. The budget only allows him 5. In order to maintain and reduce the age of the aircraft, the attackers coming off those carriers that we see operating and flying into Afghanistan, he has to acquire 180 to 210 planes a year. He is only able to buy 81.

So if we continue to reduce the money in this supplemental for defense, we are going to have problems equipping the force and doing the things that are essential.

I just hope that this Congress can work with this President and, during this war, add the additional money that is necessary to recapitalize our forces. I think it is the number one defense priority. We are doing a good job on readiness. We are helping our troops with adequate pay increases and health care, but what we really are failing to do is to get the new equipment that they will be using. I worry, as we saw one of the B–1s lost today, and we are pleased to hear that the pilots were able to bail out and I think are safe, hopefully. But it is that kind of problem that will occur if we do not do a better job of modernizing and, therefore, I hope we can save this $5 billion, and I support the Obey motion.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Subcommittee on Defense of the Committee on Appropriations.

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

Mr. CUNNINGHAM. Mr. Speaker, I have stated in the well before that the two committees which are the best to serve on is the Subcommittee on Defense of the Committee on Appropriations, and when I served on the Authorization Committee with the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) and those guys, but also the Permanent Select Committee on Intelligence. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Washington (Mr. DICKS) know that yes, we need funds. We need them desperately, not just for our forces, but we need them for homeland defense also.

My point is, why are we here in this position? Why are we here today asking for more and more money? Eight years of the Clinton administration and 124 deployments has nearly devastated our military. The cruise missiles, we do not have JDAM kits for precision-guided weapons today. We have 37 ships tied up that we cannot repair with deferred maintenance.

Mr. Speaker, 124 deployments. Look at Haiti. Most people have seen Blackhawk Down. We got our rear-ends kicked out of there and we lost 19 rangers in the process. We got our rear-ends kicked out of Somalia, 5 times in Iraq, bombing an aspirin factory in the Sudan. All of these different deployments put us over $200 billion in debt for defense. And guess what? At the same time we deployed in defense, our national security forces, our CIA, our FBI, they also have not been able to modernize. Those accounts are deficits. Those accounts are low.

Now, we find ourselves not only in a war in Afghanistan, but here in the home front. We cannot make up $200 billion plus like this. Now we are asking to go $5 billion above the $20 billion, and then another $20 billion. That is no small change. And to do that, yes, we have a bill coming up before long that is called Medicare. We have a bill coming up called Social Security and the Social Security Trust Fund.

□ 1700

We are going to want money there. But we cannot keep deficit spending on all of these; and yes, there are priorities. The condition we are in right now of having to build ourselves out of this hole is going to take a while. We cannot spend all this money; we cannot spend $20 billion, in 3 months. We will spend it as we need it, and with the supplemental coming down the line.

If we try to do it now, we have all this money; and a lot of it is going to go where the gentleman and I do not want it to go.

Mr. DICKS. Mr. Speaker, if the gentleman will yield further, the gentleman would not argue that we are not short of the procurement dollars that are needed to modernize the forces, would he? Would the gentleman not agree with that?

Mr. CUNNINGHAM. Mr. Speaker, I think that is exactly what I said. But the reason we got here is because 124 deployments in the last years of the Clinton administration have nearly destroyed our military, and we cannot bail ourselves out of it.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, there are several oddities being announced today. One is that when we know we are going to need more money, we should not, in the basic budget bill, vote all that we are going to need, but we should hold some back for a supplemental.

I had thought the purpose was, when we were pretty sure we were going to need money, to vote that at the outset so there could be intelligent planning on the part of those receiving it, and reserve a supplemental for something unexpected. We are told here, yes, you are right, we need this money; but let us not do it in the overall budget bill. Let us wait for a supplemental. Why? Because the President does not want it.

That is really quite striking. That is the second interesting constitutional point. The gentleman from Florida (Mr. YOUNG) said the President leads and we support. In terms of the deployment of troops and the command in the field, of course that is the case. But in terms of allocation of resources, this is a very odd constitutional theory, that it is somehow inappropriate for Congress to say to the President, we think you need more money. It is a good thing Harry Truman did not believe that during World War II when he did such a good job of oversight.

Apparently, there is this new theory that once the President says something, that is it, that our job is simply to do what he wants. Pretty soon, under that theory, the only place we are going to find checks and balances around here is in the Members' bank accounts, because we have this view that says that whatever the President wants we have to accept.

By the way, there is reason to question the President's judgment. I know that is considered now to be, by John Ashcroft, somewhat treasonous, but the fact is, the President's judgment seems to be flawed.

All last year, I heard Candidate Bush and Candidate Cheney talk about how weak and pitiful the American military had been. We heard again from the gentleman from California that the American military had been reduced to a state of pitiful decrepitude.

So I have a question: Where did that wonderful military come from that just did such a magnificent job in Afghanistan, while it was simultaneously maintaining forces in Korea, in the former Yugoslavia, and continuing to bomb Iraq? In fact, the denigration of the military, which was the theme song of the Republican ticket last year, has just been very effectively refuted by the wonderful performance of that military in Afghanistan.

Now having performed that way, there is a need to replenish. Apparently, what we are told is yes, we do need to replenish them, we know that, it is foreseeable; but let us not do it in the basic budget bill because the President does not want us to, because Mitch Daniels will yell at him; and, therefore, let us do a supplemental.

It is not a sensible way to budget; it is not a sensible way to conduct legislative affairs; and it is not a sensible way, in my judgment, to try and spend money efficiently. If we think the military is going to need more money, let them have it at the outset. Let us do homeland security at the outset.

The supplemental is meant to be a way of taking care of unanticipated needs; it is not supposed to be a way to show congressional submission to an all-powerful executive which feels it would be inconvenient to spend now what it knows it is going to have to spend.

I hope that the resolution is adopted, and that it is in fact conscientiously carried out by those who vote for it.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I do not think we are as far apart on this as it seems. We all understand what the requirements are. Mainly, we are talking about timing.

What I suggest is we get about this conference report and bring it back to the floor so that the House can complete it on next week. The gentleman from California (Mr. LEWIS), as chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. MURTHA), as the ranking member, have done an outstanding job in preparing an excellent bill.

Are there other requirements? Absolutely. I can tell the Members, we talked about the tankers, wearing out that fleet; we talked about the AWACs. An awful lot of our combat aircraft are in the hangars being used as a source of spare parts. Because of all the deployments that the gentleman from California (Mr. CUNNINGHAM) mentioned, we are in fact wearing out much of the equipment of our military.

On the other hand, the bill that we are debating today is $317 billion. That is a lot of money. We have said that when additional money is needed over and above that, we are going to make it available. Who better knows than the Commander in Chief of the Armed Forces what they need to conduct the war in Afghanistan, or wherever that war might take us, to eliminate the threat of terrorism, to disrupt the ability of terrorist organizations to threaten the United States of America?

Mr. Speaker, I would just suggest to my friend, the gentleman from Wisconsin (Mr. OBEY), and I complimented the gentleman from California (Chairman LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), and I would not only compliment but thank the gentleman from Wisconsin for how we have worked together on all of our bills. We have worked together extremely well. We have worked together very well on this bill.

The gentleman from Wisconsin and I made a strong presentation to the President. The President made a final decision, as Commander in Chief; and that is the decision that we are working with today.

So now we are at the point where the gentleman from Wisconsin (Mr. OBEY) has made a motion to instruct the conferees. I have already said that we are going to accept that motion, so I just ask the gentleman from Wisconsin (Mr. OBEY) to take ''yes'' for an answer.

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

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the question before us is very simple: What is more important, to adhere to an artificially imposed $20 billion spending ceiling on national security-related items, or to do what we think is necessary today to deal with our vulnerabilities?

We are told by the majority Members, wait until next year. In my view, that is a slogan more befitting a Chicago Cubs fan than it is a Member of Congress.

If we take a look at what my good friend, the gentleman from California (Mr. CUNNINGHAM), has said, he said that we have urgent military needs; yet we are being told that those needs have to be sacrificed to that $20 billion ceiling that we supposedly agreed to.

There is no such ceiling. That ceiling is a fiction. When we agreed to supplemental funding requests after the events of September 11, we all agreed, and the President, the gentleman from Florida (Mr. YOUNG), and I are all on record publicly as admitting that that was simply a downpayment. It was not a final ceiling; it was a downpayment on meeting future needs. The needs are obvious. Members on both sides of the aisle know it.

We are told we are supposed to wait. We are told that this money cannot be used now. Not true. We can hire more border guards now. We have had over 600 of them already cleared by the agency. They are just waiting to get the authority and the money to hire them.

We can give the FBI a modern computer system now. Right now they have computers that cannot even do pictures. If they want to send a picture of a suspected criminal from one station to another across the country, at least one-third of their computers do not have the capacity to do that. And we are asked to wait? Give me a break.

We can improve the percentage of imported food that is inspected at our borders now. Only 1 percent is inspected right now. Yet we are told that somehow, rather than doing these things, we have to adhere to this $20 billion agreement. The fact is very simple: to wait is to play Russian roulette with the safety of every American.

Make no mistake about it, a great effort has been made here today to imply that Members can vote for this motion and still vote to keep the $20 billion ceiling. Members cannot. This motion specifically instructs the conferees to accept the higher dollar amount contained in the House bill for defense funding in the supplemental. It instructs the conferees to accept the higher dollar amount for assistance to New York, which is only half of that which was originally committed by the President, and it requires the conferees to accept the higher Senate amount for homeland security.

That means that if the conferees do that, they will be required to bring back to this floor a bill which contains more than $5.3 billion in additional security spending above the level that would be imposed by that $20 billion artificial ceiling. Mr. Speaker, they cannot vote for this motion and then claim to be consistent with it if they bring back a bill which falls short of that $5.3 billion add-on.

The American public wants these expenditures, the vast majority of Members want these expenditures, and the only reason the gentleman from Florida (Mr. YOUNG) has accepted it while at the same time trying to pretend that he can still stay within that $20 billion ceiling is because he knows that his leadership could not win a vote against this motion if they took it on. That is because most Members of Congress recognize this funding is necessary, and so do most members of the American body politic.

Mr. Speaker, this Congress did not say, Wait until next year, before it decided to give $24 billion in 15-year retroactive tax breaks to some of the biggest companies in this country. It did not say, Wait until next year, to the people who were given multi-billion dollar tax breaks on the estate tax. But when it comes to providing more help for the FBI, more help for the Customs people, more help for our other security agencies, we are now told, Wait until next year.

Let us do it now. Vote for this motion to instruct and mean it.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this motin to instruct.

In the three months since terrorists attacked America, Congress and the American people have been called upon to make extraordinary commitments.

Our men and women in uniform are risking their lives, helping to liberate Afghanistan from the grip of al-Qaida and and root out terrorists. Ordinary citizens are making sacrifices, volunteering their time and money to help victims of terrorism. And, in the days immediately following the September 11th attacks, Congress took unprecedented action to do its part—providing $40 bilion in emergency funding to help the rescue and recovery effort, enhance our military might, and ensure the safety and security of all Americans.

Despite our best intentions, what we provided was not enough. And we know we can do better. We must do right by our military, we must do right by the American people, and we must do right by the people of New York.

In the wake of September 11th, the President made a promise to provide whatever it took to rebuild New York. And Congress made that promise law, setting aside $20 of the $40 billion in emergency funding for relief and reconstruction. But neither the Senate nor the House bill fulfills this promise.

The devastation in New York is not just at Ground Zero, where teams are working around the clock to recover bodies and clear away the rubble. Widows need health insurance. Laid off workers—who were just getting by—need extended unemployment benefits. Residents need checks to cover security deposits in temporary homes, and to repair their apartments. Small businesses need grants to stay solvent.

And it is not just New York that is hurting. The American people have become victims of the fear and uncertainty that terrorism breeds. And, while investments in homeland security will not allay all the fears—they will go a long way to keep our communities safe. Safe from threats to our postal system and our food and water supply. Safe from threats to our ports, borders, and our schools. It is our responsibility to invest in safety both at home and abroad—providing adequate funds to ensure the superiority of our military and the security of our citizens.

It is simply wrong to force the American people to choose between homeland security and a strong national defense. And it is wrong to force us to choose between either of these and cleaning up New York.

$40 billion will not be enough to meet all of our commitments, but we have been blocked from increasing this amount before the end of the year. I urge our conferees to maximize our investment in all of these priorities, and I hope Congress will return in January ready to do our job—to commit whatever it takes to rebuild New York, win the war against terrorism, and keep America safe.

The SPEAKER pro tempore (Mr. THORNBERRY). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This 15-minute vote will be followed by a 5-minute vote on the motion to close the conference.

The vote was taken by electronic device, and there were—yeas 370, nays 44, not voting 19, as follows:

[Roll No. 494]

YEAS—370

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Callahan
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—44

Akin
Armey
Barton
Burr
Cannon
Chabot
Coble
Collins
Culberson
Deal
DeMint
Doolittle
Duncan
Ehlers
Flake
Goode
Goodlatte
Graves
Johnson, Sam
Jones (NC)
Kerns
Moran (KS)
Myrick
Nussle
Otter
Paul
Peterson (MN)
Petri
Pombo
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (MI)
Stearns
Tancredo
Terry
Toomey
Upton

NOT VOTING—19

Bishop
Buyer
Camp
Cubin
Delahunt
Dooley
Gephardt
Gonzalez
Hoeffel
Hostettler
King (NY)
Lowey
Luther
Meek (FL)
Miller, George
Pence
Schakowsky
Wexler
Young (AK)

□ 1737

Messrs. MORAN of Kansas, SMITH of Michigan, GRAVES, DUNCAN, EHLERS, PETRI, and UPTON changed their vote from ''yea'' to ''nay.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the Chair appoints the following conferees:

For consideration of Division A of the House bill and Division A of the Senate amendment, and modifications committed in conference: Messrs. LEWIS of California, YOUNG of Florida, SKEEN, HOBSON, BONILLA, NETHERCUTT, CUNNINGHAM, FRELINGHUYSEN, TIAHRT, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, and OBEY.

For consideration of all other matters of the House bill and all other matters of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Florida, LEWIS of California, and OBEY.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. LEWIS of California. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LEWIS of California moves, pursuant to clause 12 of rule 22, that conference committee meetings on the bill H.R. 3338 be closed to the public at such time as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS).

Pursuant to clause 12 of rule XXII, this vote must be taken by the yeas and nays.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 495]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—26

Bishop
Buyer
Camp
Cubin
Davis (FL)
Delahunt
Dooley
Evans
Ferguson
Gephardt
Gonzalez
Hoeffel
Hostettler
Hyde
Israel
Kaptur
Lowey
Luther
Meek (FL)
Miller, George
Murtha
Pence
Schakowsky
Weiner
Wexler
Young (AK)

□ 1748

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3323. An act to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1729. An act to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001.

S. 1789. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

DIFFERENCES WITH THE OTHER BODY

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

Mr. KINGSTON. Mr. Speaker, the House this year has had a very, very productive year. We have passed a good education bill, we have passed a faith-based initiative bill, we have passed an energy package; and, of course, we have passed an economic stimulus bill.

A funny thing has happened, though, on the way to the President's desk. It is called the United States other body, whose leader said, and I quote, or this is what has been said by that leader: ''The economic stimulus issue is not a front-burner issue. Other legislation, particularly government spending, is more important.''

That is a defining difference between the Republican House and the Democrat Senate. We believe people who are out of work, businesses that are cutting back, the economy that is going sluggish should be a front-burner issue. Unfortunately, the United States other body thinks it is no big deal, and that passing spending bills is more important.

But how are they doing on passing other spending? Here is what we have done on the House side. We have passed the energy bill, the economic stimulus, faith-based, the farm bill, trade promotion, antiterrorism and human cloning.

Where is the Senate? Nowhere. Maybe Mr. JEFFORDS needs to reexamine.

APPROPRIATIONS BILLS, 107TH CONGRESS, 1ST SESSION

Bill	House passed	Senate passed	CNF passed	Time elapsed between H/S
Supplemental, FY 01	6/20/01	7/10/01	7/20/01	21 days.
Supplemental, FY 02	9/14/01	9/14/01	9/14/01	.....
Agriculture	7/11/01	10/25/01	11/13/01	90 days.
Commerce/Justice/State	7/18/01	9/13/01	11/14/01	86 days.
Defense	11/28/01	12/7/01	.....	9 days.
DC	9/25/01	11/7/01	12/6/01	73 days.
Energy/Water	6/28/01	7/19/01	11/1/01	22 days.
Foreign Operations	7/24/01	10/24/01	.....	90 days.
Interior	6/21/01	7/12/01	10/17/01	22 days.

APPROPRIATIONS BILLS, 107TH CONGRESS, 1ST SESSION—Continued

Bill	House passed	Senate passed	CNF passed	Time elapsed between H/S
Labor/HHS/Education	10/11/01	11/6/01	.....	25 days.
Legislative	7/31/01	7/31/01	11/1/01	.....
Military Construction	9/21/01	9/26/01	10/17/01	5 days.
Transportation	6/26/01	8/1/01	11/30/01	[1] 85 days.
Treasury/Postal	7/25/01	9/19/01	10/31/01	54 days.
VA/HUD	7/30/01	8/2/01	11/8/01	3 days.

[1] (Sent to conf 10/31.)

ANNOUNCING INTRODUCTION OF WORKER OPPORTUNITY AND RELIEF COMPENSATION ACT

(Mr. MOORE asked and was given permission to address the House for 1 minute and include extraneous material.)

Mr. MOORE. Mr. Speaker, on September 11, the people in the Congress came together with the President and all the American people as a result of the tragedy on September 11 in New York and Washington. I think we need to show that same spirit again when we come together for displaced workers in this country.

The people in this country who lost their jobs as a result of the faltering economy or the horrible event on September 11 do not need a handout. They do not need a tax cut. They need a helping hand just to get through this personal crisis they have suffered as a result of their loss of jobs until they can find a new job. These people are taxpayers and they will work again when they have the opportunity. But until that time, they need health insurance and they need extended unemployment benefits.

I am concerned that the latest press accounts reflect there may be some problem with the stimulus package. If that is the case, we need at the very least to pass a stand-alone provision for these displaced workers. The President has committed to support such a stand-alone provision.

I have introduced today the Worker Opportunity and Relief Compensation Act. I ask for your support for that legislation.

Mr. Speaker, I include a December 7 letter from the President as follows:

THE WHITE HOUSE,
Washington, December 7, 2001.

Hon. DENNIS MOORE,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MOORE: In October, I called on Congress to pass meaningful legislation to help Americans who have been affected by the economic consequences of the terrorist attacks. I called for immediate assistance for workers who have lost their jobs, and for tax provisions that would immediately and significantly stimulate the economy to create more jobs.

I made clear that I was open to good ideas for achieving these goals. And I laid out some general principles that are essential components of a meaningful stimulus package:

Tax rebates for lower-income Americans; Acceleration of marginal tax rate reductions; Enhanced expensing of capital expenditures; and Elimination of the corporate alternative minimum tax.

In the two months since I called on Congress to act, many promising ideas to assist workers have been put forward by both Democrats and Republicans. In November, Chairman Baucus proposed temporary expansions of health care and unemployment benefits for displaced workers. A bipartisan group of moderate Senators also developed a specific proposal for temporary assistance to workers, including a health insurance tax credit. This week, Chairman Thomas and the Republican leadership of the House announced their support for a specific set of temporary expansions of health care and unemployment benefits for displaced workers. Their proposal includes tax credits and mandatory spending, including block grants for health insurance, and extensions and increases in unemployment benefits that could all be implemented quickly.

I believe that the recent proposal from the House Republicans, coupled with the essential components of an economic stimulus bill that I have outlined above, can form the basis of a legislative package that provides the assistance and new jobs that American workers need now. I urge the Congressional Leadership to bring this legislation expanding unemployment and health benefits to my desk by the end of the year. Additionally, I urge Congress to send me legislation regardless of the success or failure of any other elements of the economic stimulus measures now pending. I continue to strongly believe that the best course is to combine assistance for dislocated workers with meaningful tax cuts that will create jobs for American workers.

My Administration stands ready to work with Democrats and Republicans to turn good ideas into law. We have an extraordinary opportunity to rise to the challenge of extraordinary economic times. I hope that Congress can now act quickly.

Sincerely,

GEORGE W. BUSH.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THORNBERRY). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL CALL TO SERVICE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, today the gentleman from Tennessee (Mr. FORD) and I introduced a bill called the National Call to Service Act. All of us are very aware of what happened on September 11; and as terrible as that day was and those events were, we have also seen some very positive things that have happened since.

We have seen the resurgence in patriotism. We have seen people who are more cordial and certainly have a greater desire to serve the country. In an attempt to harness this energy, the Call to Service Act would enlist 250,000 people, young people and old people alike, to serve our country. There are three aspects I would like to touch on very briefly here today.

First of all, rural and underserved areas often do not get much mention in a bill of this type. However, the National Call to Service Act does make sure that all areas of the country, particularly rural areas, are recognized. One example of this would be the teacher corps which would provide educational awards to attract and keep teachers in rural areas where it is very difficult to attract and keep teachers in such underserved areas. Another example would be public health programs where again rural areas are often neglected and underserved.

The second area of the National Call to Service Act I would like to call attention to is homeland defense. We have many young people who would like to serve the country, but yet do not want to go into full-time military service. This bill would provide young people with an opportunity to serve 18 months of active duty and then 18 months in a reserve status. In return, they get an educational award at the end of their service.

These young people would be used to guard vulnerable areas such as buildings, bridges, nuclear plants, airports and our borders. Also in the event of a national catastrophe involving bioterrorism, we need a great many people who could provide technical assistance in case of a health emergency.

Thirdly, one of our greatest resources in this country at the present time that I believe is greatly underutilized is our senior citizens. We currently have a great number of children who lack a caring adult in their life. They have no role model. We have 18 million fatherless children in the United States today. Roughly one-half of our young people growing up in this country are growing up without both biological parents. Seniors can certainly fill this gap. They can serve as tutors and mentors for these young people. It has been very well established that a good mentoring program can reduce absenteeism

from school by 50 percent, can reduce drug abuse by 50 percent, can reduce teenage pregnancy, violence and dropout rates significantly.

We think that by utilizing our seniors more effectively, we can serve the country well, and particularly the youth of our Nation.

Mr. Speaker, at this time I yield to the gentleman from Tennessee (Mr. FORD), and he will discuss other aspects of the Call to Service Act.

Mr. FORD. Mr. Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) for yielding; and I come from a State with a good football team, but I am delighted that the greatest mind, at least in my era of following college sports, would see fit to allow a young Member like me to partner with him to do something that in the long run will benefit young people for many, many years to come.

It is difficult to expand on what the gentleman from Nebraska has already said, but this bill gives my generation an opportunity to do something that we have not been able to do. For so long we have been reduced in a lot of ways, and some of us have chosen, to be spectators to conflict involving challenges to our values and freedoms. We are hopeful with our friends on the other side of the aisle and this bill's companion, S. 1792, which was introduced yesterday by Senators MCCAIN and BAYH, we are hopeful that this legislation will attract the support of Democrats and Republicans alike in both Chambers.

Mr. Speaker, the district of the gentleman from Nebraska (Mr. OSBORNE) and my district could not be any more different than they are. He is from a rural area in Nebraska; I am from an urban area in Memphis, Tennessee. We are hopeful that regardless of who Americans are, where they live, or how they may identify themselves politically, this bill will attract the support of all of our colleagues, largely because it invites involvement.

The gentleman from Nebraska (Mr. OSBORNE) spoke about the need for this and how critical it is; but just to give more specifics, the purpose of the bill is to basically expand the AmeriCorps program. We propose a fivefold expansion of the traditional program, including new opportunities, as has already been mentioned, for senior service, work study and homeland defense. Specifically, over half of the program's expansion would be used to augment homeland defense in the areas of law enforcement and public health. Additionally, the legislation would provide new options for military enlistment, including expansion of the Montgomery GI bill and the establishment of a new 18–18–18 short-term enlistment option.

These provisions acknowledge that the GI bill has not kept pace with inflation, and a growing shortage exists for entry-level service needs. The short-term option would qualify E1 level recruits for an $18,000 education bonus after service of 18 months of active duty and 18 months of reserve duty.

Finally, in an ongoing effort to enhance national service, the bill also sets accountability standards and provides for a new demonstration choice voucher plan, not the voucher plan that my colleagues often think about, but a voucher plan providing grants for young people to apply in areas of public service.

We believe the Call to Service Act presents an immeasurable opportunity to seize on those attributes that define us as Americans and make us proud to serve in this country.

Mr. Speaker, I thank my colleague for yielding me this time and both Senators for their support; and I hope that all of our colleagues will see fit to support this important legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COMMENDING MAJORITY LEADER DICK ARMEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I want to take a few minutes to talk about a real stalwart in this House, and to thank the gentleman from Texas (Mr. ARMEY) for his hard work and to remind our Members about what his leadership and effectiveness have meant to the success of our majority.

When DICK ARMEY first got to Washington, they said his ideas were out of step; but now America has caught up to Dick Armey. He stood firm against communism, and the Iron Curtain failed. He insisted that the welfare system was broken, and millions of Americans are now earning paychecks and have greater self-worth because they have entered the workplace. He took on a tough job of realigning our military base structure and our Armed Forces are more effective today because their bases better support their new mission.

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DICK ARMEY said repeatedly that punishing success was not part of the American dream. And he helped Presidents Reagan and Bush pass pro-growth tax cuts that raised our economic security. Many Americans now understand that a rising economic tide lifts all boats because DICK ARMEY explained it to them.

He reminded us that God is a part of all of our lives and millions of people now question why God has been driven out of our national lives. He fought laws that would have weakened our Constitution, and America remains the freest and most secure country in the world. He said that red tape and unneeded regulations were stifling growth and shortchanging job creation and now, despite the blow from September 11, our American economy is the healthiest, most vibrant and most productive in the world.

He knew that if Republicans clearly explained our goals as the majority party, we would earn broad support from the American people, and the Contract With America helped build the first Republican majority in four decades.

He arrives and departs Washington as fundamentally the same man that stood next to me to take his oath of office in 1985, but the Washington he will leave behind in 2003 is a very, very different place. He is just an ordinary man with extraordinary ideas that helped change America.

Since Republicans earned our House majority, the Federal Government has grown leaner, more efficient and more responsive to individual citizens. These changes happened because people like DICK ARMEY knew we could expect more from our government and they insisted that we do better. Our Republican majority has accomplished great things together, and our Nation is stronger, freer, and enjoys the highest living standards in the world.

Several broad principles guided our efforts: We believed that freedom is not free. We worked to ensure that our Armed Forces and the agencies protecting America had all the tools necessary to defend our country. We believed that government answers to the people. We worked to make the Federal Government more responsive, more efficient and more effective in performing its work. We believed that families are entitled to keep more of what they earn. We worked to be careful stewards of their tax dollars and insisted that every dollar was spent as wisely and effectively as it could be.

So, Mr. Speaker, let me say to DICK ARMEY, thank you, DICK, very much, for everything you have done to keep America strong and free. You can be truly proud of what the House has achieved under your leadership. There is no doubt that we will continue improving our Nation over the course of your final year. We must treasure and build upon our gift from previous generations. They left us a great country with a big heart, broad shoulders and the courage to chase hundreds of millions of dreams.

Today, the beacon of freedom is burning brightly. We need to stoke the flame, lift the lantern higher and lead freedom-loving people onward to a better and more fulfilling life.

I want to extend DICK ARMEY my deep thanks for everything he has done to make that happen. Finally, Mr. Speaker, let me offer a special thank you to Susan Armey for allowing America to borrow her husband all these years. Our country is a better

place because of the sacrifices she and her family have made.

INTERNATIONAL CONTRIBUTIONS TO THE WAR ON TERRORISM

The SPEAKER pro tempore (Mr. OSBORNE). Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, in the aftermath of the devastating attacks on New York and Washington on September 11, the United States has taken a range of swift and decisive actions to bring the terrorists responsible to justice and to ensure that sponsors of terrorism are uprooted. Our military has helped drive the Taliban from power in most of Afghanistan and has tightened the noose on Osama bin Laden and his compatriots. We have seized terrorist assets around the world, putting those who would help terrorists on notice that we will dry up those sources of support.

In our military, diplomatic and financial efforts, the United States has received unprecedented support from the international community. Many countries around the world have converted their sympathy into real acts of solidarity. Our battle against terrorism is a global fight. Success requires sustaining a broad coalition of diplomatic and military partners over the long term.

Recently, the State and Defense Departments provided me with a list of 29 countries plus the European Union who have contributed to our current counterterrorist efforts. While each country is helping in specific ways, they all are making a difference in our ability to thwart the global threat posed by terrorist groups like al Qaeda.

Our allies in Europe are among our most committed partners. NATO took the unprecedented step of invoking article 5 of its charter, considering the attacks on the United States as attacks on the alliance as a whole. The European Union has offered broad diplomatic support and nations throughout Europe, from France and Germany to Poland, have offered military and domestic counterterrorism units. Unique among these loyal European partners is Great Britain who has stood with us diplomatically and fought alongside us in Afghanistan. The depth of this special friendship is one for which we should be profoundly grateful.

Beyond our European partners, our allies in Asia— Korea, Japan, Australia and New Zealand—have all provided combat or support forces for this fight. Our relationships with Russia and with India have improved greatly because of our common struggle against terrorism and their continued efforts to support us.

Finally, I would like to note the remarkable actions of Muslim countries in this global struggle. So many are our friends and recognize that the war against terrorism is not a war against Islam. Pakistan has been crucial to our efforts in Afghanistan and has demonstrated great courage in helping lead the struggle against radical terrorism. Our NATO partner, Turkey, has provided special operations troops and has helped bridge the gap between the West and other Muslim nations. States in the Gulf and throughout Central Asia have also chosen to stand with the global community, seizing terrorist assets, providing public support for our military efforts and granting critical overflight and basing rights.

As President Bush has said many times, this war will be a long and multifaceted one. To succeed, we will need the continued strength and commitment of the American people, but we will also need the ongoing support of our friends around the world. It is in the global interest to end terrorist activity and it will take global efforts to achieve this goal.

EXPRESSING THANKS TO JOAN BATES KORICH ON THE ANNOUNCEMENT OF HER RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, as Members of Congress, we all receive numerous honors every year. But having someone named after you is truly a special honor. There is a young boy named Eric Royce Bates out in California. What makes it so special is that his grandmother is my chief of staff, Joan Bates Korich, who has announced her retirement. Joni has worked for me for 19 years, starting in the California State Senate in 1982. I came to Sacramento as a young State Senator at the age of 31. I knew what I believed and I knew what my goals were. What I did not know was how to go about accomplishing those goals.

That is where Joni came in. She helped me learn how to turn ideas into accomplishments. She taught me that friendships can transcend politics and that just because you may disagree with someone, that that does not make them your enemy. She is the ultimate professional who takes her work seriously but never loses her sense of humor.

Thanks to Joni's leadership, our office is known for civility and professionalism. Our constituents in California have benefited tremendously from the unique care and interest she has demonstrated over the years. She has also proven time and time again how much she cares about every member of our staff. To this day, interns and young staff members who worked with us in Sacramento many years ago still call Joni to ask for advice, or just to tell her how their family is doing.

I still do not know how I managed to convince her and her husband Kim to leave her children and grandchildren and come with me to Washington when I was elected to Congress in 1992, but whatever I said, it was one of the best speeches I ever made.

In just over a month, Joni will return to her home in Sacramento and to her three children and eight grandchildren, including Eric Royce Bates. For Joni, there is nothing more important than family. I just consider myself fortunate to have been part of her extended family for the past 19 years. I will miss her very much as will every member of my staff.

Thank you, Joni, for all you did for me. You will be 3,000 miles away, but you will never be forgotten by me or by anyone who has had the good fortune to work with you.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

MAJORITY LEADER ARMEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, today Majority Leader DICK ARMEY announced that he would not run for reelection. I received this news with mixed emotions.

First, I am very happy for DICK ARMEY because he is moving to the next phase of his life where he will continue to pursue his dreams. This morning he fondly spoke of his wife Susan and how he was looking forward to spending more time at home with her. The gentleman from Texas spoke of her admiringly and spoke of the sacrifice that she has made, being a spouse of a Member of Congress. We all stood and applauded when Susan Armey was recognized. We stood because each of us knew what our spouses have endured—the long hours, the brutal campaigns, the time away from our families. We know what Susan has endured.

DICK and Susan ARMEY will get to spend more time together, and I am very happy for them. But also, Mr. Speaker, I am saddened by the gentleman from Texas' announcement. I am saddened because I consider him a friend and I respect what he has accomplished, but I will miss him and I wonder who will fill the void. DICK ARMEY has fought for so many things that have made this a better place to live: Welfare reform that has improved the lives of more than 6 million Americans who are working today and pursuing their dreams. It was DICK ARMEY who fought so hard for Congress to balance the budget, and finally we see a surplus for the first time in a generation. It was DICK ARMEY who fought for a flatter, fairer tax system for Americans.

Yes, Mr. Speaker, I am going to miss DICK ARMEY when he leaves. I am going to miss my friend. Thank you, DICK, for carrying on the banner, for accomplishing so much, making life in America better for me and for my children.

God bless you and God bless America.

TEACHER CERTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight because occasionally I still read articles or hear news reports about a teacher shortage in this Nation. This is a government-induced, contrived or special interest produced shortage, because this is a problem that could be solved very simply and very quickly if we would do a few simple things.

Many, many years ago, I taught American government and journalism at T.C. Williams High School in Alexandria, Virginia, the school that the famous movie ''Remember the Titans'' was made about. I have had many, many teachers in my family. My grandmother taught for 40 years. My older sister taught for 30 years. Nobody admires teachers, I suppose, more than I do. But I think some of the certification requirements are warped, are out of whack. It makes no sense, for instance, that people who have Ph.D.s or master's degrees and long experience and great success in a particular field cannot teach in most of the public schools of this Nation.

□ 1815

What spurred me to speak here tonight was an article that was in yesterday's Washington Post entitled ''Down to Basics on Teacher Certification.'' This article says:

''University of Virginia Professor Frederick M. Hess says states should dump their current teacher certification requirements and instead ask prospective educators three simple questions:

1. Do you have a college degree?
2. Can you pass a test in your subject area?
3. Can you pass a criminal background check?

If the answers are yes, yes and yes, you could apply for any teaching job in the state.

To those who are picturing a crime-free yet clueless misfit at the front of their child's class, Hess says: Give school principals some credit. Allowing someone to apply for a job is not the same as guaranteeing them employment, he wrote in a recent paper for the Progressive Policy Institute.

Currently, each state sets its own complex guidelines for certification. They require a degree from an education program. The problem is that nobody agrees on what these programs should be teaching, Hess writes, in '' 'Tear Down This Wall,' the case for a radical overhaul for teacher certification.''

That is what we need, Mr. Speaker, a radical overhaul of teacher certification. It makes no sense, if, say, a Ph.D. chemist who works at Oak Ridge in East Tennessee and who has spent, say, 30 years in that field and decides he would like to teach for a few years, he cannot be hired over some 22-year-old recent college graduate who has a bachelor's degree in chemistry, because that young person took a few education courses, and this Ph.D.-experienced chemist did not.

It makes no sense, Mr. Speaker, that a person who has a Ph.D. in political science cannot go teach American government in most of the high schools, public high schools, in this country. Or you could name any other field.

Let us say that we know that many private small colleges are struggling financially. Some of them close. Some of them cannot pay as well as the public school systems in this country. So let us say a person who has a Ph.D. in English and has taught 25 years at some small college wants to go teach in a public school. They should be able to.

The school systems of this Nation, the school boards, should be allowed to say a degree in education is a plus and a factor in favor of someone being hired; but they should have the flexibility to hire somebody who has great experience in a field and has maybe even advanced degrees in a particular field, and they should not be disregarded or excluded from even being considered for teaching positions in this country just because they did not take an education course when they were in college.

So I appeal to the Committee on Education and the Workforce members here and at the various State levels across this Nation to give our school boards and school systems more freedom and flexibility in who they can hire. I believe that we will get much more qualified teachers and wipe out this contrived, government-induced, pressure group-produced teacher shortage in this Nation.

NATIONAL AVIATION CAPACITY EXPANSION ACT

The SPEAKER pro tempore (Mr. OSBORNE). Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise tonight to introduce the National Aviation Capacity Expansion Act. This measure will codify into Federal law a historical agreement reached between Illinois Governor George Ryan and Chicago's Mayor Richard Daley that would benefit not only the Chicago area, but the entire Nation.

This agreement and legislation will modernize O'Hare International Airport by constructing new runways and reconfiguring old intersecting runways. It will also address automobile traffic congestion near O'Hare that will include western airport access, and it will maintain the quality of life for residents near O'Hare by committing $450 million in funds for soundproofing. In addition, this agreement will construct a new south suburban airport near Peotone and continue the operations of Meigs Field on Chicago's lakefront.

Because O'Hare is the epicenter of the Nation's aviation community, this agreement is great news for airline passengers across the Nation. O'Hare is one of the world's largest airports and is the only dual-hub airport in the Nation, as both United and American Airlines base a significant amount of their employees, equipment and activities at O'Hare.

O'Hare serves more than 190,000 travelers per day, with 2,700 daily flights. Communities big and small are served by O'Hare. Forty-eight States in this union have direct access to O'Hare International Airport.

O'Hare is badly in need of an upgrade to meet the demands of the 21st century because the airport design was developed in the 1950s. By replacing old runways with a safe and more modern design, weather delays and cancellations will be greatly reduced, eliminating delays that often make the rest of the Nation shudder.

In addition, my bill ensures that O'Hare modernization will be paid for primarily through airline and airport generated-funds, such as the passenger facility charge, landing fees, concessions and bonds. Contrary to what the few opponents of this measure say, this bill does not put the Federal Government on the hook for the cost of this project.

This bill also moves ahead with a south suburban airport near Peotone, Illinois. While some of those few opponents argue that expanding and reconfiguring O'Hare will put a stop to the State of Illinois' plans to build an airport at Peotone, nothing could be further from the truth. As the Chicago Sun Times wrote yesterday in their lead editorial: ''The road to an airport in Peotone runs through a revitalized O'Hare. The two are linked. Demand for air travel is a key ingredient of the economic vitality of Chicago, our region and the country. A crowded, overwhelmed O'Hare, delays air traffic nationwide, and costs uncalculated billions every year. Another 2 decades of a decaying O'Hare, and a lot of people won't want to fly into Peotone or anywhere else.''

I applaud Governor Ryan and Mayor Daley for their courage, tenacity and resolve that made sure that this agreement was done. But for this agreement to become reality in the long run, we must codify it so that no future Governor may rescind the agreement, and that is what my legislation will do.

I urge all of my colleagues to cosponsor this legislation that will do more than any other measure in Congress to meet the aviation demands of the 21st century.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

(Mr. ENGEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BOEHNER) is recognized for 5 minutes.

(Mr. BOEHNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE UNIVERSITY OF WISCONSIN-STOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, last week President Bush and Commerce Secretary Don Evans announced the recipients of the Malcolm Baldrige Award, our Nation's highest honor in quality and performance excellence, named after the 26th Secretary of Commerce. It is my pleasure to join them in congratulating the University of Wisconsin-Stout for becoming the first university ever to receive the award. I would also like to commend my good friend Chuck Sorenson, the chancellor at Stout, and the entire faculty and staff there for their hard work and dedication in helping make UW-Stout the extraordinary institution it is today.

In 1987, Congress established the Malcolm Baldrige National Quality Award to enhance the competitiveness of U.S. businesses. The award promotes quality awareness, recognizes the quality and performance achievements of U.S. organizations, and publicizes successful performance strategies.

It is given to U.S. organizations that have exemplary achievements in seven areas: leadership, strategic planning, customer and market focus, information and analysis, human resource focus, process management, and business results. All applicants for the Baldrige Award undergo a rigorous examination process that requires nearly 1,000 hours of outside review. Teams of examiners visit the finalists to clarify questions and verify information; and finally, an independent board of examiners reviews all applications and produces a report citing strengths and opportunities for improvement.

I am pleased that UW-Stout has received such a prestigious award. Many of us in western Wisconsin have long known the outstanding work done by the students, the faculty and the staff at UW-Stout that have made it an exceptional institution of higher education. UW-Stout is an outstanding role model for the 21st century education organizations, and it will now gain the national recognition their efforts deserve.

UW-Stout Stout is one of 13 publicly supported universities in the University of Wisconsin system. It has approximately 1,200 faculty and staff and about 7,700 students. UW-Stout offers 27 undergraduate and 16 graduate degrees. In addition to undergraduate and graduate degree programs, there are a variety of outreach programs and services to business, industry and society, and provides a full rage of support services to students.

In addition, UW-Stout's ''mission driven-market smart'' focus is characterized by an array of programs leading to professional careers, primarily in industry and education. It has maintained graduation replacement rates at or above 98 percent since 1996, and employers have consistently rated 99 to 100 percent of its graduates as prepared to work.

Although the Malcolm Baldrige Award is a tremendous achievement for UW-Stout, it is not the first award that the University has received. UW-Stout has received multiple awards for innovative programs and partnerships. In April 2001, UW-Stout received the national recognition from Newsweek as one of 34 schools cited as a ''hidden treasure.''

Some of the other awards include the 1995 Governor's Glass Ceiling Award; the 1999 Outstanding Award for Technology Transfer from the National Association of Management and Technical Assistance Centers; and the 1998 American Association of University Women Equity Initiative Award Winner.

Furthermore, UW-Stout has excelled in applying technology to instruction. Technology, when used effectively, can stimulate learning, enrich lives and create greater opportunity for the future of UW-Stout's students.

Beginning in the fall of 2002, toting laptops to class will soon be as common as carrying books. UW-Stout is the first university in Wisconsin to launch an initiative that will place a laptop in the hands of every incoming freshman.

To make the notebook computers even more portable, the program opted to use cutting-edge wireless technology. Each laptop is equipped to communicate with one of several Lucent base stations located on campus, allowing students to work on their laptops while in the classroom, the hallways, or even outdoors.

That is, however, only one of UW-Stout's innovative achievements. It is truly an exceptional university, and I am proud that this university is in my congressional district back in western Wisconsin.

Again, I am pleased UW-Stout has achieved the Malcolm Baldrige National Quality Award. They are truly a leader in the field of higher education, and I commend them for their hard work.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

(Mr. BRADY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FEDERAL ECONOMIC STIMULUS PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, the Federal Government recently announced what we already knew, that the economy has been in recession since last March. According to the Labor Department, from September to October, the unemployment rate jumped from 4.9 percent to 5.4 percent, the largest 1-month jump since February of 1986. There are now 7.7 million unemployed Americans across this country, an increase of over 1,650,000 since March. The terrorist attack of September 11 only hastened the economic downturn and highlighted the need for a Federal response to stimulate the national economy.

Congress, as we all know, is locked in the debate about how best to quickly revive the U.S. and global economy. We need a response that is tailored to meet the problem, one that puts money in the hands of consumers, one that stimulates job creation, one that helps those most immediately hurt by job losses.

Following the terrorist attack on September 11, the House and Senate budget committees issued a set of principles for the economic stimulus package. These principles stated that any stimulus measure should, first, be limited in duration; secondly, that it not cause the Federal Government to have an on-budget deficit; thirdly, that it not result in high, long-term interest rates; fourthly, that it be approximately $100 billion in size; and, finally, that the cost should be fully offset in the future to ensure maximum repayment of our $5.8 trillion Federal debt. I repeat that, that the cost be fully offset in the future to ensure maximum repayment of that debt. And that is an important point, that we have to make sure that we pay for what we expend.

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Sadly, the House of Representatives' leadership passed a tax bill disguised as an emergency stimulus package which ignored each of those principles. The misnamed Economic Security and Recovery Act, which basically only stimulated the corporations, provides little true economic stimulation to lessen our Nation's recession and will delete the U.S. Treasury of $274 billion over the next 10 years. Some 58 percent, or $161 billion, of this total would come from our Social Security and Medicare trust funds. It is coming at the backs of our senior citizens and their pensions.

In the long run, the bill is likely to increase the long-term interest rates,

which would raise home mortgage rates and, thereby, threaten the long-term growth of the economy. The fiscal discipline of the last 8 years that produced the largest budget surpluses in decades would be wiped out by this legislation, especially when combined with a $2 trillion tax reduction bill passed earlier by this Congress.

The bill includes long-term tax benefits for the wealthiest 2 percent of our taxpayers, $24 billion in retroactive tax relief for the largest corporations in America, accelerating the reduction in the top individual tax brackets affecting those persons making more than $297,000 per year, and provided $21 billion in tax benefits to U.S. corporate profits made outside the U.S. as long as the money is kept outside this country.

A scant 11 percent of the overall benefits of the bill would benefit those that are unemployed due to the downturn of the economy. That is 11 cents out of every dollar would only go for those that are in need.

The irresponsible failure to offset the cost of those tax cuts will leave us with future budget deficits and upward pressure on long-term interest rates. I would repeat that this bill would come and create additional deficits for our country.

Finally, the passage of this bill, and as we look at a bill, we have to make sure that it helps those that are in need and that it looks at stimulating the economy. It should follow the balanced alternatives that would quickly put money in the hands of people who have been hurt by the economic downturn and most likely to spend it and stimulate the economy. September 11 not only hurt New York, but it hurt everyone. It hurt those people on the borders that are having to wait. I ask that we really take into consideration and that we seriously look at what we are doing and that we vote for an appropriate piece of legislation.

The SPEAKER pro tempore (Mr. OSBORNE). Under a previous order of the House, the gentleman from Oklahoma (Mr. WATTS) is recognized for 5 minutes.

(Mr. WATTS of Oklahoma addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BREATHING LIFE INTO HUMANITARIAN LEGISLATION FOR AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the President of the United States signed legislation to assist the starving Afghan women and children. Not only was this legislation to address these terrible physical needs, but also to address the need to include Afghan women in the political and governmental structure of a new Afghan.

I would simply say that the signing of the legislation and the work that was done by the women of this House and the Senate, many women in the Democratic Caucus who began many, many months ago speaking about the plight of the women in Afghanistan, is something that we all can be proud of. I salute the signing of this legislation.

Right now, there are 1 million people from the Afghanistan nation on the border of Afghanistan and Pakistan. These individuals are suffering because of the inclement weather and the very cold season. In refugee camps, 175 people have already died, and most of those are children.

It is important as we sign legislation, Mr. Speaker, that we utilize part of the $40 billion to act on the legislation. The people in Afghanistan need food, they need clothing, they need the ability to be resettled, they need housing that will be warm. In order to make this legislation a living, breathing document, I call upon the President of the United States to expend some of those dollars to utilize them immediately to help the starving children and the plight of those families on the border between Afghanistan and Pakistan. It is enormously important that as we fight to rid ourselves and the world of terrorism, that America emphasizes and reemphasizes its humanitarian approach and its view that there is a need to protect families, women, and children.

Mr. Speaker, just a few weeks ago I passed a resolution, H. Con. Res. 228, and that resolution was to emphasize that those children who lost parents or a guardian on September 11 should receive Federal benefits or any benefits with the highest priority. We know of the horrific tragedy of September 11, the divide that it caused in families and the loss of loved ones here in the United States, and I believe it is extremely important to emphasize the need to provide resources for those children. But equally so, as we have made a commitment to helping restructure the nation of Afghanistan, meaning to provide the opportunity for that government to build itself in a peaceful manner, we have also committed to making sure that women will be included in the rebuilding of that nation and in the governmental structure. We realize that the imprisonment of the burqas was the imprisonment of the spirit and of people's freedoms.

Now women are able to take off those uniforms. Now we need them to be fully involved in the structuring of government so that women's interests and children's interests can be emphasized.

Next week I intend to hold a briefing on the plight of children in Afghanistan and the hunger that they face, the devastation that they face, the fact that children have to go to work at 7 and 8 years old to provide for their families making bricks. We must find a way to involve ourselves in the aspects of giving Afghanistan and the people of Afghanistan a future and a sense of hope. Particularly, we must find a way to involve ourselves in the lives of those children so that they will become freedom-lovers, lovers of stability and government, and appreciating their own faith and recognizing that their faith, the Muslim faith, the Islamic faith, is one of love and peace.

We must do that now, Mr. Speaker. We must ensure that the resources are there. We must breath life into legislation that was signed today. We must address the question of 1 million refugees. We must find a way to stop children from dying in refugee camps. We must find a way as well to help rebuild this nation in a way that it stands alongside of the rest of the world family as a freedom-loving place, a place of peace, and a place where all can raise their children in harmony and with opportunity.

SERVICE WITH DISTINCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SESSIONS) is recognized for 5 minutes.

Mr. SESSIONS. Mr. Speaker, today was a day that our majority leader, the gentleman from Texas (Mr. ARMEY), announced that he would not be seeking reelection in the 26th district of Texas, his hometown of Denton, Texas and the county of Denton.

Mr. Speaker, Majority Leader ARMY, upon making this announcement, gathered his family together and spoke with his family about his hopes and dreams of a new life that he wishes to have outside of the Congress. He spent 16 years in this body. This body respects DICK ARMEY. This body loves DICK ARMEY. This body also understands that DICK ARMEY is a man who brought high energy, ideals, high ideals and ideas that have moved this country, that have been a part of the political debate of this country.

I, as one Member, was asked to run for Congress by DICK ARMEY, and he described it to me as a place that would be not only an honorable place and a place where ideas would be talked about and discussed, but also a body upon which was an institution, the institution of the Congress of the United States. DICK ARMEY is one of the few people who have been to the very top who, upon their own choosing, has decided to leave. He served this body with honor and distinction, and he looks forward to those times that he will spend with his family.

But today was a special time, for he had his beautiful wife, Susan, and his family gather with him in this body as he described not only his hopes and dreams of this country that he has served, but also the hopes and dreams of this country when he goes into retirement. It is DICK ARMEY who worked to make this a better place. It is DICK ARMEY who chose to bring ideas not

only related to solving one of the more difficult problems of this country related to how we handle military base closings, but it is also DICK ARMEY who talked about and brought from his years as an economics professor, a doctor of economics, the understanding that what this Congress does when it taxes people, when it takes money from people, what those profound effects are upon not only families and businesses, but also on the psychology of the Nation that no longer could handle deficit spending.

Mr. Speaker, it is DICK ARMEY who understood as a result of traveling all across this country the hopes and dreams that people have about America's greatest days lie in our future, and that is why DICK ARMEY became the father or the author of the Contract With America. Yes, he did work with Newt Gingrich on that, but it is DICK ARMEY and his staff who took it as a challenge, an opportunity, a sharing of ideas, where he stated unequivocally that if the Congress of the United States, the 104th Congress, would focus on those 10 important aspects that were embodied within the Contract With America that were, simply put, giving power back to people who are back home and taking power away from this body, that we could become not only more respectful of the taxpayer, but we could focus on the things that would make this country better.

It is DICK ARMEY who led the battle. It is DICK ARMEY who had the ideas, who shaped not only the things that made a difference in the Contract With America, but it is DICK ARMEY who made sure that they passed on the floor of this House of Representatives.

Mr. Speaker, DICK ARMEY has served with honor and distinction, not only the people of the 26th district of Texas, but also the people of this country. He was also our elected representative, the majority leader of the Republican Party. He will be sorely missed. Dick has been a good friend of mine, a mentor, and provided me not only with wise counsel, but also talked about how this institution must survive because it is in the best interests of this country.

So on this happy day, there is sadness in my heart, yet I know that DICK ARMEY feels like that he goes out in a way that he chose best, a way where he had a chance to leave this body, where he had a chance to give his very best, and yet he knows that his greatest days will be those times that he will have back in his own backyard with his grandchildren enjoying himself with his beautiful wife, Susan, and praying for this country. For we, too, will continue without him, but we too recognize that the opportunity to take those ideas that DICK matured for every one of us, in fact, will make our country better.

Mr. Speaker, I will miss DICK ARMEY. We will have one more year to work with him. But I want the people of this country to know that the time that is spent in Washington, D.C. can be done by honorable and great people and DICK ARMEY is simply one of those gentleman.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE JOINT RESOLUTION 78, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 78) making further continuing appropriations for the fiscal year 2002 and for other purposes; the joint resolution shall be considered as read for amendment; the joint resolution shall be debatable for one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1845

BASE CLOSURES HARM AMERICA

The SPEAKER pro tempore (Mr. OSBORNE). Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, in all probability, tomorrow the defense authorization bill for the year 2002 will come to the House floor.

Three or 4 years from now, it probably will not be remembered for what it has done for military procurement, because it does not do much. It buys only six ships for the fleet, which is actually one ship less than the Clinton administration asked for. It does almost nothing to address the aging of the military air fleet. It does not do a whole lot as far as replacing aging weapons systems.

But what it will be remembered for, if it passes, is the defense authorization bill that comes to the floor tomorrow includes base closure. Having been a Member of the House for three rounds of base closure, I am going to oppose that and offer a motion to recommit, because I truly believe in my heart and in my mind that base closure is bad for America.

First, I think it hurts our Nation's ability to defend itself. I think it is bad for those people who have served our country, I think it is bad for those people who are serving our country, and I think it is bad for those people who will serve our country.

On behalf of those who have served, a little-known fact is that about half of our Nation's military retirees have chosen to retire near a military installation. They do so so that in their golden years they can use those base hospitals and they can use the base commissary.

We, in effect, when we took them away from their families and sent them all around the world to defend us, we took one family away from them but gave them another. The new family is called the Air Force, the Coast Guard, the Marine Corps, or the Army. When we close the base, we have taken the family away from them.

They have purchased a house that is automatically reduced in value by the closure of that base. They are up in age, they do not want to up and move again, so in effect we have taken away their family doctor, the family grocery store, and once again, added to the list of things where they say we have broken promises to them.

I think it is bad for the present. Right now, all across America there are people working today, tonight, early into the morning, working overtime to take care to do those things that need to be done so our troops in the field in Afghanistan and all around the world are taken care of.

With the passage of this bill, they will immediately begin to wonder whether or not on November 7 of 2005 if that base will be open and if they are going to have a job. So instead of being rewarded for doing a good job for our Nation, they will immediately begin to worry about their future, and in all probability start looking for another job.

I think it is bad because when I asked my Senate colleagues, the other body, if they could name one single weapons system that has been purchased with savings from the previous three rounds of base closure, they cannot name one, because there is no savings. See, the myth of base closure is that we somehow save money because we close the base, we save a little bit on salaries. However, we are going to turn around and sell the property.

The part that was never explained to this Congress, but I will explain, is that the Nation has to live by the same laws as any other individual. Therefore, those laws that require properties to be cleaned up before they can be sold or given away apply to this Nation. Today, our Nation has spent over $13 billion cleaning up bases that were in turn given to local governing authorities because they could not find anything to do with them. They had suffered devastating effects to their local economy.

I think it is bad for the future, because once again we are breaking bonds between local communities and military installations. As we see a shrinking force, we also see a shrinking number of bases and a shrinking number of citizens who appreciate on a day-to-day basis what those bases do for us.

The young soldiers, young airmen, young Marines, young Coast Guardsmen, the young folks who participate

in the Special Olympics, in the Toys for Tots, who get involved in the Boys and Girls Clubs, they are gone. They are no longer part of the community. They are shipped off, and once again the military becomes somebody else's constituent, somebody else's neighbor.

It is bad, because when we lose that property, we never get it back, particularly our bases that are in waterside communities, once that property is disposed of, should there be another national crisis. And let me tell the Members, there will be another national crisis.

I have been in Congress for 12 years. I no sooner got here than the Berlin Wall came down and 3 months later American forces were in Panama. Less than a year later they were in Saudi Arabia and Kuwait. Since then they have gone to Bosnia, Kosovo. Right now, they are in Afghanistan. Who knows, given the open-ended use of force resolution that this Congress has passed, what happens next.

I think it is a horrible message that we are going to tell those people who defend us that their military housing is at risk because we could very well close down the base that houses them.

Mr. Speaker, I want to thank my colleague, the gentleman from North Carolina (Mr. JONES), for helping me to introduce this resolution. I would hope my colleagues would give serious thought to this. Not one Member of the House has voted to close bases. The other body only passed it by three votes.

I think it would be insane of the House of Representatives to allow this bad policy to become law tomorrow.

AMERICA CANNOT AFFORD TO IGNORE THE PLIGHT OF AFRICAN AMERICAN FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, as I have often spoken to this body about the plight of black farmers, again I rise today to speak about the same subject. Their problems and their possibilities transcend region and reach beyond where each of us lives and encompass a wide array of economic opportunities, and include not just black Americans but Hispanic Americans, Asian Americans, Indian Americans, and women.

This issue also affects the disabled. A wheelchair-bound white male in Michigan has felt the sting of unfair, discriminatory practices at the hands of those charged with serving, through the Agriculture Department, all citizens who make farming a way of life.

The plight of black farmers also affects those who reside in urban America as certainly as it affects those in rural America. What if the cost of milk was prohibitive for the average person? It is in many parts of the world. What if eggs and bread was not readily available, even for those who could afford them? That is the situation for some on other continents. What if fresh fruit, vegetables, or poultry could not be found on our supermarket shelves? There are supermarket shelves devoid of these products.

Just a short time ago, many Americans were touched by the kind of discomfort that citizens around the world experience on a daily basis when the meat crisis ground some hamburger sales to a screeching halt. The fate of farmers and the fate of urban dwellers are inextricably tied together. Discriminatory practices in extending loans, technical assistance, and resources of whatever kind will cost those in New York as surely as they will cost those in my district in Halifax County, North Carolina. Fading numbers of small farmers, black farmers, necessarily impact the quality of life and the cost of food and fiber.

Mr. Speaker, the motivation for me to seek an assignment with the Committee on Agriculture was that it provided me an excellent opportunity for me to improve the quality of life for the residents of my area, the First Congressional District of North Carolina, a primarily rural and economically disadvantaged area with large and small farmers, both commercial and noncommercial.

Farms have been important to this Nation's past; and farmers are vital to this Nation's future, especially small family farmers and ranchers. American producers, who represent less than 3 percent of the population, provide more than enough to meet the needs of our Nation, as well as many nations of the world.

There has been a great decline, however, in our Nation's farms since the late fifties. In 1959, there were over 2.4 million small farms in the United States. Over 170,000 farms were in North Carolina, representing some 6.9 percent. But by 1978, the national number of small farms had declined to a little over 1.3 million, a loss of 1.1 million small farms. In the same period, North Carolina lost 106,262 small farms, bringing our total to 69,091 small farms, but still holding at 5 percent of the national total.

It is also important to understand that by 1990, almost a quarter of all farm households had incomes below the poverty line, more than twice the national average. Life has become very tough for our American farmers.

By 1992, there were only 1.1 million small farms left in the United States, a 45 percent decline from 1959. North Carolina had only a little over 59,000 farms left in 1992, a 23 percent decline; better than the national percentage, however, but certainly nothing to brag about.

Several factors have accelerated the demise of small producers: Globalization of commerce, economies of scale, limited access to capital, technological advances. The existence of worldwide markets for all commodities, not just agriculture, has created unique market forces.

Indeed, black farmers have suffered more. More than anything else, Mr. Speaker, the American people have ignored the fact that only 1 percent of the total farmers that now exist are African American; that is 18,816. This Nation cannot afford to ignore the plight of American farmers who happen to be African American.

TAX RELIEF FOR FAMILIES OF SURVIVORS OF SEPTEMBER 11 ATTACKS, ECONOMIC SECURITY, AND HEALTH INSURANCE COVERAGE FOR DISPLACED WORKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I would like to discuss a number of topics tonight; and I know I am going to be joined by at least one of my colleagues, the gentlewoman from Florida (Mrs. THURMAN).

But I wanted to say that in the last couple of weeks before the holiday break, which I guess most of the Members of Congress are hoping that there will be some sort of holiday break, what I find, both here in Washington, in this Chamber, as well as back at home, is that while people continue to be concerned about the war on terrorism and also security here at home, they are also increasingly concerned about the economy and the recession that we now face, and the fact that so many workers have lost their jobs, the unemployment rate continues to rise, and that those displaced workers oftentimes have a problem, obviously, finding a new job, but also with their health care, their inability to keep their health insurance, as well as the fact that many Americans now face a problem that even if they have health insurance, they find that it costs them more, either because the premium goes up or because they have more copayments.

There is a tremendous amount of concern also, I think, by Americans, by the average American, about retirement security and whether Social Security, for example, or their pension, is going to be there when they retire.

So on the one hand, we continue the war on terrorism, which the President has very successfully continued in Afghanistan against the Taliban and al Qaeda; but at the same time, there is increasing concern about the economy at home and the recession that faces us.

I wanted to start this evening very briefly by talking about an issue that kind of goes together and concerns what happened September 11, and also is an economic security issue.

About one week ago, last Wednesday, in fact, there were about a dozen women who lost their husbands during the September 11 terrorist attack who

boarded a train in my home State of New Jersey, leaving their children behind, and came down to Washington. They did not want to be here. They were visiting with not only members of the New Jersey delegation, as well as our two U.S. Senators, but they also met with the Speaker and they met with the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader in the House.

When I say that these women did not want to come to Washington, that was obvious. They said many times that they were concerned about their children at home and about even being here. In fact, I would say that they were really angry over the fact that they had to personally come to the Nation's capital and ask in this case the House Republican leadership to bring up a bill that provides tax relief for their families.

The reason I bring it up tonight, and I have to say, I am going to bring it up every night until we adjourn for the holidays, is because when the women met with the Speaker, according to them, the Speaker promised them that the House would consider a tax relief bill for the victims' families from September 11 and that that bill would be brought up the following Tuesday, which was yesterday.

Well, it is pretty obvious, Mr. Speaker, that Tuesday has come and gone and nothing has happened in this regard, and they are still waiting.

□ 1900

My question really is how much longer are they going to have to worry about receiving relief from the Federal Government?

I do not want this to be partisan, but I understand, and I think they totally understand, that it is the Republican leadership that has to bring up this bill because they control the House. And I would say tonight, and I will say every night between now and when we leave, that it is time for the Speaker and the Republican leadership to step up and provide this tax relief by accepting the language that was passed last month by the U.S. Senate. The Senate passed a bill that accomplishes the goal of giving these women, in this case, widows, not only relief from their income tax for the 2-year period, but also relief from the payroll tax, from estate taxes. And it has other provisions that would help them out in this time of need.

Mr. Speaker, and now I am talking about ''the Speaker,'' these families have not forgotten the promise that was made to them last week, and I would urge that this bill be brought up quickly, tomorrow, the next day, or as soon as possible. And as I said, I will continue to come to the House floor every day until the Republican leadership brings this legislation to the floor, because I think it is the only right thing to do.

I would like to, before I get into the economic stimulus issue, because I really believe very strongly that we need to pass an economic stimulus package also before we go home for the holidays, but before getting into that I would like to yield to the gentlewoman from Florida who, I understand, is here because she wants to comment on this report that was recently put out by the President's Commission on Social Security.

I have to say, again going back to what I said initially, I know in New Jersey and throughout the country that people continue to be concerned about terrorism but, at the same time, I also know that I am getting a lot of concern on behalf of my constituents about the economic issues, whether it be the recession, Social Security, or Medicare, and we were hopeful that this commission was going to make some recommendations with regard to Social Security that would deal with the solvency problem.

We know in a few years that Social Security is going to start to diminish. The money will not be there, at least at the levels that are promised. And I know that the gentlewoman and I were very disappointed that their recommendations really do not deal with the solvency problem, and make recommendations with regard to privatization and other matters that I think are not really going to help.

So I yield to the gentlewoman.

Mrs. THURMAN. I thank the gentleman from New Jersey for yielding to me.

I first would say to the women who came from New Jersey here to speak to the body, we heard so eloquently today somebody talk about ''we the people,'' and this being ''the people's place of business,'' and so we do need to be paying attention to what is being said for those people who are having to suffer as a result of these September 11 attacks. They are the survivors, the families, their children. We need to be very cognizant of the issues and the needs that are facing them, and particularly not only at the tough time, but the holiday time, when they are already suffering from their losses, but then to be economically strapped because of the consequences.

Mr. PALLONE. If I could just reclaim my time. I did not go into the issue in a lot of detail, in part because, I have to be honest, it concerns me so much that it is difficult to talk about. But what has happened to them, and I think a lot of people do not realize this, is that the nonprofits, I guess primarily the Red Cross, basically provided assistance for the victims' families for a 3-month period. That ended essentially December 1.

So a lot of people think that the families of these victims are continuing to be helped by nonprofits, and in fact, that is not true. Some of them are in a position where they have a little money, but a lot of them do not.

I yield back to the gentlewoman.

Mrs. THURMAN. And I would say to the gentleman that that kind of walks into the issue of Social Security. So often we think of Social Security as just being something for those that have reached the age of 62 or 65. But the fact of the matter is we also recognize that Social Security provides essential income also for survivor benefits, and those survivor benefits in this case would be those children who are under the age of 16. They would have these benefits available to them.

Even as of last night, this House debated a resolution that pointed out why keeping Social Security was so important. And in the resolution it said, in the findings, ''This Congress finds that; one, Social Security provides essential income security through retirement, disability, and survivor benefits for over 45 million Americans of all ages, without which nearly 50 percent of seniors would live in poverty. Social Security is of particular importance for low earners, especially widows and women caring for children,'' similar to what the gentleman is talking about, ''without which nearly 53 percent of elderly women would live in poverty. And each payday American workers send their hard-earned payroll taxes to Social Security and, in return, are promised income protections for themselves and their families upon retirement, disability or death.''

In this resolution it says, ''and that commitment must be kept.'' Well, as we go through this resolution there is also a part that says ''the sense of Congress,'' and it says, ''The President's commission to strengthen Social Security, recognizing the immense financial commitment of every American worker into the Social Security System, should present in its recommendations innovative ways to protect that commitment without lowering benefits or increasing taxes, and that the President and the Congress should join to develop legislation to strengthen Social Security as soon as possible.''

And it goes on to talk about what such legislation would have: ''Recognizes obstacles that women face in securing the financial stability at retirement, or in cases of disability or death, and the essential role that the Social Security program plays in providing income security for women.''

It also says, ''Recognize the unique needs of minorities and the critical role the Social Security program plays in preventing poverty and providing financial security for them and their families when income is reduced or lost due to retirement, disability, or death;'' and ''It should guarantee current law promised benefits, including their cost-of-living adjustments that fully index for inflation for current and future retirees without increasing taxes.''

Like the gentleman from New Jersey, I had great hopes. I thought the commission was a bipartisan commission that was going to come back with some recommendations, or a recommendation, not only on how we keep Social Security solvent but also how we extend it into the future, and we have

heard the magic number of 75 years. I was rather concerned when the commission came back and released this long-awaited report on the privatization of Social Security.

Rather than releasing a consensus document with a single recommendation on how to lengthen the life of the trust fund, it released a list of three options, with little in the way of details. We just met with the commission and we said, are you going to give us details; how are we going to pay for this; what are we going to do? But what happened in this is that all three of the plans that were presented have what is called a ''claw back.''

Now, these plans then are set up so that the retiree does not get the full amount of what they earn on their private accounts. So they get the difference between what their account earned over time and an arbitrary number that the commission has set. That is what is called the ''claw back.''

All three of these options also carve private accounts out of Social Security. Here are the options: Option one diverts 2 percent of the payroll taxes into private accounts. This comes at a cost of $1 trillion over the next 10 years. How does this option extend the life of the trust fund? And, by the way, we do not think it does.

The commission also recommended reducing Social Security checks to seniors. But the cuts would not be enough to offset the $1 trillion in cost to the trust fund, so the commission failed to meet their goal of extending the life of the trust fund.

Option two diverts 4 percent of payroll taxes up to a maximum amount of $1,000. How does this get paid for, we asked? It reduces Social Security checks by changing the way payments are calculated for each new generation of retirees.

In making this seemingly small change, benefits for new retirees will gradually fall over time. Over time this adds up to a dramatic cut in benefits. It would mean a benefit cut of 24 percent for someone retiring in the year 2040. By 2070, the cut would be over 40 percent.

Option three combines a 2.5 percent payroll tax diversion with a 1 percent investment of your total paycheck. This option, we found, was so expensive that numerous cuts in benefits would have to be made.

The Wall Street Journal put it best when it wrote in its editorial page, ''Benefits for all retirees would be changed in so many ways that grandma's head would spin.''

The option that the President's commission has put out leaves several questions that we need answers to. What are the costs to the transition to private accounts from the current system? If tax increases are off the table, as the majority of this Congress voted for today, what Federal spending would have to be cut to provide additional revenue? What, if any, protections are in place for those who retire during a market slump? How will disability and survivor benefits be affected?

The President's commission was vague about how their three options would be financed. They mentioned that the revenue would be raised, but neglected to explain from where. The money has to come from somewhere. How can the President or Congress weigh the pros and cons of making these large changes to the Social Security System without this information? It is a question.

I believe, and I think many of us believe, there should be some investment component to Social Security. However, I would say that these are not the way. All three options that the President's commission put forth include a reduction in benefits, including a reduction in disability benefits. One option has so many cuts in benefits, as I said earlier, the Wall Street Journal said, again, ''Grandma's head would spin.''

The commission's report leaves too many unanswered questions. No one knows exactly how much these options would cost or where the money would come from to pay for these options. What we do know is this: We know that future seniors would face a reduction in their Social Security checks each month; diverting as little as 2 percent of payroll taxes to private accounts would cost $1 trillion in just the first 10 years; and we also know that none of these options will keep Social Security solvent over the long haul.

The gentleman from New Jersey and I have been here for a couple of years, we have been involved in this debate, and we care about this debate. The fact that this commission has come back and has left us with three options, has given us no knowledge as to how to pay for them, and leaves us probably with more questions than answers means that this debate will fall upon Congress once again.

I believe that if we were taking these dollars and, instead of diverting them, that we could actually, as we know from past reports, continue to make the Social Security System solvent by putting these dollars in the system that we have today versus trying to come up with another way of funding this or coming up with these privatizations.

We had some very good conversations last year to take some of what we used to have, the surplus, divert it to Social Security, to even actually take some of those dollars and use them in some accounts to extend the life of Social Security, that would be benefits for everybody, and now we are in a situation where we are left with a lot of questions, and talk of diverting funds, and no way to pay and no surplus.

I would say to the gentleman from New Jersey, and I know one of the reasons he is here tonight is to talk about the shape of the economy and the stimulus package, but the fact of the matter is we have left some false hopes for those seniors on the table today, and to those with disabilities, and to those that he spoke of so eloquently earlier, those that are survivors.

Mr. PALLONE. Well, I want to thank the gentlewoman. I know that on the Committee on Ways and Means, that this is one of the major issues that she has struggled with.

It all goes back to what we were saying in the beginning, which is that September 11 came, and we know what a dramatic impact it has had on the lives of the average American and on what we do here. But the bottom line is that before September 11, we had these outstanding issues; how were we going to deal with Social Security and the potential insolvency? How were we going to deal with the need for prescription drug benefit?

Mrs. THURMAN. If the gentleman will yield, I have to tell him that tomorrow in my district, and I cannot be there, obviously, because I am here, but I would recommend my seniors in Spring Hill and in New Port Richey, Pasco County, attend a rally they are holding.

□ 1915

They are holding a rally. They have not forgotten the promises that were made during election time. They are talking and having a rally. They are expecting somewhere around 250 people to talk about the procedure issue. The article that I read today on it said we are going to send a videotape to the gentlewoman from Florida (Mrs. THURMAN) with the stories and the plight of these families and the cost of procedures in this country.

I would invite once I get this videotape for any Member of this Congress to come and sit with me and watch and see what so many of these people are struggling with on everyday life-threatening situations, and that is the inability for them to pay for their medicines.

Mr. Speaker, I know that the gentleman has done a fabulous job on this issue. I enjoy working with the gentleman on the Democratic Health Task Force. I think we have done some very good things. But again, prior to September 11 when everything was done with the tax cuts, nothing is paid for, there is nothing left. Every month we are spending a billion dollars out of dollars that we do not have today that we had before.

Mr. PALLONE. Mr. Speaker, reclaiming my time, the fact of the matter is, and I do not want to make it so partisan and go back to the Clinton administration, but the fact is during the Clinton years we had finally gotten to a situation where we had a surplus. That had a major positive impact on the economy because it meant that the Federal Government was not borrowing so much. Money was freed up for companies to borrow and build factories and create new jobs. It was an important part of why the economy did so well.

I cannot believe when President Bush came in he started preaching essentially that we had to have huge tax

cuts that went to corporations and the very wealthy. As a consequence of that, we now have a deficit once again. I know that September 11 has aggravated that, but nonetheless we were there even before September 11.

When we talk about the Social Security system, I was amazed when I was looking at the analysis of this commission, they are suggesting using unspecified general revenues to restore solvency. President Clinton was saying exactly that, use the surplus to shore up Social Security. Some actuaries have said if we continued to do that over a number of years, that might have solved the problem itself, and we might not have had to do anything else. Now they are mentioning that in the report, knowing full well that the surplus is not there any more because of the Bush tax cut. There is some hypocrisy.

Mrs. THURMAN. Mr. Speaker, one of the things that is missed in this debate is that we watched the Social Security solvency, as well as Medicare, increase by year. Every year we were moving ahead, not backwards. So at first when we heard about Social Security, it was going to be 2029. All of a sudden we were able to increase the solvency until 2037. The reason for that was because of a strong economy, people were working and unemployment was low. People were paying into Social Security and Medicare. We watched Medicare go from something like 2011 when we did the 1993 bill. We took some of those dollars and we transferred them into Medicare from the Social Security part of it to make sure that we could keep Medicare solvent. We pushed the number out into the future.

So not only is the economy affecting us with the whole issue of whether or not we have any surplus left, but it is also reducing, because unemployment is going up, those dollars that would be going into the system that would be extending these programs. So we are really kind of getting a double whammy here. It is not like we can forget without the growth in the economy, it also dwindles the dollars that goes into these programs.

So not only are we talking about what the options are, we have to try to figure out how to extend the solvency from where we are; and the best way to do that is to make the economy grow. There are ways to do that; and if we could sit down in a bipartisan fashion, do a bill that is fair across the board, is paid for, we could be going home with a gift to our constituents that helped all Americans and not just a few.

Mr. PALLONE. Mr. Speaker, I agree. I know that the gentlewoman can be very hard hitting, and in some ways she is almost being nice about the Social Security commission. It is not only the hypocrisy in talking about using general revenues that do not exist any more, but also they did not make it clear that any kind of privatization is ultimately going to aggravate the solvency problem.

I know that there are different suggestions here, but there is no way to create these private accounts and take any percentage of the money away from the Social Security trust and invest it and not impact the solvency. They are disguising what they are doing with the three options; but ultimately by privatizing, they are making the solvency situation worse, not better.

Maybe we need to be a little harsher about it than we have been, frankly.

Mr. Speaker, I yield to the gentlewoman.

Mrs. THURMAN. Mr. Speaker, we just got the report. It is 150 pages long. We are going to continue to dissect it and try to figure out if there are some things that we might catch onto. But there is an issue in the report that does concern me, and it is the one that I spoke about earlier called the ''claw back.'' This claw-back issue is enormous because people think they are going to get their Social Security plus this investment. It does not work that way.

That is a really big concern because I think we are giving some false hope that we are going to take this 2 percent and invest it for you and, oh, by the way, you are going to get this, but you are also going to get all of this money that you supposedly made, and it does not work that way.

Mr. PALLONE. Mr. Speaker, I agree. I am going to sound very partisan, but both President Clinton and Vice President Gore were suggesting that there be a private pension system over and above Social Security. That is the only way we could actually accomplish this. Americans would still get their Social Security benefits, but then Americans put money aside into their own pension system which is matched with Federal dollars and then there is something beyond. But the only way to create that is if we bring new money into the system either because the individual is contributing it during their working years or the government matches. We cannot take it out of the existing trust fund without impacting the trust fund. That is why they have to claw back, obviously.

Mrs. THURMAN. The issue there was to encourage savings.

Mr. PALLONE. Exactly.

Mrs. THURMAN. It was to also recognize that Social Security was never supposed to be what people would have to live off of. So if we could find these U.S.A. accounts or whatever magic name we wanted to call them, the fact of the matter was that they would be there for the purposes of folks who do not make but a small amount of money, and they would invest into this on their own to be matched. It gave them incentives.

Mr. Speaker, guess what we have found. When people save, it is good for everybody in America. It is part of the economy. Savings is a part of what we rely on. So there was a plan with an outcome that was good for everyone and with no false hopes.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, it is good to be with the gentleman tonight. He has always brought the critical issues to the floor and has really given the public the information that is true and real. A lot of times they hear the pontificating on this floor, and it is absolutely just loaded with all types of hypocrisy and misinformation and misgivings. But when the gentleman from New Jersey (Mr. PALLONE) comes to this floor, the public knows that he is coming in to speak the truth.

Mr. Speaker, as I look at my lapel and see the burqa cloth, I am reminded today that we pretty much stood with the Afghanistan women to say free at last, free at last, thank God almighty, we are free at last.

As I look at the burqa, I am reminded of the issue of Social Security and women, and how they are not saying free at last because of this report that has just come out from the President's commission. There were some of us who went and talked with the commission to let them know some of the adverse provisions of Social Security and how it impacts women, the elderly and the disabled; and yet this report comes out, and indeed it has those very things that we thought it would have, and how it impacts in an adverse way women and the disabled and the elderly.

I would like to just speak a little bit about what we have seen in our research and the fact that this report is very disappointing to me as the recommendations contained in the draft final report of the President's commission to strengthen Social Security is in fact going to weaken it. The fact that the commission could not agree on a single plan and released three separate options is a matter of deep concern, as Social Security is an issue of critical importance to my constituents and the people around and across this great country.

The three proposals all require profound and fundamental changes to the Nation's retirement plan. I am concerned in particular with the impact any changes to the Social Security system will have on women, retirees and disabled workers.

The three approaches taken by the commissioners share several problematic features. The plans call for benefit cuts for retirees and disabled workers, and also for individual workers to open voluntary private investment accounts to provide them with an income in their old age, and we do know that once you rob out of the trust fund, it does not retain solvency at all. It weakens it.

So to even call this report strengthening Social Security is a farce. It is absolutely a discredit to those who are looking for something different than what this report is saying. Each of the plans diverts Social Security resources

elsewhere, and none of the plans balance Social Security without the use of massive transfusions of general revenue.

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That surplus that they thought we had, and I suppose they must still think that, is not there anymore. So that is another misconception, a misnomer, a misdirection. Hypocrisy. No independent actuarial analysis was released, making it difficult to assess the commission's claims. What is clear is that each plan would ''carve out'' private accounts from Social Security, thus they would divert a portion of the trust fund revenues into private accounts.

Let me give you just a couple of things. We will not go into this plan. I am urging all of the Members to read this plan, to synthesize it, to dissect it, because it has several plans and all talk about this ''claw-back'' that my dear friend the gentlewoman from Florida just mentioned. I would like to just give information as to why women really need a good Social Security plan. We recognize that women, on the average, earn less than men, meaning that they count on Social Security's weighted benefit structure to ensure that they have an adequate income in retirement. Women are less likely to be covered by an employer-sponsored pension fund, which means that Social Security comprises a larger portion of their total retirement income. Women lose an average of 14 years in earnings because they take time off from the workforce to raise their children or to care for an ailing parent or spouse. When women are in the workforce, they often work in part-time jobs. This means that they have less opportunity to save for retirement. So to even suggest that one would take voluntarily or otherwise from already a very weak type of income that they have, an income that is not conducive to caring for their family adequately, let alone talking about a private savings account.

Since women live 6 to 8 years longer than men do, they must make their retirement savings stretch over longer periods of time. Consequently, women depend considerably upon Social Security's progressive, lifelong, inflation-indexed benefits. Privatizing Social Security would undermine many of the features that benefit American women, retirees and the disabled the most. Privatization would encourage individuals to invest their proceeds in private accounts, especially through the investment marketplace and the stock market. Private pension plans require sophisticated knowledge of the stock market. Many women, and even men, lack the skills involved in making investment decisions, decisions that would be vital to their long-term financial security. In addition, because women earn less, live longer and spend less time in the workforce, they will have less to invest in their private pension plan. The result would be that women would have to live on smaller benefits from smaller accounts.

Finally, besides the risks evident in investing in the stock market, there is nothing to prevent individual private pension plans from being eroded by inflation, for heaven's sake. This is particularly devastating for women who have less money to retire on and the need to make their money last longer. Social Security resolves this problem by increasing benefits each year through a cost-of-living adjustment, which is COLAs. This safety net, it appears, will no longer exist, though, under this President's Social Security plan.

I say to you that the women across this country will now have an opportunity to look closely at this new strengthening Social Security proposal that the President's commission has come out with, and they too will be rallying in the streets, thinking that what they thought they were going to get, they will not get unless some of us rescue the Social Security plan and put back into the trust fund those types of benefits that one should put back in and should have in terms of strengthening the solvency of Social Security.

Another issue that my friend spoke about is the fact that unemployment and people who are laid off work cannot invest in Social Security. Therefore, the solvency will be eroded, eradicated, we will not have that. And so to mention and to even suggest that one can invest voluntarily into a privatized pension or an account is really suggesting that you will have more people on the street, poor people on the street, homeless people on the street, women who have no sense of security because if they invest, not knowing and not having the skills as most of us do not have, they will come out losers. This is a losing proposition, not strengthening but weakening Social Security. I thank the gentleman for allowing me to just make some statements tonight as I continue to work with women across this Nation to look at this plan that does nothing for us but to weaken the position that we are already weakened in.

Mr. PALLONE. I want to thank the gentlewoman. She is right when she says that we need to have a lot more analysis of this because it just came out. But in pinpointing the difficulties in particular that women or low wage earners would face, I think that anybody who looks at this should be very concerned about the impact. The gentlewoman from Florida talked about the fact that Social Security is not just for people over 65, but also for people who are disabled and for survivors. Particularly with those groups, there is a lot here that they should be concerned about.

If I could just mention three things with regard to people who take an early retirement, the plan includes a provision that really further reduces early retirement benefits. Again, you have people that because of the economy now and the recession, there are a lot of these early retirement packages being offered in lieu of losing your job, so to speak. People who are taking those packages under this are going to have a problem, because they are going to be living a long time, particularly if they are women who tend to live a little longer, and they are going to be suffering because the amount of benefits they are going to be getting are going to be significantly reduced.

Ms. MILLENDER-McDONALD. If the gentleman will yield, indeed they will. As we speak about the disabled, there is still not anything that is focused in a positive way in this report. So the disabled is out of luck in trying to find any redeeming qualities in this proposal. Then in addition to that, you are right. When people are now opting out and retiring early, they expect something in their Social Security benefits that will not be there if this is passed and institutionalized. I hope and pray that it is not, because the women of this country will be in an uproar, and men, too, those who opt to take an early retirement, thinking that what they are going to get is indeed what they will not get under this President's commission's plan. Again, to strengthen is the operative word. It does not strengthen. It weakens.

Mr. PALLONE. Just this last thing I wanted to mention is that apparently there is some effort on the part of the commission that suggests that the benefits would be improved for widows and low earners. But from what I can see, it is just not true. It is just overstated. The Social Security benefits widows would receive under the commission's proposal for an improvement in survivor benefits would actually be less than they would receive under current law. The reason is, from what I understand, because the commission imposes sharp reductions in the basic benefits on which the survivor's benefit is calculated, so basically undermining the apparent increase in the survivor's benefit. So it is really very confusing and not what it pretends to be. It also says here that the benefit improvements for low earners may also be smaller than suggested in the commission's documents because few low wage workers have 30 years of steady earnings at the minimum wage. So few would receive the full antipoverty protection that the commission proposes. They are suggesting somehow that survivors and low wage earners are going to do better, but when you look at how they achieve those improved benefits, very few people would qualify.

Ms. MILLENDER-McDONALD. This is very true. This is another reason why when we talked with them about that and they were trying to give us the formula, that formula was not adding up. Now that it is in print, it does not add up. The one thing that they should do is give us a stimulus package that really gives unemployment benefits to workers and to bring workers

back to work. You bring workers back to work, then you can continue to buy into the Social Security trust fund, and then you might be able to do some of the things that they are talking about. But without the actuarial analysis, we cannot dissect this thing, we cannot really see all of the potentialities that they are talking about, but what we can see is that it is not strengthening Social Security. For that reason, we will have to denounce this. We will have to simply get our own plan going so that the American people, especially those women, the disabled and the elderly, will find comfort in a Social Security plan. This is no comfort at all.

Again, I thank the gentleman so much. We look forward to working with the gentleman as we bring about a plan that is a real plan for those Americans who are looking to Social Security for their benefits.

Mr. PALLONE. I want to thank the gentlewoman. I am glad that we brought up the issue of the Social Security commission tonight, because I know that the report has come out but it has not received the attention that I think it needs to receive.

Ms. MILLENDER-McDONALD. The report and some of the analysis that we have done through the Democratic staff will be sent to all Members, so you will get that. We will continue to be on the floor to talk about it.

Mr. PALLONE. Mr. Speaker, before I conclude tonight, I did want to spend a little time on the issue of an economic stimulus. I wanted to stress again how important I think this is. As we all know, we probably have only another week, maybe 2 weeks but probably not even, just days before the holiday.

I know that there is talk now that we may not even do an economic stimulus package because either this House and the other body cannot get together or Democrats and Republicans are trying to come together and have not been able to so far. I do believe very strongly, though, that we must have an economic stimulus package.

As I said in the beginning of this special order, more and more of my constituents are telling me about the problems that they face because of the recession, either higher unemployment or the fact that many displaced workers do not have access to health insurance, do not have access to a lot of the benefits that they would normally have if they have a job. That is why the Democrats have stressed that this economic stimulus package has to primarily focus on displaced workers, unemployment compensation, health insurance coverage for people who no longer have a job. And also provide some help to low-income workers. In other words, we have talked about a rebate for those who did not get a rebate as a result of President Bush's tax cuts that took place about 6 months ago.

The emphasis on the part of the Democrats is to do things that will make people spend money. In other words, give money back to low-income workers, provide unemployment compensation, provide certain expenditures on infrastructure to protect the country from terrorism which also would create jobs. The problem on the Republican side, particularly with the bill that passed the House with the support of the Republican leadership, is that all the emphasis in that bill and on the Republican side in this Chamber was towards accelerating those same tax cuts that passed as part of the President's initiative about 6 months ago.

The fear that I have and that many of the Democrats have is that by accelerating those tax cuts, which primarily were to corporations and wealthy people, that that will not spur the economy, that will not bring money back into the economy because it is not necessarily the case that those tax cuts would be used and spent on things that would stimulate the economy.

I just wanted to mention briefly, if I could, some of the differences between the Democratic and the Republican plan, not because I insist that the Democratic plan be passed. I understand that there have to be some compromises if we are going to reach a majority in both Houses, but I do think that the emphasis has to be on what stimulates the economy. If you look at the Democratic bill, I will just mention four or five points.

With regard to unemployment compensation, individuals who exhaust their 26-week eligibility for State unemployment would be eligible for an additional 52 weeks of cash payments funded entirely by the Federal Government. Individuals who do not meet their States' requirements for unemployment insurance, in other words, part-time workers, would receive 26 weeks of federally financed unemployment insurance. This is in the bill. This is the substance of the Democratic proposal.

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With regard to health care benefits, the Federal Government would fully reimburse eligible individuals for their COBRA premiums. Individuals who do not qualify for COBRA and are otherwise uninsured would be eligible for Medicaid, with the Federal Government covering 100 percent of the premiums. These benefits, these health care benefits, would last for a maximum of 18 months.

Then I mentioned the rebate checks. Under the Democratic proposal, low- and moderate-income workers who did not qualify for the rebate checks issued earlier this year under President Bush's tax cut would receive a one-time payment of up to $300 for a single person and $600 for married couples.

Finally, with regard to these homeland or domestic security upgrades, the Democratic package includes up to $9 billion in spending programs to improve our Nation's infrastructure to protect against terrorism. Included would be funding for bioterrorism prevention and food safety, local police and fire departments, border security, airport security, and highway, bridge and tunnel improvements.

The idea of these upgrades is to basically hire more workers, and, therefore, lower the unemployment rate and put more money into the economy.

If you contrast that, Mr. Speaker, with the Republican tax cut bill which passed the House, just to give you some of the provisions, of the $99.5 billion in tax cuts in 2002, $70.8 billion benefits corporations, $14.8 billion benefits affluent individuals, and only $13.7 billion goes to workers with lower incomes.

Then you have the sweetheart things for the corporations, the repeal of corporate Alternative Minimum Tax. The bill not only repeals the corporate AMT, but it allows companies to receive refunds based on past AMT payments back to 1996. Capital gains tax cut, multinational financing tax cut, the list goes on.

Mr. Speaker, again, I am about to conclude; but I just wanted to stress again, I understand that if we are going to have an economic stimulus package, that we have to have the parties come together and the two Houses come together. But I also think it is crucial that whatever is done actually accomplishes the goal of stimulating the economy. I am very fearful that the Republican proposals that we saw in that House bill, that Republican bill that passed the House, would not accomplish that.

If I could just, in conclusion, Mr. Speaker, read part of this editorial that was in the New York Times on November 26. I know it is almost a month ago now, but I still think it says everything that needs to be said about what we should be doing with regard to economic stimulus. The sections I want to quote are as follows:

''Congress has only a few weeks left before adjourning for the year. Yet there is still no legislative agreement on measures to boost economy. President Bush needs to help break the impasse on both issues.

''Ideally, Congress should quickly pass a balanced fiscal stimulus bill aiding those who need help most without widening deficits in the years ahead. An appropriate homeland security measure would spend more than the $8 billion the administration wants.

''Right now there are two competing stimulus bills, and the one supported by most Senators is by far the better. It would channel tax breaks and spending to those most hurt by the economic downturn, whereas the bill passed by the House Republicans would cut taxes disproportionately for the rich and for big corporations.

''Congress could reach a financially responsible compromise if Republicans dropped their worst ideas, a speed-up of the tax cuts enacted earlier this year for the wealthiest Americans and a separate measure to make it easier for big corporations to pay no taxes at all. The

final bill could then focus on tax breaks, tax refunds and health benefits for the poor and the working poor, while helping small and medium-sized businesses with adjustments and write-offs for depreciation and expenses.''

Mr. Speaker, there is no reason why we cannot come to a compromise along those lines. I would urge our leaders here over the next few days to try to reach a compromise because I think it is very important for the future of the economy.

CONFERENCE REPORT ON S. 1438, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. STUMP (during the Special Order of Mr. PALLONE) submitted the following conference report and statement on the Senate bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for the defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–333)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1438), to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act forFiscal Year 2002''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical Agents and Munitions Destruction, Defense.
Sec. 107. Defense Health Program.

Subtitle B—Army Programs

Sec. 111. Repeal of limitations on bunker defeat munitions program.
Sec. 112. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
Sec. 113. Limitations on acquisition of interim armored vehicles and deployment of interim brigade combat teams.

Subtitle C—Navy Programs

Sec. 121. Virginia class submarine program.
Sec. 122. Multiyear procurement authority for F/A–18E/F aircraft engines.
Sec. 123. V–22 Osprey aircraft program.
Sec. 124. Report on status of V–22 Osprey aircraft before resumption of flight testing.

Subtitle D—Air Force Programs

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.
Sec. 203. Supplemental authorization of appropriations for fiscal year 2001 for research, development, test, and evaluation, Defense-wide.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Naval surface fire support assessment.
Sec. 212. Collaborative program for development of advanced radar systems.
Sec. 213. Repeal of limitations on total cost of engineering and manufacturing development for F–22 aircraft program.
Sec. 214. Joint biological defense program.
Sec. 215. Cooperative Department of Defense-Department of Veterans Affairs medical research program.
Sec. 216. C–5 aircraft reliability enhancement and reengining program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments.
Sec. 232. Program elements for Ballistic Missile Defense Organization.
Sec. 233. Support of ballistic missile defense activities of the Department of Defense by the national defense laboratories of the Department of Energy.
Sec. 234. Missile defense testing initiative.
Sec. 235. Construction of test bed facilities for missile defense system.

Subtitle D—Air Force Science and Technology for the 21st Century

Sec. 251. Short title.
Sec. 252. Science and technology investment and development planning.
Sec. 253. Study and report on effectiveness of Air Force science and technology program changes.

Subtitle E—Other Matters

Sec. 261. Establishment of unmanned aerial vehicle joint operational test bed system.
Sec. 262. Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet.
Sec. 263. Communication of safety concerns from operational test and evaluation officials to program managers.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Funds for renovation of Department of Veterans Affairs facilities adjacent to Naval Training Center, Great Lakes, Illinois.
Sec. 306. Defense Language Institute Foreign Language Center expanded Arabic language program.

Subtitle B—Environmental Provisions

Sec. 311. Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges).
Sec. 312. Establishment of new program element for remediation of unexploded ordnance, discarded military munitions, and munitions constituents.
Sec. 313. Assessment of environmental remediation of unexploded ordnance, discarded military munitions, and munitions constituents.
Sec. 314. Conformity of surety authority under environmental restoration program with surety authority under CERCLA.
Sec. 315. Elimination of annual report on contractor reimbursement for costs of environmental response actions.
Sec. 316. Pilot program for sale of air pollution emission reduction incentives.
Sec. 317. Department of Defense energy efficiency program.
Sec. 318. Procurement of alternative fueled and hybrid light duty trucks.
Sec. 319. Reimbursement of Environmental Protection Agency for certain response costs in connection with Hooper Sands Site, South Berwick, Maine.
Sec. 320. River mitigation studies.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 331. Commissary benefits for new members of the Ready Reserve.
Sec. 332. Reimbursement for use of commissary facilities by military departments for purposes other than commissary sales.
Sec. 333. Public releases of commercially valuable information of commissary stores.
Sec. 334. Rebate agreements with producers of foods provided under special supplemental food program.
Sec. 335. Civil recovery for nonappropriated fund instrumentality costs related to shoplifting.

Subtitle D—Workforce and Depot Issues

Sec. 341. Revision of authority to waive limitation on performance of depot-level maintenance.
Sec. 342. Exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
Sec. 343. Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense.
Sec. 344. Revision of deadline for annual report on commercial and industrial activities.
Sec. 345. Pilot manpower reporting system in Department of the Army.
Sec. 346. Development of Army workload and performance system and Wholesale Logistics Modernization Program.

Subtitle E—Defense Dependents Education

Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 352. Impact aid for children with severe disabilities.
Sec. 353. Availability of auxiliary services of defense dependents' education system for dependents who are home school students.
Sec. 354. Comptroller General study of adequacy of compensation provided for teachers in the Department of Defense overseas dependents' schools.

Subtitle F—Other Matters

Sec. 361. Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans.
Sec. 362. Incremental implementation of Navy-Marine Corps Intranet contract.
Sec. 363. Comptroller General study and report of National Guard Distributive Training Technology Project.
Sec. 364. Reauthorization of warranty claims recovery pilot program.
Sec. 365. Evaluation of current demonstration programs to improve quality of personal property shipments of members.
Sec. 366. Sense of Congress regarding security to be provided at 2002 Winter Olympic Games.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Increase in senior enlisted active duty grade limit for Navy, Marine Corps, and Air Force.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2002 limitation on non-dual status technicians.
Sec. 415. Limitations on numbers of reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of reserve components.

Subtitle C—Other Matters Relating to Personnel Strengths

Sec. 421. Administration of end strengths.
Sec. 422. Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Enhanced flexibility for management of senior general and flag officer positions.
Sec. 502. Certifications of satisfactory performance for retirement of officers in grades above major general and rear admiral.
Sec. 503. Review of actions of selection boards.
Sec. 504. Temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).
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Sec. 3501. Authorization of appropriations for fiscal year 2002.
Sec. 3502. Define ''war risks'' to vessels to include confiscation, expropriation, nationalization, and deprivation of the vessels.
Sec. 3503. Holding obligor's cash as collateral under title XI of Merchant Marine Act, 1936.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
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Sec. 107. Defense Health Program.

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Sec. 111. Repeal of limitations on bunker defeat munitions program.
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Subtitle C—Navy Programs

Sec. 121. Virginia class submarine program.
Sec. 122. Multiyear procurement authority for F/A–18E/F aircraft engines.
Sec. 123. V–22 Osprey aircraft program.
Sec. 124. Report on status of V–22 Osprey aircraft before resumption of flight testing.

Subtitle D—Air Force Programs

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

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $2,075,372,000.

(2) For missiles, $1,086,954,000.

(3) For weapons and tracked combat vehicles, $2,348,145,000.

(4) For ammunition, $1,187,233,000.

(5) For other procurement, $4,044,080,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Navy as follows:

(1) For aircraft, $8,323,147,000.

(2) For weapons, including missiles and torpedoes, $1,484,321,000.

(3) For shipbuilding and conversion, $9,370,972,000.

(4) For other procurement, $4,282,471,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Marine Corps in the amount of $1,014,637,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement of ammunition for the Navy and the Marine Corps in the amount of $466,907,000.

SEC. 103. AIR FORCE.

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

(1) For aircraft, $10,789,167,000.

(2) For missiles, $3,222,636,000.

(3) For ammunition, $881,844,000.

(4) For other procurement, $8,196,021,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2002 for Defense-wide procurement in the amount of $2,279,482,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Inspector General of the Department of Defense in the amount of $2,800,000.

SEC. 106. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

There is hereby authorized to be appropriated for fiscal year 2002 for the Department of Defense for Chemical Agents and Munitions Destruction, Defense, the amount of $1,153,557,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $267,915,000.

Subtitle B—Army Programs

SEC. 111. REPEAL OF LIMITATIONS ON BUNKER DEFEAT MUNITIONS PROGRAM.

Section 116 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is repealed.

SEC. 112. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

Section 141(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543 note) is amended—

(1) by striking ''through 2001'' and inserting ''through 2002''; and

(2) by inserting before the period at the end the following: '', except that during fiscal year 2002 the Secretary may only use articles manufactured at, and services provided by, not more than one Army industrial facility''.

SEC. 113. LIMITATIONS ON ACQUISITION OF INTERIM ARMORED VEHICLES AND DEPLOYMENT OF INTERIM BRIGADE COMBAT TEAMS.

Section 113 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–23) is amended—

(1) by redesignating subsection (f) as subsection (j); and

(2) by inserting after subsection (e) the following new subsections:

''(f) WAIVER OF COMPARISON REQUIREMENT.—The Secretary of Defense may waive subsections (c) and (e)(1) and submit to the congressional defense committees a certification under subsection (e)(2) without regard to the requirement in that subsection for the completion of a comparison of costs and operational effectiveness if the Secretary includes in the submittal a certification of each of the following:

''(1) That the results of executed tests and existing analyses are sufficient for making a meaningful comparison of the costs and operational effectiveness of the interim armored vehicles referred to in subparagraph (A) of subsection (c)(1) and the medium armored vehicles referred to in subparagraph (B) of such subsection.

''(2) That the conduct of a comparative evaluation of those vehicles in a realistic field environment would provide no significant additional data relevant to that comparison.

''(3) That the Secretary has evaluated the existing data on cost and operational effectiveness of those vehicles and, taking that data into consideration, approves the obligation of funds for the acquisition of additional interim armored vehicles.

''(4) That sufficient resources will be requested in the future-years defense program to fully fund the Army's requirements for interim brigade combat teams.

''(5) That the force structure resulting from the establishment of the interim brigade combat teams and the subsequent achievement of operational capability by those teams will not diminish the combat power of the Army.

''(g) EXPERIMENTATION PROGRAM.—The Secretary of the Army shall develop and provide resources for an experimentation program that will—

''(1) provide information as to the design of the objective force; and

''(2) include a formal linkage of the interim brigade combat teams to that experimentation.

''(h) OPERATIONAL EVALUATION.—(1) The Secretary of the Army shall conduct an operational evaluation of the initial interim brigade combat team. The evaluation shall include deployment of the team to the evaluation site and team execution of combat missions across the full spectrum of potential threats and operational scenarios.

''(2) The operational evaluation under paragraph (1) may not be conducted until the plan for such evaluation is approved by the Director of Operational Test and Evaluation of the Department of Defense.

''(i) LIMITATION ON PROCUREMENT OF INTERIM ARMORED VEHICLES AND DEPLOYMENT OF IBCTS.—(1) The actions described in paragraph (2) may not be taken until the date that is 30 days after the date on which the Secretary of Defense—

''(A) submits to Congress a report on the operational evaluation carried out under subsection (h); and

''(B) certifies to Congress that the results of that operational evaluation indicate that the design for the interim brigade combat team is operationally effective and operationally suitable.

''(2) The limitation in paragraph (1) applies to the following actions:

''(A) Procurement of interim armored vehicles in addition to those necessary for equipping the first three interim brigade combat teams.

''(B) Deployment of any interim brigade combat team outside the United States.

''(3) The Secretary of Defense may waive the applicability of paragraph (1) to a deployment described in paragraph (2)(B) if the Secretary—

''(A) determines that the deployment is in the national security interests of the United States; and

''(B) submits to Congress, in writing, a notification of the waiver together with a discussion of the reasons for the waiver.''.

Subtitle C—Navy Programs

SEC. 121. VIRGINIA CLASS SUBMARINE PROGRAM.

Section 123(b)(1) 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–25) is amended—

(1) by striking ''five Virginia class submarines'' and inserting ''seven Virginia class submarines''; and

(2) by striking ''2006'' and inserting ''2007''.

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E/F AIRCRAFT ENGINES.

(a) MULTIYEAR AUTHORITY.—Beginning with the 2002 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the procurement of engines for F/A–18E/F aircraft.

(b) REQUIRED CERTIFICATIONS.—In the case of a contract authorized by subsection (a) of this section, a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(c) CONGRESSIONAL NOTICE-AND-WAIT PERIOD.—Upon transmission to Congress of a certification referred to in subsection (b) with respect to a contract authorized by subsection (a), the contract may then be entered into only after a period of 30 days has elapsed after the date of the transmission of such certification.

SEC. 123. V–22 OSPREY AIRCRAFT PROGRAM.

The production rate for V–22 Osprey aircraft may not be increased above the minimum sustaining production rate for which funds are authorized to be appropriated by this Act until the Secretary of Defense certifies to Congress that successful operational testing of the aircraft demonstrates that—

(1) the solutions to the problems regarding the reliability of hydraulic system components and flight control software that were identified by the panel appointed by the Secretary of Defense on January 5, 2001, to review the V–22 aircraft program are adequate to achieve low risk for crews and passengers aboard V–22 aircraft that are operating under operational conditions;

(2) the V–22 aircraft can achieve reliability and maintainability levels that are sufficient for the aircraft to achieve operational availability at the level required for fleet aircraft;

(3) the V–22 aircraft will be operationally effective—

(A) when employed in operations with other V–22 aircraft; and

(B) when employed in operations with other types of aircraft; and

(4) the V–22 aircraft can be operated effectively, taking into consideration the downwash effects inherent in the operation of the aircraft, when the aircraft—

(A) is operated in remote areas with unimproved terrain and facilities;

(B) is deploying and recovering personnel—

(i) while hovering within the zone of ground effect; and

(ii) while hovering outside the zone of ground effect; and

(C) is operated with external loads.

SEC. 124. REPORT ON STATUS OF V–22 OSPREY AIRCRAFT BEFORE RESUMPTION OF FLIGHT TESTING.

Not later than 30 days before the resumption of flight testing of the V–22 Osprey aircraft, the Secretary of Defense shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V–22 Osprey aircraft, including—

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

(B) a description and assessment of the actions taken to redress each such deficiency.

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommendations of the panel appointed by the Secretary of Defense on January 5, 2001, to review the V–22 aircraft program.

(3) An assessment of the recommendations of the National Aeronautics and Space Administration on tiltrotor aeromechanics provided in a briefing to the Undersecretary of Defense for Acquisition, Logistics, and Technology on August 14, 2001.

(4) Notice of the waiver, if any, of any item capability or any other requirement specified in the Joint Operational Requirements Document for the V–22 Osprey aircraft, including a justification of each such waiver.

Subtitle D—Air Force Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C–17 AIRCRAFT.

(a) MULTIYEAR AUTHORITY.—Beginning with the 2002 program year, the Secretary of the Air Force may enter into a multiyear contract for the procurement of up to 60 C–17 aircraft. Such a contract shall be entered into in accordance with section 2306b of title 10, United States Code, except that, notwithstanding subsection (k) of such section, such a contract may be for a period of six program years.

(b) REQUIRED CERTIFICATIONS.—In the case of a contract authorized by subsection (a) of this section, a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(c) CONGRESSIONAL NOTICE-AND-WAIT PERIOD.—Upon transmission to Congress of a certification referred to in subsection (b) with respect to a contract authorized by subsection (a), the contract may then be entered into only after a period of 30 days has elapsed after the date of the transmission of such certification.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.
Sec. 203. Supplemental authorization of appropriations for fiscal year 2001 for research, development, test, and evaluation, Defense-wide.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Naval surface fire support assessment.
Sec. 212. Collaborative program for development of advanced radar systems.
Sec. 213. Repeal of limitations on total cost of engineering and manufacturing development for F–22 aircraft program.
Sec. 214. Joint biological defense program.
Sec. 215. Cooperative Department of Defense-Department of Veterans Affairs medical research program.
Sec. 216. C–5 aircraft reliability enhancement and reengining program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments.
Sec. 232. Program elements for Ballistic Missile Defense Organization.
Sec. 233. Support of ballistic missile defense activities of the Department of Defense by the national defense laboratories of the Department of Energy.
Sec. 234. Missile defense testing initiative.
Sec. 235. Construction of test bed facilities for missile defense system.

Subtitle D—Air Force Science and Technology for the 21st Century

Sec. 251. Short title.
Sec. 252. Science and technology investment and development planning.
Sec. 253. Study and report on effectiveness of Air Force science and technology program changes.

Subtitle E—Other Matters

Sec. 261. Establishment of unmanned aerial vehicle joint operational test bed system.
Sec. 262. Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet.
Sec. 263. Communication of safety concerns from operational test and evaluation officials to program managers.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $6,675,325,000.

(2) For the Navy, $10,784,264,000.

(3) For the Air Force, $14,407,187,000.

(4) For Defense-wide activities, $14,593,995,000, of which $221,355,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2002.—Of the amounts authorized to be appropriated by section 201, $5,070,605,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term ''basic research and applied research'' means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.

In addition to the funds authorized to be appropriated under section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–32), there is hereby authorized to be appropriated $1,000,000 for fiscal year 2001 for the use of the Department of Defense for research, development, test, and evaluation, for Defense-wide activities.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. NAVAL SURFACE FIRE SUPPORT ASSESSMENT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall carry out an assessment of the requirements for naval surface fire support of ground forces operating in the littoral environment, including the role of an advanced fire support missile system for Navy combatant vessels. The matters assessed shall include the Secretary of the Navy's program plan, schedule, and funding for meeting such requirements.

(b) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the assessment required by subsection (a).

SEC. 212. COLLABORATIVE PROGRAM FOR DEVELOPMENT OF ADVANCED RADAR SYSTEMS.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to develop and demonstrate advanced technologies and concepts leading to advanced radar systems for naval and other applications.

(b) DESCRIPTION OF PROGRAM.—The program under subsection (a) shall be carried out collaboratively by the Director of Defense Research and Engineering, the Secretary of the Navy, the Director of the Defense Advanced Research Projects Agency, and other appropriate elements of the Department of Defense. The program shall include the following activities:

(1) Activities needed for development and maturation of the technologies for advanced electronics materials to extend the range and sensitivity of radars.

(2) Identification of acquisition systems for use of the new technology.

(c) REPORT.—Not later than March 31, 2002, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report on the implementation of the program under subsection (a). The report shall include the following:

(1) A description of the management plan for the program and any agreements relating to that plan.

(2) A schedule for the program.

(3) Identification of the funding required for fiscal year 2003 and for the future-years defense program to carry out the program.

(4) A list of program capability goals and objectives.

SEC. 213. REPEAL OF LIMITATIONS ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT FOR F–22 AIRCRAFT PROGRAM.

(a) REPEAL.—The following provisions of law are repealed:

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

(2) Section 8125 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 702).

(3) Section 219(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–38).

(b) CONFORMING AMENDMENTS.—(1) Section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1660), as amended by subsection (a)(1), is further amended—

(A) in subsection (c)—

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

(ii) by striking paragraph (3); and

(B) in subsection (d)(2), by striking subparagraphs (D) and (E).

(2) Section 131 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 536) is amended—

(A) in subsection (a)(2), by striking ''That the'' and all that follows through ''respectively,'' and inserting ''That the production phase for that program can be executed within the limitation on total cost applicable to that program under subsection (b)''; and

(B) in subsection (b)(3), by striking ''for the remainder of the engineering and manufacturing development phase and''.

SEC. 214. JOINT BIOLOGICAL DEFENSE PROGRAM.

Section 217(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–36) is amended by striking ''funds authorized to be appropriated by this Act may not'' and inserting ''no funds authorized to be appropriated to the Department of Defense for fiscal year 2002 may''.

SEC. 215. COOPERATIVE DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL RESEARCH PROGRAM.

Of the funds authorized to be appropriated by section 201(4), $2,500,000 shall be available for the cooperative Department of Defense/Department of Veterans Affairs medical research program. The Secretary of Defense shall transfer such amount to the Secretary of Veterans Affairs for such purpose not later than 30 days after the date of the enactment of this Act.

SEC. 216. C–5 AIRCRAFT RELIABILITY ENHANCEMENT AND REENGINING PROGRAM.

(a) KIT DEVELOPMENT.—The Secretary of the Air Force shall ensure that engineering manufacturing and development under the C–5 aircraft reliability enhancement and reengining program includes kit development for at least one C–5A aircraft.

(b) AIRCRAFT TO BE USED FOR KIT DEVELOPMENT.—The C–5A aircraft to be used for purposes of the kit development under subsection (a) shall be an aircraft from among the 74 C–5A aircraft of the Air Force.

Subtitle C—Ballistic Missile Defense

SEC. 231. TRANSFER OF RESPONSIBILITY FOR PROCUREMENT FOR MISSILE DEFENSE PROGRAMS FROM BALLISTIC MISSILE DEFENSE ORGANIZATION TO MILITARY DEPARTMENTS.

(a) BUDGETING OF MISSILE DEFENSE PROCUREMENT AUTHORITY.—Section 224 of title 10, United States Code is amended—

(1) in subsection (a), by striking ''procurement'' both places it appears and inserting ''research, development, test, and evaluation''; and

(2) by striking subsections (b) and (c) and inserting the following:

''(b) TRANSFER CRITERIA.—(1) The Secretary of Defense shall establish criteria for the transfer of responsibility for a ballistic missile defense program from the Director of the Ballistic Missile Defense Organization to the Secretary of a military department. The criteria established for such a transfer shall, at a minimum, address the following:

''(A) The technical maturity of the program.

''(B) The availability of facilities for production.

''(C) The commitment of the Secretary of the military department concerned to procurement funding for that program, as shown by funding through the future-years defense program and other defense planning documents.

''(2) The Secretary shall submit the criteria established, and any modifications to those criteria, to the congressional defense committees.

''(c) NOTIFICATION OF TRANSFER.—Before responsibility for a ballistic missile defense program is transferred from the Director of the Ballistic Missile Defense Organization to the Secretary of a military department, the Secretary of Defense shall submit to the congressional defense committees notice in writing of the Secretary's intent to make that transfer. The Secretary shall include with such notice a certification that the program has met the criteria established under subsection (b) for such a transfer. The transfer may then be carried out after the end of the 60-day period beginning on the date of such notice.

''(d) CONFORMING BUDGET AND PLANNING TRANSFERS.—When a ballistic missile defense program is transferred from the Ballistic Missile Defense Organization to the Secretary of a military department in accordance with this section, the Secretary of Defense shall ensure that all appropriate conforming changes are made to proposed or projected funding allocations in the future-years defense program under section 221 of this title and other Department of Defense program, budget, and planning documents.

''(e) FOLLOW-ON RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The Secretary of Defense shall ensure that, before a ballistic missile defense program is transferred from the Director of the Ballistic Missile Defense Organization to the Secretary of a military department, roles and responsibilities for research, development, test, and evaluation related to system improvements for that program are clearly defined.

''(f) CONGRESSIONAL DEFENSE COMMITTEES.—In this section, the term 'congressional defense committees' means the following:

''(1) The Committee on Armed Services and the Committee on Appropriations of the Senate.

''(2) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of that section is amended to read as follows:

''§ 224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation''.

(2) The item relating to that section in the table of sections at the beginning of chapter 9 of such title is amended to read as follows:

''224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.''.

SEC. 232. PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) REVISION IN PROGRAM ELEMENTS.—Subsection (a) of section 223 of title 10, United States Code, is amended—

(1) by striking ''in accordance with the following program elements:'' and inserting ''in accordance with program elements governing functional areas as follows:''; and

(2) by striking paragraphs (1) through (12) and inserting the following:

''(1) Technology.

''(2) Ballistic Missile Defense System.

''(3) Terminal Defense Segment.

''(4) Midcourse Defense Segment.

''(5) Boost Defense Segment.

''(6) Sensors Segment.''.

(b) ADDITIONAL REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) SEPARATE PROGRAM ELEMENTS FOR PROGRAMS ENTERING ENGINEERING AND MANUFACTURING DEVELOPMENT.—(1) The Secretary of Defense shall ensure that each ballistic missile defense program that enters engineering and manufacturing development is assigned a separate, dedicated program element.

''(2) In this subsection, the term 'engineering and manufacturing development' means the development phase whose primary objectives are to—

''(A) translate the most promising design approach into a stable, interoperable, producible, supportable, and cost-effective design;

''(B) validate the manufacturing or production process; and

''(C) demonstrate system capabilities through testing.''.

(c) REQUIREMENT FOR ANNUAL PROGRAM GOALS.—(1) The Secretary of Defense shall each year establish cost, schedule, testing, and performance goals for the ballistic missile defense programs of the Department of Defense for the period covered by the future-years defense program that is submitted to Congress that year under section 221 of title 10, United States Code. Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a statement of the goals so established.

(2) The statement of goals submitted under paragraph (1) for any year after 2002 shall be an update of the statement submitted under that paragraph for the preceding year.

(3) Each statement of goals submitted under paragraph (1) shall set forth cost, schedule, testing, and performance goals that pertain to each functional area program element identified in subsection (a), and each program element identified in subsection (b), of section 223 of title 10, United States Code.

(d) ANNUAL PROGRAM PLAN.—(1) With the submission of the statement of goals under subsection (c) for any year, the Secretary of Defense shall submit to the congressional defense committees a program of activities planned to be carried out for each missile defense program that enters engineering and manufacturing development (as defined in section 223(b)(2) of title 10, United States Code, as added by subsection (b)).

(2) Each program plan under paragraph (1) shall include the following:

(A) A funding profile that includes an estimate of—

(i) the total expenditures to be made in the fiscal year in which the plan is submitted and the following fiscal year, together with the estimated total life-cycle costs of the program; and

(ii) a display of such expenditures (shown for significant procurement, construction, and research and development) for the fiscal year in which the plan is submitted and the following fiscal year.

(B) A program schedule for the fiscal year in which the plan is submitted and the following fiscal year for each of the following:

(i) Significant procurement.

(ii) Construction.

(iii) Research and development.

(iv) Flight tests.

(v) Other significant testing activities.

(3) Information specified in paragraph (2) need not be included in the plan for any year under paragraph (1) to the extent such information has already been provided, or will be provided in the current fiscal year, in annual budget justification documents of the Department of Defense submitted to Congress or in other required reports to Congress.

(e) INTERNAL DOD REVIEWS.—(1) The officials and elements of the Department of Defense specified in paragraph (2) shall on an ongoing basis—

(A) review the development of goals under subsection (c) and the annual program plan under subsection (d); and

(B) provide to the Secretary of Defense and the Director of the Ballistic Missile Defense Organization any comments on such matters as considered appropriate.

(2) Paragraph (1) applies with respect to the following:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Director of Operational Test and Evaluation.

(C) The Director of Program Analysis and Evaluation.

(D) The Joint Requirements Oversight Council.

(E) The Cost Analysis and Improvement Group.

(f) DEMONSTRATION OF CRITICAL TECHNOLOGIES.—(1) The Director of the Ballistic Missile Defense Organization shall develop a plan for ensuring that each critical technology for a missile defense program is successfully demonstrated in an appropriate environment before that technology enters into operational service as part of a missile defense program.

(2) The Director of Operational Test and Evaluation of the Department of Defense shall monitor the development of the plan under paragraph (1) and shall submit to the Director of the Ballistic Missile Defense Organization any comments regarding that plan that the Director of Operational Test and Evaluation considers appropriate.

(g) COMPTROLLER GENERAL ASSESSMENT.—(1) At the conclusion of each of fiscal years 2002 and 2003, the Comptroller General of the United States shall assess the extent to which the Ballistic Missile Defense Organization achieved the goals established under subsection (c) for such fiscal year.

(2) Not later than February 15, 2003, and February 15, 2004, the Comptroller General shall submit to the congressional defense committees a report on the Comptroller General's assessment under paragraph (1) with respect to the preceding fiscal year.

(h) ANNUAL OT&E ASSESSMENT OF TEST PROGRAM.—(1) The Director of Operational Test and Evaluation shall each year assess the adequacy and sufficiency of the Ballistic Missile Defense Organization test program during the preceding fiscal year.

(2) Not later than February 15 each year the Director shall submit to the congressional defense committees a report on the assessment under paragraph (1) with respect to the preceding fiscal year.

SEC. 233. SUPPORT OF BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE BY THE NATIONAL DEFENSE LABORATORIES OF THE DEPARTMENT OF ENERGY.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts authorized to be appropriated to the Department of Defense pursuant to section 201(4), $25,000,000 shall be available, subject to subsection (b) and at the discretion of the Director of the Ballistic Missile Defense Organization, for research, development, and demonstration activities at the national laboratories of the Department of Energy in support of the missions of the Ballistic Missile Defense Organization, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to enhance performance, reduce risk, and improve reliability in hit-to-kill interceptors for ballistic missile defense.

(2) Support for science and engineering teams to assess critical technical problems and prudent alternative approaches as agreed upon by the Director of the Ballistic Missile Defense Organization and the Administrator for Nuclear Security.

(b) REQUIREMENT FOR MATCHING FUNDS FROM NNSA.—Funds shall be available as provided in subsection (a) only if the Administrator for Nuclear Security makes available matching funds for the activities referred to in subsection (a).

(c) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034) and modified pursuant to section 3132 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–455) to provide for jointly funded projects.

SEC. 234. MISSILE DEFENSE TESTING INITIATIVE.

(a) TESTING INFRASTRUCTURE.—(1) The Secretary of Defense shall ensure that each annual budget request of the Department of Defense—

(A) is designed to provide for comprehensive testing of ballistic missile defense programs during early stages of development; and

(B) includes necessary funding to support and improve test infrastructure and provide adequate test assets for the testing of such programs.

(2) The Secretary shall ensure that ballistic missile defense programs incorporate, to the greatest possible extent, operationally realistic test configurations (referred to as ''test bed'' configurations) to demonstrate system performance across a broad range of capability and, during final stages of operational testing, to demonstrate reliable performance.

(3) The Secretary shall ensure that the test infrastructure for ballistic missile defense programs is capable of supporting continued testing of ballistic missile defense systems after deployment.

(b) REQUIREMENTS FOR EARLY STAGES OF SYSTEM DEVELOPMENT.—In order to demonstrate acceptable risk and developmental stability, the Secretary of Defense shall ensure that any ballistic missile defense program incorporates, to the maximum extent practicable, the following elements during the early stages of system development:

(1) Pursuit of parallel conceptual approaches and technological paths for all critical problematic components until effective and reliable solutions can be demonstrated.

(2) Comprehensive ground testing in conjunction with flight-testing for key elements of the proposed system that are considered to present high risk, with such ground testing to make use of existing facilities and combinations of facilities that support testing at the highest possible levels of integration.

(3) Where appropriate, expenditures to enhance the capabilities of existing test facilities, or to construct new test facilities, to support alternative complementary test methodologies.

(4) Sufficient funding of test instrumentation to ensure accurate measurement of all critical test events.

(5) Incorporation into the program of sufficient schedule flexibility and expendable test assets, including missile interceptors and targets, to ensure that failed or aborted tests can be repeated in a prudent, but expeditious manner.

(6) Incorporation into flight-test planning for the program, where possible, of—

(A) methods that make the most cost-effective use of test opportunities;

(B) events to demonstrate engagement of multiple targets, ''shoot-look-shoot'', and other planned operational concepts; and

(C) exploitation of opportunities to facilitate early development and demonstration of ''family of systems'' concepts.

(c) SPECIFIC REQUIREMENTS FOR GROUND-BASED MID-COURSE INTERCEPTOR SYSTEMS.—For ground-based mid-course interceptor systems, the Secretary of Defense shall initiate steps during fiscal year 2002 to establish a

flight-test capability of launching not less than three missile defense interceptors and not less than two ballistic missile targets to provide a realistic test infrastructure.

SEC. 235. CONSTRUCTION OF TEST BED FACILITIES FOR MISSILE DEFENSE SYSTEM.

(a) AUTHORITY TO ACQUIRE OR CONSTRUCT FACILITIES.—(1) The Secretary of Defense, using funds appropriated to the Department of Defense for research, development, test, and evaluation for fiscal years after fiscal year 2001 that are available for programs of the Ballistic Missile Defense Organization, may carry out all construction projects, or portions of construction projects, including projects for the acquisition, improvement, or construction of facilities, necessary to establish and operate the Missile Defense System Test Bed.

(2) The authority provided in subsection (a) may be used to acquire, improve, or construct facilities at a total cost not to exceed $500,000,000.

(b) AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL COMMUNITIES.—(1) Subject to paragraph (2), the Secretary of Defense, using funds appropriated to the Department of Defense for research, development, test, and evaluation for fiscal year 2002 that are available for programs of the Ballistic Missile Defense Organization, may provide assistance to local communities to meet the need for increased municipal or community services or facilities resulting from the construction, installation, or operation of the Missile Defense System Test Bed Facilities. Such assistance may be provided by grant or otherwise.

(2) Assistance may be provided to a community under paragraph (1) only if the Secretary of Defense determines that there is an immediate and substantial increase in the need for municipal or community services or facilities as a direct result of the construction, installation, or operation of the Missile Defense System Test Bed Facilities.

Subtitle D—Air Force Science and Technology for the 21st Century

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''Air Force Science and Technology for the 21st Century Act''.

SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND DEVELOPMENT PLANNING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should carry out each of the following:

(1) Continue and improve efforts to ensure that—

(A) the Air Force science and technology community is represented, and the recommendations of that community are considered, at all levels of program planning and budgetary decision-making within the Air Force;

(B) advocacy for science and technology development is institutionalized across all levels of Air Force management in a manner that is not dependent on individuals; and

(C) the value of Air Force science and technology development is made increasingly apparent to the warfighters, by linking the needs of those warfighters with decisions on science and technology development.

(2) Complete and adopt a policy directive that provides for changes in how the Air Force makes budgetary and nonbudgetary decisions with respect to its science and technology development programs and how it carries out those programs.

(3) At least once every five years, conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs that is consistent with the review specified in section 252 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–46).

(4) Ensure that development and science and technology planning and investment activities are carried out for future space warfighting systems and for future nonspace warfighting systems in an integrated manner.

(5) Elevate the position within the Office of the Secretary of the Air Force that has primary responsibility for budget and policy decisions for science and technology programs.

(b) REINSTATEMENT OF DEVELOPMENT PLANNING.—(1) The Secretary of the Air Force shall reinstate and implement a revised development planning process that provides for each of the following:

(A) Coordinating the needs of Air Force warfighters with decisions on science and technology development.

(B) Giving input into the establishment of priorities among science and technology programs.

(C) Analyzing Air Force capability options for the allocation of Air Force resources.

(D) Developing concepts for technology, warfighting systems, and operations with which the Air Force can achieve its critical future goals.

(E) Evaluating concepts for systems and operations that leverage technology across Air Force organizational boundaries.

(F) Ensuring that a ''system-of-systems'' approach is used in carrying out the various Air Force capability planning exercises.

(G) Utilizing existing analysis capabilities within the Air Force product centers in a collaborative and integrated manner.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the implementation of the planning process required by paragraph (1). The report shall include the annual amount that the Secretary considers necessary to carry out paragraph (1).

SEC. 253. STUDY AND REPORT ON EFFECTIVENESS OF AIR FORCE SCIENCE AND TECHNOLOGY PROGRAM CHANGES.

(a) REQUIREMENT.—The Secretary of the Air Force, in cooperation with the National Research Council of the National Academy of Sciences, shall carry out a study to determine how the changes to the Air Force science and technology program implemented during the past two years affect the future capabilities of the Air Force.

(b) MATTERS STUDIED.—(1) The study shall review and assess whether such changes as a whole are sufficient to ensure the following:

(A) That the concerns about the management of the science and technology program that have been raised by Congress, the Defense Science Board, the Air Force Science Advisory Board, and the Air Force Association have been adequately addressed.

(B) That appropriate and sufficient technology is available to ensure the military superiority of the United States and counter future high-risk threats.

(C) That the science and technology investments are balanced to meet the near-, mid-, and long-term needs of the Air Force.

(D) That technologies are made available that can be used to respond flexibly and quickly to a wide range of future threats.

(E) That the Air Force organizational structure provides for a sufficiently senior level advocate of science and technology to ensure an ongoing, effective presence of the science and technology community during the budget and planning process.

(2) In addition, the study shall assess the specific changes to the Air Force science and technology program as follows:

(A) Whether the biannual science and technology summits provide sufficient visibility into, and understanding and appreciation of, the value of the science and technology program to the senior level of Air Force budget and policy decisionmakers.

(B) Whether the applied technology councils are effective in contributing the input of all levels beneath the senior leadership into the coordination, focus, and content of the science and technology program.

(C) Whether the designation of the commander of the Air Force Materiel Command as the science and technology budget advocate is effective to ensure that an adequate Air Force science and technology budget is requested.

(D) Whether the revised development planning process is effective to aid in the coordination of the needs of the Air Force warfighters with decisions on science and technology investments and the establishment of priorities among different science and technology programs.

(E) Whether the implementation of section 252 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–46) is effective to identify the basis for the appropriate science and technology program funding level and investment portfolio.

(c) REPORT.—Not later than May 1, 2003, the Secretary of the Air Force shall submit to Congress the results of the study.

Subtitle E—Other Matters

SEC. 261. ESTABLISHMENT OF UNMANNED AERIAL VEHICLE JOINT OPERATIONAL TEST BED SYSTEM.

(a) ESTABLISHMENT OF TEST BED SYSTEM.—The commander of the United States Joint Forces Command shall establish a government flight activity capability (referred to as a ''test bed'') within the facilities and resources of that command to evaluate and ensure joint interoperability of unmanned aerial vehicle systems. That capability shall be independent of the military departments and shall be managed directly by the Joint Forces Command.

(b) PRIORITY FOR USE OF PREDATOR ASSETS.—The Secretary of the Navy shall ensure that the commander of the United States Joint Forces Command controls the priority for use of the two Predator unmanned aerial vehicles currently undergoing operational testing by the Navy, together with associated payloads and antennas and the associated tactical control system (TCS) ground station.

(c) USE BY JOINT FORCES COMMAND.—The items specified to in subsection (b) may be used by the commander of the United States Joint Forces Command only through the independent joint operational test bed system established pursuant to subsection (a) for testing of those items, including further development of the associated tactical control system (TCS) ground station, other aspects of unmanned aerial vehicle interoperability, and participation in such experiments and exercises as the commander considers appropriate to the mission of that command.

SEC. 262. DEMONSTRATION PROJECT TO INCREASE SMALL BUSINESS AND UNIVERSITY PARTICIPATION IN OFFICE OF NAVAL RESEARCH EFFORTS TO EXTEND BENEFITS OF SCIENCE AND TECHNOLOGY RESEARCH TO FLEET.

(a) PROJECT REQUIRED.—The Secretary of the Navy, acting through the Chief of Naval Research, shall carry out a demonstration project to increase access to Navy facilities of small businesses and universities that are engaged in science and technology research beneficial to the fleet.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate a Navy Technology Extension Center at a location to be selected by the Secretary;

(2) permit participants in the Small Business Innovation Research Program (SBIR) and Small Business Technology Transfer Program (STTR) that are awarded contracts by the Office of Naval Research to access and use Navy Major Range Test Facilities Base (MRTFB) facilities selected by the Secretary for purposes of carrying out such contracts, and charge such participants for such access and use at the same established rates that Department of Defense customers are charged; and

(3) permit universities, institutions of higher learning, and federally funded research and development centers collaborating with participants referred to in paragraph (2) to access and use such facilities for such purposes, and charge such entities for such access and use at such rates.

(c) PERIOD OF PROJECT.—The demonstration project shall be carried out during the three-year period beginning on the date of the enactment of this Act.

(d) REPORT.—Not later than February 1, 2004, the Secretary shall submit to Congress a report on the demonstration project. The report shall include a description of the activities carried out under the demonstration project and any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

SEC. 263. COMMUNICATION OF SAFETY CONCERNS FROM OPERATIONAL TEST AND EVALUATION OFFICIALS TO PROGRAM MANAGERS.

Section 139 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(2) by inserting after subsection (e) the following new subsection:

''(f) The Director shall ensure that safety concerns developed during the operational test and evaluation of a weapon system under a major defense acquisition program are communicated in a timely manner to the program manager for that program for consideration in the acquisition decisionmaking process.''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Funds for renovation of Department of Veterans Affairs facilities adjacent to Naval Training Center, Great Lakes, Illinois.
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Subtitle B—Environmental Provisions

Sec. 311. Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges).
Sec. 312. Establishment of new program element for remediation of unexploded ordnance, discarded military munitions, and munitions constituents.
Sec. 313. Assessment of environmental remediation of unexploded ordnance, discarded military munitions, and munitions constituents.
Sec. 314. Conformity of surety authority under environmental restoration program with surety authority under CERCLA.
Sec. 315. Elimination of annual report on contractor reimbursement for costs of environmental response actions.
Sec. 316. Pilot program for sale of air pollution emission reduction incentives.
Sec. 317. Department of Defense energy efficiency program.
Sec. 318. Procurement of alternative fueled and hybrid light duty trucks.
Sec. 319. Reimbursement of Environmental Protection Agency for certain response costs in connection with Hooper Sands Site, South Berwick, Maine.
Sec. 320. River mitigation studies.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 331. Commissary benefits for new members of the Ready Reserve.
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Subtitle D—Workforce and Depot Issues

Sec. 341. Revision of authority to waive limitation on performance of depot-level maintenance.
Sec. 342. Exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
Sec. 343. Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense.
Sec. 344. Revision of deadline for annual report on commercial and industrial activities.
Sec. 345. Pilot manpower reporting system in Department of the Army.
Sec. 346. Development of Army workload and performance system and Wholesale Logistics Modernization Program.

Subtitle E—Defense Dependents Education

Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 352. Impact aid for children with severe disabilities.
Sec. 353. Availability of auxiliary services of defense dependents' education system for dependents who are home school students.
Sec. 354. Comptroller General study of adequacy of compensation provided for teachers in the Department of Defense overseas dependents' schools.

Subtitle F—Other Matters

Sec. 361. Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans.
Sec. 362. Incremental implementation of Navy-Marine Corps Intranet contract.
Sec. 363. Comptroller General study and report of National Guard Distributive Training Technology Project.
Sec. 364. Reauthorization of warranty claims recovery pilot program.
Sec. 365. Evaluation of current demonstration programs to improve quality of personal property shipments of members.
Sec. 366. Sense of Congress regarding security to be provided at 2002 Winter Olympic Games.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $20,653,241,000.
(2) For the Navy, $26,461,299,000.
(3) For the Marine Corps, $2,872,524,000.
(4) For the Air Force, $25,598,767,000.
(5) For Defense-wide activities, $11,949,586,000.
(6) For the Army Reserve, $1,824,146,000.
(7) For the Naval Reserve, $1,000,050,000.
(8) For the Marine Corps Reserve, $142,853,000.
(9) For the Air Force Reserve, $2,029,866,000.
(10) For the Army National Guard, $3,696,559,000.
(11) For the Air National Guard, $3,967,361,000.
(12) For the Defense Inspector General, $149,221,000.
(13) For the United States Court of Appeals for the Armed Forces, $9,096,000.
(14) For Environmental Restoration, Army, $389,800,000.
(15) For Environmental Restoration, Navy, $257,517,000.
(16) For Environmental Restoration, Air Force, $385,437,000.
(17) For Environmental Restoration, Defense-wide, $23,492,000.
(18) For Environmental Restoration, Formerly Used Defense Sites, $230,255,000.
(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $49,700,000.
(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $820,381,000.
(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $40,000,000.
(22) For Defense Health Program, $17,570,750,000.
(23) For Cooperative Threat Reduction programs, $403,000,000.
(24) For Overseas Contingency Operations Transfer Fund, $2,844,226,000.
(25) For Support for International Sporting Competitions, Defense, $15,800,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $125,000,000, which represents savings resulting from reduced energy costs.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,557,686,000.

(2) For the National Defense Sealift Fund, $407,708,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of $71,440,000 for the operation of the Armed Forces Retirement Home.

(b) AVAILABILITY OF AMOUNTS PREVIOUSLY APPROPRIATED.—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal year 2002 (and previous fiscal years to the extent such amounts remain unobligated), $22,400,000 shall be available, subject to the review and approval of the Secretary of Defense, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home consisting of approximately 15 acres.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2002 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. FUNDS FOR RENOVATION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES ADJACENT TO NAVAL TRAINING CENTER, GREAT LAKES, ILLINOIS.

(a) AVAILABILITY OF FUNDS FOR RENOVATION.—Subject to subsection (b), of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, the Secretary of the Navy may make available to the Secretary of Veterans Affairs up to $2,000,000 for relocation of Department of Veterans Affairs activities and associated renovation of existing facilities at the North Chicago Department of Veterans Affairs Medical Center, Illinois.

(b) LIMITATION.—The Secretary of the Navy may make funds available under subsection (a) only after the Secretary of the Navy and the Secretary of Veterans Affairs enter into an appropriate agreement for the use by the Secretary of the Navy of approximately 48 acres of real property at the North Chicago Department of Veterans Affairs property referred to in subsection (a) for expansion of the Naval Training Center, Great Lakes, Illinois.

SEC. 306. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.

Of the amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center for an expanded Arabic language program.

Subtitle B—Environmental Provisions

SEC. 311. INVENTORY OF UNEXPLODED ORDNANCE, DISCARDED MILITARY MUNITIONS, AND MUNITIONS CONSTITUENTS AT DEFENSE SITES (OTHER THAN OPERATIONAL RANGES).

(a) INVENTORY REQUIRED.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2710. Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges)

''(a) INVENTORY REQUIRED.—(1) The Secretary of Defense shall develop and maintain an inventory of defense sites that are known or suspected to contain unexploded ordnance, discarded military munitions, or munitions constituents.

''(2) The information in the inventory for each defense site shall include, at a minimum, the following:

''(A) A unique identifier for the defense site.

''(B) An appropriate record showing the location, boundaries, and extent of the defense site, including identification of the State and political subdivisions of the State in which the defense site is located and any Tribal lands encompassed by the defense site.

''(C) Known persons and entities, other than a military department, with any current ownership interest or control of lands encompassed by the defense site.

''(D) Any restrictions or other land use controls currently in place at the defense site that might affect the potential for public and environmental exposure to the unexploded ordnance, discarded military munitions, or munitions constituents.

''(b) SITE PRIORITIZATION.—(1) The Secretary shall develop, in consultation with representatives of the States and Indian Tribes, a proposed protocol for assigning to each defense site a relative priority for response activities related to unexploded ordnance, discarded military munitions, and munitions constituents based on the overall conditions at the defense site. After public notice and comment on the proposed protocol, the Secretary shall issue a final protocol and shall apply the protocol to defense sites listed on the inventory. The level of response priority assigned the site shall be included with the information required by subsection (a)(2).

''(2) In assigning the response priority for a defense site on the inventory, the Secretary shall primarily consider factors relating to safety and environmental hazard potential, such as the following:

''(A) Whether there are known, versus suspected, unexploded ordnance, discarded military munitions, or munitions constituents on all or any portion of the defense site and the types of unexploded ordnance, discarded military munitions, or munitions constituents present or suspected to be present.

''(B) Whether public access to the defense site is controlled, and the effectiveness of these controls.

''(C) The potential for direct human contact with unexploded ordnance, discarded military munitions, or munitions constituents at the defense site and evidence of people entering the site.

''(D) Whether a response action has been or is being undertaken at the defense site under the Formerly Used Defense Sites program or other program.

''(E) The planned or mandated dates for transfer of the defense site from military control.

''(F) The extent of any documented incidents involving unexploded ordnance, discarded military munitions, or munitions constituents at or from the defense site, including incidents involving explosions, discoveries, injuries, reports, and investigations.

''(G) The potential for drinking water contamination or the release of munitions constituents into the air.

''(H) The potential for destruction of sensitive ecosystems and damage to natural resources.

''(3) The priority assigned to a defense site included on the inventory shall not impair, alter, or diminish any applicable Federal or State authority to establish requirements for the investigation of, and response to, environmental problems at the defense site.

''(c) UPDATES AND AVAILABILITY.—(1) The Secretary shall annually update the inventory and site prioritization list to reflect new information that becomes available. The inventory shall be available in published and electronic form.

''(2) The Secretary shall work with communities adjacent to a defense site to provide information concerning conditions at the site and response activities. At a minimum, the Secretary shall provide the site inventory information and site prioritization list to appropriate Federal, State, tribal, and local officials, and, to the extent the Secretary considers appropriate, to civil defense or emergency management agencies and the public.

''(d) EXCEPTIONS.—This section does not apply to the following:

''(1) Any locations outside the United States.

''(2) The presence of military munitions resulting from combat operations.

''(3) Operating storage and manufacturing facilities.

''(4) Operational ranges.

''(e) DEFINITIONS.—In this section:

''(1) The term 'defense site' applies to locations that are or were owned by, leased to, or otherwise possessed or used by the Department of Defense. The term does not include any operational range, operating storage or manufacturing facility, or facility that is used for or was permitted for the treatment or disposal of military munitions.

''(2) The term 'discarded military munitions' means military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include unexploded ordnance, military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of, consistent with applicable environmental laws and regulations.

''(3)(A) The term 'military munitions' means all ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the Department of Defense, the Coast Guard, the Department of Energy, and the National Guard. The term includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof.

''(B) The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, except that the term does include nonnuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed.

''(4) The term 'munitions constituents' means any materials originating from unexploded ordnance, discarded military munitions, or other military munitions, including explosive and nonexplosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions.

''(5) The term 'operational range' means a military range that is used for range activities, or a military range that is not currently being used, but that is still considered by the Secretary to be a range area, is under the jurisdiction, custody, or control of the Department of Defense, and has not been put to a new use that is incompatible with range activities.

''(6) The term 'possessions' includes Johnston Atoll, Kingman Reef, Midway Island, Nassau Island, Palmyra Island, and Wake Island.

''(7) The term 'Secretary' means the Secretary of Defense.

''(8) The term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions.

''(9) The term 'unexploded ordnance' means military munitions that—

''(A) have been primed, fused, armed, or otherwise prepared for action;

''(B) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and

''(C) remain unexploded either by malfunction, design, or any other cause.

''(10) The term 'United States', in a geographic sense, means the States, territories, and possessions and associated navigable waters, contiguous zones, and ocean waters of which the natural resources are under the exclusive management authority of the United States.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2710. Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges).''.

(b) INITIAL INVENTORY.—The requirements of section 2710 of title 10, United States Code, as added by subsection (a), shall be implemented as follows:

(1) The initial inventory required by subsection (a) of such section shall be completed not later than May 31, 2003.

(2) The proposed prioritization protocol required by subsection (b) of such section shall be available for public comment not later than November 30, 2002.

SEC. 312. ESTABLISHMENT OF NEW PROGRAM ELEMENT FOR REMEDIATION OF UNEXPLODED ORDNANCE, DISCARDED MILITARY MUNITIONS, AND MUNITIONS CONSTITUENTS.

Section 2703 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) PROGRAM ELEMENTS FOR ORDNANCE REMEDIATION.—The Secretary of Defense shall establish a program element for remediation of unexploded ordnance, discarded military munitions, and munitions constituents within each environmental restoration account established under subsection (a). The terms 'unexploded ordnance', 'discarded military munitions', and 'munitions constituents' have the meanings given such terms in section 2710 of this title.''.

SEC. 313. ASSESSMENT OF ENVIRONMENTAL REMEDIATION OF UNEXPLODED ORDNANCE, DISCARDED MILITARY MUNITIONS, AND MUNITIONS CONSTITUENTS.

(a) INCLUSION IN 2003 REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—The Secretary of Defense shall include in the report submitted to Congress under section 2706(a) of title 10, United States Code, in 2003 a comprehensive assessment of unexploded ordnance, discarded military munitions, and munitions constituents located at current and former facilities of the Department of Defense. The assessment shall include, at a minimum, the following:

(1) Separate estimates of the aggregate projected costs of the remediation of unexploded ordnance, discarded military munitions, and munitions constituents at—

(A) all operational ranges; and

(B) all other defense sites.

(2) A comprehensive plan for addressing the remediation of unexploded ordinance, discarded military munitions, and munitions constituents at defense sites, including an assessment of the funding required and the period of time over which such funding will be required.

(3) An assessment of the technology currently available for the remediation of unexploded ordnance, discarded military munitions, and munitions constituents.

(4) An assessment of the impact of improved technology on the cost of such remediation and a plan for the development and use of such improved technology.

(b) REQUIREMENTS FOR COST ESTIMATES.—(1) The estimates of aggregate projected costs required by subsection (a)(1) shall—

(A) be stated as a range of aggregate projected costs, including a low estimate and a high estimate;

(B) set forth the differing assumptions underlying each such low estimate and high estimate, including—

(i) any public uses for the operational ranges and other defense sites concerned that will be available after the remediation is completed;

(ii) the extent of the remediation required to make the operational ranges and other defense sites concerned available for such uses; and

(iii) the technologies to be applied to achieve such level of remediation; and

(C) include, and identify separately, an estimate of the aggregate projected costs of the remediation of any ground water contamination that may be caused by unexploded ordnance, discarded military munitions, or munitions constituents at the operational ranges and other defense sites concerned.

(2) The high estimate of the aggregate projected costs shall be based on the assumption that all unexploded ordnance, discarded military munitions, and munitions constituents at each operational range and other defense site will be addressed, regardless of whether there are any current plans to close the range or site or discontinue training at the range or site.

(3) The estimate of the aggregate projected costs of remediation of ground water contamination under paragraph (1)(C) shall be based on a comprehensive assessment of the risk of such contamination and of the actions required to protect the ground water supplies concerned.

(4) The standards for the report of liabilities of the Department of Defense shall not apply to the cost estimates required by subsection (a)(1).

(c) INTERIM ASSESSMENT.—The report submitted to Congress under section 2706(a) of title 10, United States Code, in 2002 shall include the assessment required by subsection (a) to the extent that the information required to be provided as part of the assessment is available. The Secretary shall include an explanation of any limitations on the information available or qualifications on the information provided.

(d) DEFINITIONS.—In this section, the terms ''unexploded ordnance'', ''discarded military munitions'', ''munitions constituents'', ''operational range'', and ''defense site'' have the meanings given such terms in section 2710 of title 10, United States Code, as added by section 311.

SEC. 314. CONFORMITY OF SURETY AUTHORITY UNDER ENVIRONMENTAL RESTORATION PROGRAM WITH SURETY AUTHORITY UNDER CERCLA.

Section 2701(j)(1) of title 10, United States Code, is amended by striking '', or after December 31, 1999''.

SEC. 315. ELIMINATION OF ANNUAL REPORT ON CONTRACTOR REIMBURSEMENT FOR COSTS OF ENVIRONMENTAL RESPONSE ACTIONS.

(a) REPORT ELIMINATION.—Section 2706 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) CONFORMING AMENDMENTS.—Subsection (d) of such section, as redesignated by subsection (a) of this section, is amended—

(1) by striking paragraphs (1) and (3); and

(2) by redesignating paragraphs (2), (4), and (5) as paragraphs (1), (2), and (3), respectively.

SEC. 316. PILOT PROGRAM FOR SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

(a) EXTENSION.—Section 351(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2701 note) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2003''.

(b) REPORT REQUIRED.—(1) The Secretary of Defense shall prepare a report concerning the operation of the pilot program for the sale of economic incentives for the reduction of emission of air pollutants attributable to military facilities, as authorized by section 351 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2701 note). The report shall—

(A) detail all transactions that have been completed under the pilot program, the dollar amount of each transaction, and the number and type of air pollutants involved in each transaction;

(B) evaluate the extent to which retention of the proceeds of sales under the pilot program, as required by subsection (c) of such section, has provided incentives for such sales;

(C) evaluate the extent of any loss to the United States Treasury associated with the pilot program; and

(D) evaluate the environmental impact of the pilot program.

(2) Not later than March 1, 2003, the Secretary shall submit the report required by paragraph (1) to the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives and the Committee on Environment and Public Works and the Committee on Armed Services of the Senate.

SEC. 317. DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms that allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through science and technology investment, and include fuel efficiency in requirements and acquisition processes.

(b) ENERGY EFFICIENCY PROGRAM.—The Secretary shall carry out a program to significantly improve the energy efficiency of facilities of the Department of Defense through 2010. The Secretary shall designate a senior official of the Department of Defense to be responsible for managing the program for the Department and a senior official of each military department to be responsible for managing the program for such department.

(c) ENERGY EFFICIENCY GOALS.—The goal of the energy efficiency program shall be to achieve reductions in energy consumption by facilities of the Department of Defense as follows:

(1) In the case of industrial and laboratory facilities, reductions in the average energy consumption per square foot of such facilities, per unit of production or other applicable unit, relative to energy consumption in 1990—

(A) by 20 percent by 2005; and

(B) by 25 percent by 2010.

(2) In the case of other facilities, reductions in average energy consumption per gross square foot of such facilities, relative to energy consumption per gross square foot in 1985—

(A) by 30 percent by 2005; and

(B) by 35 percent by 2010.

(d) STRATEGIES FOR IMPROVING ENERGY EFFICIENCY.—In order to achieve the goals set forth in subsection (c), the Secretary shall, to the maximum extent practicable—

(1) purchase energy-efficient products, as so designated by the Environmental Protection Agency and the Department of Energy, and other products that are energy-efficient;

(2) utilize energy savings performance contracts, utility energy-efficiency service contracts, and other contracts designed to achieve energy conservation;

(3) use life-cycle cost analysis, including assessment of life-cycle energy costs, in making decisions about investments in products, services, construction, and other projects;

(4) conduct energy efficiency audits for approximately 10 percent of all Department of Defense facilities each year;

(5) explore opportunities for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching; and

(6) retire inefficient equipment on an accelerated basis where replacement results in lower life-cycle costs.

(e) REPORTING REQUIREMENTS.—Not later than January 1, 2002, and each January 1 thereafter through 2010, the Secretary shall submit to the congressional defense committees the report required to be prepared by the Secretary pursuant to section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8251 note) regarding the progress made toward achieving the energy efficiency goals of the Department of Defense.

SEC. 318. PROCUREMENT OF ALTERNATIVE FUELED AND HYBRID LIGHT DUTY TRUCKS.

(a) DEFENSE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—(1) The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that only hybrid vehicles are procured by the Administrator for the Department of Defense fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) The Secretary, in consultation with the Administrator, may waive the policy regarding the procurement of hybrid vehicles in paragraph (1) to the extent that the Secretary determines necessary—

(A) in the case of trucks that are exempt from the requirements of section 303 of the Energy Policy Act of 1992 for national security reasons under subsection (b)(3)(E) of such section, to meet specific requirements of the Department of Defense for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government; or

(C) to adjust to limitations on the commercial availability of light duty trucks that are hybrid vehicles.

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

(b) REQUIREMENT TO EXCEED REQUIREMENT IN ENERGY POLICY ACT OF 1992.—(1) The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that, of the light duty trucks procured in fiscal years after fiscal year 2004 for the fleets of light duty vehicles of the Department of Defense to which section 303 of the Energy Policy Act of 1992 applies—

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

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

(2) Light duty trucks acquired for the Department of Defense that are counted to comply with section 303 of the Energy Policy Act of 1992 for a fiscal year shall be counted to determine the total number of light duty trucks procured for the Department of Defense for that fiscal year for the purposes of paragraph (1), but shall not be counted to satisfy the requirement in that paragraph.

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

(d) DEFINITIONS.—In this section:

(1) The term ''hybrid vehicle'' means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

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

(B) a rechargeable energy storage system.

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

SEC. 319. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN RESPONSE COSTS IN CONNECTION WITH HOOPER SANDS SITE, SOUTH BERWICK, MAINE.

(a) AUTHORITY TO REIMBURSE.—Using amounts specified in subsection (c), the Secretary of the Navy may pay $1,005,478 to the Hooper Sands Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 to reimburse the Environmental Protection Agency for the response costs incurred by the Environmental Protection Agency for actions taken between May 12, 1992, and July 31, 2000, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Hooper Sands site in South Berwick, Maine, in accordance with the interagency agreement entered into by the Department of the Navy and the Environmental Protection Agency in January 2001.

(b) TREATMENT OF REIMBURSEMENT.—Payment of the amount authorized by subsection (a) shall be in full satisfaction of amounts due from the Department of the Navy to the Environmental Protection Agency for the response costs described in that subsection.

(c) SOURCE OF FUNDS.—Payment under subsection (a) shall be made using amounts authorized to be appropriated by section 301(a)(15) to the Environmental Restoration Account, Navy, established by section 2703(a)(3) of title 10, United States Code.

SEC. 320. RIVER MITIGATION STUDIES.

(a) PORT OF ORANGE, SABINE RIVER.—The Secretary of Defense may conduct a study regarding protruding structures and submerged objects remaining from the World War II Navy ship building industry located at the former Navy installation in Orange, Texas, which create navigational hazards along the Sabine River and surrounding the Port of Orange.

(b) PHILADELPHIA NAVAL SHIPYARD, DELAWARE RIVER.—The Secretary of Defense may conduct a study regarding floating and partially submerged debris possibly relating to the Philadelphia Naval Shipyard in that portion of the Delaware River from Philadelphia, Pennsylvania, to the mouth of the river which create navigational hazards along the river.

(c) USE OF EXISTING INFORMATION.—In conducting a study authorized by this section, the Secretary of Defense shall take into account any information available from other studies conducted in connection with the same navigation channels.

(d) CONSULTATION.—The Secretary of Defense shall conduct the studies authorized by this section in consultation with appropriate State and local government entities and Federal agencies.

(e) REPORT ON STUDY RESULTS.—Not later than April 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that—

(1) summarizes the results of each study conducted under this section; and

(2) contains an evaluation by the Secretary of the extent to which the navigational hazards identified in each study are the result of Department of Defense activities.

(f) COST SHARING.—Nothing in this section is intended to require non-Federal cost sharing of the costs incurred by the Secretary of Defense to conduct a study authorized by this section.

(g) RELATION TO OTHER LAWS AND AGREEMENTS.—This section is not intended to modify any authorities provided to the Secretary of the Army by the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.), nor is it intended to modify any non-Federal cost-sharing responsibilities outlined in any local cooperation agreements.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 331. COMMISSARY BENEFITS FOR NEW MEMBERS OF THE READY RESERVE.

(a) ELIGIBILITY.—Section 1063 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ELIGIBILITY OF NEW MEMBERS.—(1) The Secretary concerned shall authorize a new member of the Ready Reserve to use commissary stores of the Department of Defense for a number of days accruing at the rate of two days for each month in which the member participates satisfactorily in training required under section 10147(a)(1) of this title or section 502(a) of title 32, as the case may be.

''(2) For the purposes of paragraph (1), a person shall be considered a new member of the Ready Reserve upon becoming a member and continuing without a break in the membership until the earlier of—

''(A) the date on which the member becomes eligible to use commissary stores under subsection (a); or

''(B) December 31 of the first calendar year in which the membership has been continuous for the entire year.

''(3) A new member may not be authorized under this subsection to use commissary stores for more than 24 days for any calendar year.''.

(b) REQUIRED DOCUMENTATION.—Subsection (d) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new sentence: ''The regulations shall specify the required documentation of satisfactory participation in training for the purposes of subsection (b).''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by striking ''Subsection (a)'' and inserting ''Subsections (a) and (b)''.

(d) CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

''§ 1063. Use of commissary stores: members of Ready Reserve''.

(2) Subsection (a) of such section is amended by striking ''OF READY RESERVE'' and inserting ''WITH 50 OR MORE CREDITABLE POINTS''.

(3) The item relating to such section in the table of sections at the beginning of chapter 54 of title 10, United States Code, is amended to read as follows:

''1063. Use of commissary stores: members of Ready Reserve.''.

SEC. 332. REIMBURSEMENT FOR USE OF COMMISSARY FACILITIES BY MILITARY DEPARTMENTS FOR PURPOSES OTHER THAN COMMISSARY SALES.

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

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

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2482a the following new item:

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

SEC. 333. PUBLIC RELEASES OF COMMERCIALLY VALUABLE INFORMATION OF COMMISSARY STORES.

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

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

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

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

''(A) Information contained in the computerized business systems of commissary stores or the Defense Commissary Agency that is collected through or in connection with the use of electronic scanners in commissary stores, including the following information:

''(i) Data relating to sales of goods or services.

''(ii) Demographic information on customers.

''(iii) Any other information pertaining to commissary transactions and operations.

''(B) Business programs, systems, and applications (including software) relating to commissary operations that were developed with funding derived from commissary surcharges.

''(b) RELEASE AUTHORITY.—(1) The Secretary of Defense may, using competitive procedures, enter into a contract to sell information described in subsection (a)(2).

''(2) The Secretary of Defense may release, without charge, information on an item sold in commissary stores to the manufacturer or producer of that item or an agent of the manufacturer or producer.

''(3) The Secretary of Defense may, by contract entered into with a business, grant to the business a license to use business programs referred to in subsection (a)(2)(B), including software used in or comprising any such program. The fee charged for the license shall be based on the costs of similar programs developed and marketed by businesses in the private sector, determined by means of surveys.

''(4) Each contract entered into under this subsection shall specify the amount to be paid for information released or a license granted under the contract, as the case may be.

''(c) FORM OF RELEASE.—Information described in subsection (a)(2) may not be released, under subsection (b) or otherwise, in a form that identifies any customer or that provides information making it possible to identify any customer.

''(d) RECEIPTS.—Amounts received by the Secretary under this section shall be credited to funds derived from commissary surcharges, shall be merged with those funds, and shall be available for the same purposes as the funds with which merged.

''(e) DEFINITION.—In this section, the term 'commissary surcharge' means any adjustment or surcharge applied under section 2486(c) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 147 of title 10, United States Code, is amended by striking the item relating to section 2487 and inserting the following new item:

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

SEC. 334. REBATE AGREEMENTS WITH PRODUCERS OF FOODS PROVIDED UNDER SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) REBATE AGREEMENTS WITH FOOD PRODUCERS.—(1) In the administration of the program under this section, the Secretary of Defense may enter into a contract with a producer of a particular brand of food that provides for—

''(A) the Secretary of Defense to procure that particular brand of food, exclusive of other brands of the same or similar food, for the purpose of providing the food in commissary stores of the Department of Defense as a supplemental food under the program; and

''(B) the producer to rebate to the Secretary amounts equal to agreed portions of the amounts paid by the Secretary for the procurement of that particular brand of food for the program.

''(2) The Secretary of Defense shall use competitive procedures under chapter 137 of this title to enter into contracts under this subsection.

''(3) The period covered by a contract entered into under this subsection may not exceed one year. No such contract may be extended by a modification of the contract, by exercise of an option, or by any other means. Nothing in this paragraph prohibits a contractor under a contract entered into under this subsection for any year from submitting an offer for, and being awarded, a contract that is to be entered into under this subsection for a successive year.

''(4) Amounts rebated under a contract entered into under paragraph (1) shall be credited to the appropriation available for carrying out the program under this section in the fiscal year in which rebated, shall be merged with the other sums in that appropriation, and shall be available for the program for the same period as the other sums in the appropriation.''.

SEC. 335. CIVIL RECOVERY FOR NON-APPROPRIATED FUND INSTRUMENTALITY COSTS RELATED TO SHOPLIFTING.

Section 3701(b)(1)(B) of title 31, United States Code, is amended by inserting before the comma at the end the following: '', including actual and administrative costs related to shoplifting, theft detection, and theft prevention''.

Subtitle D—Workforce and Depot Issues

SEC. 341. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2466 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by inserting after subsection (a) the following new subsections:

''(b) WAIVER OF LIMITATION.—The Secretary of Defense may waive the limitation in subsection (a) for a fiscal year if—

''(1) the Secretary determines that the waiver is necessary for reasons of national security; and

''(2) the Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

''(c) PROHIBITION ON DELEGATION OF WAIVER AUTHORITY.—The authority to grant a waiver under subsection (b) may not be delegated.''.

SEC. 342. EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2474 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION.—(1) Amounts expended out of funds described in paragraph (2) for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by private industry or other entities outside the Department of Defense pursuant to a public-private partnership.

''(2) The funds referred to in paragraph (1) are funds available to the military departments and Defense Agencies for depot-level maintenance and repair workloads for fiscal years 2002 through 2005.

''(3) All funds covered by paragraph (1) shall be included as a separate item in the reports required under paragraphs (1), (2), and (3) of section 2466(e) of this title.''.

SEC. 343. PROTECTIONS FOR PURCHASERS OF ARTICLES AND SERVICES MANUFACTURED OR PERFORMED BY WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) GENERAL RULE.—Section 2563(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''in any case of willful misconduct or gross negligence'' and inserting ''as provided in paragraph (3)''; and

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

''(3) Paragraph (1)(B) does not apply in any case of willful misconduct or gross negligence or in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the Government to comply with quality, schedule, or cost performance requirements in the contract to provide the articles or services.''.

(b) CONFORMING AMENDMENT.—Section 2474(e)(2)(B)(i) of such title is amended by striking ''in a case of willful conduct or gross negligence'' and inserting ''under the circumstances described in section 2563(c)(3) of this title''.

SEC. 344. REVISION OF DEADLINE FOR ANNUAL REPORT ON COMMERCIAL AND INDUSTRIAL ACTIVITIES.

Section 2461(g) of title 10, United States Code, is amended by striking ''February 1'' and inserting ''June 30''.

SEC. 345. PILOT MANPOWER REPORTING SYSTEM IN DEPARTMENT OF THE ARMY.

(a) ANNUAL REPORTING REQUIREMENT.—Not later than March 1 of each of the fiscal years 2002 through 2004, the Secretary of the Army shall submit to Congress a report describing the use during the previous fiscal year of non-Federal entities to provide services to the Department of the Army.

(b) CONTENT OF REPORT.—Using information available from existing data collection and reporting systems available to the Department of the Army and the non-Federal entities referred to in subsection (a), the report shall—

(1) specify the number of work year equivalents performed by individuals employed by non-Federal entities in providing services to the Department;

(2) categorize the information by Federal supply class or service code; and

(3) indicate the appropriation from which the services were funded and the major organizational element of the Department procuring the services.

(c) LIMITATION ON REQUIREMENT FOR NON-FEDERAL ENTITIES TO PROVIDE INFORMATION.—For the purposes of meeting the requirements set forth in subsection (b), the Secretary of the Army may not require the provision of information beyond the information that is currently provided to the Department of the Army by the non-Federal entities referred to in subsection (a), except for the number of work year equivalents associated with Department of the Army contracts, identified by contract number, to the extent this information is available to the contractor from existing data collection systems.

(d) REPEAL OF OBSOLETE REPORTING REQUIREMENT.—Section 343 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 569) is repealed.

SEC. 346. DEVELOPMENT OF ARMY WORKLOAD AND PERFORMANCE SYSTEM AND WHOLESALE LOGISTICS MODERNIZATION PROGRAM.

(a) RELATIONSHIP BETWEEN SYSTEMS.—(1) The Army Workload and Performance System, including all applications in the master plan submitted to Congress on June 8, 2001, and any revisions to the master plan, shall be developed in such a manner that its functionality and identity are in compliance with all statutory requirements. The Army Workload and Performance System shall continue as a standard Army-wide manpower system under the supervision and management of the Secretary of the Army.

(2) The requirement in paragraph (1) is intended to encourage the sharing of data between the Army Workload and Performance System and the Wholesale Logistics Modernization Program and the development of the processes necessary to permit or enhance such data sharing.

(b) ANNUAL PROGRESS REPORTS.—(1) Not later than February 1 of each year, the Secretary of the Army shall submit to Congress a progress report on the implementation of the master plan for the Army Workload and Performance System during the preceding year. The report shall specifically address any changes made to the master plan since the previous report.

(2) The reporting requirement shall terminate when the Secretary certifies to Congress that the Army Workload and Performance System is fully implemented.

(c) GAO EVALUATION.—Not later than 60 days after the Secretary of the Army submits to Congress a progress report under subsection (b), the Comptroller General shall submit to Congress an evaluation of the report.

(d) ARMY WORKLOAD AND PERFORMANCE SYSTEM DEFINED.—The term ''Army Workload and Performance System'' includes all applications in the master plan for the System submitted to Congress on June 8, 2001, and any revision of such master plan.

Subtitle E—Defense Dependents Education

SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated pursuant to section 301(a)(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies; and

(2) $1,000,000 shall be available only for the purpose of making payments to local educational agencies to assist such agencies in adjusting to reductions in the number of military dependent students as a result of the closure or realignment of military installations, as provided in section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for assistance or a payment under subsection (a) for fiscal year 2002 of—

(1) that agency's eligibility for the assistance or payment; and

(2) the amount of the assistance or payment for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(a)(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall 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; 20 U.S.C. 7703a).

SEC. 353. AVAILABILITY OF AUXILIARY SERVICES OF DEFENSE DEPENDENTS' EDUCATION SYSTEM FOR DEPENDENTS WHO ARE HOME SCHOOL STUDENTS.

Section 1407 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) AUXILIARY SERVICES AVAILABLE TO HOME SCHOOL STUDENTS.—(1) A dependent who is educated in a home school setting, but who is eligible to enroll in a school of the defense dependents' education system, shall be permitted to use or receive auxiliary services of that school without being required to either enroll in that school or register for a minimum number of courses offered by that school. The dependent may be required to satisfy other eligibility requirements and comply with standards of conduct applicable to students actually enrolled in that school who use or receive the same auxiliary services.

''(2) For purposes of paragraph (1), the term 'auxiliary services' includes use of academic resources, access to the library of the school, after hours use of school facilities, and participation in music, sports, and other extracurricular and interscholastic activities.''.

SEC. 354. COMPTROLLER GENERAL STUDY OF ADEQUACY OF COMPENSATION PROVIDED FOR TEACHERS IN THE DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS.

(a) GAO STUDY REQUIRED.—The Comptroller General shall carry out a study of the adequacy of the pay and other elements of the compensation provided for teachers in the defense dependents' education system established under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

(b) SPECIFIC CONSIDERATIONS.—In carrying out the study, the Comptroller General shall consider the following issues:

(1) Whether the compensation is adequate for recruiting and retaining high quality teachers.

(2) Whether any revision of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.) or the regulations under that Act is advisable to address any problems identified with respect to the recruitment and retention of high quality teachers or for other purposes.

(c) REPORT.—Not later than May 1, 2002, the Comptroller General shall submit to Congress a report containing the results of the study, including—

(1) the Comptroller General's conclusions on the issues considered; and

(2) any recommendations for actions that the Comptroller General considers appropriate.

Subtitle F—Other Matters

SEC. 361. AVAILABILITY OF EXCESS DEFENSE PERSONAL PROPERTY TO SUPPORT DEPARTMENT OF VETERANS AFFAIRS INITIATIVE TO ASSIST HOMELESS VETERANS.

(a) TRANSFER AUTHORITY.—Subsection (a) of section 2557 of title 10, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting ''(1) The Secretary''; and

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

''(2) The Secretary of Defense may make excess clothing, shoes, sleeping bags, and related nonlethal excess supplies available to the Secretary of Veterans Affairs for distribution to homeless veterans and programs assisting homeless veterans. The transfer of nonlethal excess supplies to the Secretary of Veterans Affairs under this paragraph shall be without reimbursement.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2557. Excess nonlethal supplies: availability for homeless veteran initiatives and humanitarian relief''.

(2) The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2557 and inserting the following new item:

''2557. Excess nonlethal supplies: availability for homeless veteran initiatives and humanitarian relief.''.

SEC. 362. INCREMENTAL IMPLEMENTATION OF NAVY-MARINE CORPS INTRANET CONTRACT.

(a) ADDITIONAL PHASE-IN AUTHORITY.—Section 814 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–215) is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (f), (g), (h), and (i), respectively; and

(2) by inserting after subsection (b) the following new subsections:

''(c) ADDITIONAL PHASE-IN AUTHORITY PENDING SECOND JOINT CERTIFICATION.—(1)(A) Notwithstanding subsection (b)(3), the Secretary of the Navy may order additional work stations under the Navy-Marine Corps Intranet contract in excess of the number provided in the first increment of the contract under subsection (b)(2), but not to exceed an additional 100,000 work stations. The authority of Secretary of the Navy to order additional work stations under this paragraph is subject to approval by both the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense.

''(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense may not grant approval to the Secretary of the Navy to order additional work stations under subparagraph (A) until a three-phase customer test and evaluation, observed by the Department of Defense, is completed for a statistically significant representative sample of the work stations operating on the Navy-Marine Corps Intranet. The test and evaluation shall include end user testing of day-to-day operations (including e-mail capability and performance), scenario-driven events, and scenario-based interoperability testing.

''(2)(A) Notwithstanding subsection (b)(3), the Secretary of the Navy may order additional work stations under the Navy-Marine Corps Intranet contract in excess of the number provided in the first increment of the contract under subsection (b)(2) and the number ordered under the authority of paragraph (1), but not to exceed an additional 150,000 work stations. The authority of Secretary of the Navy to order additional work stations under this paragraph is also subject to approval by both the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense.

''(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense may not grant approval to the Secretary of the Navy to order additional work stations under subparagraph (A) until each of the following occurs:

''(i) There has been a full transition of not less than 20,000 work stations to the Navy-Marine Corps Intranet.

''(ii) The work stations referred to in clause (i) have met applicable service-level agreements specified in the Navy-Marine Corps Intranet contract, as determined by contractor performance measurement under oversight by the Department of the Navy.

''(iii) The Chief Information Officer of the Navy certifies to the Secretary of the Navy and the Chief Information Officer of the Department of Defense that the results of the performance evaluation referred to in clause (ii) are acceptable.

''(3) Of the work stations ordered under the authority provided by paragraph (2), not more than 50 percent may reach the major milestone known as 'assumption of responsibility' until each of the following occurs:

''(A) All work stations for the headquarters of the Naval Air Command have met applicable service-level agreements specified in the Navy-Marine Corps Intranet contract, as determined by contractor performance measurement under oversight by the Department of the Navy.

''(B) The Chief Information Officer of the Navy certifies to the Secretary of the Navy and the Chief Information Officer of the Department of Defense that the results of the performance evaluation referred to in subparagraph (B) are acceptable.

''(4) For the purposes of this section, when the information infrastructure and systems of a user of a work station are transferred into Navy-Marine Corps Intranet infrastructure and systems under the Navy-Marine Corps Intranet contract consistent with the applicable service-level agreements specified in the Navy-Marine Corps Intranet contract, the work station shall be considered as having been provided for the Navy-Marine Corps Intranet.

''(d) REPORTING AND REVIEW REQUIREMENTS.—(1) If work stations are ordered using the authority provided by paragraph (1) or (2) of subsection (c), the Secretary of the Navy shall submit to Congress a report, current as of the date the determination is made to order the work stations, on the following:

''(A) The number of work stations operating on the Navy-Marine Corps Intranet, including the number of work stations regarding which assumption of responsibility has occurred.

''(B) The status of testing and implementation of the Navy-Marine Corps Intranet program.

''(C) The number of work stations to be ordered under paragraph (1) or (2) of subsection (c), whichever applies.

''(2) A report containing the information required by paragraph (1) shall also be submitted to Congress when the requirements of paragraph (3) of subsection (c) are satisfied and additional work stations under the Navy-Marine Corps Intranet contract are authorized to reach assumption of responsibility.

''(3) The Comptroller General shall conduct a review of the impact that participation in the Navy-Marine Corps Intranet program has on information technology costs of working capital funded industrial facilities of the Department of the Navy and submit the results of the review to Congress.''.

(b) NAVY-MARINE CORPS INTRANET MANAGER.—Such section is further amended by inserting after subsection (d), as added by subsection (a)(2) of this section, the following new subsection:

''(e) ASSIGNMENT OF NAVY-MARINE CORPS INTRANET MANAGER.—The Secretary of the Navy shall assign an employee of the Department of the Navy to the Navy-Marine Corps Intranet program whose sole responsibility will be to oversee and direct the program. The employee so assigned may not also be the program executive officer.''.

(c) DEFINITIONS.—Subsection (i) of such section, as redesignated by subsection (a)(1) of this section, is amended—

(1) by striking ''NAVY-MARINE CORPS INTRANET CONTRACT DEFINED.—'' and inserting ''DEFINITIONS.—(1)''; and

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

''(2) In this section, the term 'assumption of responsibility', with respect to a work station, means the point at which the contractor team under the Navy-Marine Corps Intranet contract assumes operational control of, and responsibility for, the existing information infrastructure and systems of a work station, in order to prepare for ultimate transition of the work station to the Navy-Marine Corps Intranet.''.

SEC. 363. COMPTROLLER GENERAL STUDY AND REPORT OF NATIONAL GUARD DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the Distributive Training Technology Project of the National Guard. The study shall examine—

(1) current requirements of the National Guard for interconnection of networks of the Distributive Training Technology Project with other networks, including networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies; and

(2) future requirements of the National Guard for interconnection of networks of the Project with other networks, including those Federal and State agencies having disaster response functions.

(b) ELEMENTS OF STUDY.—For both the current requirements identified under subsection (a)(1) and future requirements identified under subsection (a)(2), the study shall examine the following:

(1) Appropriate connections between the Project and other networks.

(2) Means of protecting the Project from outside intrusion.

(3) Impediments to interconnectivity, including the extent to which national security concerns affect interconnectivity and the technological capability of the Department of Defense to impede interconnectivity, as well as other concerns or limitations that affect interconnectivity.

(4) Means of improving interconnectivity.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study conducted under subsection (a). The report shall describe the results of the study and shall include any recommendations that the Comptroller General considers appropriate in light of the study.

SEC. 364. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2304 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking ''January 1, 2001'' and inserting ''January 1, 2003''; and

(2) in paragraph (2), by striking ''March 1, 2001'' and inserting ''March 1, 2003''.

SEC. 365. EVALUATION OF CURRENT DEMONSTRATION PROGRAMS TO IMPROVE QUALITY OF PERSONAL PROPERTY SHIPMENTS OF MEMBERS.

(a) COMPLETION OF EVALUATION; REPORT.—Not later than March 31, 2002, the Secretary of Defense shall complete the ongoing evaluation of all test programs regarding the transportation of household goods for members of the Armed Forces and submit to Congress a report containing the results of such evaluation.

(b) CONTENTS OF REPORT.—The report shall include—

(1) the results of each test program evaluated, including whether the test program satisfied the goals for the movement of such household goods (as contained in the General Accounting Report NSIAD 97–49) and whether current business processes and information technology capabilities require upgrading or other changes to improve the transportation of such household goods; and

(2) recommendations for policy improvements for military household moves worldwide, including an estimate of the cost to implement each recommendation.

SEC. 366. SENSE OF CONGRESS REGARDING SECURITY TO BE PROVIDED AT 2002 WINTER OLYMPIC GAMES.

It is the sense of Congress that the Secretary of Defense, upon receipt of the certification of the Attorney General required by section 2564(a) of title 10, United States Code, should authorize the provision of assistance in support of essential security and safety at the 2002 Winter Olympic Games to be held in Salt Lake City, Utah, and other locations in the State of Utah.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Increase in senior enlisted active duty grade limit for Navy, Marine Corps, and Air Force.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2002 limitation on non-dual status technicians.
Sec. 415. Limitations on numbers of reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of reserve components.

Subtitle C—Other Matters Relating to Personnel Strengths

Sec. 421. Administration of end strengths.
Sec. 422. Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2002, as follows:

(1) The Army, 480,000.
(2) The Navy, 376,000.
(3) The Marine Corps, 172,600.
(4) The Air Force, 358,800.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''372,000'' and inserting ''376,000''; and

(2) in paragraph (4), by striking ''357,000'' and inserting ''358,800''.

SEC. 403. INCREASE IN SENIOR ENLISTED ACTIVE DUTY GRADE LIMIT FOR NAVY, MARINE CORPS, AND AIR FORCE.

Section 517(a) of title 10, United States Code, is amended by striking ''2 percent (or, in the case of the Army, 2.5 percent)'' and inserting ''2.5 percent''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2002, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 87,000.

(4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 108,400.

(6) The Air Force Reserve, 74,700.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2002, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,698.

(2) The Army Reserve, 13,406.

(3) The Naval Reserve, 14,811.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,591.

(6) The Air Force Reserve, 1,437.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2002 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,249.

(2) For the Army National Guard of the United States, 23,615.

(3) For the Air Force Reserve, 9,818.

(4) For the Air National Guard of the United States, 22,422.

SEC. 414. FISCAL YEAR 2002 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATION.—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2002, may not exceed the following:

(1) For the Army Reserve, 1,095.

(2) For the Army National Guard of the United States, 1,600.

(3) For the Air Force Reserve, 90.

(4) For the Air National Guard of the United States, 350.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES FOR ADMINISTRATION OF RESERVE COMPONENTS.

(a) OFFICERS.—The text of section 12011 of title 10, United States Code, is amended to read as follows:

''(a) LIMITATIONS.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

''Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army Reserve:			
10,000	1,390	740	230
11,000	1,529	803	242
12,000	1,668	864	252
13,000	1,804	924	262
14,000	1,940	984	272
15,000	2,075	1,044	282
16,000	2,210	1,104	291
17,000	2,345	1,164	300
18,000	2,479	1,223	309
19,000	2,613	1,282	318
20,000	2,747	1,341	327
21,000	2,877	1,400	336
Army National Guard:			
20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	370
26,000	1,930	1,085	385
28,000	2,070	1,160	400
30,000	2,200	1,235	405
32,000	2,330	1,305	408
34,000	2,450	1,375	411
36,000	2,570	1,445	411
38,000	2,670	1,515	411
40,000	2,770	1,580	411
42,000	2,837	1,644	411
Marine Corps Reserve:			
1,100	106	56	20
1,200	110	60	21
1,300	114	63	22
1,400	118	66	23
1,500	121	69	24
1,600	124	72	25
1,700	127	75	26
1,800	130	78	27
1,900	133	81	28
2,000	136	84	29
2,100	139	87	30
2,200	141	90	31
2,300	143	92	32
2,400	145	94	33
2,500	147	96	34
2,600	149	98	35
Air Force Reserve:			
500	83	85	50
1,000	155	165	95
1,500	220	240	135
2,000	285	310	170
2,500	350	369	203
3,000	413	420	220
3,500	473	464	230

''Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
4,000	530	500	240
4,500	585	529	247
5,000	638	550	254
5,500	688	565	261
6,000	735	575	268
7,000	770	595	280
8,000	805	615	290
10,000	835	635	300
Air National Guard:			
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	630	296
11,000	740	688	305
12,000	807	742	314
13,000	873	795	323
14,000	939	848	332
15,000	1,005	898	341
16,000	1,067	948	350
17,000	1,126	998	359
18,000	1,185	1,048	368
19,000	1,235	1,098	377
20,000	1,283	1,148	380.

''(2) Of the total number of members of the Naval Reserve who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of lieutenant commander, commander, and captain may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

''Total number of members of Naval Reserve serving on full-time reserve component duty	Number of officers who may be serving in the grade of:		
	Lieutenant commander	Commander	Captain
10,000	807	447	141
11,000	867	467	153
12,000	924	485	163
13,000	980	503	173
14,000	1,035	521	183
15,000	1,088	538	193
16,000	1,142	555	203
17,000	1,195	565	213
18,000	1,246	575	223
19,000	1,291	585	233
20,000	1,334	595	242
21,000	1,364	603	250
22,000	1,384	610	258
23,000	1,400	615	265
24,000	1,410	620	270.

''(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table at the same proportion as is reflected in the nearest limit shown in the table.

''(c) REALLOCATIONS TO LOWER GRADES.—Whenever the number of officers serving in any grade for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

''(d) SECRETARIAL WAIVER.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve officers that may be on full-time reserve component duty for a reserve component in a grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for the grade in that table.

''(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustment made.

''(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term 'full-time reserve component duty' means the following duty:

''(1) Active duty described in sections 10211, 10302, 10303, 10304, 10305, 12310, or 12402 of this title.

''(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32.

''(3) Active duty described in section 708 of title 32.''.

(b) SENIOR ENLISTED MEMBERS.—The text of section 12012 of title 10, United States Code, is amended to read as follows:

''(a) LIMITATIONS.—Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members in each of pay grades of E–8 and E–9 who may be serving on active duty under section 10211 or 12310, or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

''Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E–8	E–9
Army Reserve:		
10,000	1,052	154
11,000	1,126	168
12,000	1,195	180
13,000	1,261	191
14,000	1,327	202
15,000	1,391	213
16,000	1,455	224
17,000	1,519	235
18,000	1,583	246
19,000	1,647	257
20,000	1,711	268
21,000	1,775	278
Army National Guard:		
20,000	1,650	550
22,000	1,775	615
24,000	1,900	645
26,000	1,945	675
28,000	1,945	705
30,000	1,945	725
32,000	1,945	730
34,000	1,945	735
36,000	1,945	738
38,000	1,945	741
40,000	1,945	743
42,000	1,945	743
Naval Reserve:		
10,000	340	143
11,000	364	156

''Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E–8	E–9
12,000	386	169
13,000	407	182
14,000	423	195
15,000	435	208
16,000	447	221
17,000	459	234
18,000	471	247
19,000	483	260
20,000	495	273
21,000	507	286
22,000	519	299
23,000	531	312
24,000	540	325
Marine Corps Reserve:		
1,100	50	11
1,200	55	12
1,300	60	13
1,400	65	14
1,500	70	15
1,600	75	16
1,700	80	17
1,800	85	18
1,900	89	19
2,000	93	20
2,100	96	21
2,200	99	22
2,300	101	23
2,400	103	24
2,500	105	25
2,600	107	26
Air Force Reserve:		
500	75	40
1,000	145	75
1,500	208	105
2,000	270	130
2,500	325	150
3,000	375	170
3,500	420	190
4,000	460	210
4,500	495	230
5,000	530	250
5,500	565	270
6,000	600	290
7,000	670	330
8,000	740	370
10,000	800	400
Air National Guard		
5,000	1,020	405
6,000	1,070	435
7,000	1,120	465
8,000	1,170	490
9,000	1,220	510
10,000	1,270	530
11,000	1,320	550
12,000	1,370	570
13,000	1,420	589
14,000	1,470	608
15,000	1,520	626
16,000	1,570	644
17,000	1,620	661
18,000	1,670	678
19,000	1,720	695
20,000	1,770	712.

''(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the table in subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the table in subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in the table at the same proportion as is reflected in the nearest limit shown in the table.

''(c) REALLOCATIONS TO LOWER GRADE.—Whenever the number of members serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for pay grade E–8.

''(d) SECRETARIAL WAIVER.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve enlisted members that may be on active duty or full-time National Guard duty as described in subsection (a) for a reserve component in a pay grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for that grade and reserve component in the table.

''(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustment made.

''(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term 'full-time reserve component duty' has the meaning given the term in section 12011(e) of this title.''.

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. ADMINISTRATION OF END STRENGTHS.

(a) INCREASE IN PERCENTAGE BY WHICH ACTIVE COMPONENT END STRENGTHS MAY BE INCREASED.—Section 115(c)(1) of title 10, United States Code, is amended by striking ''1 percent'' and inserting ''2 percent''.

(b) WAIVER OF END STRENGTHS DURING NATIONAL EMERGENCY.—The text of section 123a of such title is amended to read as follows:

''(a) DURING WAR OR NATIONAL EMERGENCY.—If at the end of any fiscal year there is in effect a war or national emergency, the President may waive any statutory end strength with respect to that fiscal year. Any such waiver may be issued only for a statutory end strength that is prescribed by law before the waiver is issued.

''(b) UPON TERMINATION OF WAR OR NATIONAL EMERGENCY.—Upon the termination of a war or national emergency with respect to which the President has exercised the authority provided by subsection (a), the President may defer the effectiveness of any statutory end strength with respect to the fiscal year during which the termination occurs. Any such deferral may not extend beyond the last day of the sixth month beginning after the date of such termination.

''(c) STATUTORY END STRENGTH.—In this section, the term 'statutory end strength' means any end-strength limitation with respect to a fiscal year that is prescribed by law for any military or civilian component of the armed forces or of the Department of Defense.''.

SEC. 422. ACTIVE DUTY END STRENGTH EXEMPTION FOR NATIONAL GUARD AND RESERVE PERSONNEL PERFORMING FUNERAL HONORS FUNCTIONS.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(10) Members of reserve components on active duty to prepare for and to perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.

''(11) Members on full-time National Guard duty to prepare for and perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.''.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 a total of $82,307,281,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2002.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Enhanced flexibility for management of senior general and flag officer positions.
Sec. 502. Certifications of satisfactory performance for retirement of officers in grades above major general and rear admiral.
Sec. 503. Review of actions of selection boards.
Sec. 504. Temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).
Sec. 505. Authority for promotion without selection board consideration for all fully qualified officers in grade of first lieutenant or lieutenant (junior grade) in the Navy.
Sec. 506. Authority to adjust date of rank of certain promotions delayed by reason of unusual circumstances.
Sec. 507. Authority for limited extension of medical deferment of mandatory retirement or separation.
Sec. 508. Authority for limited extension on active duty of members subject to mandatory retirement or separation.
Sec. 509. Exemption from certain administrative limitations for retired officers ordered to active duty as defense or service attachés.
Sec. 510. Officer in charge of United States Navy Band.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Placement on active-duty list of certain Reserve officers on active duty for a period of three years or less.
Sec. 512. Exception to baccalaureate degree requirement for appointment of Reserve officers to grades above first lieutenant.
Sec. 513. Improved disability benefits for certain reserve component members.
Sec. 514. Time-in-grade requirement for reserve component officers retired with a nonservice-connected disability.
Sec. 515. Equal treatment of Reserves and full-time active duty members for purposes of managing personnel deployments.
Sec. 516. Modification of physical examination requirements for members of the Individual Ready Reserve.
Sec. 517. Retirement of Reserve members without requirement for formal application or request.
Sec. 518. Space-required travel by Reserves on military aircraft.
Sec. 519. Payment of Federal Employee Health Benefit Program premiums for certain Reservists called to active duty in support of contingency operations.

Subtitle C—Joint Specialty Officers and Joint Professional Military Education

Sec. 521. Nominations and promotions for joint specialty officers.
Sec. 522. Joint duty credit.
Sec. 523. Retroactive joint service credit for duty in certain joint task forces.
Sec. 524. Revision to annual report on joint officer management.
Sec. 525. Requirement for selection for joint specialty before promotion to general or flag officer grade.
Sec. 526. Independent study of joint officer management and joint professional military education reforms.
Sec. 527. Professional development education.
Sec. 528. Authority for National Defense University to enroll certain private sector civilians.
Sec. 529. Continuation of reserve component professional military education test.

Subtitle D—Military Education and Training

Sec. 531. Defense Language Institute Foreign Language Center.
Sec. 532. Authority for the Marine Corps University to award degree of master of strategic studies.

Sec. 533. Foreign students attending the service academies.
Sec. 534. Increase in maximum age for appointment as a cadet or midshipman in Senior Reserve Officers' Training Corps scholarship programs.
Sec. 535. Participation of regular enlisted members of the Armed Forces in Senior Reserve Officers' Training Corps program.
Sec. 536. Authority to modify the service obligation of certain ROTC cadets in military junior colleges receiving financial assistance.
Sec. 537. Repeal of limitation on number of Junior Reserve Officers' Training Corps units.
Sec. 538. Modification of nurse officer candidate accession program restriction on students attending educational institutions with senior reserve officers' training programs.
Sec. 539. Reserve health professionals stipend program expansion.
Sec. 540. Housing allowance for the chaplain for the Corps of Cadets at the United States Military Academy.

Subtitle E—Recruiting and Accession Programs

Sec. 541. 18-month enlistment pilot program.
Sec. 542. Improved benefits under the Army College First program.
Sec. 543. Correction and extension of certain Army recruiting pilot program authorities.
Sec. 544. Military recruiter access to secondary school students.
Sec. 545. Permanent authority for use of military recruiting funds for certain expenses at Department of Defense recruiting functions.
Sec. 546. Report on health and disability benefits for pre-accession training and education programs.

Subtitle F—Decorations, Awards, and Posthumous Commissions

Sec. 551. Authority for award of the Medal of Honor to Humbert R. Versace, Jon E. Swanson, and Ben L. Salomon for valor.
Sec. 552. Review regarding award of Medal of Honor to certain Jewish American and Hispanic American war veterans.
Sec. 553. Authority to issue duplicate Medals of Honor and to replace stolen military decorations.
Sec. 554. Retroactive Medal of Honor special pension.
Sec. 555. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 556. Sense of Congress on issuance of certain medals.
Sec. 557. Sense of Congress on development of a more comprehensive, uniform policy for the award of decorations to military and civilian personnel of the Department of Defense.
Sec. 558. Posthumous Army commission in the grade of captain in the Chaplains Corps to Ella E. Gibson for service as chaplain of the First Wisconsin Heavy Artillery Regiment during the Civil War.

Subtitle G—Funeral Honors Duty

Sec. 561. Participation of military retirees in funeral honors details.
Sec. 562. Funeral honors duty performed by Reserve and Guard members to be treated as inactive-duty training for certain purposes.
Sec. 563. Use of military leave for funeral honors duty by Reserve members and National Guardsmen.
Sec. 564. Authority to provide appropriate articles of clothing as a civilian uniform for civilians participating in funeral honor details.

Subtitle H—Military Spouses and Family Members

Sec. 571. Improved financial and other assistance to military spouses for job training and education.
Sec. 572. Persons authorized to be included in surveys of military families regarding Federal programs.
Sec. 573. Clarification of treatment of classified information concerning persons in a missing status.
Sec. 574. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.
Sec. 575. Amendments to charter of Defense Task Force on Domestic Violence.

Subtitle I—Military Justice and Legal Assistance Matters

Sec. 581. Blood alcohol content limit for the offense under the Uniform Code of Military Justice of drunken operation of a vehicle, aircraft, or vessel.
Sec. 582. Requirement that courts-martial consist of not less than 12 members in capital cases.
Sec. 583. Acceptance of voluntary legal assistance for the civil affairs of members and former members of the uniformed services and their dependents.

Subtitle J—Other Matters

Sec. 591. Congressional review period for change in ground combat exclusion policy.
Sec. 592. Per diem allowance for lengthy or numerous deployments.
Sec. 593. Clarification of disability severance pay computation.
Sec. 594. Transportation or storage of privately owned vehicles on change of permanent station.
Sec. 595. Repeal of requirement for final Comptroller General report relating to Army end strength allocations.
Sec. 596. Continued Department of Defense administration of National Guard Challenge program and Department of Defense Starbase program.
Sec. 597. Report on Defense Science Board recommendation on original appointments in regular grades for Academy graduates and certain other new officers.
Sec. 598. Sense of Congress regarding the selection of officers for recommendation for appointment as Commander, United States Transportation Command.

Subtitle A—Officer Personnel Policy

SEC. 501. ENHANCED FLEXIBILITY FOR MANAGEMENT OF SENIOR GENERAL AND FLAG OFFICER POSITIONS.

(a) REPEAL OF LIMIT ON NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADES OF GENERAL AND ADMIRAL.—Section 528 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

SEC. 502. CERTIFICATIONS OF SATISFACTORY PERFORMANCE FOR RETIREMENT OF OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

Section 1370(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary of Defense may delegate authority to make a certification with respect to an officer under paragraph (1) only to the Under Secretary of Defense for Personnel and Readiness or the Deputy Under Secretary of Defense for Personnel and Readiness.

''(B) If authority is delegated under subparagraph (A) and, in the course of consideration of an officer for a certification under paragraph (1), the Under Secretary or (if such authority is delegated to both the Under and Deputy Under Secretary) the Deputy Under Secretary makes a determination described in subparagraph (C) with respect to that officer, the Under Secretary or Deputy Under Secretary, as the case may be, may not exercise the delegated authority in that case, but shall refer the matter to the Secretary of Defense, who shall personally determine whether to issue a certification under paragraph (1) with respect to that officer.

''(C) A determination referred to in subparagraph (B) is a determination that there is potentially adverse information concerning an officer and that such information has not previously been submitted to the Senate in connection with the consideration by the Senate of a nomination of that officer for an appointment for which the advice and consent of the Senate is required.''.

SEC. 503. REVIEW OF ACTIONS OF SELECTION BOARDS.

(a) IN GENERAL.—(1) Chapter 79 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1558. Review of actions of selection boards: correction of military records by special boards; judicial review

''(a) CORRECTION OF MILITARY RECORDS.—The Secretary of a military department may correct a person's military records in accordance with a recommendation made by a special board. Any such correction may be made effective as of the effective date of the action taken on a report of a previous selection board that resulted in the action corrected in the person's military records.

''(b) DEFINITIONS.—In this section:

''(1) SPECIAL BOARD.—(A) The term 'special board' means a board that the Secretary of a military department convenes under any authority to consider whether to recommend a person for appointment, enlistment, reenlistment, assignment, promotion, retention, separation, retirement, or transfer to inactive status in a reserve component instead of referring the records of that person for consideration by a previously convened selection board which considered or should have considered that person.

''(B) Such term includes a board for the correction of military records convened under section 1552 of this title, if designated as a special board by the Secretary concerned.

''(C) Such term does not include a promotion special selection board convened under section 628 or 14502 of this title.

''(2) SELECTION BOARD.—(A) The term 'selection board' means a selection board convened under section 573(c), 580, 580a, 581, 611(b), 637, 638, 638a, 14101(b), 14701, 14704, or 14705 of this title, and any other board convened by the Secretary of a military department under any authority to recommend persons for appointment, enlistment, reenlistment, assignment, promotion, or retention in the armed forces or for separation, retirement, or transfer to inactive status in a reserve component for the purpose of reducing the number of persons serving in the armed forces.

''(B) Such term does not include any of the following:

''(i) A promotion board convened under section 573(a), 611(a), or 14101(a) of this title.

''(ii) A special board.

''(iii) A special selection board convened under section 628 of this title.

''(iv) A board for the correction of military records convened under section 1552 of this title.

''(3) INVOLUNTARILY BOARD-SEPARATED.—The term 'involuntarily board-separated' means separated or retired from an armed force, or transferred to the Retired Reserve or to inactive status in a reserve component, as a result of a recommendation of a selection board.

''(c) RELIEF ASSOCIATED WITH CORRECTION OF CERTAIN ACTIONS.—(1) The Secretary of the military department concerned shall ensure that an involuntarily board-separated person receives relief under paragraph (2) or under paragraph (3) if the person, as a result of a correction of the person's military records under subsection (a), becomes entitled to retention on or restoration to active duty or to active status in a reserve component.

''(2)(A) A person referred to in paragraph (1) shall, with that person's consent, be restored to the same status, rights, and entitlements (less appropriate offsets against back pay and allowances) in that person's armed force as the person would have had if the person had not been selected to be involuntarily board-separated as a result of an action the record of which is corrected under subsection (a). An action under this subparagraph is subject to subparagraph (B).

''(B) Nothing in subparagraph (A) may be construed to permit a person to be on active duty or in an active status in a reserve component after the date on which the person would have been separated, retired, or transferred to the Retired Reserve or to inactive status in a reserve component if the person had not been selected to be involuntarily board-separated in an action of a selection board the record of which is corrected under subsection (a).

''(3) If an involuntarily board-separated person referred to in paragraph (1) does not consent to a restoration of status, rights, and entitlements under paragraph (2), the Secretary concerned shall pay that person back pay and allowances (less appropriate offsets), and shall provide that person service credit, for the period—

''(A) beginning on the date of the person's separation, retirement, or transfer to the Retired Reserve or to inactive status in a reserve component, as the case may be; and

''(B) ending on the earlier of—

''(i) the date on which the person would have been so restored under paragraph (2), as determined by the Secretary concerned; or

''(ii) the date on which the person would otherwise have been separated, retired, or transferred to the Retired Reserve or to inactive status in a reserve component, as the case may be.

''(d) FINALITY OF UNFAVORABLE ACTION.—If a special board makes a recommendation not to correct the military records of a person regarding action taken in the case of that person on the basis of a previous report of a selection board, the action previously taken on that report shall be considered as final as of the date of the action taken on that report.

''(e) REGULATIONS.—(1) The Secretary of each military department shall prescribe regulations to carry out this section. Regulations under this subsection may not apply to subsection (f), other than to paragraph (4)(C) of that subsection.

''(2) The Secretary may prescribe in the regulations under paragraph (1) the circumstances under which consideration by a special board may be provided for under this section, including the following:

''(A) The circumstances under which consideration of a person's case by a special board is contingent upon application by or for that person.

''(B) Any time limits applicable to the filing of an application for such consideration.

''(3) Regulations prescribed by the Secretary of a military department under this subsection may not take effect until approved by the Secretary of Defense.

''(f) JUDICIAL REVIEW.—(1) A person seeking to challenge an action or recommendation of a selection board, or an action taken by the Secretary of the military department concerned on the report of a selection board, is not entitled to relief in any judicial proceeding unless the action or recommendation has first been considered by a special board under this section or the Secretary concerned has denied the convening of such a board for such consideration.

''(2)(A) A court of the United States may review a determination by the Secretary of a military department not to convene a special board in the case of any person. In any such case, the court may set aside the Secretary's determination only if the court finds the determination to be—

''(i) arbitrary or capricious;

''(ii) not based on substantial evidence;

''(iii) a result of material error of fact or material administrative error; or

''(iv) otherwise contrary to law.

''(B) If a court sets aside a determination by the Secretary of a military department not to convene a special board, it shall remand the case to the Secretary concerned, who shall provide for consideration by a special board.

''(3) A court of the United States may review a recommendation of a special board or an action of the Secretary of the military department concerned on the report of a special board. In any such case, a court may set aside the action only if the court finds that the recommendation or action was—

''(A) arbitrary or capricious;

''(B) not based on substantial evidence;

''(C) a result of material error of fact or material administrative error; or

''(D) otherwise contrary to law.

''(4)(A) If, six months after receiving a complete application for consideration by a special board in any case, the Secretary concerned has not convened a special board and has not denied consideration by a special board in that case, the Secretary shall be deemed for the purposes of this subsection to have denied consideration of the case by a special board.

''(B) If, six months after the convening of a special board in any case, the Secretary concerned has not taken final action on the report of the special board, the Secretary shall be deemed for the purposes of this subsection to have denied relief in such case.

''(C) Under regulations prescribed under subsection (e), the Secretary of a military department may waive the applicability of subparagraph (A) or (B) in a case if the Secretary determines that a longer period for consideration of the case is warranted. Such a waiver may be for an additional period of not more than six months. The Secretary concerned may not delegate authority to make a determination under this subparagraph.

''(g) EXISTING JURISDICTION.—Nothing in this section limits—

''(1) the jurisdiction of any court of the United States under any provision of law to determine the validity of any law, regulation, or policy relating to selection boards; or

''(2) the authority of the Secretary of a military department to correct a military record under section 1552 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1558. Review of actions of selection boards: correction of military records by special boards; judicial review.''.

(b) SPECIAL SELECTION BOARDS.—Section 628 of such title is amended—

(1) by redesignating subsection (g) as subsection (k); and

(2) by inserting after subsection (f) the following new subsections:

''(g) JUDICIAL REVIEW.—(1)(A) A court of the United States may review a determination by the Secretary of a military department under subsection (a)(1) or (b)(1) not to convene a special selection board in the case of any person. In any such case, the court may set aside the Secretary's determination only if the court finds the determination to be—

''(i) arbitrary or capricious;

''(ii) not based on substantial evidence;

''(iii) a result of material error of fact or material administrative error; or

''(iv) otherwise contrary to law.

''(B) If a court sets aside a determination by the Secretary of a military department not to convene a special selection board under this section, it shall remand the case to the Secretary concerned, who shall provide for consideration by such a board.

''(2) A court of the United States may review the action of a special selection board convened under this section or an action of the Secretary of the military department concerned on the report of such a board. In any such case, a court may set aside the action only if the court finds that the action was—

''(A) arbitrary or capricious;

''(B) not based on substantial evidence;

''(C) a result of material error of fact or material administrative error; or

''(D) otherwise contrary to law.

''(3)(A) If, six months after receiving a complete application for consideration by a special selection board under this section in any case, the Secretary concerned has not convened such a board and has not denied consideration by such a board in that case, the Secretary shall be deemed for the purposes of this subsection to have denied the consideration of the case by such a board.

''(B) If, six months after the convening of a special selection board under this section in any case, the Secretary concerned has not taken final action on the report of the board, the Secretary shall be deemed for the purposes of this subsection to have denied relief in such case.

''(C) Under regulations prescribed under subsection (j), the Secretary of a military department may waive the applicability of subparagraph (A) or (B) in a case if the Secretary determines that a longer period for consideration of the case is warranted. Such a waiver may be for an additional period of not more than six months. The Secretary concerned may not delegate authority to make a determination under this subparagraph.

''(h) LIMITATIONS OF OTHER JURISDICTION.—No official or court of the United States may, with respect to a claim based to any extent on the failure of a person to be selected for promotion by a promotion board—

''(1) consider the claim unless the person has first been referred by the Secretary concerned to a special selection board convened under this section and acted upon by that board and the report of the board has been approved by the President; or

''(2) except as provided in subsection (g), grant any relief on the claim unless the person has been selected for promotion by a special selection board convened under this section to consider the person for recommendation for promotion and the report of the board has been approved by the President.

''(i) EXISTING JURISDICTION.—Nothing in this section limits—

''(1) the jurisdiction of any court of the United States under any provision of law to determine the validity of any law, regulation, or policy relating to selection boards; or

''(2) the authority of the Secretary of a military department to correct a military record under section 1552 of this title.

''(j) REGULATIONS.—(1) The Secretary of each military department shall prescribe regulations to carry out this section. Regulations under this subsection may not apply to subsection (g), other than to paragraph (3)(C) of that subsection.

''(2) The Secretary may prescribe in the regulations under paragraph (1) the circumstances under which consideration by a special selection board may be provided for under this section, including the following:

''(A) The circumstances under which consideration of a person's case by a special selection board is contingent upon application by or for that person.

''(B) Any time limits applicable to the filing of an application for such consideration.

''(3) Regulations prescribed by the Secretary of a military department under this subsection may not take effect until approved by the Secretary of Defense.''.

(c) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to any proceeding pending on or after the date of the enactment of this Act without regard to whether a challenge to an action of a selection board of any of the Armed Forces being considered in the proceeding was initiated before, on, or after that date.

(2) The amendments made by this section shall not apply with respect to any action commenced in a court of the United States before the date of the enactment of this Act.

SEC. 504. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND LIEUTENANT (JUNIOR GRADE).

(a) AUTHORITY.—Subsection (a)(1)(B) of section 619 of title 10, United States Code, is amended by inserting before the period at the end the following: '', except that the minimum period of service in effect under this subparagraph before October 1, 2005, shall be eighteen months''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended as follows:

(1) Subsection (a) is amended by striking ''(a)(1)'' and inserting ''(a) TIME-IN-GRADE REQUIREMENTS.—(1)''.

(2) Subsection (b) is amended by striking ''(b)(1)'' and inserting ''(b) CONTINUED ELIGIBILITY FOR CONSIDERATION FOR PROMOTION OF OFFICERS WHO HAVE PREVIOUSLY FAILED OF SELECTION.—(1)''.

(3) Subsection (c) is amended by striking ''(c)(1)'' and inserting ''(c) OFFICERS TO BE CONSIDERED BY PROMOTION BOARDS.—(1)''.

(4) Subsection (d) is amended by inserting ''CERTAIN OFFICERS NOT TO BE CONSIDERED.—'' after ''(d)''.

(c) TECHNICAL AMENDMENT.—Subsection (a)(4) of such section is amended by striking ''clause (A)'' and inserting ''subparagraph (A)''.

SEC. 505. AUTHORITY FOR PROMOTION WITHOUT SELECTION BOARD CONSIDERATION FOR ALL FULLY QUALIFIED OFFICERS IN GRADE OF FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE) IN THE NAVY.

(a) ACTIVE-DUTY LIST PROMOTIONS.—(1) Section 624(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Except as provided in subsection (d), officers on the active-duty list in the grade of first lieutenant or, in the case of the Navy, lieutenant (junior grade) who are on an approved all-fully-qualified-officers list shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary concerned.

''(B) An all-fully-qualified-officers list shall be considered to be approved for purposes of subparagraph (A) when the list is approved by the President. When so approved, such a list shall be treated in the same manner as a promotion list under this chapter.

''(C) The Secretary of a military department may make a recommendation to the President for approval of an all-fully-qualified-officers list only when the Secretary determines that all officers on the list are needed in the next higher grade to accomplish mission objectives.

''(D) For purposes of this paragraph, an all-fully-qualified-officers list is a list of all officers on the active-duty list in a grade who the Secretary of the military department concerned determines—

''(i) are fully qualified for promotion to the next higher grade; and

''(ii) would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 611(a) of this title upon the convening of such a board.''.

(2) Section 631 of such title is amended by adding at the end the following new subsection:

''(d) For the purposes of this chapter, an officer of the Army, Air Force, or Marine Corps who holds the grade of first lieutenant, and an officer of the Navy who holds the grade of lieutenant (junior grade), shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 611(a) of this title if such a board were convened but is not fully qualified for promotion when recommending for promotion under section 624(a)(3) of this title all fully qualified officers of the officer's armed force in such grade who would be eligible for such consideration.''.

(3) Section 611 of such title is amended—

(A) in subsection (a)—

(i) by striking ''Under'' and all that follows through ''require,'' and inserting ''Whenever the needs of the service require, the Secretary of the military department concerned''; and

(ii) by adding at the end the following new sentence: ''The preceding sentence does not require the convening of a selection board in the case of officers in the permanent grade of first lieutenant or, in the case of the Navy, lieutenant (junior grade) when the Secretary concerned recommends for promotion to the next higher grade under section 624(a)(3) of this title all such officers whom the Secretary finds to be fully qualified for promotion.'';

(B) in subsection (b), by striking ''Under'' and all that follows through ''require,'' and inserting ''Whenever the needs of the service require, the Secretary of the military department concerned''; and

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

''(c) The convening of selection boards under subsections (a) and (b) shall be under regulations prescribed by the Secretary of Defense.''.

(b) RESERVE ACTIVE-STATUS LIST PROMOTIONS.—(1) Section 14308(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) Officers in the permanent grade of first lieutenant or, in the case of the Navy, lieutenant (junior grade) who are on an approved all-fully-qualified-officers list shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary concerned. Such promotions shall be in the manner specified in section 12203 of this title.

''(B) An all-fully-qualified-officers list shall be considered to be approved for purposes of subparagraph (A) when the list is approved by the President. When so approved, such a list shall be treated in the same manner as a promotion list under this chapter and chapter 1403 of this title.

''(C) The Secretary of a military department may make a recommendation to the President for approval of an all-fully-qualified-officers list only when the Secretary determines that all officers on the list are needed in the next higher grade to accomplish mission objectives.

''(D) For purposes of this paragraph, an all-fully-qualified-officers list is a list of all officers on the reserve active-status list in a grade who the Secretary of the military department concerned determines—

''(i) are fully qualified for promotion to the next higher grade; and

''(ii) would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title upon the convening of such a board.''.

(2) Section 14504 of such title is amended by adding at the end the following new subsection:

''(c) OFFICERS IN GRADE OF FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE) FOUND NOT FULLY QUALIFIED FOR PROMOTION.—For the purposes of this chapter, an officer of the Army, Air Force, or Marine Corps on a reserve active-status list who holds the grade of first lieutenant, and an officer of the Navy on a reserve active-status list who holds the grade of lieutenant (junior grade), shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title if such a board were convened but is not fully qualified for promotion when recommending for promotion under section 14308(b)(4) of this title all fully qualified officers of the officer's armed force in such grade who would be eligible for such consideration.''.

(3) Section 14101(a) of such title is amended by adding at the end the following new paragraph:

''(3) Paragraph (1) does not require the convening of a selection board in the case of officers in the permanent grade of first lieutenant or, in the case of the Navy, lieutenant (junior grade) when the Secretary concerned recommends for promotion to the next higher grade under section 14308(b)(4) of this title all such officers whom the Secretary finds to be fully qualified for promotion.''.

(c) CONFORMING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1)(A) Section 619(d) is amended by adding at the end the following new paragraph:

''(4) An officer in the grade of first lieutenant or, in the case of the Navy, lieutenant (junior grade) who is on an approved all-fully-qualified-officers list under section 624(a)(3) of this title.''.

(B) Section 14301(c) is amended by adding at the end the following new paragraph:

''(5) An officer in the grade of first lieutenant or, in the case of the Navy, lieutenant (junior grade) who is on an approved all-fully-qualified-officers list under section 14308(b)(4) of this title.''.

(2)(A) Section 624(d) is amended—

(i) in the second sentence of paragraph (1), by inserting after ''on the promotion list'' the following: ''(including an approved all-fully-qualified-officers list, if applicable)''; and

(ii) in the second sentence of paragraph (2), by inserting after ''to such grade, the officer'' the following: ''shall be retained on the promotion list (including an approved all-fully-qualified-officers list, if applicable) and''.

(B) Section 14311 is amended—

(i) in subsection (a)(2), by inserting after ''on the promotion list'' the following: ''(including an approved all-fully-qualified-officers list, if applicable)''; and

(ii) in subsection (b), by inserting in the second sentence after ''on the promotion list'' the following: ''(including an approved all-fully-qualified-officers list, if applicable)''.

(3)(A) Section 628(a)(1) is amended by inserting after ''not so considered,'' the following: ''or the name of a person that should have been placed on an all-fully-qualified-officers list under section 624(a)(3) of this title was not so placed,''.

(B) Section 14502(a)(1) is amended by inserting after ''because of administrative error,'' the following: ''or whose name was not placed on an all-fully-qualified-officers list under section 14308(b)(4) of this title because of administrative error,''.

(4) Section 1211(e) is amended by inserting after ''a promotion list,'' the following: ''an approved all-fully-qualified-officers list,''.

(d) TECHNICAL AMENDMENTS TO STRIKE CERTAIN DOPMA REFERENCES TO REGULAR OFFICERS.—Chapter 36 of such title is amended as follows:

(1) Section 624(c) is amended—

(A) by inserting '', in the case of officers of the Army, Air Force, or Marine Corps,'' after ''captain''; and

(B) by inserting '', *in the case of officers of the Navy,'' after ''or lieutenant'' the second place it appears.*

(2) Section 630 is amended by striking ''regular'' both places it appears.

(3) Sections 631(a) and 632(a) are each amended—

(A) by striking ''Regular Army, Regular Air Force, or Regular Marine Corps'' and inserting ''Army, Air Force, or Marine Corps on the active-duty list'';

(B) by striking ''Regular Navy'' and inserting ''Navy on the active-duty list''; and

(C) by striking ''regular'' each place it appears.

(4)(A) The heading of section 630 and the item relating to that section in the table of sections at the beginning of subchapter III are each amended by striking the third word.

(B) The heading of section 631 and the item relating to that section in the table of sections at the beginning of subchapter III are each amended by striking the eighth word.

(C) The heading of section 632 and the item relating to that section in the table of sections at the beginning of subchapter III are each amended by striking the eighth and twenty-first words.

SEC. 506. AUTHORITY TO ADJUST DATE OF RANK OF CERTAIN PROMOTIONS DELAYED BY REASON OF UNUSUAL CIRCUMSTANCES.

(a) ACTIVE DUTY OFFICERS.—Subsection 741(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) The Secretary concerned may adjust the date of rank of an officer appointed under section 624(a) of this title to a higher grade that is not a general officer or flag officer grade if the appointment of that officer to that grade is delayed from the date on which (as determined by the Secretary) it would otherwise have been made by reason of unusual circumstances (as determined by the Secretary) that cause an unintended delay in—

''(i) the processing or approval of the report of the selection board recommending the appointment of that officer to that grade; or

''(ii) the processing or approval of the promotion list established on the basis of that report.

''(B) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be consistent—

''(i) with the officer's position on the promotion list for that grade and competitive category when additional officers in that grade and competitive category were needed; and

''(ii) with compliance with the applicable authorized strengths for officers in that grade and competitive category.

''(C) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be the effective date for—

''(i) the officer's pay and allowances for that grade; and

''(ii) the officer's position on the active-duty list.

''(D) When under subparagraph (A) the Secretary concerned adjusts the date of rank of an officer in a grade to which the officer was appointed by and with the advice and consent of the Senate and the adjustment is to a date before the date of the advice and consent of the Senate to that appointment, the Secretary shall promptly transmit to the Committee on Armed Services of the Senate a notification of that adjustment. Any such notification shall include the name of the officer and a discussion of the reasons for the adjustment of date of rank.

''(E) Any adjustment in date of rank under this paragraph shall be made under regulations prescribed by the Secretary of Defense, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.''.

(b) RESERVE OFFICERS.—(1) Section 14308(c) of such title is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The date of rank of an officer appointed to a higher grade under this section may be adjusted in the same manner as an adjustment may be made under section 741(d)(4) of this title in the date of rank of an officer appointed to a higher grade under section 624(a) of this title. In any use of the authority under the preceding sentence, subparagraph (C)(ii) of such section shall be applied by substituting 'reserve active-status list' for 'active-duty list'.''.

(2) Paragraph (3) of such section, as redesignated by paragraph (1)(A), is amended by inserting ''provided in paragraph (2) or as otherwise'' after ''Except as''.

(c) EFFECTIVE DATE.—(1) Paragraph (4) of section 741(d) of title 10, United States Code, as added by subsection (a), and paragraph (2) of section 14308(c) of such title, as added by subsection (b), shall apply with respect to any report of a selection board recommending officers for promotion to the next higher grade that is submitted to the Secretary of the military department concerned on or after the date of the enactment of this Act.

(2) The Secretary of the military department concerned may apply the applicable paragraph referred to in paragraph (1) in the case of an appointment of an officer to a higher grade resulting from a report of a selection board submitted to the Secretary before the date of the enactment of this Act if the Secretary determines that such appointment would have been made on an earlier date that is on or after October 1, 2001, and was delayed under the circumstances specified in paragraph (4) of section 741(d) of title 10, United States Code, as added by subsection (a).

SEC. 507. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL DEFERMENT OF MANDATORY RETIREMENT OR SEPARATION.

The text of section 640 of title 10, United States Code, is amended to read as follows:

''(a) If the Secretary of the military department concerned determines that the evaluation of the physical condition of an officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the member's well being before the date on which the officer would otherwise be required to retire or be separated under this title, the Secretary may defer the retirement or separation of the officer under this title.

''(b) A deferral of retirement or separation under subsection (a) may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 508. AUTHORITY FOR LIMITED EXTENSION ON ACTIVE DUTY OF MEMBERS SUBJECT TO MANDATORY RETIREMENT OR SEPARATION.

(a) SECTION 12305 STOP-LOSS AUTHORITY.—Section 12305 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Upon the termination of a suspension made under the authority of subsection (a) of a provision of law otherwise requiring the separation or retirement of officers on active duty because of age, length of service or length of service in grade, or failure of selection for promotion, the Secretary concerned shall extend by up to 90 days the otherwise required separation or retirement date of any officer covered by the suspended provision whose separation or retirement date, but for the suspension, would have been before the date of the termination of the suspension or within 90 days after the date of such termination.''.

(b) SECTION 123 STOP-LOSS AUTHORITY.—Section 123 of such title is amended by adding at the end the following new subsection:

''(d) Upon the termination of a suspension made under the authority of subsection (a) of a provision of law otherwise requiring the separation or retirement of officers on active duty because of age, length of service or length of service in grade, or failure of selection for promotion, the Secretary concerned shall extend by up to 90 days the otherwise required separation or retirement date of any officer covered by the suspended provision whose separation or retirement date, but for the suspension, would have been before the date of the termination of the suspension or within 90 days after the date of such termination.''.

SEC. 509. EXEMPTION FROM CERTAIN ADMINISTRATIVE LIMITATIONS FOR RETIRED OFFICERS ORDERED TO ACTIVE DUTY AS DEFENSE OR SERVICE ATTACHÉS.

(a) LIMITATION OF PERIOD OF RECALLED SERVICE.—Section 688(e)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.''.

(b) LIMITATION ON NUMBER OF RECALLED OFFICERS ON ACTIVE DUTY.—Section 690(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(E) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.''.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply with respect to officers serving on active duty as a defense attaché or service attaché on or after the date of the enactment of this Act.

SEC. 510. OFFICER IN CHARGE OF UNITED STATES NAVY BAND.

(a) DETAIL AND GRADE.—Section 6221 of title 10, United States Code, is amended to read as follows:

§ 6221. United States Navy Band; officer in charge

''(a) There is a Navy band known as the United States Navy Band.

''(b)(1) An officer of the Navy designated for limited duty under section 5589 or 5596 of this title who is serving in a grade above lieutenant may be detailed by the Secretary of the Navy as Officer in Charge of the United States Navy Band.

''(2) While serving as Officer in Charge of the United States Navy Band, an officer shall hold the grade of captain if appointed to that grade by the President, by and with the advice and consent of the Senate. Such an appointment may be made notwithstanding section 5596(d) of this title.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 565 of such title is amended to read as follows:

''6221. United States Navy Band; officer in charge.''.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. PLACEMENT ON ACTIVE-DUTY LIST OF CERTAIN RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

(a) CLARIFICATION OF EXEMPTION.—Section 641(1)(D) of title 10, United States Code, is amended to read as follows:

''(D) on active duty under section 12301(d) of this title, other than as provided under subparagraph (C), if the call or order to active duty, under regulations prescribed by the Secretary concerned, specifies a period of three years or less and continued placement on the reserve active-status list;''.

(b) RETROACTIVE APPLICATION.—(1) The Secretary of the military department concerned

may provide that an officer who was excluded from the active-duty list under section 641(1)(D) of title 10, United States Code, as amended by section 521 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–108), shall be considered to have been on the active-duty list during the period beginning on the date on which the officer was so excluded and ending on the date of the enactment of this Act.

(2) The Secretary of the military department concerned may provide that a Reserve officer who was placed on the active-duty list on or after October 30, 1997, shall be placed on the reserve active-status list if the officer otherwise meets the conditions specified in section 641(1)(D) of title 10, United States Code, as amended by subsection (a).

SEC. 512. EXCEPTION TO BACCALAUREATE DEGREE REQUIREMENT FOR APPOINTMENT OF RESERVE OFFICERS TO GRADES ABOVE FIRST LIEUTENANT.

(a) REAUTHORIZATION OF WAIVER AUTHORITY FOR ARMY OCS GRADUATES AND INCLUSION OF CERTAIN MARINE OFFICERS.—Section 12205 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) WAIVER AUTHORITY FOR ARMY OCS GRADUATES AND CERTAIN MARINE CORPS OFFICERS.—(1) The Secretary of the Army may waive the applicability of subsection (a) to any officer whose original appointment in the Army as a Reserve officer is through the Army Officer Candidate School program.

''(2) The Secretary of the Navy may waive the applicability of subsection (a) to any officer whose original appointment in the Marine Corps as a Reserve officer is through the Marine Corps meritorious commissioning program.

''(3) Any such waiver shall be made on a case-by-case basis, considering the individual circumstances of the officer involved, and may continue in effect for no more than two years after the waiver is granted. The Secretary concerned may provide for such a waiver to be effective before the date of the waiver, as appropriate in an individual case.''.

(b) EFFECTIVE DATE.—Subsection (d) of section 12205 of title 10, United States Code, as added by subsection (a), shall apply with respect to officers appointed before, on, or after the date of the enactment of this Act.

SEC. 513. IMPROVED DISABILITY BENEFITS FOR CERTAIN RESERVE COMPONENT MEMBERS.

(a) MEDICAL AND DENTAL CARE.—Sections 1074a(a)(3) and 1076(a)(2)(C) of title 10, United States Code, are each amended by striking '', if the'' and all that follows through ''member's residence''.

(b) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—Sections 1204(2)(B)(iii) and 1206(2)(B)(iii) of title 10, United States Code, are each amended by striking '', if the'' and all that follows through ''member's residence''.

(c) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by striking '', if the site is outside reasonable commuting distance from the member's residence''.

(d) ENTITLEMENT TO BASIC PAY.—Subsections (g)(1)(D) and (h)(1)(D) of section 204 of title 37, United States Code, are amended by striking '', if the site is outside reasonable commuting distance from the member's residence''.

(e) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206(a)(3)(C) of title 37, United States Code, is amended by striking '', if the site is outside reasonable commuting distance from the member's residence''.

SEC. 514. TIME-IN-GRADE REQUIREMENT FOR RESERVE COMPONENT OFFICERS RETIRED WITH A NONSERVICE CONNECTED DISABILITY.

Section 1370(d)(3)(B) of title 10, United States Code, is amended to read as follows:

''(B) A person covered by subparagraph (A) who has completed at least six months of satisfactory service in grade may be credited with satisfactory service in the grade in which serving at the time of transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade, if that person is transferred from an active status or discharged as a reserve commissioned officer—

''(i) solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service; or

''(ii) because the person no longer meets the qualifications for membership in the Ready Reserve solely because of a physical disability, as determined, at a minimum, by a medical evaluation board and at the time of such transfer or discharge such person (pursuant to section 12731b of this title or otherwise) meets the service requirements established by section 12731(a) of this title for eligibility for retired pay under chapter 1223 of this title, unless the disability is described in section 12731b of this title.''.

SEC. 515. EQUAL TREATMENT OF RESERVES AND FULL-TIME ACTIVE DUTY MEMBERS FOR PURPOSES OF MANAGING PERSONNEL DEPLOYMENTS.

(a) RESIDENCE OF RESERVES AT HOME STATION.—Paragraph (2) of section 991(b) of title 10, United States Code, is amended to read as follows:

''(2) In the case of a member of a reserve component who is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to in paragraph (1) is any housing (which may include the member's residence) that the member usually occupies for use during off-duty time when on garrison duty at the member's permanent duty station or homeport, as the case may be.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to duty performed on or after October 1, 2001.

SEC. 516. MODIFICATION OF PHYSICAL EXAMINATION REQUIREMENTS FOR MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) IRR REQUIREMENT.—Section 10206 of title 10, United States Code, is amended—

(1) in the matter in subsection (a) preceding paragraph (1), by striking ''Ready Reserve'' and inserting ''Selected Reserve'';

(2) by designating the second sentence of subsection (a) as subsection (c);

(3) by redesignating subsection (b) as subsection (d); and

(4) by inserting after subsection (a) the following new subsection (b):

''(b) A member of the Individual Ready Reserve or inactive National Guard shall be examined for physical fitness as necessary to determine the member's physical fitness for—

''(1) military duty or promotion;

''(2) attendance at a school of the armed forces; or

''(3) other action related to career progression.''.

(b) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is amended by striking ''his'' and inserting ''the member's''.

SEC. 517. RETIREMENT OF RESERVE MEMBERS WITHOUT REQUIREMENT FOR FORMAL APPLICATION OR REQUEST.

(a) RETIRED RESERVE.—Section 10154(2) of title 10, United States Code, is amended by striking ''upon their request''.

(b) RETIREMENT FOR FAILURE OF SELECTION OF PROMOTION.—(1) Paragraph (2) of section 14513 of such title is amended by striking '', if the officer is qualified and applies for such transfer'' and inserting ''if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve''.

(2)(A) The heading for such section is amended to read as follows:

''§ 14513. Failure of selection for promotion: transfer, retirement, or discharge''.

(B) The item relating to such section in the table of sections at the beginning of chapter 1407 of such title is amended to read as follows:

''14513. Failure of selection for promotion: transfer, retirement, or discharge.''.

(c) RETIREMENT FOR YEARS OF SERVICE OR AFTER SELECTION FOR EARLY REMOVAL.—Section 14514 of such title is amended—

(1) in paragraph (1), by striking '', if the officer is qualified and applies for such transfer'' and inserting ''if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve''; and

(2) by striking paragraph (2) and inserting the following:

''(2) be discharged from the officer's reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.''.

(d) RETIREMENT FOR AGE.—Section 14515 of such title is amended—

(1) in paragraph (1), by striking '', if the officer is qualified and applies for such transfer'' and inserting ''if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve''; and

(2) by striking paragraph (2) and inserting the following:

''(2) be discharged from the officer's reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regula tions prescribed by the Secretary concerned) not to be so transferred.''.

(e) DISCHARGE OR RETIREMENT OF WARRANT OFFICERS FOR YEARS OF SERVICE OR AGE.—(1) Chapter 1207 of such title is amended by adding at the end the following new section:

''§ 12244. Warrant officers: discharge or retirement for years of service or for age

''Each reserve warrant officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

''(1) be transferred to the Retired Reserve if the warrant officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

''(2) be discharged if the warrant officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12244. Warrant officers: discharge or retirement for years of service or for age.''.

(f) DISCHARGE OR RETIREMENT OF ENLISTED MEMBERS FOR YEARS OF SERVICE OR AGE.—(1) Chapter 1203 of such title is amended by adding at the end the following new section:

''§ 12108. Enlisted members: discharge or retirement for years of service or for age

''Each reserve enlisted member of the Army, Navy, Air Force, or Marine Corps who is in an active status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

''(1) be transferred to the Retired Reserve if the member is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

''(2) be discharged if the member is not qualified for transfer to the Retired Reserve or has

requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12108. Enlisted members: discharge or retirement for years of service or for age.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 180 days after the date of the enactment of this Act.

SEC. 518. SPACE-REQUIRED TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) CORRECTION OF IMPAIRMENT TO AUTHORIZED TRAVEL WITH ALLOWANCES.—Subsection (a) of section 18505 of title 10, United States Code, is amended by striking ''annual training duty or'' each place it appears.

(b) CONFORMING AMENDMENTS.—The heading for such section, and the item relating to such section in the table of sections at the beginning of chapter 1805 of such title, are each amended by striking the fourth, fifth, sixth, and seventh words.

SEC. 519. PAYMENT OF FEDERAL EMPLOYEE HEALTH BENEFIT PROGRAM PREMIUMS FOR CERTAIN RESERVISTS CALLED TO ACTIVE DUTY IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Subsection (e) of section 8906 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) An employing agency may pay both the employee and Government contributions, and any additional administrative expenses otherwise chargeable to the employee, with respect to health care coverage for an employee described in subparagraph (B) and the family of such employee.

''(B) An employee referred to in subparagraph (A) is an employee who—

''(i) is enrolled in a health benefits plan under this chapter;

''(ii) is a member of a reserve component of the armed forces;

''(iii) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

''(iv) is placed on leave without pay or separated from service to perform active duty; and

''(v) serves on active duty for a period of more than 30 consecutive days.

''(C) Notwithstanding the one-year limitation on coverage described in paragraph (1)(A), payment may be made under this paragraph for a period not to exceed 18 months.''.

(b) CONFORMING AMENDMENT.—The matter preceding paragraph (1) in subsection (f) of such section is amended to read as follows:

''(f) The Government contribution, and any additional payments under subsection (e)(3)(A), for health benefits for an employee shall be paid—''.

(c) APPLICABILITY.—The amendments made by this section apply with respect to employees called to active duty on or after December 8, 1995, and an agency may make retroactive payments to such employees for premiums paid on or after such date.

Subtitle C—Joint Specialty Officers and Joint Professional Military Education

SEC. 521. NOMINATIONS AND PROMOTIONS FOR JOINT SPECIALTY OFFICERS.

(a) SELECTION OF OFFICERS FOR THE JOINT SPECIALITY.—Paragraph (2) of section 661(b) of title 10, United States Code, is amended by striking ''The Secretaries'' and all that follows through ''officers—'' and inserting ''Each officer on the active-duty list on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002 who has not before that date been nominated for the joint specialty by the Secretary of a military department, and each officer who is placed on the active-duty list after such date, who meets the requirements of subsection (c) shall automatically be considered to have been nominated for the joint specialty. From among those officers considered to be nominated for the joint specialty, the Secretary may select for the joint specialty only officers—''.

(b) PROMOTION RATE FOR OFFICERS WITH THE JOINT SPECIALTY.—Paragraph (2) of section 662(a) of such title is amended by striking ''promoted at a rate'' and inserting ''promoted—

''(A) during the three-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, at a rate not less than the rate for officers of the same armed force in the same grade and competitive category; and

''(B) after the end of the period specified in subparagraph (A), at a rate''.

SEC. 522. JOINT DUTY CREDIT.

Paragraph (4) of section 664(i) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking ''The'' and inserting ''Except as provided in subparagraph (F), the''; and

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

''(F) Service in a temporary joint task force assignment not involved in combat or combat-related operations may not be credited for the purposes of joint duty, unless, and only if—

''(i) the service of the officer and the nature of the joint task force not only meet all criteria of this section, except subparagraph (E), but also any additional criteria the Secretary may establish;

''(ii) the Secretary has specifically approved the operation conducted by the joint task force as one that qualifies for joint service credit, and notifies Congress upon each approval, providing the criteria that led to that approval; and

''(iii) the operation is conducted by the joint task force in an environment where an extremely fragile state of peace and high potential for hostilities coexist.''.

SEC. 523. RETROACTIVE JOINT SERVICE CREDIT FOR DUTY IN CERTAIN JOINT TASK FORCES.

(a) AUTHORITY.—In accordance with section 664(i) of title 10, United States Code, as amended by section 522, the Secretary of Defense may award joint service credit to any officer who served on the staff of a United States joint task force headquarters in an operation and during the period set forth in subsection (b) and who meets the criteria specified in such section. To determine which officers qualify for such retroactive credit, the Secretary shall undertake a case-by-case review of the records of officers.

(b) ELIGIBLE OPERATIONS.—Service in the following operations, during the specified periods, may be counted for credit under subsection (a):

(1) Operation Northern Watch, during the period beginning on August 1, 1992, and ending on a date to be determined.

(2) Operation Southern Watch, during the period beginning on August 27, 1992, and ending on a date to be determined.

(3) Operation Able Sentry, during the period beginning on June 26, 1993, and ending on February 28, 1999.

(4) Operation Joint Endeavor, during the period beginning on December 25, 1995, and ending on December 19, 1996.

(5) Operation Joint Guard, during the period beginning on December 20, 1996, and ending on June 20, 1998.

(6) Operation Desert Thunder, beginning on January 24, 1998, and ending on December 15, 1998.

(7) Operation Joint Forge, beginning on June 20, 1998, and ending on June 10, 1999.

(8) Operation Noble Anvil, beginning on March 24, 1999, and ending on July 20, 1999.

(9) Operation Joint Guardian, beginning on June 11, 1999, and ending on a date to be determined.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report of the numbers, by service, grade, and operation, of the officers given joint service credit in accordance with this section.

SEC. 524. REVISION TO ANNUAL REPORT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)''; and

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

''(B) The number of officers who meet the criteria for selection for the joint specialty but were not selected, together with the reasons why.'';

(2) by amending paragraph (2) to read as follows:

''(2) The number of officers with the joint specialty, shown by grade and branch or specialty and by education.'';

(3) in paragraph (3)—

(A) in subparagraph (A) and (B), by striking ''nominated'' and inserting ''selected'';

(B) by inserting ''and'' at the end of subparagraph (D);

(C) by striking subparagraph (E); and

(D) by redesignating subparagraph (F) as subparagraph (E);

(4) in paragraph (4)(A), by striking ''nominated'' and inserting ''selected'';

(5) in paragraph (14)—

(A) by inserting ''(A)'' after ''(14)''; and

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

''(B) An assessment of the extent to which the Secretary of each military department is assigning personnel to joint duty assignments in accordance with this chapter and the policies, procedures, and practices established by the Secretary of Defense under section 661(a) of this title.''; and

(6) in paragraph (16), by striking ''section 664(i)'' in the matter preceding subparagraph (A) and in subparagraph (B) and inserting ''subparagraphs (E) and (F) of section 664(i)(4)''.

SEC. 525. REQUIREMENT FOR SELECTION FOR JOINT SPECIALTY BEFORE PROMOTION TO GENERAL OR FLAG OFFICER GRADE.

(a) REQUIREMENT.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ''unless'' and all that follows and inserting ''unless—

''(1) the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title); and

''(2) for appointments after September 30, 2007, the officer has been selected for the joint specialty in accordance with section 661 of this title.''.

(b) WAIVER AUTHORITY.—Subsection (b) of that section is amended by striking ''may waive subsection (a) in the following circumstances:'' and inserting ''may waive paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a), in the following circumstances:''.

(c) PROPOSED LEGISLATIVE CHANGES.—Not later than December 1, 2002, the Secretary of Defense shall submit to Congress a draft proposal for such legislative changes as the Secretary considers needed to implement the amendment made by subsections (a) and (b).

SEC. 526. INDEPENDENT STUDY OF JOINT OFFICER MANAGEMENT AND JOINT PROFESSIONAL MILITARY EDUCATION REFORMS.

(a) STUDY.—The Secretary of Defense shall provide for an independent study of the joint officer management system and the joint professional military education system. The Secretary shall ensure that the entity conducting the study is provided such information and support as required. The Secretary shall include in the

contract for the study a requirement that the entity conducting the study submit a report to Congress on the study not later than one year after the date of the enactment of this Act.

(b) MATTERS TO BE INCLUDED WITH RESPECT TO JOINT OFFICER MANAGEMENT.—With respect to the joint officer management system, the entity conducting the independent study shall provide for the following:

(1) Assessment of implications for joint officer education, development, and management that would result from proposed joint organizational operational concepts (such as standing joint task forces) and from emerging officer management and personnel reforms (such as longer careers and more stabilization), that are under consideration by the Secretary of Defense.

(2) Assessment of the effectiveness of the current joint officer management system to develop and use joint specialty qualified officers in meeting both current and future requirements for joint specialty officers.

(3) Recommendations, based on empirical and other data, to improve the effectiveness of the joint officer management system, especially with regard to the following:

(A) The proper mix and sequencing of education assignments and experience assignments (to include, with respect to both types of assignments, consideration of the type and quality, and the length, of such assignments) to qualify an officer as a joint specialty officer, as well as the implications of adopting a variable joint duty tour length and the advisability and implications of a system of qualifying officers as joint specialty officers that uses multiple shorter qualification tracks to selection as a joint specialty officer than are now codified.

(B) The system of using joint specialty officers, including the continued utility of such measures as—

(i) the required fill of positions on the joint duty assignment list, as specified in paragraphs (1) and (4) of section 661(d) of title 10, United States Code;

(ii) the fill by such officers of a required number of critical billets, as prescribed by section 661(d)(2) of such title;

(iii) the mandated fill by general and flag officers of a minimum number of critical billets, as prescribed by section 661(d)(3) of such title; and

(iv) current promotion policy objectives for officers with the joint specialty, officers serving on the Joint Staff, and officers serving in joint duty assignment list positions, as prescribed by section 662 of such title.

(C) Changes in policy and law required to provide officers the required joint specialty qualification before promotion to general or flag officer grade.

(D) A determination of the number of reserve component officers who would be qualified for designation as a joint specialty officer by reason of experience or education if the standards of existing law, including waiver authorities, were applied to them, and recommendations for a process for qualifying and employing future reserve component officers as joint specialty officers.

(c) MATTERS TO BE INCLUDED WITH RESPECT TO JOINT PROFESSIONAL MILITARY EDUCATION.—With respect to the joint professional military education system, the entity conducting the independent study shall provide for the following:

(1) The number of officers who under the current system (A) qualified as joint specialty officers by attending joint professional military education programs before their first joint duty assignment, (B) qualified as joint specialty officers after arriving at their first joint duty assignment but before completing that assignment, and (C) qualified as joint specialty officers without any joint professional military education.

(2) Recommended initiatives (include changes in officer personnel management law, if necessary) to provide incentives and otherwise facilitate attendance at joint professional military education programs before an officer's first joint duty assignment.

(3) Recommended goals for attendance at the Joint Forces Staff College en route to a first joint duty assignment.

(4) An assessment of the continuing utility of statutory requirements for use of officers following joint professional military education, as prescribed by section 662(d) of title 10, United States Code.

(5) Determination of whether joint professional military education programs should remain principally an in-resident, multi-service experience and what role non-resident or distributive learning can or should play in future joint professional military education programs.

(6) Examination of options for the length of and increased capacity at Joint Forces Staff College, and whether other in-resident joint professional military education sources should be opened, and if opened, how they might be properly accredited and overseen to provide instruction at the level of the program designated as ''joint professional military education''.

(d) CHAIRMAN OF JOINT CHIEFS OF STAFF.—With respect to the roles of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, the entity conducting the independent study shall—

(1) provide for an evaluation of the current roles of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and joint staff in law, policy, and implementation with regard to establishing and maintaining oversight of joint officer management, career guidelines, and joint professional military education; and

(2) make recommendations to improve and strengthen those roles.

(e) REQUIREMENTS FOR STUDY ENTITY.—In providing for the independent study required by subsection (a), the Secretary of Defense shall ensure that the entity conducting the study—

(1) is not a Department of Defense organization; and

(2) shall, at a minimum, involve in the study, in an integral way, the following persons:

(A) The Chairman of the Joint Chiefs of Staff and available former Chairmen of the Joint Chiefs of Staff.

(B) Members and former members of the Joint Staff, the Armed Forces, the Congress, and congressional staff who are or who have been significantly involved in the development, implementation, or modification of joint officer management and joint professional military education.

(C) Experts in joint officer management and education from civilian academic and research centers.

SEC. 527. PROFESSIONAL DEVELOPMENT EDUCATION.

(a) EXECUTIVE AGENT FOR FUNDING.—(1) Effective beginning with fiscal year 2003, the Secretary of Defense shall be the executive agent for funding professional development education operations of all components of the National Defense University, including the Joint Forces Staff College. The Secretary may not delegate the Secretary's functions and responsibilities under the preceding sentence to the Secretary of a military department.

(2) Nothing in this subsection affects policies in effect on the date of the enactment of this Act with respect to—

(A) the reporting of the President of the National Defense University to the Chairman of the Joint Chiefs of Staff; or

(B) provision of logistical and base operations support for components of the National Defense University by the military departments.

(b) PREPARATION OF BUDGET REQUESTS.—Section 2162(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

''(2) As executive agent for funding professional development education at the National Defense University, including the Joint Forces Staff College, the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall prepare the annual budget for professional development education operations at the National Defense University and set forth that request as a separate budget request in the materials submitted to Congress in support of the budget request for the Department of Defense. Nothing in the preceding sentence affects policies in effect on the date of the enactment of this paragraph with respect to budgeting for the funding of logistical and base operations support for components of the National Defense University through the military departments.''.

(c) FUNDING SOURCE.—(1) Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) SOURCE OF FUNDS FOR PROFESSIONAL DEVELOPMENT EDUCATION OPERATIONS.—Funding for the professional development education operations of the National Defense University shall be provided from funds made available to the Secretary of Defense from the annual appropriation 'Operation and Maintenance, Defense-wide'.''.

(2) Subsection (d) of section 2165 of title 10, United States Code, as added by paragraph (1), shall become effective beginning with fiscal year 2003.

SEC. 528. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY TO ENROLL CERTAIN PRIVATE SECTOR CIVILIANS.

(a) IN GENERAL.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

''§2167. National Defense University: admission of private sector civilians to professional military education program

''(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Defense University in accordance with this section. No more than the equivalent of 10 full-time student positions may be filled at any one time by private sector employees enrolled under this section. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate diploma or degree under section 2165 of this title.

''(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services or whose work product is relevant to national security policy or strategy. A private sector employee admitted for instruction at the National Defense University remains eligible for such instruction only so long as that person remains employed by the same firm.

''(c) ANNUAL CERTIFICATION BY SECRETARY OF DEFENSE.—Private sector employees may receive instruction at the National Defense University during any academic year only if, before the start of that academic year, the Secretary of Defense determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to private sector employees under this section during that year will further national security interests of the United States.

''(d) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

''(1) the curriculum for the professional military education program in which private sector employees may be enrolled under this section is not readily available through other schools and concentrates on national security relevant issues; and

''(2) the course offerings at the National Defense University continue to be determined solely by the needs of the Department of Defense.

''(e) TUITION.—The President of the National Defense University shall charge students enrolled under this section a rate—

''(1) that is at least the rate charged for employees of the United States outside the Department of Defense, less infrastructure costs, and

''(2) that considers the value to the school and course of the private sector student.

''(f) STANDARDS OF CONDUCT.—While receiving instruction at the National Defense University, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the university.

''(g) USE OF FUNDS.—Amounts received by the National Defense University for instruction of students enrolled under this section shall be retained by the university to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the university.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2167. National Defense University: admission of private sector civilians to professional military education program.''.

(b) EFFECTIVE DATE.—Section 2167 of title 10, United States Code, as added by subsection (a), shall take effect on January 1, 2002.

SEC. 529. CONTINUATION OF RESERVE COMPONENT PROFESSIONAL MILITARY EDUCATION TEST.

(a) CONTINUATION OF CONCEPT VALIDATION TEST.—During fiscal year 2002, the Secretary of Defense shall continue the concept validation test of Reserve component joint professional military education that was begun in fiscal year 2001 at the National Defense University.

(b) PILOT PROGRAM.—If the Secretary of Defense determines that the results of the concept validation test referred to in subsection (a) warrant conducting a pilot program of the concept that was the subject of the test, the Secretary shall conduct such a pilot program during fiscal year 2003.

(c) FUNDING.—The Secretary shall provide funds for the concept validation test under subsection (a) and for any pilot program under subsection (b) from funds appropriated to the Secretary of Defense in addition those appropriated for operations of the National Defense University.

Subtitle D—Military Education and Training

SEC. 531. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) AUTHORITY TO CONFER ASSOCIATE OF ARTS DEGREE.—Chapter 108 of title 10, United States Code, is amended by adding after section 2167, as added by section 528(a)(1), the following new section:

''§ 2168. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language

''(a) Subject to subsection (b), the Commandant of the Defense Language Institute may confer an Associate of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree.

''(b) A degree may be conferred upon a student under this section only if the Provost of the Center certifies to the Commandant that the student has satisfied all the requirements prescribed for the degree.

''(c) The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2167, as added by section 528(a)(2), the following new item:

''2168. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language.''.

SEC. 532. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) MARINE CORPS WAR COLLEGE DEGREE.—Section 7102 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) MARINE CORPS WAR COLLEGE.—Upon the recommendation of the Director and faculty of the Marine Corps War College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of strategic studies upon graduates of the Marine Corps War College who fulfill the requirements for that degree.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended by striking ''upon graduates'' and all that follows and inserting ''upon graduates of the Command and Staff College who fulfill the requirements for that degree.''.

(2) Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by striking ''subsection (a)'' and inserting ''subsections (a) and (b)''.

(3)(A) The heading of such section is amended to read as follows:

''§ 7102. Marine Corps University: masters degrees; board of advisors''.

(B) The item relating to such section in the table of sections at the beginning of chapter 609 of such title is amended to read as follows:

''7102. Marine Corps University: masters degrees; board of advisors.''.

(c) CODIFICATION OF REQUIREMENT FOR BOARD OF ADVISORS.—(1) Section 7102 of title 10, United States Code, as amended by subsections (a) and (b), is further amended by adding at the end the following new subsection:

''(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.''.

(2) Section 912 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 7102 note) is repealed.

(d) EFFECTIVE DATE.—The authority to confer the degree of master of strategic studies under section 7102(b) of title 10, United States Code (as added by subsection (a)) may not be exercised until the Secretary of Education determines, and certifies to the President of the Marine Corps University, that the requirements established by the Marine Corps War College of the Marine Corps University for that degree are in accordance with generally applicable requirements for a degree of master of arts. Upon receipt of such a certification, the President of the University shall promptly transmit a copy of the certification to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives.

SEC. 533. FOREIGN STUDENTS ATTENDING THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Subsection (a)(1) of section 4344 of title 10, United States Code, is amended by striking ''not more than 40 persons'' and inserting ''not more than 60 persons''.

(2) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking ''unless a written waiver of reimbursement is granted by the Secretary of Defense'' in the first sentence; and

(B) by striking paragraph (3) and inserting the following:

''(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.''.

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Military Academy to receive instruction under section 4344 of title 10, United States Code, before the date of the enactment of this Act.

(b) UNITED STATES NAVAL ACADEMY.—(1) Subsection (a)(1) of section 6957 of such title is amended by striking ''not more than 40 persons'' and inserting ''not more than 60 persons''.

(2) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking ''unless a written waiver of reimbursement is granted by the Secretary of Defense'' in the first sentence; and

(B) by striking paragraph (3) and inserting the following:

''(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a midshipman under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.''.

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Naval Academy to receive instruction under section 6957 of title 10, United States Code, before the date of the enactment of this Act.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Subsection (a)(1) of section 9344 of such title is amended by striking ''not more than 40 persons'' and inserting ''not more than 60 persons''.

(2) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking ''unless a written waiver of reimbursement is granted by the Secretary of Defense'' in the first sentence; and

(B) by striking paragraph (3) and inserting the following:

''(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.''.

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Air Force Academy to receive instruction under section 9344 of title 10, United States Code, before the date of the enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall not apply with respect to any academic year that began before the date of the enactment of this Act.

SEC. 534. INCREASE IN MAXIMUM AGE FOR APPOINTMENT AS A CADET OR MIDSHIPMAN IN SENIOR RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIP PROGRAMS.

(a) GENERAL ROTC SCHOLARSHIP PROGRAM.—Section 2107(a) of title 10, United States Code, is amended—

(1) by striking ''27 years of age on June 30'' and inserting ''31 years of age on December 31''; and

(2) by striking '', except that'' and all that follows through ''on such date'' the second place it appears.

(b) ARMY RESERVE AND ARMY NATIONAL GUARD ROTC SCHOLARSHIP PROGRAM.—Section 2107a(a)(1) of such title is amended—

(1) by striking ''27 years of age on June 30'' and inserting ''31 years of age on December 31''; and

(2) by striking '', except that'' and all that follows through ''on such date'' the second place it appears.

SEC. 535. PARTICIPATION OF REGULAR ENLISTED MEMBERS OF THE ARMED FORCES IN SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) ELIGIBILITY.—Section 2104(b)(3) of title 10, United States Code, is amended by striking ''a reserve component of''.

(b) PAY RATE WHILE ON FIELD TRAINING OR PRACTICE CRUISE.—Section 209(c) of title 37, United States Code, is amended by inserting before the period at the end the following: '', except that the rate for a cadet or midshipmen who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title''.

SEC. 536. AUTHORITY TO MODIFY THE SERVICE OBLIGATION OF CERTAIN ROTC CADETS IN MILITARY JUNIOR COLLEGES RECEIVING FINANCIAL ASSISTANCE.

(a) AUTHORITY TO MODIFY AGREEMENTS.—Subsection (b) of section 2107a of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively;

(3) by designating the sentence following subparagraph (F), as so redesignated, as paragraph (2); and

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

''(3) In the case of a cadet under this section at a military junior college, the Secretary may, at any time and with the consent of the cadet concerned, modify an agreement described in paragraph (1)(F) submitted by the cadet to reduce or eliminate the troop program unit service obligation specified in the agreement and to establish, in lieu of that obligation, an active duty service obligation. Such a modification may be made only if the Secretary determines that it is in the best interests of the United States to do so.''.

(b) RETROACTIVE APPLICATION.—The authority of the Secretary of Defense under paragraph (3) of section 2107a(b) of title 10, United States Code, as added by subsection (a), may be exercised with regard to any agreement described in paragraph (1)(F) of such section (including agreements related to participation in the Advanced Course of the Army Reserve Officers' Training Corps at a military college or civilian institution) that was entered into during the period beginning on January 1, 1991, and ending on July 12, 2000 (in addition to any agreement described in that paragraph that is entered into on or after the date of the enactment of this Act).

(c) TECHNICAL AMENDMENT.—Subsection (h) of such section is amended by striking ''military college'' in the second sentence and inserting ''military junior college''.

SEC. 537. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS.

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

SEC. 538. MODIFICATION OF NURSE OFFICER CANDIDATE ACCESSION PROGRAM RESTRICTION ON STUDENTS ATTENDING EDUCATIONAL INSTITUTIONS WITH SENIOR RESERVE OFFICERS' TRAINING PROGRAMS.

Section 2130a of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking ''that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title''; and

(2) in subsection (b)(1), by inserting before the semicolon at the end ''or that has a Senior Reserve Officers' Training Program for which the student is ineligible''.

SEC. 539. RESERVE HEALTH PROFESSIONALS STIPEND PROGRAM EXPANSION.

(a) PURPOSE OF PROGRAM.—Subsection (a) of section 16201 of title 10, United States Code, is amended—

(1) by striking ''specialties critically needed in wartime'';

(2) by striking ''training in such specialties'' and inserting ''training that leads to a degree in medicine or dentistry or training in a health professions specialty that is critically needed in wartime''; and

(3) by striking ''training in certain health care specialties'' and inserting ''health care education and training''.

(b) MEDICAL AND DENTAL STUDENT STIPEND.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) MEDICAL AND DENTAL SCHOOL STUDENTS.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

''(A) is eligible to be appointed as an officer in a reserve component;

''(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in medicine or dentistry;

''(C) signs an agreement that, unless sooner separated, the person will—

''(i) complete the educational phase of the program;

''(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

''(iii) participate in a residency program; and

''(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a health profession skill which has been designated by the Secretary of Defense as a critically needed wartime skill.

''(2) Under the agreement—

''(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (f), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in medicine or dentistry while enrolled in an accredited medical or dental school;

''(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

''(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

''(D) the participant shall agree to serve in the Selected Reserve, upon successful completion of the program, for the period of service applicable under paragraph (3).

''(3)(A) Subject to subparagraph (B), the period for which a participant is required to serve in the Selected Reserve under the agreement pursuant to paragraph (2)(D) shall be one year for each period of six months, or part thereof, for which the participant is provided a stipend pursuant to the agreement.

''(B) In the case of a participant who enters into a subsequent agreement under subsection (c) and successfully completes residency training in a specialty designated by the Secretary of Defense as a specialty critically needed by the military department in wartime, the requirement to serve in the Selected Reserve may be reduced to one year for each year, or part thereof, for which the stipend was provided while enrolled in medical or dental school.''.

(c) WARTIME CRITICAL SKILLS.—Subsection (c) of such section (as redesignated by subsection (b)(1)) is amended—

(1) by inserting ''WARTIME'' after ''CRITICAL'' in the heading; and

(2) by inserting ''or has been appointed as a medical or dental officer in the Reserve of the armed force concerned'' in paragraph (1)(B) before the semicolon at the end.

(d) SERVICE OBLIGATION REQUIREMENT.—Paragraph (2)(D) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(D) of subsection (d) of such section (as so redesignated) are amended by striking ''two years in the Ready Reserve for each year,'' and inserting ''one year in the Ready Reserve for each six months,''.

(e) CROSS-REFERENCE.—Paragraph (2)(A) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(A) of subsection (d) of such section (as so redesignated) are amended by striking ''subsection (e)'' and inserting ''subsection (f)''.

SEC. 540. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR THE CORPS OF CADETS AT THE UNITED STATES MILITARY ACADEMY.

(a) AUTHORITY.—The second sentence of section 4337 of title 10, United States Code, is amended by striking ''the same allowances'' and all that follows through ''captain'' and inserting ''a monthly housing allowance in the same amount as the basic allowance for housing allowed to a lieutenant colonel''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

Subtitle E—Recruiting and Accession Programs

SEC. 541. 18-MONTH ENLISTMENT PILOT PROGRAM.

(a) IN GENERAL.—(1) Chapter 333 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3264. 18-month enlistment pilot program

''(a) During the pilot program period, the Secretary of the Army shall carry out a pilot program with the objective of increasing participation of prior service persons in the Selected Reserve and providing assistance in building the pool of participants in the Individual Ready Reserve.

''(b) Under the program, the Secretary may, notwithstanding section 505(c) of this title, accept persons for original enlistment in the Army for a term of enlistment consisting of 18 months service on active duty, to be followed by three years of service in the Selected Reserve and then service in the Individual Ready Reserve to complete the military service obligation.

''(c) Under regulations and conditions established by the Secretary of the Army, a member enlisting under this section may, at the end of the 18-month period of service on active duty under that enlistment, be permitted to reenlist for continued service on active duty in lieu of the service in the Selected Reserve and the Individual Ready Reserve otherwise required under the terms of the member's enlistment.

''(d) No more than 10,000 persons may be accepted for enlistment in the Army through the program under this section.

''(e) A person enlisting in the Army through the program under this section is eligible for an enlistment bonus under section 309 of title 37, notwithstanding the enlistment time period specified in subsection (a) of that section.

''(f) For purposes of this section, the pilot program period is the period beginning on the date selected by the Secretary of the Army for the commencement of the pilot program, which date shall be not later than October 1, 2003, and ending on December 31, 2007.

''(g) Not later than December 31, 2007, and December 31, 2012, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the program under this section. In each such report, the Secretary shall set forth the views of the Secretary on the success of the program in meeting the objectives stated in subsection (a) and whether the program should be continued and, if so, whether it should be modified or expanded.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3264. 18-month enlistment pilot program.''.

(b) IMPLEMENTATION REPORT.—The Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Secretary's plan for implementation of section 3264 of title 10, United States Code, as added by subsection (a). Such report shall be submitted not later than March 1, 2002.

SEC. 542. IMPROVED BENEFITS UNDER THE ARMY COLLEGE FIRST PROGRAM.

(a) INCREASED MAXIMUM PERIOD OF DELAYED ENTRY.—Section 573 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 623; 10 U.S.C. 513 note) is amended—

(1) in subsection (b)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—Under the pilot program, the Secretary may—

''(1) exercise the authority under section 513 of title 10, United States Code—'';

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning those subparagraphs four ems from the left margin;

(C) at the end of subparagraph (A), as so redesignated, by inserting ''and'' after the semicolon; and

(D) in subparagraph (B), as so redesignated, by striking ''two years after the date of such enlistment as a Reserve under paragraph (1)'' and inserting ''the maximum period of delay determined for that person under subsection (c)''; and

(2) in subsection (c)—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (1)(B)'';

(B) by striking ''two-year period'' and inserting ''30-month period''; and

(C) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

(b) ALLOWANCE ELIGIBILITY AND AMOUNT.—(1) Such section is further amended—

(A) in subsection (b), by striking paragraph (3) and inserting the following:

''(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of that subsection, pay an allowance to a person accepted for enlistment under paragraph (1)(A) for each month of the period during which that person is enrolled in and pursuing a program described in paragraph (1)(B)''; and

(B) in subsection (d)—

(i) by redesignating paragraph (2) as paragraph (4);

(ii) by striking paragraph (1) and inserting the following new paragraphs:

''(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for certain members of the Senior Reserve Officers' Training Corps with the corresponding number of years of participation under section 209(a) of title 37, United States Code.

''(2) An allowance may not be paid to a person under this section for more than 24 months.

''(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which the member performs satisfactorily as a member of a unit of the reserve component that trains as prescribed in section 10147(a)(1) of title 10, United States Code, or section 502(a) of title 32, United States Code. Satisfactory performance shall be determined under regulations prescribed by the Secretary.''.

(2) The heading for such subsection is amended by striking ''AMOUNT OF''.

(c) INELIGIBILITY FOR LOAN REPAYMENTS; RECOUPMENT.—Such section is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (d) the following new subsections:

''(e) INELIGIBILITY FOR LOAN REPAYMENTS.—A person who has received an allowance under this section is not eligible for any benefits under chapter 109 of title 10, United States Code.

''(f) RECOUPMENT OF ALLOWANCE.—(1) A person who, after receiving an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized for the person under section 513 of title 10, United States Code, shall repay the United States the amount which bears the same ratio to the total amount of that allowance paid to the person as the unserved part of the total required period of service bears to the total period.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge of a person in bankruptcy under title 11, United States Code, that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authority under section 513 of title 10, United States Code, does not discharge that person from a debt arising under paragraph (1).

''(4) The Secretary of the Army may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to persons who, on or after the date of the enactment of this Act, are enlisted as described in subsection (a) of section 513 of title 10, United States Code, with delayed entry authorized under that section.

SEC. 543. CORRECTION AND EXTENSION OF CERTAIN ARMY RECRUITING PILOT PROGRAM AUTHORITIES.

(a) CONTRACT RECRUITING INITIATIVES.—Subsection (d)(2) of section 561 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–130) is amended—

(1) in subparagraphs (A) and (D), by inserting ''and Army Reserve'' after ''Regular Army''; and

(2) in subparagraph (B), by striking ''and chain of command''.

(b) EXTENSION OF AUTHORITY.—Subsection (e) of such section is amended by striking ''December 31, 2005'' and inserting ''September 30, 2007''.

(c) EXTENSION OF TIME FOR REPORTS.—Subsection (g) of such section is amended by striking ''February 1, 2006'' and inserting ''February 1, 2008''.

SEC. 544. MILITARY RECRUITER ACCESS TO SECONDARY SCHOOL STUDENTS.

(a) ACCESS TO SECONDARY SCHOOLS.—Paragraph (1) of section 503(c) of title 10, United States Code, is amended to read as follows:

''(c) ACCESS TO SECONDARY SCHOOLS.—(1)(A) Each local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965—

''(i) shall provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and

''(ii) shall, upon a request made by military recruiters for military recruiting purposes, provide access to secondary school student names, addresses, and telephone listings, notwithstanding section 444(a)(5)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)).

''(B) A local educational agency may not release a student's name, address, and telephone listing under subparagraph (A)(ii) without the prior written consent of a parent of the student if the student, or a parent of the student, has submitted a request to the local educational agency that the student's information not be released for a purpose covered by that subparagraph without prior written parental consent. Each local education agency shall notify parents of the rights provided under the preceding sentence.''.

(b) EFFECTIVE DATE.—The amendment made by subsections (a) shall take effect on July 1, 2002, immediately after the amendment to section 503(c) of title 10, United States Code, made, effective that date, by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–131).

(c) NOTIFICATION.—The Secretary of Education shall provide to local educational agencies notice of the provisions of subsection (c) of section 503 of title 10, United States Code, as in effect upon the amendments made by subsection (a). Such notice shall be provided not later than 120 days after the date of the enactment of this Act and shall be provided in consultation with the Secretary of Defense.

SEC. 545. PERMANENT AUTHORITY FOR USE OF MILITARY RECRUITING FUNDS FOR CERTAIN EXPENSES AT DEPARTMENT OF DEFENSE RECRUITING FUNCTIONS.

(a) REPEAL OF TERMINATION PROVISION.—Section 520c of title 10, United States Code, is amended by striking subsection (c).

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section is amended—

(1) in paragraph (4), by striking ''recruiting events'' and inserting ''recruiting functions''; and

(2) in paragraph (5), by striking ''recruiting efforts'' the first place it appears and inserting ''recruiting functions''.

SEC. 546. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the total number of cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A statement of the processes and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide recruits and officer candidates with succinct information on the eligibility requirements (including information on when they become eligible) for health

care benefits under the Defense health care program, and the nature and availability of the benefits under the program.

(5) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

(6) An analysis of health and disability benefits under laws administered by the Department of Veterans Affairs and the Department of Labor for which those persons become eligible upon being injured in training or education and a discussion of how those benefits compare to the benefits those persons would received if retired for physical disability by the Department of Defense.

Subtitle F—Decorations, Awards, and Posthumous Commissions

SEC. 551. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO HUMBERT R. VERSACE, JON E. SWANSON, AND BEN L. SALOMON FOR VALOR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to any of the persons named in subsections (b), (c), and (d) for the acts of valor referred to in those respective subsections.

(b) HUMBERT R. VERSACE.—Subsection (a) applies with respect to Humbert R. Versace, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty between October 29, 1963, and September 26, 1965, while interned as a prisoner of war by the Vietnamese Communist National Liberation Front (Viet Cong) in the Republic of Vietnam.

(c) JON E. SWANSON.—Subsection (a) applies with respect to Jon E. Swanson, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on February 26, 1971, while piloting a Scout helicopter on a close-support reconnaissance mission in support of the Army of the Republic of Vietnam Task Force 333 in the Kingdom of Cambodia.

(d) BEN L. SALOMON.—Subsection (a) applies with respect to Ben L. Salomon, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on July 7, 1944, while defending the soldiers under his care as the Surgeon, 2d Battalion, 105th Infantry Regiment, 27th Infantry Division against an overwhelming enemy force at Saipan, Marianas Islands.

SEC. 552. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AMERICAN AND HISPANIC AMERICAN WAR VETERANS.

(a) REVIEW REQUIRED.—The Secretary of each military department shall review the service records of each Jewish American war veteran or Hispanic American war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS AND HISPANIC AMERICAN WAR VETERANS.—The Jewish American war veterans and Hispanic American war veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American war veteran or Hispanic American war veteran who was awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross before the date of the enactment of this Act.

(2) Any other Jewish American war veteran or Hispanic American war veteran whose name is submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American war veteran or Hispanic American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded to a Jewish American war veteran or Hispanic American war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

(g) DEFINITION.—For purposes of this section, the term ''Jewish American war veteran'' means any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.

SEC. 553. AUTHORITY TO ISSUE DUPLICATE MEDALS OF HONOR AND TO REPLACE STOLEN MILITARY DECORATIONS.

(a) ARMY.—(1)(A) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§3754. Medal of honor: duplicate medal

''A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Army may determine, as a duplicate or for display purposes only.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3754. Medal of honor: duplicate medal.''.

(2) Section 3747 of such title is amended by striking ''lost'' and inserting ''stolen, lost,''.

(b) NAVY AND MARINE CORPS.—(1)(A) Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§6256. Medal of honor: duplicate medal

''A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Navy may determine, as a duplicate or for display purposes only.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6256. Medal of honor: duplicate medal.''.

(2) Section 6253 of such title is amended by striking ''lost'' and inserting ''stolen, lost,''.

(c) AIR FORCE.—(1)(A) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

''§8754. Medal of honor: duplicate medal

''A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Air Force may determine, as a duplicate or for display purposes only.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8754. Medal of honor: duplicate medal.''.

(2) Section 8747 of such title is amended by striking ''lost'' and inserting ''stolen, lost,''.

(d) COAST GUARD.—(1)(A) Chapter 13 of title 14, United States Code, is amended by inserting after section 503 the following new section:

''§504. Medal of honor: duplicate medal

''A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary may determine, as a duplicate or for display purposes only.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 503 the following new item:

''504. Medal of honor: duplicate medal.''.

(2) Section 501 of such title is amended by inserting ''stolen,'' before ''lost,''.

(e) DEFINITION OF MEDAL OF HONOR FOR PURPOSES OF FEDERAL UNAUTHORIZED-USE CRIME.—Section 704(b)(2)(B) of title 18, United States Code, is amended to read as follows:

''(B) As used in this subsection, 'Congressional Medal of Honor' means—

''(i) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

''(ii) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

''(iii) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.''.

SEC. 554. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105–103 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) AMOUNT.—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

SEC. 555. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR.—Subsection (a) applies to the award of the Silver Star to Wayne T. Alderson, of Glassport, Pennsylvania, for gallantry in action from March 15 to March 18, 1945, while serving as a member of the Army.

(c) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the

Committee on Armed Services of the Senate, during the period beginning on October 30, 2000, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 556. SENSE OF CONGRESS ON ISSUANCE OF CERTAIN MEDALS.

It is the sense of Congress that the Secretary of Defense should consider authorizing—

(1) the issuance of a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Armed Forces served in the Republic of Korea, or the waters adjacent thereto, during the period beginning on July 28, 1954, and ending on such date thereafter as the Secretary considers appropriate;

(2) the issuance of a campaign medal, to be known as the Cold War Service Medal, to each person who while a member of the Armed Forces served satisfactorily on active duty during the Cold War; and

(3) the award of the Vietnam Service Medal to any member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations designated as Operation Frequent Wind arising from the evacuation of Vietnam on April 29 and 30, 1975.

SEC. 557. SENSE OF CONGRESS ON DEVELOPMENT OF A MORE COMPREHENSIVE, UNIFORM POLICY FOR THE AWARD OF DECORATIONS TO MILITARY AND CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The role and importance of civilian nationals of the United States as Federal employees and contractors in support of operations of the Armed Forces worldwide has continued to expand.

(2) The expanded role performed by those civilians, both in the United States and overseas, has greatly increased the risk to those civilians of injury and death from hostile actions taken against United States Armed Forces, as demonstrated by the terrorist attack on the Pentagon on September 11, 2001, in which scores of Department of Defense civilian and contractor personnel were killed or wounded.

(3) On September 20, 2001, the Deputy Secretary of Defense approved the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action and at the same time directed that a comprehensive review be conducted to develop a more uniform approach to the award of decorations to military and civilian personnel of the Department of Defense.

(b) COMMENDATION OF CREATION OF NEW AWARD.—Congress commends the decision announced by the Deputy Secretary of Defense on September 20, 2001, to approve the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should act expeditiously to develop a more comprehensive, uniform policy for the award of decorations to military and civilian personnel of the Department of Defense.

SEC. 558. POSTHUMOUS ARMY COMMISSION IN THE GRADE OF CAPTAIN IN THE CHAPLAINS CORPS TO ELLA E. GIBSON FOR SERVICE AS CHAPLAIN OF THE FIRST WISCONSIN HEAVY ARTILLERY REGIMENT DURING THE CIVIL WAR.

The President is authorized and requested to posthumously appoint Ella E. Gibson to the grade of captain in the Chaplains Corps of the Army, the commission to issue as of the date of her appointment as chaplain to the First Wisconsin Heavy Artillery regiment during the Civil War and to be considered to have been in effect during the time during which she faithfully performed the services of a chaplain to that regiment and for which Congress by law (Private Resolution 31 of the 40th Congress, approved March 3, 1869) previously provided for her to be paid the full pay and emoluments of a chaplain in the United States Army as if she had been regularly commissioned and mustered into service.

Subtitle G—Funeral Honors Duty

SEC. 561. PARTICIPATION OF MILITARY RETIREES IN FUNERAL HONORS DETAILS.

(a) AUTHORITY.—Subsection (b)(2) of section 1491 of title 10, United States Code, is amended—

(1) in the first sentence, by inserting ''(other than members in a retired status)'' after ''members of the armed forces''; and

(2) in the second sentence, by inserting ''(including members in a retired status),'' after ''members of the armed forces''.

(b) FUNERAL HONORS DUTY ALLOWANCE.—Section 435(a) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a) ALLOWANCE AUTHORIZED.—''; and

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

''(2) The Secretary concerned may also authorize payment of that allowance to a member of the armed forces in a retired status for any day on which the member serves in a funeral honors detail under section 1491 of title 10, if the time required for service in such detail (including time for preparation) is not less than two hours. The amount of an allowance paid to a member under this paragraph shall be in addition to any other compensation to which the member may be entitled under this title or title 10 or 38.''.

SEC. 562. FUNERAL HONORS DUTY PERFORMED BY RESERVE AND GUARD MEMBERS TO BE TREATED AS INACTIVE-DUTY TRAINING FOR CERTAIN PURPOSES.

(a) RESERVE MEMBERS.—Section 12503(a) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Performance of funeral honors duty by a Reserve not on active duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.''.

(b) NATIONAL GUARD MEMBERS.—Section 115(a) of title 32, United States Code, is amended by adding at the end the following new sentence: ''Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to funeral honors duty performed on or after October 30, 2000.

SEC. 563. USE OF MILITARY LEAVE FOR FUNERAL HONORS DUTY BY RESERVE MEMBERS AND NATIONAL GUARDSMEN.

Section 6323(a)(1) of title 5, United States Code, is amended by inserting ''funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32),'' after ''(as defined in section 101 of title 37),''.

SEC. 564. AUTHORITY TO PROVIDE APPROPRIATE ARTICLES OF CLOTHING AS A CIVILIAN UNIFORM FOR CIVILIANS PARTICIPATING IN FUNERAL HONOR DETAILS.

Section 1491(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Articles of clothing for members of a veterans organization or other organization referred to in subsection (b)(2) that, as determined by the Secretary concerned, are appropriate as a civilian uniform for persons participating in a funeral honors detail.''.

Subtitle H—Military Spouses and Family Members

SEC. 571. IMPROVED FINANCIAL AND OTHER ASSISTANCE TO MILITARY SPOUSES FOR JOB TRAINING AND EDUCATION.

(a) EXAMINATION OF EXISTING EMPLOYMENT ASSISTANCE PROGRAMS.—(1) The Secretary of Defense shall examine existing Department of Defense and other Federal, State, and nongovernmental programs with the objective of improving retention of military personnel by increasing the employability of military spouses and assisting those spouses in gaining access to financial and other assistance for job training and education.

(2) In conducting the examination, the Secretary shall give priority to facilitating and increasing access of military spouses to existing Department of Defense, Federal, State, and nongovernmental sources for the types of financial assistance set forth in paragraph (3), but shall also specifically assess whether the Department of Defense should begin a program for direct financial assistance to military spouses for some or all of those types of assistance and whether such a program of direct financial assistance would enhance retention.

(3) In conducting the examination pursuant to paragraph (1), the Secretary should focus on financial assistance for military spouses for one or more of the following purposes:

(A) Career-related education.

(B) Certification and license fees for employment-related purposes.

(C) Apprenticeships and internships.

(D) Technical training.

(E) Training to improve job skills.

(F) Career counseling.

(G) Skills assessment.

(H) Job-search skills.

(I) Job-related transportation.

(J) Child care.

(K) Any additional employment-related purpose specified by the Secretary for the purposes of the examination under paragraph (1).

(4) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the examination under paragraph (1).

(b) REVIEW OF DEPARTMENT OF DEFENSE POLICIES.—(1) The Secretary of Defense shall review Department of Defense policies that affect employment and education opportunities for military spouses in the Department of Defense in order to further expand those opportunities. The review shall include the consideration of providing, to the extent authorized by law, separate spouse preferences for employment by appropriated and nonappropriated fund operations.

(2) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under paragraph (1).

(c) SPOUSE EMPLOYMENT ASSISTANCE.—Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(d) SPACE-AVAILABLE USE OF FACILITIES FOR SPOUSE TRAINING PURPOSES.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may make available to a non-Department of Defense entity space in non-excess facilities controlled by that Secretary for the purpose of the non-Department of Defense entity providing employment-related training for military spouses.

''(e) EMPLOYMENT BY OTHER FEDERAL AGENCIES.—The Secretary of Defense shall work with

the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of military spouse employment.

''(f) PRIVATE-SECTOR EMPLOYMENT.—The Secretary of Defense—

''(1) shall seek to develop partnerships with firms in the private sector to enhance employment opportunities for spouses of members of the armed forces and to provide for improved job portability for such spouses, especially in the case of the spouse of a member of the armed forces accompanying the member to a new geographical area because of a change of permanent duty station of the member; and

''(2) shall work with the United States Chamber of Commerce and other appropriate private-sector entities to facilitate the formation of such partnerships.

''(g) EMPLOYMENT WITH DOD CONTRACTORS.—The Secretary of Defense shall examine and seek ways for incorporating hiring preferences for qualified spouses of members of the armed forces into contracts between the Department of Defense and private-sector entities.''.

SEC. 572. PERSONS AUTHORIZED TO BE INCLUDED IN SURVEYS OF MILITARY FAMILIES REGARDING FEDERAL PROGRAMS.

(a) EXTENSION OF SURVEY AUTHORITY.—Subsection (a) of section 1782 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY.—The Secretary of Defense, in order to determine the effectiveness of Federal programs relating to military families and the need for new programs, may conduct surveys of—

''(1) members of the armed forces who are on active duty, in an active status, or retired;

''(2) family members of such members; and

''(3) survivors of deceased retired members and of members who died while on active duty.''.

(b) FEDERAL RECORDKEEPING REQUIREMENTS.—Subsection (c) of such section is amended to read as follows:

''(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to a survey authorized under subsection (a) that includes a person referred to in that subsection who is not an employee of the United States or is not otherwise considered an employee of the United States for the purposes of section 3502(3)(A)(i) of title 44, the person shall be considered as being an employee of the United States for the purposes of that section.''.

SEC. 573. CLARIFICATION OF TREATMENT OF CLASSIFIED INFORMATION CONCERNING PERSONS IN A MISSING STATUS.

Section 1506(b)(2) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking the period at the end and inserting ''of all missing persons from the conflict or period of war to which the classified information pertains.''; and

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

''(B) For purposes of subparagraph (A), information shall be considered to be made reasonably accessible if placed in a separate and distinct file that is available for review by persons specified in subparagraph (A) upon the request of any such person either to review the separate file or to review the personnel file of the missing person concerned.''.

SEC. 574. TRANSPORTATION TO ANNUAL MEETING OF NEXT-OF-KIN OF PERSONS UNACCOUNTED FOR FROM CONFLICTS AFTER WORLD WAR II.

(a) AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE TRANSPORTATION.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

''§2647. Next-of-kin of persons unaccounted for from conflicts after World War II: transportation to annual meetings

''The Secretary of Defense may provide transportation for the next-of-kin of persons who are unaccounted for from the Korean conflict, the Cold War, Vietnam War era, or the Persian Gulf War to and from an annual meeting in the United States. Such transportation shall be provided under such regulations as the Secretary of Defense may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2647. Next-of-kin of persons unaccounted for from conflicts after World War II: transportation to annual meetings.''.

SEC. 575. AMENDMENTS TO CHARTER OF DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

(a) MEMBERS APPOINTED FROM PRIVATE SECTOR.—Subsection (h)(1) of section 591 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 639; 10 U.S.C. 1562 note) is amended—

(1) by inserting ''who is a member of the Armed Forces or civilian officer or employee of the United States'' after ''Each member of the task force'';

(2) by striking '', but shall'' and all that follows and inserting a period; and

(3) by adding at the end the following new sentence: ''Other members of the task force shall be appointed in accordance with, and subject to, section 3161 of title 5, United States Code.''.

(b) EXTENSION OF TERMINATION DATE.—Subsection (j) of such section is amended by striking ''three years after the date of the enactment of this Act'' and inserting ''on April 24, 2003''.

Subtitle I—Military Justice and Legal Assistance Matters

SEC. 581. BLOOD ALCOHOL CONTENT LIMIT FOR THE OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE OF DRUNKEN OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.

Section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a)'' before '' Any person'';

(2) by striking ''0.10 grams'' the first place it appears and all that follows through ''chemical analysis'' and inserting ''in excess of the applicable limit under subsection (b)''; and

(3) by adding at the end the following:

''(b)(1) For purposes of subsection (a), the applicable limit on the alcohol concentration in a person's blood or breath is as follows:

''(A) In the case of the operation or control of a vehicle, aircraft, or vessel in the United States, such limit is the blood alcohol content limit under the law of the State in which the conduct occurred, except as may be provided under paragraph (2) for conduct on a military installation that is in more than one State and subject to the maximum blood alcohol content limit specified in paragraph (3).

''(B) In the case of the operation or control of a vehicle, aircraft, or vessel outside the United States, the applicable blood alcohol content limit is the maximum blood alcohol content limit specified in paragraph (3) or such lower limit as the Secretary of Defense may by regulation prescribe.

''(2) In the case of a military installation that is in more than one State, if those States have different blood alcohol content limits under their respective State laws, the Secretary may select one such blood alcohol content limit to apply uniformly on that installation.

''(3) For purposes of paragraph (1), the maximum blood alcohol content limit with respect to alcohol concentration in a person's blood is 0.10 grams of alcohol per 100 milliliters of blood and with respect to alcohol concentration in a person's breath is 0.10 grams of alcohol per 210 liters of breath, as shown by chemical analysis.

''(4) In this subsection:

''(A) The term 'blood alcohol content limit' means the maximum permissible alcohol concentration in a person's blood or breath for purposes of operation or control of a vehicle, aircraft, or vessel.

''(B) The term 'United States' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa and the term 'State' includes each of those jurisdictions.''.

SEC. 582. REQUIREMENT THAT COURTS-MARTIAL CONSIST OF NOT LESS THAN 12 MEMBERS IN CAPITAL CASES.

(a) CLASSIFICATION OF GENERAL COURT-MARTIAL IN CAPITAL CASES.—Section 816(1)(A) of title 10, United States Code (article 16(1)(A) of the Uniform Code of Military Justice) is amended by inserting after ''five members'' the following: ''or, in a case in which the accused may be sentenced to a penalty of death, the number of members determined under section 825a of this title (article 25a)''.

(b) NUMBER OF MEMBERS REQUIRED.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 825 (article 25) the following new section:

''§825a. Art. 25a. Number of members in capital cases

''In a case in which the accused may be sentenced to a penalty of death, the number of members shall be not less than 12, unless 12 members are not reasonably available because of physical conditions or military exigencies, in which case the convening authority shall specify a lesser number of members not less than five, and the court may be assembled and the trial held with not less than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.''.

(2) The table of sections at the beginning of subchapter V of such chapter is amended by inserting after the item relating to section 825 (article 25) the following new item:

''825a. 25a. Number of members in capital cases.''.

(c) ABSENT AND ADDITIONAL MEMBERS.—Section 829(b) of such title (article 29 of the Uniform Code of Military Justice) is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking ''five members'' both places it appears and inserting ''the applicable minimum number of members''; and

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

''(2) In this section, the term 'applicable minimum number of members' means five members or, in a case in which the death penalty may be adjudged, the number of members determined under section 825a of this title (article 25a).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses committed after December 31, 2002.

SEC. 583. ACCEPTANCE OF VOLUNTARY LEGAL ASSISTANCE FOR THE CIVIL AFFAIRS OF MEMBERS AND FORMER MEMBERS OF THE UNIFORMED SERVICES AND THEIR DEPENDENTS.

(a) AUTHORITY.—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Legal services voluntarily provided as legal assistance under section 1044 of this title.''.

(b) DEFENSE OF LEGAL MALPRACTICE.—Subsection (d)(1) of that section is amended by adding at the end the following new subparagraph:

''(E) Section 1054 of this title (relating to legal malpractice), for a person voluntarily providing legal services accepted under subsection (a)(5), as if the person were providing the services as an attorney of a legal staff within the Department of Defense.''.

Subtitle J—Other Matters

SEC. 591. CONGRESSIONAL REVIEW PERIOD FOR CHANGE IN GROUND COMBAT EXCLUSION POLICY.

Section 542(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1)—

(A) by striking ''not less than 90 days''; and

(B) by adding at the end the following new sentence: ''Such a change may then be implemented only after the end of a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.''; and

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

''(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.''.

SEC. 592. PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) FUNDING SOURCE FOR ALLOWANCE.—Section 436(a) of title 37, United States Code, is amended by adding at the end the following new sentence: ''The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves.''.

(b) EXPANDED REPORT REGARDING MANAGEMENT OF INDIVIDUAL MEMBER DEPLOYMENTS.—Section 574(d) 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–138) is amended in the second sentence by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces and the payment of the per diem allowance for lengthy or numerous deployments in accordance with section 436 of title 37, United States Code;

''(2) specific comments regarding the effect of section 991 of title 10, United States Code, and section 436 of title 37, United States Code, on the readiness of the Navy and Marine Corps given the deployment intensive mission of these services; and

''(3) any recommendations for revision of section 991 of title 10, United States Code, or section 436 of title 37, United States Code, that the Secretary considers appropriate.''.

SEC. 593. CLARIFICATION OF DISABILITY SEVERANCE PAY COMPUTATION.

(a) CLARIFICATION.—Section 1212(a)(2) of title 10, United States Code, is amended by striking ''for promotion'' in subparagraph (C) and the first place it appears in subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to members separated under section 1203 or 1206 of title 10, United States Code, on or after date of the enactment of this Act.

SEC. 594. TRANSPORTATION OR STORAGE OF PRIVATELY OWNED VEHICLES ON CHANGE OF PERMANENT STATION.

(a) ADVANCE PAYMENT OF STORAGE COSTS.—Subsection (b) of section 2634 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) Storage costs payable under this subsection may be paid in advance.''.

(b) SHIPMENT ON PERMANENT CHANGE OF STATION WITHIN CONUS.—Subsection (h)(1) of such section is amended by striking ''includes'' in the second sentence and all that follows and inserting ''includes the following:

''(A) An authorized change in home port of a vessel.

''(B) A transfer or assignment between two permanent stations in the continental United States when—

''(i) the member cannot, because of injury or the conditions of the order, drive the motor vehicle between the permanent duty stations; or

''(ii) the Secretary concerned determines that it is advantageous and cost-effective to the United States for one motor vehicle of the member to be transported between the permanent duty stations.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to orders to make a change of permanent station that are issued on or after the date of the enactment of this Act.

SEC. 595. REPEAL OF REQUIREMENT FOR FINAL COMPTROLLER GENERAL REPORT RELATING TO ARMY END STRENGTH ALLOCATIONS.

Section 552 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 319; 10 U.S.C. 115 note) is repealed.

SEC. 596. CONTINUED DEPARTMENT OF DEFENSE ADMINISTRATION OF NATIONAL GUARD CHALLENGE PROGRAM AND DEPARTMENT OF DEFENSE STARBASE PROGRAM.

(a) NATIONAL GUARD CHALLENGE PROGRAM.—Section 509(b) of title 32, United States Code, is amended—

(1) in paragraph (2)(A), by striking ''in a fiscal year'' and inserting ''in fiscal year 2001 or 2002''; and

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

''(4) The Secretary of Defense shall remain the executive agent to carry out the National Guard Challenge Program regardless of the source of funds for the program or any transfer of jurisdiction over the program within the executive branch. As provided in subsection (a), the Secretary may use the National Guard to conduct the program.''.

(b) STARBASE PROGRAM.—Section 2193b(f) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

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

''(2) The Secretary of Defense shall remain the executive agent to carry out the program regardless of the source of funds for the program or any transfer of jurisdiction over the program within the executive branch.''.

(c) REPEAL OF CONTINGENT FUNDING FOR JROTC.—(1) Section 2033 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 102 of such title is amended by striking the item relating to section 2033.

(3) The amendments made by this subsection shall take effect on October 1, 2002.

SEC. 597. REPORT ON DEFENSE SCIENCE BOARD RECOMMENDATION ON ORIGINAL APPOINTMENTS IN REGULAR GRADES FOR ACADEMY GRADUATES AND CERTAIN OTHER NEW OFFICERS.

The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the legislative and policy changes required to implement the recommendation of the Defense Science Board (made in its report entitled ''Final Report on Human Resources Strategy'' and dated February 28, 2000) that all officers be given initial regular commissions. The Secretary shall include in that report a description of the measures necessary to transition the current active-duty officer corps to an all-regular status, if the Board's recommendation were adopted, and shall provide the Secretary's position with regard to implementing that recommendation. The report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 598. SENSE OF CONGRESS REGARDING THE SELECTION OF OFFICERS FOR RECOMMENDATION FOR APPOINTMENT AS COMMANDER, UNITED STATES TRANSPORTATION COMMAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) envisioned that officers would be selected for recommendation to the President for appointment as the commander of a combatant command under chapter 6 of title 10, United States Code (as added by that Act), on the basis of being the best qualified officer for that position, rather than the best qualified officer of the armed force that had historically supplied officers to serve in that position.

(2) In order to provide for greater competition among the Armed Forces for selection of officers for assignment as the commanders of the combatant commands and assignment to certain other joint positions in the grade of general or admiral, Congress provided temporary relief from the limitation on the number of officers serving on active duty in the grade of general or admiral in section 405 of the National Defense Authorization Act for Fiscal Year 1995 and thereafter extended that relief until September 30, 2003, but has also required that the Secretary of Defense be furnished the name of at least one officer from each of the Armed Forces for consideration for appointment to each such position.

(3) Most of the positions of commanders of the combatant commands have been filled successively by officers of more than one of the Armed Forces since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

(4) However, general officers of the Air Force with only limited experience in the transportation services have usually filled the position of commander of the United States Transportation Command.

(5) The United States Transportation Command could benefit from the appointment of future commanders selected from the Army, Navy and Marine Corps, in addition to the Air Force.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, when considering officers for recommendation to the President for appointment as commander of the United States Transportation Command, should not rely upon officers of one service which has traditionally provided officers to fill that position but should select for such recommendation the best qualified officer of the Army, Navy, Air Force, or Marine Corps.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2002.
Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
Sec. 603. Reserve component compensation for distributed learning activities performed as inactive-duty training.
Sec. 604. Subsistence allowances.
Sec. 605. Eligibility for temporary housing allowance while in travel or leave status between permanent duty stations.
Sec. 606. Uniform allowance for officers.
Sec. 607. Family separation allowance for members electing unaccompanied tour by reason of health limitations of dependents.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Hazardous duty pay for members of maritime visit, board, search, and seizure teams.
Sec. 616. Eligibility for certain career continuation bonuses for early commitment to remain on active duty.

Sec. 617. Secretarial discretion in prescribing submarine duty incentive pay rates.
Sec. 618. Conforming accession bonus for dental officers authority with authorities for other special pay and bonuses.
Sec. 619. Modification of eligibility requirements for Individual Ready Reserve bonus for reenlistment, enlistment, or extension of enlistment.
Sec. 620. Installment payment authority for 15-year career status bonus.
Sec. 621. Accession bonus for new officers in critical skills.
Sec. 622. Education savings plan to encourage reenlistments and extensions of service in critical specialties.
Sec. 623. Continuation of payment of special and incentive pay at unreduced rates during stop loss periods.
Sec. 624. Retroactive authorization for imminent danger pay for service in connection with Operation Enduring Freedom.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Minimum per diem rate for travel and transportation allowance for travel performed upon a change of permanent station and certain other travel.
Sec. 632. Eligibility for payment of subsistence expenses associated with occupancy of temporary lodging incident to reporting to first permanent duty station.
Sec. 633. Reimbursement of members for mandatory pet quarantine fees for household pets.
Sec. 634. Increased weight allowance for transportation of baggage and household effects for junior enlisted members.
Sec. 635. Eligibility of additional members for dislocation allowance.
Sec. 636. Partial dislocation allowance authorized for housing moves ordered for Government convenience.
Sec. 637. Allowances for travel performed in connection with members taking authorized leave between consecutive overseas tours.
Sec. 638. Travel and transportation allowances for family members to attend burial of a deceased member of the uniformed services.
Sec. 639. Funded student travel for foreign study under an education program approved by a United States school.

Subtitle D—Retirement and Survivor Benefit Matters

Sec. 641. Contingent authority for concurrent receipt of military retired pay and veterans' disability compensation and enhancement of special compensation authority.
Sec. 642. Survivor Benefit Plan annuities for surviving spouses of members who die while on active duty and not eligible for retirement.

Subtitle E—Other Matters

Sec. 651. Payment for unused leave in excess of 60 days accrued by members of reserve components on active duty for one year or less.
Sec. 652. Additional authority to provide assistance for families of members of the Armed Forces.
Sec. 653. Authorization of transitional compensation and commissary and exchange benefits for dependents of commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration who are separated for dependent abuse.
Sec. 654. Transfer of entitlement to educational assistance under Montgomery GI Bill by members of the Armed Forces with critical military skills.

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2002.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2002 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2002, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS [1]

Pay Grade	YEARS OF SERVICE COMPUTED UNDER SECTION 205 OF TITLE 37, UNITED STATES CODE														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
O–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	11,601.90	11,659.20	11,901.30	12,324.00
O–9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,147.50	10,293.60	10,504.80	10,873.80
O–8	7,180.20	7,415.40	7,571.10	7,614.90	7,809.30	8,135.10	8,210.70	8,519.70	8,608.50	8,874.30	9,259.50	9,614.70	9,852.00	9,852.00	9,852.00
O–7	5,966.40	6,371.70	6,371.70	6,418.20	6,657.90	6,840.30	7,051.20	7,261.80	7,472.70	8,135.10	8,694.90	8,694.90	8,694.90	8,694.90	8,738.70
O–6	4,422.00	4,857.90	5,176.80	5,176.80	5,196.60	5,418.90	5,448.60	5,448.60	5,628.60	6,305.70	6,627.00	6,948.30	7,131.00	7,316.10	7,675.20
O–5	3,537.00	4,152.60	4,440.30	4,494.30	4,673.10	4,673.10	4,813.50	5,073.30	5,413.50	5,755.80	5,919.00	6,079.80	6,262.80	6,262.80	6,262.80
O–4	3,023.70	3,681.90	3,927.60	3,982.50	4,210.50	4,395.90	4,696.20	4,930.20	5,092.50	5,255.70	5,310.60	5,310.60	5,310.60	5,310.60	5,310.60
O–3 [3]	2,796.60	3,170.40	3,421.80	3,698.70	3,875.70	4,070.10	4,232.40	4,441.20	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50
O–2 [3]	2,416.20	2,751.90	3,169.50	3,276.30	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O–1 [3]	2,097.60	2,183.10	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50

[1] *Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.*

[2] *Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is $13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.*

[3] *This table does not apply to commissioned officers in pay grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.*

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Pay Grade	YEARS OF SERVICE COMPUTED UNDER SECTION 205 OF TITLE 37, UNITED STATES CODE														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E	$0.00	$0.00	$0.00	3,698.70	3,875.70	4,070.10	4,232.40	4,441.20	4,617.00	4,717.50	4,855.20	4,855.20	4,855.20	4,855.20	4,855.20
O–2E	0.00	0.00	0.00	3,276.30	3,344.10	3,450.30	3,630.00	3,768.90	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40
O–1E	0.00	0.00	0.00	2,638.50	2,818.20	2,922.30	3,028.50	3,133.20	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30

WARRANT OFFICERS [1]

Pay Grade	YEARS OF SERVICE COMPUTED UNDER SECTION 205 OF TITLE 37, UNITED STATES CODE														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	4,965.60	5,136.00	5,307.00	5,478.60
W–4	2,889.60	3,108.60	3,198.00	3,285.90	3,437.10	3,586.50	3,737.70	3,885.30	4,038.00	4,184.40	4,334.40	4,480.80	4,632.60	4,782.00	4,935.30
W–3	2,638.80	2,862.00	2,862.00	2,898.90	3,017.40	3,152.40	3,330.90	3,439.50	3,558.30	3,693.90	3,828.60	3,963.60	4,098.30	4,233.30	4,368.90
W–2	2,321.40	2,454.00	2,569.80	2,654.10	2,726.40	2,875.20	2,984.40	3,093.90	3,200.40	3,318.00	3,438.90	3,559.80	3,680.10	3,801.30	3,801.30
W–1	2,049.90	2,217.60	2,330.10	2,402.70	2,511.90	2,624.70	2,737.80	2,850.00	2,963.70	3,077.10	3,189.90	3,275.10	3,275.10	3,275.10	3,275.10

[1] *Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.*

ENLISTED MEMBERS [1]

Pay Grade	YEARS OF SERVICE COMPUTED UNDER SECTION 205 OF TITLE 37, UNITED STATES CODE														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
E–9 [2]	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$3,423.90	3,501.30	3,599.40	3,714.60	$3,830.40	3,944.10	4,098.30	4,251.30	4,467.00
E–8	0.00	0.00	0.00	0.00	0.00	2,858.10	2,940.60	3,017.70	3,110.10	3,210.30	3,314.70	3,420.30	3,573.00	3,724.80	3,937.80
E–7	1,986.90	2,169.00	2,251.50	2,332.50	2,417.40	2,562.90	2,645.10	2,726.40	2,808.00	2,892.60	2,975.10	3,057.30	3,200.40	3,292.80	3,526.80
E–6	1,701.00	1,870.80	1,953.60	2,033.70	2,117.40	2,254.50	2,337.30	2,417.40	2,499.30	2,558.10	2,602.80	2,602.80	2,602.80	2,602.80	2,602.80
E–5	1,561.50	1,665.30	1,745.70	1,828.50	1,912.80	2,030.10	2,110.20	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30
E–4	1,443.60	1,517.70	1,599.60	1,680.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E–3	1,303.50	1,385.40	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E–2	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E–1	[3] 1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

[1] *Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.*

[2] *Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.*

[3] *In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,022.70.*

SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COMMISSIONED OFFICERS WITH PRIOR SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER.

(a) SERVICE CREDIT.—Section 203(d) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''active service as a warrant officer or as a warrant officer and an enlisted member'' and inserting ''service described in paragraph (2)''; and

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

''(2) Service to be taken into account for purposes of computing basic pay under paragraph (1) is as follows:

''(A) Active service as a warrant officer or as a warrant officer and an enlisted member, in the case of—

''(i) a commissioned officer on active duty who is paid from funds appropriated for active-duty personnel; or

''(ii) a commissioned officer on active Guard and Reserve duty.

''(B) In the case of a commissioned officer (not referred to in subparagraph (A)(ii)) who is paid from funds appropriated for reserve personnel, service as a warrant officer, or as a warrant officer and enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12732(a)(2) of title 10.''.

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

SEC. 603. RESERVE COMPONENT COMPENSATION FOR DISTRIBUTED LEARNING ACTIVITIES PERFORMED AS INACTIVE-DUTY TRAINING.

(a) COMPENSATION AUTHORIZED.—Section 206(d) of title 37, United States Code, is amended—

(1) by striking ''This section'' and inserting ''(1) Except as provided in paragraph (2), this section'';

(2) by striking ''an armed force'' and inserting ''a uniformed service''; and

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

''(2) A member of the Selected Reserve of the Ready Reserve may be paid compensation under this section at a rate and under terms determined by the Secretary of Defense, but not to exceed the rate otherwise applicable to the member under subsection (a), upon the member's successful completion of a course of instruction undertaken by the member using electronic-based distributed learning methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. The compensation may be paid regardless of whether the course of instruction was under the direct control of the Secretary concerned or included the presence of an instructor.''.

(b) DEFINITION OF INACTIVE-DUTY TRAINING.—Section 101(22) of such title is amended by inserting after ''but'' the following: ''(except as provided in section 206(d)(2) of this title)''.

SEC. 604. SUBSISTENCE ALLOWANCES.

(a) BASELINE AMOUNT FOR CALCULATING ALLOWANCE FOR ENLISTED MEMBERS.—Section 402(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4) For purposes of implementing paragraph (2), the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for calendar year 2001 is deemed to be $233.''.

(b) RATE FOR ENLISTED MEMBERS WHEN MESSING FACILITIES NOT AVAILABLE.—(1) Notwithstanding section 402 of title 37, United States Code, the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may prescribe a rate of basic allowance for subsistence to apply to enlisted members of the uniformed services when messing facilities of the United States are not available. The rate may be higher than the rate of basic allowance for subsistence that would otherwise be applicable to the members under that section, but may not be higher than the highest rate that was in effect for enlisted members of the uniformed services under those circumstances before the date of the enactment of this Act.

(2) Paragraph (1) shall cease to be effective on the first day of the first month for which the basic allowance for subsistence calculated for enlisted members of the uniformed services under section 402 of title 37, United States Code, exceeds the rate of the basic allowance for subsistence prescribed under paragraph (1).

(c) CONTINUATION OF BAS TRANSITIONAL AUTHORITY.—Notwithstanding the repeal of subsections (c) through (f) of section 602 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 402 note) by section 603(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–145), the basic allowance for subsistence shall be paid in accordance with such subsections for October, November, and December of 2001.

(d) ELIGIBILITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE.—Section 402a(b)(1) of title 37, United States Code, is amended by inserting ''with dependents'' after ''a member of the armed forces''.

SEC. 605. ELIGIBILITY FOR TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS BETWEEN PERMANENT DUTY STATIONS.

(a) REPEAL OF PAY GRADE LIMITATION.—Section 403(i) of title 37, United States Code, is amended by striking ''who is in a pay grade E–4 (4 or more years of service) or above''.

(b) EFFECTIVE DATE; APPLICATION.—The amendment made by this section shall take effect on January 1, 2003, and apply to members of the uniformed services in a travel or leave status between permanent duty stations on or after that date.

SEC. 606. UNIFORM ALLOWANCE FOR OFFICERS.

(a) RELATION TO INITIAL UNIFORM ALLOWANCE.—Section 416(b)(1) of title 37, United States Code, is amended by striking ''$200'' and inserting ''$400''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as of October 1, 2000.

SEC. 607. FAMILY SEPARATION ALLOWANCE FOR MEMBERS ELECTING UNACCOMPANIED TOUR BY REASON OF HEALTH LIMITATIONS OF DEPENDENTS.

(a) ENTITLEMENT TO ALLOWANCE.—Section 427(c) of title 37, United States Code, is amended—

(1) by striking ''A member'' in the first sentence and inserting ''(1) Except as provided in paragraph (2) or (3), a member'';

(2) in the second sentence, by striking ''The Secretary concerned may waive the preceding sentence'' and inserting the following:

''(3) The Secretary concerned may waive paragraph (1)''; and

(3) by inserting after the first sentence the following new paragraph:

''(2) The prohibition in the first sentence of paragraph (1) does not apply to a member who elects to serve an unaccompanied tour of duty because a dependent cannot accompany the member to or at that permanent station for certified medical reasons.''.

(b) APPLICATION OF AMENDMENT.—Paragraph (2) of section 427(c) of title 37, United States Code, as added by subsection (a)(3), shall apply with respect to pay periods beginning on or after January 1, 2002, for a member of the uniformed services covered by such paragraph regardless of the date on which the member first made the election to serve an unaccompanied tour of duty.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking ''January 1, 2002'' and inserting ''January 1, 2003''.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by

striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

SEC. 615. HAZARDOUS DUTY PAY FOR MEMBERS OF MARITIME VISIT, BOARD, SEARCH, AND SEIZURE TEAMS.

(a) ADDITIONAL TYPE OF DUTY ELIGIBLE FOR PAY.—Section 301(a) of title 37, United States Code, is amended—

(1) in paragraph (10), by striking ''or'' at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph:

''(11) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations; or''.

(b) MONTHLY AMOUNT.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''(10)'' and inserting ''(11)''; and

(2) in paragraph (2)(A), by striking ''(11)'' and inserting ''(12)''.

(c) APPLICATION OF AMENDMENT.—Paragraph (11) of section 301(a) of title 37, United States Code, as added by subsection (a)(3), shall apply to duty described in such paragraph that is performed on or after January 1, 2002.

SEC. 616. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by inserting before the period at the end the following: ''or is within one year of completing such commitment''.

(b) SURFACE WARFARE OFFICERS.—Section 319(a)(3) of such title is amended by inserting before the period at the end the following: ''or is within one year of completing such commitment''.

SEC. 617. SECRETARIAL DISCRETION IN PRESCRIBING SUBMARINE DUTY INCENTIVE PAY RATES.

(a) AUTHORITY OF SECRETARY OF THE NAVY; MAXIMUM RATE.—Subsection (b) of section 301c of title 37, United States Code, is amended to read as follows:

''(b) MONTHLY RATES.—The Secretary of the Navy shall prescribe the monthly rates of submarine duty incentive pay, except that the maximum monthly rate may not exceed $1,000.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) by inserting ''ELIGIBILITY REQUIREMENTS.—'' after ''(a)''; and

(B) by striking ''set forth in'' each place it appears and inserting ''prescribed pursuant to'';

(2) in subsection (c), by inserting ''EXCEPTIONS.—'' after ''(c)''; and

(3) in subsection (d)—

(A) by inserting ''APPLICABILITY TO CERTAIN NAVAL RESERVE DUTY.—'' after ''(d)''; and

(B) by striking ''authorized by'' and inserting ''prescribed pursuant to''.

(c) TRANSITION.—The tables set forth in subsection (b) of section 301c of title 37, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply until the later of the following:

(1) January 1, 2002.

(2) The date on which the Secretary of the Navy prescribes new submarine duty incentive pay rates as authorized by the amendment made by subsection (a).

SEC. 618. CONFORMING ACCESSION BONUS FOR DENTAL OFFICERS AUTHORITY WITH AUTHORITIES FOR OTHER SPECIAL PAY AND BONUSES.

Section 302h(a)(1) of title 37, United States Code, is amended by striking ''the date of the enactment of this section, and ending on September 30, 2002'' and inserting ''September 23, 1996, and ending on December 31, 2002''.

SEC. 619. MODIFICATION OF ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL READY RESERVE BONUS FOR REENLISTMENT, ENLISTMENT, OR EXTENSION OF ENLISTMENT.

(a) ELIGIBILITY BASED ON QUALIFICATIONS IN CRITICALLY SHORT WARTIME SKILLS OR SPECIALTIES.—Subsection (a) of section 308h of title 37, United States Code, is amended to read as follows:

''(a) AUTHORITY AND ELIGIBILITY REQUIREMENTS.—(1) The Secretary concerned may pay a bonus as provided in subsection (b) to an eligible person who reenlists, enlists, or voluntarily extends an enlistment in a reserve component of an armed force for assignment to an element (other than the Selected Reserve) of the Ready Reserve of that armed force if the reenlistment, enlistment, or extension is for a period of three years, or for a period of six years, beyond any other period the person is obligated to serve.

''(2) A person is eligible for a bonus under this section if the person—

''(A) is or has been a member of an armed force;

''(B) is qualified in a skill or specialty designated by the Secretary concerned as a critically short wartime skill or critically short wartime specialty; and

''(C) has not failed to complete satisfactorily any original term of enlistment in the armed forces.

''(3) For the purposes of this section, the Secretary concerned may designate a skill or specialty as a critically short wartime skill or critically short wartime specialty for an armed force under the jurisdiction of the Secretary if the Secretary determines that—

''(A) the skill or specialty is critical to meet wartime requirements of the armed force; and

''(B) there is a critical shortage of personnel in that armed force who are qualified in that skill or specialty.''.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by inserting ''BONUS AMOUNTS; PAYMENT.—'' after ''(b)'';

(2) in subsection (c), by inserting ''REPAYMENT OF BONUS.—'' after ''(c)'';

(3) in subsection (d), by inserting ''TREATMENT OF REIMBURSEMENT OBLIGATION.—'' after ''(d)'';

(4) in subsection (e), by inserting ''EFFECT OF BANKRUPTCY.—'' after ''(e)'';

(5) in subsection (f), by inserting ''REGULATIONS.—'' after ''(f)''; and

(6) in subsection (g), by inserting ''TERMINATION OF AUTHORITY.—'' after ''(g)''.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall prescribe such regulations as may be necessary for administering subsection (a) of section 308h of title 37, United States Code, as amended by this section.

(d) APPLICATION OF AMENDMENT.—Subsection (a) of section 308h of title 37, United States Code, as amended by this section, shall apply with respect to reserve component reenlistments, enlistments, and extensions of enlistments that are executed on or after the first day of the first month that begins more than 180 days after the date of the enactment of this Act. Subsection (a) of such section 308h, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to reserve component reenlistments, enlistments, and extensions of enlistments that are executed before the first day of that first month.

SEC. 620. INSTALLMENT PAYMENT AUTHORITY FOR 15-YEAR CAREER STATUS BONUS.

(a) MEMBER ELECTION.—Section 322(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''paid in a single lump sum of'' and inserting ''equal to'';

(2) by redesignating paragraph (2) as paragraph (4), and in such paragraph, by striking ''The bonus'' and inserting ''The lump sum payment of the bonus, and the first installment payment in the case of members who elect to receive the bonus in installments,''; and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) A member electing to receive the bonus under this section shall elect one of the following payment options:

''(A) A single lump sum of $30,000.

''(B) Two installments of $15,000 each.

''(C) Three installments of $10,000 each.

''(D) Four installments of $7,500 each.

''(E) Five installments of $6,000 each.

''(3) If a member elects installment payments under paragraph (2), the second installment (and subsequent installments, as applicable) shall be paid on the earlier of the following dates:

''(A) The annual anniversary date of the payment of the first installment.

''(B) January 15 of each succeeding calendar year.''.

(b) APPLICATION TO EXISTING AGREEMENTS.—The Secretary concerned (as defined in section 101(5) of title 37, United States Code) shall extend to each member of the uniformed services who has executed the written agreement required by subsection (a)(2) of section 322 of such title before the date of the enactment of this Act, but who has not received the lump sum payment by that date, an opportunity to make the election authorized by subsection (d) of such section, as amended by this section.

SEC. 621. ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.

(a) BONUS AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 324. Special pay: accession bonus for new officers in critical skills

''(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement to accept a commission as an officer of the armed forces and serve on active duty in a designated critical officer skill for the period specified in the agreement may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(b) DESIGNATION OF CRITICAL OFFICER SKILLS.—(1) The Secretary concerned shall designate the critical officer skills for the purposes of this section. A skill may be designated as a critical officer skill for an armed force under this subsection if—

''(1) in order to meet requirements of the armed force, it is critical for the armed force to have a sufficient number of officers who are qualified in that skill; and

''(2) in order to mitigate a current or projected significant shortage of personnel in the armed force who are qualified in that skill, it is critical to access into that armed force in sufficient numbers persons who are qualified in that skill or are to be trained in that skill.

''(c) LIMITATION ON AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $60,000.

''(d) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid by the Secretary in a lump sum or installments.

''(e) RELATION TO OTHER ACCESSION BONUS AUTHORITY.—An individual may not receive an accession bonus under this section and section 302d, 302h, 302j, or 312b of this title for the same period of service.

''(f) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) An individual who, after having received all or part of

the accession bonus under an agreement referred to in subsection (a), fails to accept a commission as an officer or to commence or complete the total period of active duty service specified in the agreement shall repay to the United States the amount that bears the same ratio to the total amount of the bonus authorized for such person as the unserved part of the period of agreed active duty service bears to the total period of the agreed active duty service. However, the amount required to be repaid by the individual may not exceed the amount of the accession bonus that was paid to the individual.

''(2) Subject to paragraph (3), an obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

''(3) The Secretary concerned may waive, in whole or in part, the repayment requirement under paragraph (1) on a case-by-case basis if the Secretary concerned determines that repayment would be against equity and good conscience or would be contrary to the best interests of the United States.

''(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2002.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''324. Special pay: accession bonus for new officers in critical skills.''.

SEC. 622. EDUCATION SAVINGS PLAN TO ENCOURAGE REENLISTMENTS AND EXTENSIONS OF SERVICE IN CRITICAL SPECIALTIES.

(a) ESTABLISHMENT OF SAVINGS PLAN.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 324, as added by section 621, the following new section:

''§ 325. Incentive bonus: savings plan for education expenses and other contingencies

''(a) BENEFIT AND ELIGIBILITY.—The Secretary concerned may purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

''(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

''(2) A member who, after completing three years of service on active duty, but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

''(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

''(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether or not such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

''(1) is not less than six years; and

''(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

''(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—

''(1) in the case of an enlisted member, a reenlistment; and

''(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

''(d) AMOUNTS OF BONDS.—The total of the face amounts of the United States savings bonds authorized to be purchased for a member under this section for a commitment shall be as follows:

''(1) In the case of a purchase for a member under paragraph (1) of subsection (a), $5,000.

''(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

''(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of $30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

''(e) TOTAL AMOUNT OF BENEFIT.—The total amount of the benefit authorized for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

''(1) the purchase price of the United States savings bonds; and

''(2) the amounts that would be deducted and withheld for the payment of individual income taxes if the total amount computed under this subsection for that commitment were paid to the member as a bonus.

''(f) AMOUNT WITHHELD FOR TAXES.—The total amount payable for a member under subsection (e)(2) for a commitment by that member shall be withheld, credited, and otherwise treated in the same manner as amounts deducted and withheld from the basic pay of the member.

''(g) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) If a person fails to complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall refund to the United States the amount that bears the same ratio to the total amount paid for the person (as computed under subsection (e)) for that particular commitment as the uncompleted part of the period of qualifying service bears to the total period of the qualifying service for which obligated.

''(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment or other agreement under this section does not discharge the person signing such enlistment or other agreement from a debt arising under the enlistment or agreement, respectively, or this subsection.

''(h) RELATIONSHIP TO OTHER SPECIAL PAYS.—The benefit authorized under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

''(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 324, as added by section 621(b), the following new item:

''325. Incentive bonus: savings plan for education expenses and other contingencies.''.

(b) APPLICATION OF AMENDMENT.—Section 325 of title 37, United States Code, as added by subsection (a), shall apply with respect to reenlistments and other agreements for qualifying service, as described in that section, that are entered into on or after October 1, 2001.

(c) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, $20,000,000 may be available in that fiscal year for the purchase of United States savings bonds under section 325 of title 37, United States Code, as added by subsection (a).

SEC. 623. CONTINUATION OF PAYMENT OF SPECIAL AND INCENTIVE PAY AT UNREDUCED RATES DURING STOP LOSS PERIODS.

(a) AUTHORITY TO CONTINUE.—(1) Chapter 17 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 909. Special and incentive pay: payment at unreduced rates during suspension of personnel laws

''(a) AUTHORITY TO CONTINUE PAYMENT AT UNREDUCED RATES.—To ensure fairness and recognize the contributions of members of the armed forces to military essential missions, the Secretary of the military department concerned may authorize members who are involuntarily retained on active duty under section 123 or 12305 of title 10 or any other provision of law and who, immediately before retention on active duty, were entitled or eligible for special pay or incentive pay under chapter 5 of this title, to receive that special pay or incentive pay for qualifying service performed during the retention period, without a reduction in the payment rate below the rate the members received immediately before retention on active duty, notwithstanding any requirement otherwise applicable to that special pay or incentive pay that would reduce the payment rate by reason of the years of service of the members.

''(b) SUSPENSION DURING TIME OF WAR.—Subsection (a) does not apply with respect to a special pay or incentive pay under chapter 5 of this title, whenever the authority to provide that special pay or incentive pay is suspended by the President or the Secretary of Defense during a time of war.

''(c) QUALIFYING SERVICE DEFINED.—In this section, the term 'qualifying service' means service for which a particular special pay or incentive pay is payable under the authority of a provision of chapter 5 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''909. Special and incentive pay: payment at unreduced rates during suspension of personnel laws.''.

(b) APPLICATION OF AMENDMENTS.—Section 909 of title 37, United States Code, as added by subsection (a)(1), shall apply with respect to pay periods beginning after September 11, 2001.

SEC. 624. RETROACTIVE AUTHORIZATION FOR IMMINENT DANGER PAY FOR SERVICE IN CONNECTION WITH OPERATION ENDURING FREEDOM.

(a) RETROACTIVE AUTHORIZATION.—The Secretary of Defense may provide for the payment of imminent danger pay under section 310 of title 37, United States Code, to members of the Armed Forces assigned to duty in the areas specified in subsection (b) in connection with the contingency operation known as Operation Enduring Freedom with respect to periods of duty served in those areas during the period beginning on September 19, 2001, and ending October 31, 2001.

(b) SPECIFIED AREAS.—The areas referred to in subsection (a) are the following:

(1) The land areas of Kyrgyzstan, Oman, the United Arab Emirates, and Uzbekistan.

(2) The Red Sea, the Gulf of Aden, the Gulf of Oman, and the Arabian Sea (that portion north of 10° north latitude and west of 68° east longitude).

Subtitle C—Travel and Transportation Allowances

SEC. 631. MINIMUM PER DIEM RATE FOR TRAVEL AND TRANSPORTATION ALLOWANCE FOR TRAVEL PERFORMED UPON A CHANGE OF PERMANENT STATION AND CERTAIN OTHER TRAVEL.

Section 404(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(5) Effective January 1, 2003, the per diem rates established under paragraph (2)(A) for travel performed in connection with a change of permanent station or for travel described in paragraph (2) or (3) of subsection (a) shall be equal to the standard per diem rates established in the Federal travel regulation for travel within the continental United States of civilian employees and their dependents, unless the Secretaries concerned determine that a higher rate for members is more appropriate.''.

SEC. 632. ELIGIBILITY FOR PAYMENT OF SUBSISTENCE EXPENSES ASSOCIATED WITH OCCUPANCY OF TEMPORARY LODGING INCIDENT TO REPORTING TO FIRST PERMANENT DUTY STATION.

(a) INCLUSION OF OFFICERS.—Subsection (a)(2)(C) of section 404a of title 37, United States Code, is amended by striking ''an enlisted member'' and inserting ''a member''.

(b) INCREASE IN MAXIMUM DAILY AUTHORIZED RATE.—Subsection (e) of such section is amended by striking ''$110'' and inserting ''$180''.

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order issued on or after that date to a member of the uniformed services to report to the member's first permanent duty station.

SEC. 633. REIMBURSEMENT OF MEMBERS FOR MANDATORY PET QUARANTINE FEES FOR HOUSEHOLD PETS.

(a) INCREASE IN MAXIMUM REIMBURSEMENT AMOUNT.—Section 406(a)(1) of title 37, United States Code, is amended in the last sentence by striking ''$275'' and inserting ''$550''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to the reimbursement of members of the uniformed services for mandatory pet quarantine fees incurred in connection with the mandatory quarantine of a household pet underway on the date of the enactment of this Act or beginning on or after that date.

SEC. 634. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR JUNIOR ENLISTED MEMBERS.

(a) INCREASED WEIGHT ALLOWANCES.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended—

(1) by striking the two footnotes; and

(2) by striking the items relating to pay grade E–1 through E–4 and inserting the following new items:

''E–4	*7,000*	*8,000*
''E–3	*5,000*	*8,000*
''E–2	*5,000*	*8,000*
''E–1	*5,000*	*8,000''.*

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

SEC. 635. ELIGIBILITY OF ADDITIONAL MEMBERS FOR DISLOCATION ALLOWANCE.

(a) ELIGIBILITY FOR PRIMARY DISLOCATION ALLOWANCE.—Subsection (a) of section 407 of title 37, United States Code, is amended—

(1) in paragraph (2), by adding at the end the following new subparagraphs:

''(F) A member whose dependents actually move from the member's place of residence in connection with the performance of orders for the member to report to the member's first permanent duty station if the move—

''(i) is to the permanent duty station or a designated location; and

''(ii) is an authorized move.

''(G) Each of two members married to each other who—

''(i) is without dependents;

''(ii) actually moves with the member's spouse to a new permanent duty station; and

''(iii) is assigned to family quarters of the United States at or in the vicinity of the new duty station.''; and

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

''(4) If a primary dislocation allowance is payable to two members described in paragraph (2)(G) who are married to each other, the amount of the allowance payable to such members shall be the amount otherwise payable under this subsection to the member in the higher pay grade, or to either member if both members are in the same pay grade. The allowance shall be paid jointly to both members.''.

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by inserting ''(except as provided in subsection (a)(2)(F))'' after ''first duty station''.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to an order issued on or after January 1, 2002, in connection with a change of permanent station or for a member of the uniformed services to report to the member's first permanent duty station.

SEC. 636. PARTIAL DISLOCATION ALLOWANCE AUTHORIZED FOR HOUSING MOVES ORDERED FOR GOVERNMENT CONVENIENCE.

(a) AUTHORIZATION OF PARTIAL DISLOCATION ALLOWANCE.—Section 407 of title 37, United States Code is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

''(f) PARTIAL DISLOCATION ALLOWANCE.—(1) Under regulations prescribed by the Secretary concerned, a member ordered to occupy or vacate family housing provided by the United States to permit the privatization or renovation of housing or for any other reason (other than pursuant to a permanent change of station) may be paid a partial dislocation allowance of $500.

''(2) Effective on the same date that the monthly rates of basic pay for all members are increased under section 1009 of this title or another provision of law, the Secretary of Defense shall adjust the rate of the partial dislocation allowance authorized by this subsection by the percentage equal to the average percentage increase in the rates of basic pay.

''(3) Subsections (c) and (d) do not apply to the partial dislocation allowance authorized by this subsection.''.

(b) APPLICATION OF AMENDMENT.—Subsection (f) of title 37, United States Code, as added by subsection (a)(2), shall apply with respect to an order to move for a member of a uniformed service that is issued on or after the date of the enactment of this Act.

SEC. 637. ALLOWANCES FOR TRAVEL PERFORMED IN CONNECTION WITH MEMBERS TAKING AUTHORIZED LEAVE BETWEEN CONSECUTIVE OVERSEAS TOURS.

Section 411b(a)(1) of title 37, United States Code, is amended by striking '', or his designee, or to a place no farther distant than his home of record''.

SEC. 638. TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO ATTEND BURIAL OF A DECEASED MEMBER OF THE UNIFORMED SERVICES.

(a) CONSOLIDATION OF AUTHORITIES.—Section 411f of title 37, United States Code, is amended to read as follows:

''§ 411f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies

''(a) ALLOWANCES AUTHORIZED.—(1) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty or inactive duty in order that the eligible relatives may attend the burial ceremony of the deceased member.

''(2) The Secretary concerned may also provide round trip travel and transportation allowances to an attendant who accompanies an eligible relative provided travel and transportation allowances under paragraph (1) for travel to the burial ceremony if the Secretary concerned determines that—

''(A) the accompanied eligible relative is unable to travel unattended because of age, physical condition, or other justifiable reason; and

''(B) there is no other eligible relative of the deceased member traveling to the burial ceremony who is eligible for travel and transportation allowances under paragraph (1) and is qualified to serve as the attendant.

''(b) LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3), allowances under subsection (a) are limited to travel and transportation to a location in the United States, Puerto Rico, and the possessions of the United States and may not exceed the rates for two days and the time necessary for such travel.

''(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the allowances authorized under subsection (a) may be provided to and from such place and may not exceed the rates for two days and the time necessary for such travel.

''(3) If a deceased member is interred in a cemetery maintained by the American Battle Monuments Commission, the travel and transportation allowances authorized under subsection (a) may be provided to and from such cemetery and may not exceed the rates for two days and the time necessary for such travel.

''(c) ELIGIBLE RELATIVES.—(1) The following members of the family of a deceased member of the uniformed services are eligible for the travel and transportation allowances under subsection (a)(1):

''(A) The surviving spouse (including a remarried surviving spouse) of the deceased member.

''(B) The unmarried child or children of the deceased member referred to in section 401(a)(2) of this title.

''(C) If no person described in subparagraph (A) or (B) is provided travel and transportation allowances under subsection (a)(1), the parent or parents of the deceased member (as defined in section 401(b)(2) of this title).

''(2) If no person described in paragraph (1) is provided travel and transportation allowances under subsection (a)(1), the travel and transportation allowances may be provided to—

''(A) the person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled

and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made; and

''(B) up to two additional persons closely related to the deceased member who are selected by the person referred to in subparagraph (A).

''(d) EXPANDED ALLOWANCES RELATED TO RECOVERY OF REMAINS FROM VIETNAM CONFLICT.—(1) The Secretary of Defense may provide round trip travel and transportation allowances for the family of a deceased member of the armed forces who died while classified as a prisoner of war or as missing in action during the Vietnam conflict and whose remains are returned to the United States in order that the family members may attend the burial ceremony of the deceased member.

''(2) The allowances under paragraph (1) shall include round trip transportation from the places of residence of such family members to the burial ceremony and such living expenses and other allowances as the Secretary of Defense considers appropriate.

''(3) For purposes of paragraph (1), eligible family members of the deceased member of the armed forces include the following:

''(A) The surviving spouse (including a remarried surviving spouse) of the deceased member.

''(B) The child or children, including children described in section 401(b)(1) of this title, of the deceased member.

''(C) The parent or parents of the deceased member (as defined in section 401(b)(2) of this title).

''(D) If no person described in subparagraph (A), (B), or (C) is provided travel and transportation allowances under paragraph (1), any brothers, sisters, halfbrothers, halfsisters, stepbrothers, and stepsisters of the deceased member.

''(e) BURIAL CEREMONY DEFINED.—In this section, the term 'burial ceremony' includes the following:

''(1) An interment of casketed or cremated remains.

''(2) A placement of cremated remains in a columbarium.

''(3) A memorial service for which reimbursement is authorized under section 1482(d)(2) of title 10.

''(4) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

''(f) REGULATIONS.—The Secretaries concerned shall prescribe uniform regulations to carry out this section.''.

(b) REPEAL OF SUPERSEDED LAWS; CONFORMING AMENDMENT.—(1) Section 1482 of title 10, United States Code, is amended by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 1481(a)(9) of such title is amended by striking ''section 1482(g)'' and inserting ''section 1482(f)''.

(3) The Funeral Transportation and Living Expense Benefits Act of 1974 (Public Law 93–257; 37 U.S.C. 406 note) is repealed.

(c) APPLICATION OF AMENDMENT.—Section 411f of title 37, United States Code, as amended by subsection (a), shall apply with respect to burial ceremonies of deceased members of the uniformed services that occur on or after the date of the enactment of this Act.

SEC. 639. FUNDED STUDENT TRAVEL FOR FOREIGN STUDY UNDER AN EDUCATION PROGRAM APPROVED BY A UNITED STATES SCHOOL.

(a) AVAILABILITY OF ALLOWANCE.—Subsection (a) of section 430 of title 37, United States Code, is amended to read as follows:

''(a) AVAILABILITY OF ALLOWANCE.—(1) Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid the allowance set forth in subsection (b) if the member—

''(A) is assigned to a permanent duty station outside the continental United States;

''(B) is accompanied by the member's dependents at or near that duty station (unless the member's only dependents are in the category of dependent described in paragraph (2)); and

''(C) has an eligible dependent child described in paragraph (2).

''(2) A eligible dependent child of a member referred to in paragraph (1)(C) is a child who—

''(A) is under 23 years of age and unmarried;

''(B) is enrolled in a school in the continental United States for the purpose of obtaining a formal education; and

''(C) is attending that school or is participating in a foreign study program approved by that school and, pursuant to that foreign study program, is attending a school outside the United States for a period of not more than one year.''.

(b) TYPE OF ALLOWANCE AUTHORIZED.—Subsection (b) of such section is amended—

(1) by inserting ''ALLOWANCE AUTHORIZED.—'' after ''(b)'';

(2) in the first sentence of paragraph (1), by striking ''each unmarried dependent child,'' and all that follows through ''the school being attended'' and inserting ''each eligible dependent child of the member of one annual trip between the school being attended by that child''; and

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

''(3) The transportation allowance paid under paragraph (1) for an annual trip of an eligible dependent child who is attending a school outside the United States may not exceed the transportation allowance that would be paid under this section for the annual trip of that child between the child's school in the continental United States and the member's duty station outside the continental United States and return.''.

(c) CLERICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c), by inserting ''USE OF AIRLIFT AND SEALIFT COMMAND.—'' after ''(c)'';

(2) in subsection (d)—

(A) by inserting ''ATTENDANCE AT SCHOOL IN ALASKA OR HAWAII.—'' after ''(d)''; and

(B) by striking ''subsection (a)(3)'' and inserting ''subsection (a)(2)'';

(3) in subsection (e), by inserting ''EXCEPTION.—'' after ''(e)''; and

(4) in subsection (f), by inserting ''DEFINITIONS.—'' after ''(f)''.

(d) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to travel described in subsection (b) of section 430 of title 37, United States Code, as amended by this section, that commences on or after the date of the enactment of this Act.

Subtitle D—Retirement and Survivor Benefit Matters

SEC. 641. CONTINGENT AUTHORITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION AND ENHANCEMENT OF SPECIAL COMPENSATION AUTHORITY.

(a) RESTORATION OF RETIRED PAY BENEFITS.—Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation; contingent authority

''(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Subject to subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38, subject to the enactment of qualifying offsetting legislation as specified in subsection (f).

''(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

''(d) DEFINITIONS.—In this section:

''(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

''(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(12) of title 38.

''(e) EFFECTIVE DATE.—If qualifying offsetting legislation (as defined in subsection (f)) is enacted, the provisions of subsection (a) shall take effect on—

''(1) the first day of the first month beginning after the date of the enactment of such qualifying offsetting legislation; or

''(2) the first day of the fiscal year that begins in the calendar year in which such legislation is enacted, if that date is later than the date specified in paragraph (1).

''(f) EFFECTIVENESS CONTINGENT ON ENACTMENT OF OFFSETTING LEGISLATION.—(1) The provisions of subsection (a) shall be effective only if—

''(A) the President, in the budget for any fiscal year, proposes the enactment of legislation that, if enacted, would be qualifying offsetting legislation; and

''(B) after that budget is submitted to Congress, there is enacted qualifying offsetting legislation.

''(2) In this subsection:

''(A) The term 'qualifying offsetting legislation' means legislation (other than an appropriations Act) that includes provisions that—

''(i) offset fully the increased outlays to be made by reason of the provisions of subsection (a) for each of the first 10 fiscal years beginning after the date of the enactment of such legislation;

''(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

''(iii) are included in full on the PayGo scorecard.

''(B) The term 'PayGo scorecard' means the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the ten fiscal years following the date of the enactment of the legislation that is qualifying offsetting legislation for purposes of this section.''.

(b) CONFORMING TERMINATION OF SPECIAL COMPENSATION PROGRAM.—Section 1413(a) of such title is amended by adding at the end the following new sentence: ''If the provisions of subsection (a) of section 1414 of this title become effective in accordance with subsection (f) of that section, payments under this section shall be terminated effective as of the month beginning on the effective date specified in subsection (e) of that section.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation; contingent authority.''.

(d) PROHIBITION OF RETROACTIVE BENEFITS.—If the provisions of subsection (a) of section 1414 of title 10, United States Code, becomes effective in accordance with subsection (f) of that section, no benefit may be paid to any person by reason of those provisions for any period before the effective date specified in subsection (e) of that section.

(e) ENHANCEMENT OF SPECIAL COMPENSATION AUTHORITY.—(1) Subsection (b) of section 1413 of title 10, United States Code, is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) For payments for months beginning with February 2002 and ending with December 2002, the following:

''(A) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

''(B) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

''(C) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

''(D) For any month for which the retiree has a qualifying service-connected disability rated as 60 percent, $50.

''(2) For payments for months beginning with January 2003 and ending with September 2004, the following:

''(A) For any month for which the retiree has a qualifying service-connected disability rated as total, $325.

''(B) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $225.

''(C) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent, $125.

''(D) For any month for which the retiree has a qualifying service-connected disability rated as 70 percent, $100.

''(E) For any month for which the retiree has a qualifying service-connected disability rated as 60 percent, $50.

''(3) For payments for months after September 2004, the following:

''(A) For any month for which the retiree has a qualifying service-connected disability rated as total, $350.

''(B) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $250.

''(C) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent, $150.

''(D) For any month for which the retiree has a qualifying service-connected disability rated as 70 percent, $125.

''(E) For any month for which the retiree has a qualifying service-connected disability rated as 60 percent, $50.''.

(2) Subsection (d)(2) of such section is amended by striking ''70 percent'' and inserting ''60 percent''.

(3) The amendments made by this subsection shall take effect on February 1, 2002.

SEC. 642. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES OF MEMBERS WHO DIE WHILE ON ACTIVE DUTY AND NOT ELIGIBLE FOR RETIREMENT.

(a) SURVIVING SPOUSE ANNUITY.—Paragraph (1) of section 1448(d) of title 10, United States Code, is amended to read as follows:

''(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

''(A) a member who dies while on active duty after—

''(i) becoming eligible to receive retired pay;

''(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

''(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

''(B) a member not described in subparagraph (A) who dies in line of duty while on active duty.''.

(b) COMPUTATION OF ANNUITY.—Section 1451(c)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by striking ''based upon his years of active service when he died.'' and inserting ''when he died determined as follows:

''(i) In the case of an annuity provided under section 1448(d) of this title (other than in a case covered by clause (ii)), such retired pay shall be computed as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

''(ii) In the case of an annuity provided under section 1448(d)(1)(A) of this title by reason of the death of a member not in line of duty, such retired pay shall be computed based upon the member's years of active service when he died.

''(iii) In the case of an annuity provided under section 1448(f) of this title, such retired pay shall be computed based upon the member or former member's years of active service when he died computed under section 12733 of this title.''; and

(2) in subparagraph (B)(i), by striking ''if the member or former member'' and all that follows and inserting ''as determined under subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—(1) The heading for subsection (d) of section 1448 of such title is amended by striking ''RETIREMENT-ELIGIBLE''.

(2) Subsection (c)(3) of section 1451 of such title is amended by striking ''1448(d)(1)(B) or 1448(d)(1)(C)'' and inserting ''clause (ii) or (iii) of section 1448(d)(1)(A)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle E—Other Matters

SEC. 651. PAYMENT FOR UNUSED LEAVE IN EXCESS OF 60 DAYS ACCRUED BY MEMBERS OF RESERVE COMPONENTS ON ACTIVE DUTY FOR ONE YEAR OR LESS.

(a) ELIGIBILITY.—Section 501(b)(5) of title 37, United States Code, is amended by—

(1) striking ''or'' at the end of subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) adding at the end the following new subparagraph:

''(D) by a member of a reserve component while serving on active duty, full-time National Guard duty, or active duty for training for a period of more than 30 days but not in excess of 365 days.''.

(b) APPLICATION OF AMENDMENT.—Subparagraph (D) of section 501(b)(5) of title 37, United States Code, as added by subsection (a)(3), shall apply with respect to periods of active duty beginning on or after October 1, 2001.

SEC. 652. ADDITIONAL AUTHORITY TO PROVIDE ASSISTANCE FOR FAMILIES OF MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—During fiscal year 2002, the Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty in order to ensure that the children of such members obtain needed child care, education, and other youth services.

(b) PRIMARY PURPOSE OF ASSISTANCE.—The assistance authorized by this section should be directed primarily toward providing needed family support, including child care, education, and other youth services, for children of members of the Armed Forces who are deployed, assigned to duty, or ordered to active duty in connection with the contingency operation known as Operation Enduring Freedom.

SEC. 653. AUTHORIZATION OF TRANSITIONAL COMPENSATION AND COMMISSARY AND EXCHANGE BENEFITS FOR DEPENDENTS OF COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WHO ARE SEPARATED FOR DEPENDENT ABUSE.

(a) COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following new paragraph:

''(17) Section 1059, Transitional compensation and commissary and exchange benefits for dependents of members separated for dependent abuse.''.

(b) COMMISSIONED OFFICERS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3(a) of the Act entitled ''An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard' '', approved August 10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the end the following new paragraph:

''(17) Section 1059, Transitional compensation and commissary and exchange benefits for dependents of members separated for dependent abuse.''.

SEC. 654. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL BY MEMBERS OF THE ARMED FORCES WITH CRITICAL MILITARY SKILLS.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

''§3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills

''(a) IN GENERAL.—Subject to the provisions of this section, each Secretary concerned may, for the purpose of enhancing recruitment and retention of members of the Armed Forces with critical military skills and at such Secretary's sole discretion, permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

''(1) has completed six years of service in the Armed Forces;

''(2) either—

''(A) has a critical military skill designated by the Secretary concerned for purposes of this section; or

''(B) is in a military specialty designated by the Secretary concerned for purposes of this section as requiring critical military skills; and

''(3) enters into an agreement to serve at least four more years as a member of the Armed Forces.

''(c) ELIGIBLE DEPENDENTS.—An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement as follows:

''(1) To the individual's spouse.

''(2) To one or more of the individual's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by an individual under this section may not exceed 18 months.

''(e) DESIGNATION OF TRANSFEREE.—An individual transferring an entitlement to basic educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of the individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

''(2)(A) An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the individual making the transfer of six years of service in the Armed Forces; or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the individual making the transfer of 10 years of service in the Armed Forces; and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (4) and (5), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

''(3) The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(4) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(5) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

''(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(i) OVERPAYMENT.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

''(2) Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(3) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of basic educational assistance under paragraph (1).

''(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

''(A) by reason of the death of the individual; or

''(B) for a reason referred to in section 3011(a)(1)(A)(ii)(I) of this title.

''(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to basic educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of title 10 in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of basic educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

''(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (h)(5) to a dependent to whom entitlement is transferred under this section.

''(l) ANNUAL REPORT.—(1) Not later than January 31 each year (beginning in 2003), the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the transfers of entitlement to basic educational assistance under this section that were approved by each Secretary concerned during the preceding fiscal year.

''(2) Each report shall set forth—

''(A) the number of transfers of entitlement under this section that were approved by such Secretary during the preceding fiscal year; or

''(B) if no transfers of entitlement under this section were approved by such Secretary during that fiscal year, a justification for such Secretary's decision not to approve any such transfers of entitlement during that fiscal year.

''(m) SECRETARY CONCERNED DEFINED.—Notwithstanding section 101(25) of this title, in this section, the term 'Secretary concerned' means—

''(1) the Secretary of the Army with respect to matters concerning the Army;

''(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

''(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

''(4) the Secretary of the Defense with respect to matters concerning the Coast Guard, or the Secretary of Transportation when it is not operating as a service in the Navy.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

''3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills.''.

(b) TREATMENT UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance under subchapter II of chapter 30 of title 38 attributable to increased usage of benefits as a result of transfers of entitlement to basic educational assistance under section 3020 of that title during such period.''.

(c) PLAN FOR IMPLEMENTATION.—Not later than June 30, 2002, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretaries of the military departments and the Secretary of Transportation propose to exercise the authority granted by section 3020 of title 38, United States Code, as added by subsection (a). The report shall include the regulations prescribed under subsection (k) of that section for purposes of the exercise of the authority.

(d) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, $30,000,000 may be available in fiscal year 2002 for deposit into the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for purposes of covering payments of amounts under subparagraph (D) of section 2006(b)(2) of such title (as added by subsection (b)), as a result of transfers of entitlement to basic educational assistance under section 3020 of title 38, United States Code (as added by subsection (a)).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program Improvements

Sec. 701. Sub-acute and long-term care program reform.
Sec. 702. Prosthetics and hearing aids.
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Subtitle A—TRICARE Program Improvements

SEC. 701. SUB-ACUTE AND LONG-TERM CARE PROGRAM REFORM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

"§ 1074j. Sub-acute care program

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish an effective, efficient, and integrated sub-acute care benefits program under this chapter (hereinafter referred to in this section as the 'program'). Except as otherwise provided in this section, the types of health care authorized under the program shall be the same as those provided under section 1079 of this title. The Secretary, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this section.

''(b) BENEFITS.—(1) The program shall include a uniform skilled nursing facility benefit that shall be provided in the manner and under the conditions described in section 1861(h) and (i) of the Social Security Act (42 U.S.C. 1395x(h) and (i)), except that the limitation on the number of days of coverage under section 1812(a) and (b) of such Act (42 U.S.C. 1395d(a) and (b)) shall not be applicable under the program. Skilled nursing facility care for each spell of illness shall continue to be provided for as long as medically necessary and appropriate.

''(2) In this subsection:

''(A) The term 'skilled nursing facility' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

''(B) The term 'spell of illness' has the meaning given such term in section 1861(a) of such Act (42 U.S.C. 1395x(a)).

''(3) The program shall include a comprehensive, part-time or intermittent home health care benefit that shall be provided in the manner and under the conditions described in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

''1074j. Sub-acute care program.''.

(b) EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.—Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following new subsections:

''(d)(1) The Secretary of Defense shall establish a program to provide extended benefits for eligible dependents, which may include the provision of comprehensive health care services, including case management services, to assist in the reduction of the disabling effects of a qualifying condition of an eligible dependent. Registration shall be required to receive the extended benefits.

''(2) The Secretary of Defense, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this subsection.

''(3) In this subsection:

''(A) The term 'eligible dependent' means a dependent of a member of the uniformed services on active duty for a period of more than 30 days, as described in subparagraph (A), (D), or (I) of section 1072(2) of this title, who has a qualifying condition.

''(B) The term 'qualifying condition' means the condition of a dependent who is moderately or severely mentally retarded, has a serious physical disability, or has an extraordinary physical or psychological condition.

''(e) Extended benefits for eligible dependents under subsection (d) may include comprehensive health care services (including services necessary to maintain, or minimize or prevent deterioration of, function of the patient) and case management services with respect to the qualifying condition of such a dependent, and include, to the extent such benefits are not provided under provisions of this chapter other than under this section, the following:

''(1) Diagnosis.

''(2) Inpatient, outpatient, and comprehensive home health care supplies and services which may include cost effective and medically appropriate services other than part-time or intermittent services (within the meaning of such terms as used in the second sentence of section 1861(m) of the Social Security Act).

''(3) Training, rehabilitation, special education, and assistive technology devices.

''(4) Institutional care in private nonprofit, public, and State institutions and facilities and, if appropriate, transportation to and from such institutions and facilities.

''(5) Custodial care, notwithstanding the prohibition in section 1077(b)(1) of this title.

''(6) Respite care for the primary caregiver of the eligible dependent.

''(7) Such other services and supplies as determined appropriate by the Secretary, notwithstanding the limitations in subsection (a)(13).

''(f)(1) Members shall be required to share in the cost of any benefits provided to their dependents under subsection (d) as follows:

''(A) Members in the lowest enlisted pay grade shall be required to pay the first $25 incurred each month, and members in the highest commissioned pay grade shall be required to pay the first $250 incurred each month. The amounts to be paid by members in all other pay grades shall be determined under regulations to be prescribed by the Secretary of Defense in consultation with the administering Secretaries.

''(B) A member who has more than one dependent incurring expenses in a given month under a plan covered by subsection (d) shall not be required to pay an amount greater than would be required if the member had only one such dependent.

''(2) In the case of extended benefits provided under paragraph (3) or (4) of subsection (e) to a dependent of a member of the uniformed services—

''(A) the Government's share of the total cost of providing such benefits in any month shall not exceed $2,500, except for costs that a member is exempt from paying under paragraph (3); and

''(B) the member shall pay (in addition to any amount payable under paragraph (1)) the amount, if any, by which the amount of such total cost for the month exceeds the Government's maximum share under subparagraph (A).

''(3) A member of the uniformed services who incurs expenses under paragraph (2) for a month for more than one dependent shall not be required to pay for the month under subparagraph (B) of that paragraph an amount greater than the amount the member would otherwise be required to pay under that subparagraph for the month if the member were incurring expenses under that subparagraph for only one dependent.

''(4) To qualify for extended benefits under paragraph (3) or (4) of subsection (e), a dependent of a member of the uniformed services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries.

''(5) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this subsection.''.

(c) DEFINITIONS OF CUSTODIAL CARE AND DOMICILIARY CARE.—Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(8) The term 'custodial care' means treatment or services, regardless of who recommends such treatment or services or where such treatment or services are provided, that—

''(A) can be rendered safely and reasonably by a person who is not medically skilled; or

''(B) is or are designed mainly to help the patient with the activities of daily living.

''(9) The term 'domiciliary care' means care provided to a patient in an institution or homelike environment because—

''(A) providing support for the activities of daily living in the home is not available or is unsuitable; or

''(B) members of the patient's family are unwilling to provide the care.''.

(d) CONTINUATION OF INDIVIDUAL CASE MANAGEMENT SERVICES FOR CERTAIN ELIGIBLE BENEFICIARIES.—(1) Notwithstanding the termination of the Individual Case Management Program by subsection (g), the Secretary of Defense shall, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment as if such program were in effect for home health care or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing chapter 55 of title 10, United States Code.

(2) The determination referred to in paragraph (1) is a determination that discontinuation of payment for services not otherwise provided under such chapter would result in the provision of services inadequate to meet the needs of the eligible beneficiary and would be unjust to such beneficiary.

(3) For purposes of this subsection, ''eligible beneficiary'' means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of this section, was provided custodial care services under the Individual Case Management Program for which the Secretary provided payment.

(e) REPORT ON INITIATIVES REGARDING LONG-TERM CARE.—The Secretary of Defense shall, not later than April 1, 2002, submit to Congress a report on the feasibility and desirability of establishing new initiatives, taking into account chapter 90 of title 5, United States Code, to improve the availability of long-term care for members and retired members of the uniformed services and their families.

(f) REFERENCE IN TITLE 10 TO LONG-TERM CARE PROGRAM IN TITLE 5.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074j (as added by subsection (a)) the following new section:

"§ 1074k. Long-term care insurance

''Provisions regarding long-term care insurance for members and certain former members of the uniformed services and their families are set forth in chapter 90 of title 5.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074j (as added by subsection (a)) the following new item:

''1074k. Long-term care insurance.''.

(g) CONFORMING AMENDMENTS.—(1) The following provisions of law are repealed:

(A) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note).

(B) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1260).

(C) Section 8100 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696).

(2) Section 1079 of title 10, United States Code, is amended in subsection (a) by striking paragraph (17).

SEC. 702. PROSTHETICS AND HEARING AIDS.

Section 1077 of title 10 United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.'';

(2) in subsection (b)(2), by striking ''Hearing aids, orthopedic footwear,'' and inserting ''Orthopedic footwear''; and

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

''(e)(1) Authority to provide a prosthetic device under subsection (a)(15) includes authority to provide the following:

''(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

''(B) Services necessary to train the recipient of the device in the use of the device.

''(C) Repair of the device for normal wear and tear or damage.

''(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

''(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

''(3) A prosthetic device customized for a patient may be provided under this section only by a prosthetic practitioner who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.''.

SEC. 703. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 702, is further amended—

(1) in subsection (a)(12), by striking ''such as wheelchairs, iron lungs, and hospital beds'' and inserting ''which''; and

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

''(f)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

''(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

''(B) Any durable medical equipment that can maximize the patient's function consistent with the patient's physiological or medical needs.

''(C) Wheelchairs.

''(D) Iron lungs.

''(E) Hospital beds.

''(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

''(A) achieving therapeutic benefit for the patient;

''(B) making the equipment serviceable; or

''(C) otherwise assuring the proper functioning of the equipment.''.

(b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

''(5) Durable equipment provided under this section may be provided on a rental basis.''.

SEC. 704. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by sections 702 and 703, is further amended by inserting after paragraph (16) the following new paragraph:

''(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician.''.

SEC. 705. REPORT ON MENTAL HEALTH BENEFITS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine the adequacy of the scope and availability of outpatient mental health benefits provided for members of the Armed Forces and covered beneficiaries under the TRICARE program.

(b) REPORT.—Not later than March 31, 2002, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study, including the conclusions and any recommendations for legislation that the Secretary considers appropriate.

SEC. 706. CLARIFICATION OF ELIGIBILITY FOR REIMBURSEMENT OF TRAVEL EXPENSES OF ADULT ACCOMPANYING PATIENT IN TRAVEL FOR SPECIALTY CARE.

Section 1074i of title 10, United States Code, is amended by inserting before the period at the end the following: ''and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age''.

SEC. 707. TRICARE PROGRAM LIMITATIONS ON PAYMENT RATES FOR INSTITUTIONAL HEALTH CARE PROVIDERS AND ON BALANCE BILLING BY INSTITUTIONAL AND NONINSTITUTIONAL HEALTH CARE PROVIDERS.

(a) INSTITUTIONAL PROVIDERS.—Section 1079(j) of title 10, United States Code, is amended—

(1) in paragraph (2)(A)—

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

(B) by striking ''may be determined under joint regulations'' and inserting ''shall be determined under joint regulations'';

(2) by redesignating subparagraph (B) of paragraph (2) as paragraph (4), and, in such paragraph, as so redesignated, by striking ''subparagraph (A),'' and inserting ''this subsection,''; and

(3) by inserting before paragraph (4), as redesignated by paragraph (2), the following new paragraph (3):

''(3) A contract for a plan covered by this section shall include a clause that prohibits each provider of services under the plan from billing any person covered by the plan for any balance of charges for services in excess of the amount paid for those services under the joint regulations referred to in paragraph (2), except for any unpaid amounts of deductibles or copayments that are payable directly to the provider by the person.''.

(b) NONINSTITUTIONAL PROVIDERS.—Section 1079(h)(4) of such title is amended—

(1) by inserting ''(A)'' after ''(4)''; and

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

''(B) The regulations shall include a restriction that prohibits an individual health care professional (or other noninstitutional health care provider) from billing a beneficiary for services for more than the amount that is equal to—

''(i) the excess of the limiting charge (as defined in section 1848(g)(2) of the Social Security Act (42 U.S.C. 1395w–4(g)(2))) that would be applicable if the services had been provided by the professional (or other provider) as an individual health care professional (or other noninstitutional health care provider) on a nonassignment-related basis under part B of title XVIII of such Act over the amount that is payable by the United States for those services under this subsection, plus

''(ii) any unpaid amounts of deductibles or copayments that are payable directly to the professional (or other provider) by the beneficiary.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 708. IMPROVEMENTS IN ADMINISTRATION OF THE TRICARE PROGRAM.

(a) FLEXIBILITY IN CONTRACTING.—(1) During the one-year period following the date of the enactment of this Act, section 1072(7) of title 10, United States Code, shall be deemed to be amended by striking ''the competitive selection of contractors to financially underwrite''.

(2) The terms and conditions of any contract to provide health care services under the TRICARE program entered into during the period described in paragraph (1) shall not be considered to be modified or terminated as a result of the termination of such period.

(b) REDUCTION OF CONTRACT START-UP TIME.—Section 1095c(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking ''The'' and inserting ''Except as provided in paragraph (3), the''; and

(B) by striking ''contract.'' and all that follows through ''as soon as practicable after the award of the''; and

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

''(3) The Secretary may reduce the nine-month start-up period required under paragraph (1) if—

''(A) the Secretary—

''(i) determines that a shorter period is sufficient to ensure effective implementation of all contract requirements; and

''(ii) submits notification to the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to reduce the nine-month start-up period; and

''(B) 60 days have elapsed since the date of such notification.''.

Subtitle B—Senior Health Care

SEC. 711. CLARIFICATIONS AND IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) CLARIFICATION REGARDING COVERAGE.—Subsection (b) of section 1111 of title 10, United States Code, is amended to read as follows:

''(b) In this chapter:

''(1) The term 'uniformed services retiree health care programs' means the provisions of this title or any other provision of law creating an entitlement to or eligibility for health care for a member or former member of a participating uniformed service who is entitled to retired or retainer pay, and an eligible dependent under such program.

''(2) The term 'eligible dependent' means a dependent described in section 1076(a)(2) (other than a dependent of a member on active duty), 1076(b), 1086(c)(2), or 1086(c)(3) of this title.

''(3) The term 'medicare-eligible', with respect to any person, means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

''(4) The term 'participating uniformed service' means the Army, Navy, Air Force, and Marine Corps, and any other uniformed service that is covered by an agreement entered into under subsection (c).''.

(b) PARTICIPATION OF OTHER UNIFORMED SERVICES.—(1) Section 1111 of such title is further amended by adding at the end the following new subsection:

''(c) The Secretary of Defense may enter into an agreement with any other administering Secretary (as defined in section 1072(3) of this title) for participation in the Fund by a uniformed service under the jurisdiction of that Secretary. Any such agreement shall require that Secretary to determine contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of that Secretary in a

manner comparable to the determination with respect to contributions to the Fund made by the Secretary of Defense under section 1116 of this title, and such administering Secretary may make such contributions.''.

(2) Section 1112 of such title is amended by adding at the end the following new paragraph:

''(4) Amounts paid into the Fund pursuant to section 1111(c) of this title.''.

(3) Section 1115 of such title is amended—

(A) in subsection (a), by inserting ''participating'' before ''uniformed services'';

(B) in subparagraphs (A)(ii) and (B)(ii) of subsection (b)(1), by inserting ''under the jurisdiction of the Secretary of Defense'' after ''uniformed services'';

(C) in subsection (b)(2), by inserting ''(or to the other executive department having jurisdiction over the participating uniformed service)'' after ''Department of Defense''; and

(D) in subparagraphs (A) and (B) of subsection (c)(1), by inserting ''participating'' before ''uniformed services''.

(4) Section 1116(a) of such title is amended in paragraphs (1)(B) and (2)(B) by inserting ''under the jurisdiction of the Secretary of Defense'' after ''uniformed services''.

(c) CLARIFICATION OF PAYMENTS FROM THE FUND.—(1) Subsection (a) of section 1113 of such title is amended to read as follows:

''(a) There shall be paid from the Fund amounts payable for the costs of all uniformed service retiree health care programs for the benefit of members or former members of a participating uniformed service who are entitled to retired or retainer pay and are medicare eligible, and eligible dependents who are medicare eligible.''.

(2) Such section is further amended by adding at the end the following new subsections:

''(c)(1) In carrying out subsection (a), the Secretary of Defense may transfer periodically from the Fund to applicable appropriations of the Department of Defense, or to applicable appropriations of other departments or agencies, such amounts as the Secretary determines necessary to cover the costs chargeable to those appropriations for uniformed service retiree health care programs for beneficiaries under those programs who are medicare-eligible. Such transfers may include amounts necessary for the administration of such programs. Amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred. Upon a determination that all or part of the funds transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund. This transfer authority is in addition to any other transfer authority that may be available to the Secretary.

''(2) A transfer from the Fund under paragraph (1) may not be made to an appropriation after the end of the second fiscal year after the fiscal year that the appropriation is available for obligation. A transfer back to the Fund under paragraph (1) may not be made after the end of the second fiscal year after the fiscal year for which the appropriation to which the funds were originally transferred is available for obligation.

''(d) The Secretary of Defense shall by regulation establish the method or methods for calculating amounts to be transferred under subsection (c). Such method or methods may be based (in whole or in part) on a proportionate share of the volume (measured as the Secretary determines appropriate) of health care services provided or paid for under uniformed service retiree health care programs for beneficiaries under those programs who are medicare-eligible in relation to the total volume of health care services provided or paid for under Department of Defense health care programs.

''(e) The regulations prescribed by the Secretary under subsection (d) shall be provided to the Comptroller General not less than 60 days before such regulations become effective. The Comptroller General shall, not later than 30 days after receiving such regulations, report to the Secretary of Defense and Congress on the adequacy and appropriateness of the regulations.

''(f) If the Secretary of Defense enters into an agreement with another administering Secretary pursuant to section 1111(c), the Secretary of Defense may take the actions described in subsections (c), (d), and (e) on behalf of the beneficiaries and programs of the other participating uniformed service.''.

(d) SOURCE OF FUNDS FOR MONTHLY ACCRUAL PAYMENTS INTO THE FUND.—Section 1116 of such title is further amended—

(1) in subsection (a)(2)(B) (as amended by subsection (b)(4)), by striking the sentence beginning ''Amounts paid into''; and

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

''(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the health care programs of the participating uniformed services under the jurisdiction of the respective administering Secretaries.''.

(e) TECHNICAL AMENDMENTS.—(1) Sections 1111(a), 1115(c)(2), 1116(a)(1)(A), and 1116(a)(2)(A) of such title are amended by striking ''Department of Defense retiree health care programs'' and inserting ''uniformed services retiree health care programs''.

(2) The heading for section 1111 of such title is amended to read as follows:

''§ 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements''.

(3) The item relating to section 1111 in the table of sections at the beginning of chapter 56 of such title is amended to read as follows:

''1111. Establishment and purpose of Fund; definitions; authority to enter into agreements.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of chapter 56 of title 10, United States Code, by section 713(a)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–179).

(g) FIRST YEAR CONTRIBUTIONS.—With respect to contributions under section 1116(a) of title 10, United States Code, for the first year that the Department of Defense Medicare-Eligible Retiree Health Care Fund is established under chapter 56 of such title, if the Board of Actuaries is unable to execute its responsibilities with respect to such section, the Secretary of Defense may make contributions under such section using methods and assumptions developed by the Secretary.

Subtitle C—Studies and Reports

SEC. 721. COMPTROLLER GENERAL STUDY OF HEALTH CARE COVERAGE OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AND THE NATIONAL GUARD.

(a) REQUIREMENT FOR STUDY.—The Comptroller General shall carry out a study of the needs of members of the reserve components of the Armed Forces and the National Guard and their families for health care benefits. The study shall include the following:

(1) An analysis of how members of the reserve components of the Armed Forces and the National Guard currently obtain coverage for health care benefits when not on active duty, together with statistics on enrollments in health care benefits plans, including—

(A) the percentage of such members who are not covered by an employer health benefits plan;

(B) the percentage of such members who are not covered by an individual health benefits plan; and

(C) the percentage of such members who are not covered by any health insurance or other health benefits plan.

(2) An assessment of the disruptions in health benefits coverage that a mobilization of members of the reserve components of the Armed Forces and the National Guard causes for the members and their families.

(3) An assessment of the cost and effectiveness of various options for preventing or reducing disruptions described in paragraph (2), including—

(A) providing health care benefits to all members of the reserve components of the Armed Forces and the National Guard and their families through the TRICARE program, the Federal Employees Health Benefits Program, or otherwise;

(B) revising and extending the program of transitional medical and dental care that is provided under section 1074b of title 10, United States Code, for members of the Armed Forces upon release from active duty served in support of a contingency operation;

(C) requiring the health benefits plans of such members, including individual health benefits plans and group health benefits plans, to permit such members to elect to resume coverage under such health benefits plans upon release from active duty in support of a contingency operation;

(D) allowing members of the reserve components of the Armed Forces and the National Guard to participate in TRICARE Standard using various cost-sharing arrangements;

(E) providing employers of members of the reserve components of the Armed Forces and the National Guard with the option of paying the costs of participation in the TRICARE program for such members and their families using various cost-sharing arrangements;

(F) providing financial assistance for paying premiums or other subscription charges for continuation of coverage by private sector health insurance or other health benefits plans; and

(G) any other options that the Comptroller General determines advisable to consider.

(b) REPORT.—Not later than May 1, 2002, the Comptroller General shall submit to Congress a report describing the findings of the study conducted under subsection (a).

SEC. 722. COMPTROLLER GENERAL STUDY OF ADEQUACY AND QUALITY OF HEALTH CARE PROVIDED TO WOMEN UNDER THE DEFENSE HEALTH PROGRAM.

(a) REQUIREMENT FOR STUDY.—The Comptroller General shall carry out a study of the adequacy and quality of the health care provided to women under chapter 55 of title 10, United States Code.

(b) SPECIFIC CONSIDERATION.—The study shall include an intensive review of the availability and quality of reproductive health care services.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress not later than May 1, 2002.

SEC. 723. REPEAL OF OBSOLETE REPORT REQUIREMENT.

Section 701 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1074g note) is amended by striking subsection (d).

SEC. 724. COMPTROLLER GENERAL REPORT ON REQUIREMENT TO PROVIDE SCREENINGS, PHYSICAL EXAMINATIONS, AND OTHER CARE FOR CERTAIN MEMBERS.

(a) REPORT REQUIRED.—The Comptroller General shall prepare a report on the advisability, need, and cost effectiveness of the requirements under section 1074a(d) of title 10, United States Code, that the Secretary of the Army provide medical and dental screenings, physical examinations, and certain dental care for early deploying members of the Selected Reserve. The report shall include any recommendations for changes to such requirements based on the most current information available on the value of periodic physical examinations and any role such examinations play in monitoring force and individual member pre-deployment and post-deployment health status.

(b) DEADLINE FOR SUBMISSION.—The report required by subsection (a) shall be provided to the Committees on Armed Services of the Senate and the House of Representatives not later than June 1, 2002.

Subtitle D—Other Matters

SEC. 731. PROHIBITION AGAINST REQUIRING MILITARY RETIREES TO RECEIVE HEALTH CARE SOLELY THROUGH THE DEPARTMENT OF DEFENSE.

(a) PROHIBITION.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1086a the following new section:

"§ 1086b. Prohibition against requiring retired members to receive health care solely through the Department of Defense

''The Secretary of Defense may not take any action that would require, or have the effect of requiring, a member or former member of the armed forces who is entitled to retired or retainer pay to enroll to receive health care from the Federal Government only through the Department of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1086a the following new item:

''1086b. Prohibition against requiring retired members to receive health care solely through the Department of Defense.''.

SEC. 732. FEES FOR TRAUMA AND OTHER MEDICAL CARE PROVIDED TO CIVILIANS.

(a) REQUIREMENT TO IMPLEMENT PROCEDURES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1079a the following new section:

"§ 1079b. Procedures for charging fees for care provided to civilians; retention and use of fees collected

''(a) REQUIREMENT TO IMPLEMENT PROCEDURES.—The Secretary of Defense shall implement procedures under which a military medical treatment facility may charge civilians who are not covered beneficiaries (or their insurers) fees representing the costs, as determined by the Secretary, of trauma and other medical care provided to such civilians.

''(b) USE OF FEES COLLECTED.—A military medical treatment facility may retain and use the amounts collected under subsection (a) for—

''(1) trauma consortium activities;

''(2) administrative, operating, and equipment costs; and

''(3) readiness training.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1079a the following new item:

''1079b. Procedures for charging fees for care provided to civilians; retention and use of fees collected.''.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Defense shall begin to implement the procedures required by section 1079b(a) of title 10, United States Code (as added by subsection (a)), not later than one year after the date of the enactment of this Act.

SEC. 733. ENHANCEMENT OF MEDICAL PRODUCT DEVELOPMENT.

Section 980 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' before ''Funds''; and

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

''(b) The Secretary of Defense may waive the prohibition in this section with respect to a specific research project to advance the development of a medical product necessary to the armed forces if the research project may directly benefit the subject and is carried out in accordance with all other applicable laws.''.

SEC. 734. PILOT PROGRAM PROVIDING FOR DEPARTMENT OF VETERANS AFFAIRS SUPPORT IN THE PERFORMANCE OF SEPARATION PHYSICAL EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of Veterans Affairs may jointly carry out a pilot program under which the Secretary of Veterans Affairs may perform the physical examinations required for members of the uniformed services separating from the uniformed services who are in one or more geographic areas designated for the pilot program by the Secretaries.

(b) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost incurred by the Secretary of Veterans Affairs in performing, under the pilot program, the elements of physical examination that are required by the Secretary concerned in connection with the separation of a member of a uniformed service. Reimbursements shall be paid out of funds available for the performance of separation physical examinations of members of that uniformed service in facilities of the uniformed services.

(c) AGREEMENT.—(1) If the Secretary of Defense and the Secretary of Veterans Affairs carry out the pilot program authorized by this section, the Secretaries shall enter into an agreement specifying the geographic areas in which the pilot program is carried out and the means for making reimbursement payments under subsection (b).

(2) The other administering Secretaries shall also enter into the agreement to the extent that the Secretary of Defense determines necessary to apply the pilot program, including the requirement for reimbursement, to the uniformed services not under the jurisdiction of the Secretary of a military department.

(d) CONSULTATION REQUIREMENT.—In developing and carrying out the pilot program, the Secretary of Defense shall consult with the other administering Secretaries.

(e) PERIOD OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs may carry out the pilot program under this section beginning not later than July 1, 2002, and terminating on December 31, 2005.

(f) REPORTS.—(1) If the Secretary of Defense and the Secretary of Veterans Affairs carry out the pilot program authorized by this section—

(A) not later than January 31, 2004, the Secretaries shall jointly submit to Congress an interim report on the conduct of the pilot program; and

(B) not later than March 1, 2005, the Secretaries shall jointly submit to Congress a final report on the conduct of the pilot program.

(2) Reports under this subsection shall include the Secretaries' assessment, as of the date of the report, of the efficacy of the performance of separation physical examinations as provided for under the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 735. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) CLARIFICATION OF COVERED BENEFICIARIES.—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–184) is amended by striking ''covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard,'' and inserting ''covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code,''.

(b) REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.—Subsection (b) of such section is repealed.

(c) WAIVER AUTHORITY.—Such section, as so amended, is further amended by striking subsection (c) and inserting the following new subsections:

''(b) WAIVER AUTHORITY.—The Secretary may waive the prohibition in subsection (a) if—

''(1) the Secretary—

''(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

''(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

''(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

''(2) the Secretary provides notification of the Secretary's intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

''(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

''(4) 60 days have elapsed since the date of the notification described in paragraph (3).

''(c) WAIVER EXCEPTION FOR MATERNITY CARE.—Subsection (b) shall not apply with respect to maternity care.''.

(d) EFFECTIVE DATE.—(1) Subsection (a) of such section is amended by striking ''under any new contract for the provision of health care services''.

(2) Subsection (d) of such section is amended by striking ''take effect on October 1, 2001.'' and inserting ''take effect on the earlier of the following:

''(1) The date that a new contract entered into by the Secretary to provide health care services under TRICARE Standard takes effect.

''(2) The date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002.''.

(e) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

SEC. 736. TRANSITIONAL HEALTH CARE FOR MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2), a member'' and all that follows through ''of the member),'' and inserting ''paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) This subsection applies to the following members of the armed forces:

''(A) A member who is involuntarily separated from active duty.

''(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

''(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

''(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation.''; and

(4) in paragraph (3), as redesignated by paragraph (2), by striking ''involuntarily'' each place it appears.

(b) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking ''during the period beginning on October 1, 1990, and ending on December 31, 2001''; and

(2) in subsection (e), by striking the first sentence.

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(d) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (c), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

SEC. 737. TWO-YEAR EXTENSION OF HEALTH CARE MANAGEMENT DEMONSTRATION PROGRAM.

(a) EXTENSION.—Subsection (d) of section 733 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–191) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2003''.

(b) REPORT.—Subsection (e) of that section is amended—

(1) by striking ''REPORTS.—'' and inserting ''REPORT.—''; and

(2) by striking ''March 15, 2002'' and inserting ''March 15, 2004''.

SEC. 738. JOINT DOD-VA PILOT PROGRAM FOR PROVIDING GRADUATE MEDICAL EDUCATION AND TRAINING FOR PHYSICIANS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs may jointly carry out a pilot program under which graduate medical education and training is provided to military physicians and physician employees of the Department of Defense and the Department of Veterans Affairs through one or more programs carried out in military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs.

(b) COST-SHARING AGREEMENT.—If the Secretary of Defense and the Secretary of Veterans Affairs carry out a pilot program under subsection (a), the Secretaries shall enter into an agreement for carrying out the pilot program under which means are established for each respective Secretary to assist in paying the costs, with respect to individuals under the jurisdiction of such Secretary, incurred by the other Secretary in providing medical education and training under the pilot program.

(c) USE OF EXISTING AUTHORITIES.—To carry out the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall exercise authorities provided to the Secretaries, respectively, under other laws relating to the furnishing or support of medical education and the cooperative use of facilities.

(d) PERIOD OF PROGRAM.—If the Secretary of Defense and the Secretary of Veterans Affairs carry out a pilot program under subsection (a), such pilot program shall begin not later than August 1, 2002, and shall terminate on July 31, 2007.

(e) REPORTS.—If the Secretary of Defense and the Secretary of Veterans Affairs carry out a pilot program under subsection (a), not later than January 31, 2003, and January 31 of each year thereafter through 2008, the Secretaries shall jointly submit to Congress a report on the pilot program. The report shall cover the preceding year and shall include each Secretary's assessment of the efficacy of providing education and training under the program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Procurement Management and Administration

Sec. 801. Management of procurement of services.
Sec. 802. Savings goals for procurements of services.
Sec. 803. Competition requirement for purchase of services pursuant to multiple award contracts.
Sec. 804. Reports on maturity of technology at initiation of major defense acquisition programs.

Subtitle B—Use of Preferred Sources

Sec. 811. Applicability of competition requirements to purchases from a required source.
Sec. 812. Extension of mentor-protege program.
Sec. 813. Increase of assistance limitation regarding procurement technical assistance program.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Related Matters

Sec. 821. Amendments to conform with administrative changes in acquisition phase and milestone terminology and to make related adjustments in certain requirements applicable at milestone transition points.
Sec. 822. Follow-on production contracts for products developed pursuant to prototype projects.
Sec. 823. One-year extension of program applying simplified procedures to certain commercial items.
Sec. 824. Acquisition workforce qualifications.
Sec. 825. Report on implementation of recommendations of the acquisition 2005 task force.

Subtitle D—Other Matters

Sec. 831. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.
Sec. 832. Codification and modification of provision of law known as the ''Berry amendment''.
Sec. 833. Personal services contracts to be performed by individuals or organizations abroad.
Sec. 834. Requirements regarding insensitive munitions.
Sec. 835. Inapplicability of limitation to small purchases of miniature or instrument ball or roller bearings under certain circumstances.
Sec. 836. Temporary emergency procurement authority to facilitate the defense against terrorism or biological or chemical attack.

Subtitle A—Procurement Management and Administration

SEC. 801. MANAGEMENT OF PROCUREMENT OF SERVICES.

(a) RESPONSIBILITY OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section 133(b)(2) of title 10, United States Code, is amended by inserting ''of goods and services'' after ''procurement''.

(b) REQUIREMENT FOR MANAGEMENT STRUCTURE.—(1) Chapter 137 of such title is amended by inserting after section 2328 the following new section:

''§ 2330. Procurement of services: management structure

''(a) REQUIREMENT FOR MANAGEMENT STRUCTURE.—(1) The Secretary of Defense shall establish and implement a management structure for the procurement of services for the Department of Defense. The management structure shall be comparable to the management structure that applies to the procurement of products by the Department.

''(2) The management structure required by paragraph (1) shall—

''(A) provide for a designated official in each military department to exercise responsibility for the management of the procurement of services for such department;

''(B) provide for a designated official for Defense Agencies and other defense components outside the military departments to exercise responsibility for the management of the procurement of services for such Defense Agencies and components;

''(C) include a means by which employees of the departments, Defense Agencies, and components are accountable to such designated officials for carrying out the requirements of subsection (b); and

''(D) establish specific dollar thresholds and other criteria for advance approvals of purchases under subsection (b)(1)(C) and delegations of activity under subsection (b)(2).

''(b) CONTRACTING RESPONSIBILITIES OF DESIGNATED OFFICIALS.—(1) The responsibilities of an official designated under subsection (a) shall include, with respect to the procurement of services for the military department or Defense Agencies and components by that official, the following:

''(A) Ensuring that the services are procured by means of contracts or task orders that are in the best interests of the Department of Defense and are entered into or issued and managed in compliance with applicable statutes, regulations, directives, and other requirements, regardless of whether the services are procured through a contract or task order of the Department of Defense or through a contract entered into or task order issued by an official of the United States outside the Department of Defense.

''(B) Analyzing data collected under section 2330a of this title on contracts that are entered into for the procurement of services.

''(C) Approving, in advance, any procurement of services above the thresholds established pursuant to subsection (a)(2)(D) that is to be made through the use of—

''(i) a contract or task order that is not a performance-based contract or task order; or

''(ii) a contract entered into, or a task order issued, by an official of the United States outside the Department of Defense.

''(2) The responsibilities of a designated official may be delegated to other employees of the Department of Defense in accordance with the criteria established by the Secretary of Defense.

''(c) DEFINITION.—In this section, the term 'performance-based', with respect to a contract or a task order means that the contract or task order, respectively, includes the use of performance work statements that set forth requirements in clear, specific, and objective terms with measurable outcomes.''.

(2) Not later than 180 days after the date of the enactment of this Act—

(A) the Secretary of Defense shall establish and implement the management structure required under section 2330 of title 10, United States Code (as added by paragraph (1)); and

(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance for officials in the management structure established under such section 2330 regarding how to carry out their responsibilities under that section.

(c) TRACKING OF PROCUREMENT OF SERVICES.—Chapter 137 of title 10, United States Code, as amended by subsection (b), is further amended by inserting after section 2330 the following new section:

"§ 2330a. Procurement of services: tracking of purchases

''(a) DATA COLLECTION REQUIRED.—The Secretary of Defense shall establish a data collection system to provide management information with regard to each purchase of services by a military department or Defense Agency in excess of the simplified acquisition threshold, regardless of whether such a purchase is made in the form of a contract, task order, delivery order, military interdepartmental purchase request, or any other form of interagency agreement.

''(b) DATA TO BE COLLECTED.—The data required to be collected under subsection (a) includes the following:

''(1) The services purchased.

''(2) The total dollar amount of the purchase.

''(3) The form of contracting action used to make the purchase.

''(4) Whether the purchase was made through—

''(A) a performance-based contract, performance-based task order, or other performance-based arrangement that contains firm fixed prices for the specific tasks to be performed;

''(B) any other performance-based contract, performance-based task order, or performance-based arrangement; or

''(C) any contract, task order, or other arrangement that is not performance based.

''(5) In the case of a purchase made through an agency other than the Department of Defense, the agency through which the purchase is made.

''(6) The extent of competition provided in making the purchase and whether there was more than one offer.

''(7) Whether the purchase was made from—

''(A) a small business concern;

''(B) a small business concern owned and controlled by socially and economically disadvantaged individuals; or

''(C) a small business concern owned and controlled by women.

''(c) COMPATIBILITY WITH DATA COLLECTION SYSTEM FOR INFORMATION TECHNOLOGY PURCHASES.—To the maximum extent practicable, a single data collection system shall be used to collect data under this section and information under section 2225 of this title.

''(d) DEFINITIONS.—In this section:

''(1) The term 'performance-based', with respect to a contract, task order, or arrangement, means that the contract, task order, or arrangement, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

''(2) The definitions set forth in section 2225(f) of this title for the terms 'simplified acquisition threshold', 'small business concern', 'small business concern owned and controlled by socially and economically disadvantaged individuals', and 'small business concern owned and controlled by women' shall apply.''.

(d) REQUIREMENT FOR PROGRAM REVIEW STRUCTURE.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue and implement a policy that applies to the procurement of services by the Department of Defense a program review structure that is similar to the one developed for and applied to the procurement of weapon systems by the Department of Defense.

(2) The program review structure for the procurement of services shall, at a minimum, include the following:

(A) Standards for determining which procurements should be subject to review by either the senior procurement executive of a military department or the senior procurement executive of the Department of Defense under such section, including criteria based on dollar thresholds, program criticality, or other appropriate measures.

(B) Appropriate key decision points at which those reviews should take place.

(C) A description of the specific matters that should be reviewed.

(e) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the Secretary issues the policy required by subsection (d) and the Under Secretary of Defense for Acquisition, Technology, and Logistics issues the guidance required by subsection (b)(2), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives an assessment of the compliance with the requirements of this section and the amendments made by this section.

(f) DEFINITIONS.—In this section:

(1) The term ''senior procurement executive'' means the official designated as the senior procurement executive under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

(2) The term ''performance-based'', with respect to a contract or a task order means that the contract or task order, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(g) CLERICAL AMENDMENTS.—(1) The heading for section 2331 of title 10, United States Code, is amended to read as follows:

"§ 2331. Procurement of services: contracts for professional and technical services".

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2331 and inserting the following new items:

''2330. Procurement of services: management structure.

''2330a. Procurement of services: tracking of purchases.

''2331. Procurement of services: contracts for professional and technical services.''.

SEC. 802. SAVINGS GOALS FOR PROCUREMENTS OF SERVICES.

(a) GOALS.—(1) It shall be an objective of the Department of Defense to achieve savings in expenditures for procurements of services through the use of—

(A) performance-based services contracting;

(B) appropriate competition for task orders under services contracts; and

(C) program review, spending analyses, and improved management of services contracts.

(2) In furtherance of such objective, the Department of Defense shall have goals to use improved management practices to achieve, over 10 fiscal years, reductions in the total amount that would otherwise be expended by the Department for the procurement of services (other than military construction) in a fiscal year by the amount equal to 10 percent of the total amount of the expenditures of the Department for fiscal year 2000 for procurement of services (other than military construction), as follows:

(A) By fiscal year 2002, a three percent reduction.

(B) By fiscal year 2003, a four percent reduction.

(C) By fiscal year 2004, a five percent reduction.

(D) By fiscal year 2011, a ten percent reduction.

(b) ANNUAL REPORT.—Not later than March 1, 2002, and annually thereafter through March 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made toward meeting the objective and goals established in subsection (a). Each report shall include, at a minimum, the following information:

(1) A summary of the steps taken or planned to be taken in the fiscal year of the report to improve the management of procurements of services.

(2) A summary of the steps planned to be taken in the following fiscal year to improve the management of procurements of services.

(3) An estimate of the amount that will be expended by the Department of Defense for procurements of services in the fiscal year of the report.

(4) An estimate of the amount that will be expended by the Department of Defense for procurements of services in the following fiscal year.

(5) An estimate of the amount of savings that, as a result of improvement of the management practices used by the Department of Defense, will be achieved for the procurement of services by the Department in the fiscal year of the report and in the following fiscal year.

SEC. 803. COMPETITION REQUIREMENT FOR PURCHASE OF SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate in the Department of Defense Supplement to the Federal Acquisition Regulation regulations requiring competition in the purchase of services by the Department of Defense pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of services in excess of $100,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the Department of Defense—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a statute expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) For purposes of this subsection, an individual purchase of services is made on a competitive basis only if it is made pursuant to procedures that—

(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

(A) offers were received from at least three qualified contractors; or

(B) a contracting officer of the Department of Defense determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) DEFINITIONS.—In this section:

(1) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(2) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the

head of a Federal agency with two or more sources pursuant to the same solicitation.

(3) The term ''Defense Agency'' has the meaning given that term in section 101(a)(11) of title 10, United States Code.

(d) APPLICABILITY.—The regulations promulgated by the Secretary pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual purchases of services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

SEC. 804. REPORTS ON MATURITY OF TECHNOLOGY AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORTS REQUIRED.—Not later than March 1 of each of years 2003 through 2006, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirement in paragraph 4.7.3.2.2.2 of Department of Defense Instruction 5000.2, as in effect on the date of enactment of this Act, that technology must have been demonstrated in a relevant environment (or, preferably, in an operational environment) to be considered mature enough to use for product development in systems integration.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall—

(1) identify each case in which a major defense acquisition program entered system development and demonstration during the preceding calendar year and into which key technology has been incorporated that does not meet the technological maturity requirement described in subsection (a), and provide a justification for why such key technology was incorporated; and

(2) identify any determination of technological maturity with which the Deputy Under Secretary of Defense for Science and Technology did not concur and explain how the issue has been or will be resolved.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 139(a)(2) of title 10, United States Code.

Subtitle B—Use of Preferred Sources

SEC. 811. APPLICABILITY OF COMPETITION REQUIREMENTS TO PURCHASES FROM A REQUIRED SOURCE.

(a) CONDITIONS FOR COMPETITION.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following:

''§2410n. Products of Federal Prison Industries: procedural requirements

''(a) MARKET RESEARCH BEFORE PURCHASE.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18, the Secretary of Defense shall conduct market research to determine whether the Federal Prison Industries product is comparable in price, quality, and time of delivery to products available from the private sector.

''(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary shall use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2410n. Products of Federal Prison Industries: procedural requirements.''.

(b) APPLICABILITY.—Section 2410n of title 10, United States Code (as added by subsection (a)), shall apply to purchases initiated on or after October 1, 2001.

SEC. 812. EXTENSION OF MENTOR-PROTEGE PROGRAM.

Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(1) in subsection (j)—

(A) in paragraph (1), by striking ''September 30, 2002'' and inserting ''September 30, 2005''; and

(B) in paragraph (2), by striking ''September 30, 2005'' and inserting ''September 30, 2008''; and

(2) in subsection (l)(3), by striking ''2004'' and inserting ''2007''.

SEC. 813. INCREASE OF ASSISTANCE LIMITATION REGARDING PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

Section 2414(a)(1) of title 10, United States Code, is amended by striking ''$300,000'' and inserting ''$600,000''.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Related Matters

SEC. 821. AMENDMENTS TO CONFORM WITH ADMINISTRATIVE CHANGES IN ACQUISITION PHASE AND MILESTONE TERMINOLOGY AND TO MAKE RELATED ADJUSTMENTS IN CERTAIN REQUIREMENTS APPLICABLE AT MILESTONE TRANSITION POINTS.

(a) ACQUISITION PHASE TERMINOLOGY.—The following provisions of title 10, United States Code, are amended by striking ''engineering and manufacturing development'' each place it appears and inserting ''system development and demonstration'': sections 2366(c) and 2434(a), and subsections (b)(3)(A)(i), (c)(3)(A), and (h)(1) of section 2432.

(b) MILESTONE TRANSITION POINTS.—(1) Section 811(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–211), is amended by striking ''Milestone I approval, Milestone II approval, or Milestone III approval (or the equivalent) of a major automated information system'' and inserting ''approval of a major automated information system at Milestone B or C or for full rate production, or an equivalent approval,''.

(2) Department of Defense Directive 5000.1, as revised in accordance with subsection (b) of section 811 of such Act, shall be further revised as necessary to comply with subsection (c) of such section, as amended by paragraph (1), within 60 days after the date of the enactment of this Act.

(c) ADJUSTMENTS TO REQUIREMENT FOR DETERMINATION OF QUANTITY FOR LOW-RATE INITIAL PRODUCTION.—Section 2400(a) of title 10, United States Code, is amended—

(1) by striking ''milestone II'' each place it appears in paragraphs (1)(A), (2), (4) and (5) and inserting ''milestone B''; and

(2) in paragraph (2), by striking ''engineering and manufacturing development'' and inserting ''system development and demonstration''.

(d) ADJUSTMENTS TO REQUIREMENTS FOR BASELINE DESCRIPTION AND THE RELATED LIMITATION.—Section 2435 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''engineering and manufacturing development'' and inserting ''system development and demonstration''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''demonstration and validation'' and inserting ''system development and demonstration'';

(B) in paragraph (2), by striking ''engineering and manufacturing development'' and inserting ''production and deployment''; and

(C) in paragraph (3), by striking ''production and deployment'' and inserting ''full rate production''.

SEC. 822. FOLLOW-ON PRODUCTION CONTRACTS FOR PRODUCTS DEVELOPED PURSUANT TO PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) FOLLOW-ON PRODUCTION CONTRACTS.—(1) A transaction entered into under this section for a prototype project that satisfies the conditions set forth in subsection (d)(1)(B)(i) may provide for the award of a follow-on production contract to the participants in the transaction for a specific number of units at specific target prices. The number of units specified in the transaction shall be determined on the basis of a balancing of the level of the investment made in the project by the participants other than the Federal Government with the interest of the Federal Government in having competition among sources in the acquisition of the product or products prototyped under the project.

''(2) A follow-on production contract provided for in a transaction under paragraph (1) may be awarded to the participants in the transaction without the use of competitive procedures, notwithstanding the requirements of section 2304 of title 10, United States Code, if—

''(A) competitive procedures were used for the selection of parties for participation in the transaction;

''(B) the participants in the transaction successfully completed the prototype project provided for in the transaction;

''(C) the number of units provided for in the follow-on production contract does not exceed the number of units specified in the transaction for such a follow-on production contract; and

''(D) the prices established in the follow-on production contract do not exceed the target prices specified in the transaction for such a follow-on production contract.''.

SEC. 823. ONE-YEAR EXTENSION OF PROGRAM APPLYING SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended in subsection (e) by striking ''January 1, 2002'' and inserting ''January 1, 2003''.

SEC. 824. ACQUISITION WORKFORCE QUALIFICATIONS.

(a) QUALIFICATIONS.—Section 1724 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''(a) CONTRACTING OFFICERS.—The Secretary of Defense shall require that, in order to qualify to serve in an acquisition position as a contracting officer with authority to award or administer contracts for amounts above the simplified acquisition threshold referred to in section 2304(g) of this title, an employee of the Department of Defense or member of the armed forces (other than the Coast Guard) must, except as provided in subsections (c) and (d)—'';

(B) in paragraph (1)—

(i) by striking ''mandatory''; and

(ii) by striking ''at the grade level'' and all that follows and inserting ''(A) in the case of an employee, serving in the position within the grade of the General Schedule in which the employee is serving, and (B) in the case of a member of the armed forces, in the member's grade;''; and

(C) in paragraph (3)(A), by inserting a comma after ''business'';

(2) by striking subsection (b) and inserting the following new subsection:

''(b) GS–1102 SERIES POSITIONS AND SIMILAR MILITARY POSITIONS.—(1) The Secretary of Defense shall require that in order to qualify to serve in a position in the Department of Defense that is in the GS–1102 occupational series an employee or potential employee of the Department of Defense meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to serve in such a position an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection.

''(2) The Secretary of Defense shall require that in order for a member of the armed forces to be selected for an occupational specialty within the armed forces that (as determined by the Secretary) is similar to the GS–1102 occupational series a member of the armed forces meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to be selected for such an occupational specialty a member meet any of the requirements of paragraphs (1) and (2) of that subsection.''; and

(3) by striking subsections (c) and (d) inserting the following new subsections:

''(c) EXCEPTIONS.—The qualification requirements imposed by the Secretary of Defense pursuant to subsections (a) and (b) shall not apply to an employee of the Department of Defense or member of the armed forces who—

''(1) served as a contracting officer with authority to award or administer contracts in excess of the simplified acquisition threshold on or before September 30, 2000;

''(2) served, on or before September 30, 2000, in a position either as an employee in the GS–1102 series or as a member of the armed forces in a similar occupational specialty;

''(3) is in the contingency contracting force; or

''(4) is described in subsection (e)(1)(B).

''(d) WAIVER.—The acquisition career program board concerned may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the board certifies that the individual possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the board shall set forth in a written document the rationale for its decision to waive such requirements. Such document shall be submitted to and retained by the Director of Acquisition Education, Training, and Career Development.

''(e) DEVELOPMENTAL OPPORTUNITIES.—(1) The Secretary of Defense may—

''(A) establish or continue one or more programs for the purpose of recruiting, selecting, appointing, educating, qualifying, and developing the careers of individuals to meet the requirements in subparagraphs (A) and (B) of subsection (a)(3);

''(B) appoint individuals to developmental positions in those programs; and

''(C) separate from the civil service after a three-year probationary period any individual appointed under this subsection who fails to meet the requirements described in subsection (a)(3).

''(2) To qualify for any developmental program described in paragraph (1)(B), an individual shall have—

''(A) been awarded a baccalaureate degree, with a grade point average of at least 3.0 (or the equivalent), from an accredited institution of higher education authorized to grant baccalaureate degrees; or

''(B) completed at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management.

''(f) CONTINGENCY CONTRACTING FORCE.—The Secretary shall establish qualification requirements for the contingency contracting force consisting of members of the armed forces whose mission is to deploy in support of contingency operations and other operations of the Department of Defense, including—

''(1) completion of at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education or similar educational institution in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management; or

''(2) passing an examination that demonstrates skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours or the equivalent of study in any of the disciplines described in paragraph (1).''.

(b) CLERICAL AMENDMENT.—Section 1732(c)(2) of such title is amended by inserting a comma after ''business''.

SEC. 825. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE ACQUISITION 2005 TASK FORCE.

(a) REQUIREMENT FOR REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent of the implementation of the recommendations set forth in the final report of the Department of Defense Acquisition 2005 Task Force, entitled ''Shaping the Civilian Acquisition Workforce of the Future''.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) For each recommendation in the final report that is being implemented or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement the recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of the recommendation.

(2) For each recommendation in the final report that the Secretary does not plan to implement—

(A) the reasons for the decision not to implement the recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plans to take to address concerns raised in the final report about the size and structure of the acquisition workforce of the Department of Defense.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the Secretary submits the report required by subsection (a), the Comptroller General shall—

(1) review the report; and

(2) submit to the committees referred to in subsection (a) the Comptroller General's assessment of the extent to which the report—

(A) complies with the requirements of this section; and

(B) addresses the concerns raised in the final report about the size and structure of the acquisition workforce of the Department of Defense.

Subtitle D—Other Matters

SEC. 831. IDENTIFICATION OF ERRORS MADE BY EXECUTIVE AGENCIES IN PAYMENTS TO CONTRACTORS AND RECOVERY OF AMOUNTS ERRONEOUSLY PAID.

(a) PROGRAM REQUIRED.—(1) Chapter 35 of title 31, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER VI—RECOVERY AUDITS

''§ 3561. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid

''(a) PROGRAM REQUIRED.—The head of each executive agency that enters into contracts with a total value in excess of $500,000,000 in a fiscal year shall carry out a cost-effective program for identifying any errors made in paying the contractors and for recovering any amounts erroneously paid to the contractors.

''(b) RECOVERY AUDITS AND ACTIVITIES.—A program of an executive agency under subsection (a) shall include recovery audits and recovery activities. The head of the executive agency shall determine, in accordance with guidance provided under subsection (c), the classes of contracts to which recovery audits and recovery activities are appropriately applied.

''(c) OMB GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance for the conduct of programs under subsection (a). The guidance shall include the following:

''(1) Definitions of the terms 'recovery audit' and 'recovery activity' for the purposes of the programs.

''(2) The classes of contracts to which recovery audits and recovery activities are appropriately applied under the programs.

''(3) Protections for the confidentiality of—

''(A) sensitive financial information that has not been released for use by the general public; and

''(B) information that could be used to identify a person.

''(4) Policies and procedures for ensuring that the implementation of the programs does not result in duplicative audits of contractor records.

''(5) Policies regarding the types of contracts executive agencies may use for the procurement of recovery services, including guidance for use, in appropriate circumstances, of a contingency contract pursuant to which the head of an executive agency may pay a contractor an amount equal to a percentage of the total amount collected for the United States pursuant to that contract.

''(6) Protections for a contractor's records and facilities through restrictions on the authority of a contractor under a contract for the procurement of recovery services for an executive agency—

''(A) to require the production of any record or information by any person other than an officer, employee, or agent of the executive agency;

''(B) to establish, or otherwise have, a physical presence on the property or premises of any private sector entity for the purposes of performing the contract; or

''(C) to act as agents for the Government in the recovery of funds erroneously paid to contractors.

''(7) Policies for the appropriate types of management improvement programs authorized by section 3564 of this title that executive agencies may carry out to address overpayment problems and the recovery of overpayments.

''§ 3562. Disposition of recovered funds

''(a) AVAILABILITY OF FUNDS FOR RECOVERY AUDITS AND ACTIVITIES PROGRAM.—Funds collected under a program carried out by an executive agency under section 3561 of this title shall be available to the executive agency for the following purposes:

''(1) To reimburse the actual expenses incurred by the executive agency in the administration of the program.

''(2) To pay contractors for services under the program in accordance with the guidance issued under section 3561(c)(5) of this title.

''(b) FUNDS NOT USED FOR PROGRAM.—Any amounts erroneously paid by an executive agency that are recovered under such a program of an executive agency and are not used to reimburse expenses or pay contractors under subsection (a)—

''(1) shall be credited to the appropriations from which the erroneous payments were made, shall be merged with other amounts in those appropriations, and shall be available for the purposes and period for which such appropriations are available; or

''(2) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts.

''(c) PRIORITY OF OTHER AUTHORIZED DISPOSITIONS.—Notwithstanding subsection (b), the authority under such subsection may not be exercised to use, credit, or deposit funds collected under such a program as provided in that subsection to the extent that any other provision of law requires or authorizes the crediting of such funds to a nonappropriated fund instrumentality, revolving fund, working-capital fund, trust fund, or other fund or account.

"§ 3563. Sources of recovery services

''(a) CONSIDERATION OF AVAILABLE RECOVERY RESOURCES.—(1) In carrying out a program under section 3561 of this title, the head of an executive agency shall consider all resources available to that official to carry out the program.

''(2) The resources considered by the head of an executive agency for carrying out the program shall include the resources available to the executive agency for such purpose from the following sources:

''(A) The executive agency.

''(B) Other departments and agencies of the United States.

''(C) Private sector sources.

''(b) COMPLIANCE WITH APPLICABLE LAW AND REGULATIONS.—Before entering into a contract with a private sector source for the performance of services under a program of the executive agency carried out under section 3561 of this title, the head of an executive agency shall comply with—

''(1) any otherwise applicable provisions of Office of Management and Budget Circular A–76; and

''(2) any other applicable provision of law or regulation with respect to the selection between employees of the United States and private sector sources for the performance of services.

"§ 3564. Management improvement programs

''In accordance with guidance provided by the Director of the Office of Management and Budget under section 3561 of this title, the head of an executive agency required to carry out a program under such section 3561 may carry out a program for improving management processes within the executive agency—

''(1) to address problems that contribute directly to the occurrence of errors in the paying of contractors of the executive agency; or

''(2) to improve the recovery of overpayments due to the agency.

"§ 3565. Relationship to authority of inspectors general

''Nothing in this subchapter shall be construed as impairing the authority of an Inspector General under the Inspector General Act of 1978 or any other provision of law.

"§ 3566. Privacy protections

''Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subchapter, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity and governmental oversight of such activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

"§ 3567. Definition of executive agency

''Notwithstanding section 102 of this title, in this subchapter, the term 'executive agency' has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).''.

(2) The table of sections at the beginning of chapter 35 of such title is amended by adding at the end the following:

''SUBCHAPTER VI—RECOVERY AUDITS

''3561. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.
''3562. Disposition of recovered funds.
''3563. Sources of recovery services.
''3564. Management improvement programs.
''3565. Relationship to authority of inspectors general.
''3566. Privacy protections.
''3567. Definition of executive agency.''.

(b) REPORTS.—(1) Not later than 30 months after the date of the enactment of this Act, and annually for each of the first two years following the year of the first report, the Director of the Office of Management and Budget shall submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, a report on the implementation of subchapter VI of chapter 35 of title 31, United States Code (as added by subsection (a)).

(2) Each report shall include—

(A) a general description and evaluation of the steps taken by the heads of executive agencies to carry out the programs under such subchapter, including any management improvement programs carried out under section 3564 of such title 31;

(B) the costs incurred by executive agencies to carry out the programs under such subchapter; and

(C) the amounts recovered under the programs under such subchapter.

(c) CONFORMING AMENDMENT.—Section 3501 of such title is amended by inserting ''and subchapter VI'' after ''section 3513''.

SEC. 832. CODIFICATION AND MODIFICATION OF PROVISION OF LAW KNOWN AS THE "BERRY AMENDMENT".

(a) BUY AMERICAN REQUIREMENTS.—(1) Chapter 148 of title 10, United States Code, is amended by inserting after section 2533 the following new section:

"§ 2533a. Requirement to buy certain articles from American sources; exceptions

''(a) REQUIREMENT.—Except as provided in subsections (c) through (h), funds appropriated or otherwise available to the Department of Defense may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

''(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following:

''(1) An article or item of—

''(A) food;

''(B) clothing;

''(C) tents, tarpaulins, or covers;

''(D) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

''(E) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

''(2) Specialty metals, including stainless steel flatware.

''(3) Hand or measuring tools.

''(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary of Defense or the Secretary of the military department concerned determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) or specialty metals (including stainless steel flatware) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices.

''(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

''(1) Procurements outside the United States in support of combat operations.

''(2) Procurements by vessels in foreign waters.

''(3) Emergency procurements or procurements of perishable foods by an establishment located outside the United States for the personnel attached to such establishment.

''(e) EXCEPTION FOR SPECIALTY METALS AND CHEMICAL WARFARE PROTECTIVE CLOTHING.—Subsection (a) does not preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States if—

''(1) such procurement is necessary—

''(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

''(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

''(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of this title.

''(f) EXCEPTION FOR CERTAIN FOODS.—Subsection (a) does not preclude the procurement of foods manufactured or processed in the United States.

''(g) EXCEPTION FOR COMMISSARIES, EXCHANGES, AND OTHER NONAPPROPRIATED FUND INSTRUMENTALITIES.—Subsection (a) does not apply to items purchased for resale purposes in commissaries, exchanges, or nonappropriated fund instrumentalities operated by the Department of Defense.

''(h) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of this title.

''(i) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

''(j) GEOGRAPHIC COVERAGE.—In this section, the term 'United States' includes the possessions of the United States.''.

(2) The table of sections at the beginning of subchapter V of such chapter is amended by inserting after the item relating to section 2533 the following new item:

''2533a. Requirement to buy certain articles from American sources; exceptions.''.

(b) REPEAL OF SOURCE PROVISIONS.—The following provisions of law are repealed:

(1) Section 9005 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 10 U.S.C. 2241 note).

(2) Section 8109 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104-208; 110 Stat. 3009–111; 10 U.S.C. 2241 note).

SEC. 833. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

''(n) exercise the authority provided in subsection (c), upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be.''.

SEC. 834. REQUIREMENTS REGARDING INSENSITIVE MUNITIONS.

(a) REQUIREMENT TO ENSURE SAFETY.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2388 the following new section:

"§ 2389. Ensuring safety regarding insensitive munitions

''The Secretary of Defense shall ensure, to the extent practicable, that insensitive munitions under development or procurement are safe throughout development and fielding when subject to unplanned stimuli.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2388 the following new item:

''2389. Ensuring safety regarding insensitive munitions.''.

(b) REPORT REQUIREMENT.—At the same time that the budgets for fiscal years 2003 through 2005 are submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on insensitive munitions. The reports shall include the following:

(1) The number of waivers granted pursuant to Department of Defense Regulation 5000.2–R (June 2001) during the preceding fiscal year, together with a discussion of the justifications for the waivers.

(2) Identification of the funding proposed for insensitive munitions in the budget with which the report is submitted, together with an explanation of the proposed funding.

SEC. 835. INAPPLICABILITY OF LIMITATION TO SMALL PURCHASES OF MINIATURE OR INSTRUMENT BALL OR ROLLER BEARINGS UNDER CERTAIN CIRCUMSTANCES.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) INAPPLICABILITY TO CERTAIN CONTRACTS TO PURCHASE BALL BEARINGS OR ROLLER BEARINGS.—(1) This section does not apply with respect to a contract or subcontract to purchase items described in subsection (a)(5) (relating to ball bearings and roller bearings) for which—

''(A) the amount of the purchase does not exceed $2,500;

''(B) the precision level of the ball or roller bearings to be procured under the contract or subcontract is rated lower than the rating known as Annual Bearing Engineering Committee (ABEC) 5 or Roller Bearing Engineering Committee (RBEC) 5, or an equivalent of such rating;

''(C) at least two manufacturers in the national technology and industrial base that are capable of producing the ball or roller bearings have not responded to a request for quotation issued by the contracting activity for that contract or subcontract; and

''(D) no bearing to be procured under the contract or subcontract has a basic outside diameter (exclusive of flange diameters) in excess of 30 millimeters.

''(2) Paragraph (1) does not apply to a purchase if such purchase would result in the total amount of purchases of ball bearings and roller bearings to satisfy requirements under Department of Defense contracts, using the authority provided in such paragraph, to exceed $200,000 during the fiscal year of such purchase.''.

(b) APPLICABILITY.—Subsection (j) of such section 2534 (as added by subsection (a)) shall apply with respect to a contract or subcontract to purchase ball bearings or roller bearings entered into after the date of the enactment of this Act.

SEC. 836. TEMPORARY EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE THE DEFENSE AGAINST TERRORISM OR BIOLOGICAL OR CHEMICAL ATTACK.

(a) INCREASED FLEXIBILITY FOR USE OF STREAMLINED PROCEDURES.—The following special authorities apply to procurements of property and services by or for the Department of Defense for which funds are obligated during fiscal year 2002 and 2003:

(1) MICROPURCHASE AND SIMPLIFIED ACQUISITION THRESHOLDS.—For any procurement of property or services for use (as determined by the Secretary of Defense) to facilitate the defense against terrorism or biological or chemical attack against the United States—

(A) the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement; and

(B) the term ''simplified acquisition threshold'' means, in the case of any contract to be awarded and performed, or purchase to be made—

(i) inside the United States in support of a contingency operation, $250,000; or

(ii) outside the United States in support of a contingency operation, $500,000.

(2) COMMERCIAL ITEM TREATMENT FOR PROCUREMENTS OF BIOTECHNOLOGY.—For any procurement of biotechnology property or biotechnology services for use (as determined by the Secretary of Defense) to facilitate the defense against terrorism or biological attack against the United States, the procurement shall be treated as being a procurement of commercial items.

(b) RECOMMENDATIONS FOR ADDITIONAL EMERGENCY PROCUREMENT AUTHORITY TO SUPPORT ANTI-TERRORISM OPERATIONS.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the Secretary's recommendations for additional emergency procurement authority that the Secretary (subject to the direction of the President) determines necessary to support operations carried out to combat terrorism.

(c) TERMINATION OF AUTHORITY.—No contract may be entered into pursuant to the authority provided in subsection (a) after September 30, 2003.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers

Sec. 901. Deputy Under Secretary of Defense for Personnel and Readiness.
Sec. 902. Sense of Congress on functions of new Office of Force Transformation in the Office of the Secretary of Defense.
Sec. 903. Suspension of reorganization of engineering and technical authority policy within the Naval Sea Systems Command pending report to congressional committees.

Subtitle B—Space Activities

Sec. 911. Joint management of space programs.
Sec. 912. Requirement to establish in the Air Force an officer career field for space.
Sec. 913. Secretary of Defense report on space activities.
Sec. 914. Comptroller General assessment of implementation of recommendations of Space Commission.
Sec. 915. Sense of Congress regarding officers recommended to be appointed to serve as Commander of United States Space Command.

Subtitle C—Reports

Sec. 921. Revised requirement for Chairman of the Joint Chiefs of Staff to advise Secretary of Defense on the assignment of roles and missions to the Armed Forces.
Sec. 922. Revised requirements for content of annual report on joint warfighting experimentation.
Sec. 923. Repeal of requirement for one of three remaining required reports on activities of Joint Requirements Oversight Council.
Sec. 924. Revised joint report on establishment of national collaborative information analysis capability.

Subtitle D—Other Matters

Sec. 931. Conforming amendments relating to change of name of Military Airlift Command to Air Mobility Command.
Sec. 932. Organizational realignment for Navy Director for Expeditionary Warfare.

Subtitle A—Duties and Functions of Department of Defense Officers

SEC. 901. DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

(a) ESTABLISHMENT OF POSITION.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

''§ 136a. Deputy Under Secretary of Defense for Personnel and Readiness

''(a) There is a Deputy Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) The Deputy Under Secretary of Defense for Personnel and Readiness shall assist the Under Secretary of Defense for Personnel and Readiness in the performance of the duties of that position. The Deputy Under Secretary of Defense for Personnel and Readiness shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

''136a. Deputy Under Secretary of Defense for Personnel and Readiness.''.

(b) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after ''Deputy Under Secretary of Defense for Policy.'' the following:

''Deputy Under Secretary of Defense for Personnel and Readiness.''.

(c) REDUCTION IN NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—(1) Section 138(a) of title 10, United States Code, is amended by striking ''nine'' and inserting ''eight''.

(2) Section 5315 of title 5, United States Code, is amended by striking ''(9)'' after ''Assistant Secretaries of Defense'' and inserting ''(8)''.

(d) EFFECTIVE DATE.—The amendments made by subsection (c) shall take effect on the date on which a person is first appointed as Deputy Under Secretary of Defense for Personnel and Readiness.

SEC. 902. SENSE OF CONGRESS ON FUNCTIONS OF NEW OFFICE OF FORCE TRANSFORMATION IN THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The Armed Forces should give careful consideration to implementing transformation to meet operational challenges and exploit opportunities resulting from changes in the threat environment and the emergence of new technologies.

(2) The Department of Defense 2001 Quadrennial Defense Review Report, issued by the Secretary of Defense on September 30, 2001, states that 'The purpose of transformation is to maintain or improve U.S. military preeminence in the face of potential disproportionate discontinuous changes in the strategic environment. Transformation must therefore be focused on emerging strategic and operational challenges and the opportunities created by these challenges.''.

(3) That report further states that ''To support the transformation effort, and to foster innovation and experimentation, the Department will establish a new office reporting directly to the Secretary and Deputy Secretary of Defense.''.

(b) SENSE OF CONGRESS ON FUNCTIONS OF OFFICE OF FORCE TRANSFORMATION.—It is the sense of Congress that the Director of the Office of Force Transformation within the Office of the Secretary of Defense should advise the Secretary on—

(1) development of force transformation strategies to ensure that the military of the future is

prepared to dissuade potential military competitors and, if that fails, to fight and win decisively across the spectrum of future conflict;

(2) ensuring a continuous and broadly focused transformation process;

(3) service and joint acquisition and experimentation efforts, funding for experimentation efforts, promising operational concepts and technologies, and other transformation activities, as appropriate; and

(4) development of service and joint operational concepts, transformation implementation strategies, and risk management strategies.

(c) SENSE OF CONGRESS ON FUNDING.—It is the sense of Congress that the Secretary of Defense should consider providing funding adequate for sponsoring selective prototyping efforts, war games, and studies and analyses and for appropriate staffing, as recommended by the Director of the Office of Force Transformation referred to in subsection (b).

SEC. 903. SUSPENSION OF REORGANIZATION OF ENGINEERING AND TECHNICAL AUTHORITY POLICY WITHIN THE NAVAL SEA SYSTEMS COMMAND PENDING REPORT TO CONGRESSIONAL COMMITTEES.

(a) SUSPENSION OF REORGANIZATION.—During the period specified in subsection (b), the Secretary of the Navy may not grant final approval for any reorganization in engineering or technical authority policy for the Naval Sea Systems Command or any of the subsidiary activities of that command.

(b) REPORT.—Subsection (a) applies during the period beginning on the date of the enactment of this Act and ending 45 days after the date on which the Secretary submits to the congressional defense committees a report that sets forth in detail the Navy's plans and justification for the reorganization of engineering and technical authority policy within the Naval Sea Systems Command.

Subtitle B—Space Activities

SEC. 911. JOINT MANAGEMENT OF SPACE PROGRAMS.

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

"CHAPTER 135—SPACE PROGRAMS

''Sec.
''2271. Management of space programs: joint program offices and officer management programs.

"§ 2271. Management of space programs: joint program offices and officer management programs

''(a) JOINT PROGRAM OFFICES.—The Secretary of Defense shall take appropriate actions to ensure, to the maximum extent practicable, that space development and acquisition programs of the Department of Defense are carried out through joint program offices.

''(b) OFFICER MANGEMENT PROGRAMS.—(1) The Secretary of Defense shall take appropriate actions to ensure, to the maximum extent practicable, that—

''(A) Army, Navy, and Marine Corps officers, as well as Air Force officers, are assigned to the space development and acquisition programs of the Department of Defense; and

''(B) Army, Navy, and Marine Corps officers, as well as Air Force officers, are eligible, on the basis of qualification, to hold leadership positions within the joint program offices referred to in subsection (a).

''(2) The Secretary of Defense shall designate those positions in the Office of the National Security Space Architect of the Department of Defense (or any successor office) that qualify as joint duty assignment positions for purposes of chapter 38 of this title.''.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such subtitle and the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

"135. Space Programs ..... 2271".

SEC. 912. REQUIREMENT TO ESTABLISH IN THE AIR FORCE AN OFFICER CAREER FIELD FOR SPACE.

(a) IN GENERAL.—Chapter 807 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8084. Officer career field for space

''The Secretary of the Air Force shall establish and implement policies and procedures to develop a career field for officers in the Air Force with technical competence in space-related matters to have the capabilty to—

''(1) develop space doctrine and concepts of space operations;

''(2) develop space systems; and

''(3) operate space systems.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8084. Officer career field for space.''.

SEC. 913. SECRETARY OF DEFENSE REPORT ON SPACE ACTIVITIES.

(a) REPORT.—(1) Not later than March 15, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on problems in the management and organization of the Department of Defense for space activities that were identified in the report of the Space Commission, including a description of the actions taken by the Secretary to address those problems.

(2) For purposes of paragraph (1), the term ''report of the Space Commission'' means the report of the Commission To Assess United States National Security Space Management and Organization, dated January 11, 2001, and submitted to Congress under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(b) MATTERS TO BE INCLUDED.—The report of the Secretary of Defense under subsection (a) shall include a description of, and rationale for, each of the following:

(1) Actions taken by the Secretary of Defense to realign management authorities and responsibilities for space programs of the Department of Defense.

(2) Steps taken to—

(A) establish a career field for officers in the Air Force with technical competence in space-related matters, in accordance with section 8084 of title 10, United States Code, as added by section 912;

(B) ensure that officers in that career field are treated fairly and objectively within the overall Air Force officer personnel system; and

(C) ensure that the primary responsibility for management of that career field is assigned appropriately.

(3) Other steps taken within the Air Force to ensure proper priority for development of space systems.

(4) Steps taken to ensure that the interests of the Army, the Navy, and the Marine Corps in development and acquisition of space systems, and in the operations of space systems, are protected.

(5) Steps taken by the Office of the Secretary of Defense and the military departments to ensure that the Army, Navy, and Marine Corps continue to develop military and civilian personnel with the required expertise in space system development, acquisition, management, and operation.

(6) Steps taken to ensure adequate oversight by the Office of the Secretary of Defense of the actions of the Under Secretary of the Air Force as the acquisition executive for Department of Defense space programs.

(7) Steps taken to improve oversight of the level of funding provided for space programs and the level of personnel resources provided for space programs.

SEC. 914. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF SPACE COMMISSION.

(a) ASSESSMENT.—(1) The Comptroller General shall carry out an assessment through February 15, 2003, of the actions taken by the Secretary of Defense in implementing the recommendations in the report of the Space Commission that are applicable to the Department of Defense.

(2) For purposes of paragraph (1), the term ''report of the Space Commission'' means the report of the Commission To Assess United States National Security Space Management and Organization, dated January 11, 2001, and submitted to Congress under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

SEC. 915. SENSE OF CONGRESS REGARDING OFFICERS RECOMMENDED TO BE APPOINTED TO SERVE AS COMMANDER OF UNITED STATES SPACE COMMAND.

It is the sense of Congress that the position of commander of the United States Space Command, a position of importance and responsibility designated by the President under section 601 of title 10, United States Code, to carry the grade of general or admiral and covered by section 604 of that title, relating to recommendations by the Secretary of Defense for appointment of officers to certain four-star joint officer positions, should be filled by the best qualified officer of the Army, Navy, Air Force, or Marine Corps, rather than by officers from the same armed force that has traditionally provided officers for that position.

Subtitle C—Reports

SEC. 921. REVISED REQUIREMENT FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF TO ADVISE SECRETARY OF DEFENSE ON THE ASSIGNMENT OF ROLES AND MISSIONS TO THE ARMED FORCES.

(a) ASSESSMENT DURING QUADRENNIAL DEFENSE REVIEW.—Section 118(e) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e) CJCS REVIEW.—'';

(2) by designating the second and third sentences as paragraph (3); and

(3) by inserting after paragraph (1), as designated by paragraph (1) of this subsection, the following new paragraph:

''(2) The Chairman shall include as part of that assessment the Chairman's assessment of the assignment of functions (or roles and missions) to the armed forces, together with any recommendations for changes in assignment that the Chairman considers necessary to achieve maximum efficiency of the armed forces. In preparing the assessment under this paragraph, the Chairman shall consider (among other matters) the following:

''(A) Unnecessary duplication of effort among the armed forces.

''(B) Changes in technology that can be applied effectively to warfare.''.

(b) REPEAL OF REQUIREMENT FOR TRIENNIAL REPORT ON ASSIGNMENT OF ROLES AND MISSIONS.—Section 153 of such title is amended—

(1) by striking ''(a) PLANNING; ADVICE; POLICY FORMULATION.—''; and

(2) by striking subsection (b).

(c) ASSESSMENT WITH RESPECT TO 2001 QDR.—With respect to the 2001 Quadrennial Defense Review, the Chairman of the Joint Chiefs of Staff shall submit to Congress a separate assessment of functions (or roles and missions) of the Armed Forces in accordance with

paragraph (2) of section 118(e) of title 10, United States Code, as added by subsection (a)(3). Such assessment shall be based on the findings in the 2001 Quadrennial Defense Review, issued by the Secretary of Defense on September 30, 2001, and shall be submitted to Congress not later than one year after the date of the enactment of this Act.

SEC. 922. REVISED REQUIREMENTS FOR CONTENT OF ANNUAL REPORT ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended—

(1) in paragraph (4)(E)—

(A) by inserting ''(by lease or by purchase)'' after ''acquire''; and

(B) by inserting ''(including any prototype)'' after ''or equipment''; and

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

''(6) A specific assessment of whether there is a need for a major force program for funding—

''(A) joint warfighting experimentation; and

''(B) the development and acquisition of any technology the value of which has been empirically demonstrated through such experimentation.''.

SEC. 923. REPEAL OF REQUIREMENT FOR ONE OF THREE REMAINING REQUIRED REPORTS ON ACTIVITIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 916 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–231) is amended—

(1) in the section heading, by striking ''SEMIANNUAL REPORT'' *and inserting* ''REPORTS''*;*

(2) in subsection (a)—

(A) by striking ''SEMIANNUAL REPORT'' in the subsection heading and inserting ''REPORTS REQUIRED''; and

(B) by striking ''five semiannual''; and

(3) in subsection (b)—

(A) by striking ''September 1, 2002,''; and

(B) by striking the period at the end of the last sentence and inserting '', except that the last report shall cover all of the preceding fiscal year.''.

SEC. 924. REVISED JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(a) REVISED REPORT.—At the same time as the submission of the budget for fiscal year 2003 under section 1105 of title 31, United States Code, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a revised report assessing alternatives for the establishment of a national collaborative information analysis capability.

(b) MATTERS INCLUDED.—The revised report shall cover the same matters required to be included in the DOD/CIA report, except that the alternative architectures assessed in the revised report shall be limited to architectures that include the participation of all Federal agencies involved in the collection of intelligence. The revised report shall also identify any issues that would require legislative or regulatory changes in order to implement the preferred architecture identified in the revised report.

(c) OFFICIALS TO BE CONSULTED.—The revised report shall be prepared after consultation with all appropriate Federal officials, including the following:

(1) The Secretary of the Treasury.

(2) The Secretary of Commerce.

(3) The Secretary of State.

(4) The Attorney General.

(5) The Director of the Federal Bureau of Investigation.

(6) The Administrator of the Drug Enforcement Administration.

(d) DEFINITIONS.—In this section:

(1) DOD/CIA REPORT.—The term ''DOD/CIA report'' means the joint report required by section 933 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–237).

(2) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle D—Other Matters

SEC. 931. CONFORMING AMENDMENTS RELATING TO CHANGE OF NAME OF MILITARY AIRLIFT COMMAND TO AIR MOBILITY COMMAND.

(a) CURRENT REFERENCES IN TITLE 10, UNITED STATES CODE.—Section 2554(d) of title 10, United States Code, and section 2555(a) of such title (relating to transportation services for international Girl Scout events) are amended by striking ''Military Airlift Command'' and inserting ''Air Mobility Command''.

(b) REPEAL OF OBSOLETE PROVISION.—Section 8074 of such title is amended by striking subsection (c).

(c) REFERENCES IN TITLE 37, UNITED STATES CODE.—Sections 430(c) and 432(b) of title 37, United States Code, are amended by striking ''Military Airlift Command'' and inserting ''Air Mobility Command''.

SEC. 932. ORGANIZATIONAL REALIGNMENT FOR NAVY DIRECTOR FOR EXPEDITIONARY WARFARE.

Section 5038(a) of title 10, United States Code, is amended by striking ''Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments'' and inserting ''office of the Deputy Chief of Naval Operations with responsibility for warfare requirements and programs''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Department of Defense Civilian Personnel

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authorization of supplemental appropriations for fiscal year 2001.
Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2002.
Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2002.
Sec. 1006. Maximum amount for National Foreign Intelligence Program.
Sec. 1007. Clarification of applicability of interest penalties for late payment of interim payments due under contracts for services.
Sec. 1008. Reliability of Department of Defense financial statements.
Sec. 1009. Financial Management Modernization Executive Committee and financial feeder systems compliance process.
Sec. 1010. Authorization of funds for ballistic missile defense programs or combating terrorism programs of the Department of Defense.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Authority to transfer naval vessels to certain foreign countries.
Sec. 1012 Sale of Glomar Explorer to the lessee.
Sec. 1013. Leasing of Navy ships for university national oceanographic laboratory system.
Sec. 1014. Increase in limitations on administrative authority of the Navy to settle admiralty claims.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension and restatement of authority to provide Department of Defense support for counter-drug activities of other governmental agencies.
Sec. 1022. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1023. Authority to transfer Tracker aircraft currently used by Armed Forces for counter-drug purposes.
Sec. 1024. Limitation on use of funds for operation of Tethered Aerostat Radar System pending submission of required report.

Subtitle D—Strategic Forces

Sec. 1031. Repeal of limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1032. Air Force bomber force structure.
Sec. 1033. Additional element for revised nuclear posture review.
Sec. 1034. Report on options for modernization and enhancement of missile wing helicopter support.

Subtitle E—Other Department of Defense Provisions

Sec. 1041. Secretary of Defense recommendation on need for Department of Defense review of proposed Federal agency actions to consider possible impact on national defense.
Sec. 1042. Department of Defense reports to Congress to be accompanied by electronic version upon request.
Sec. 1043. Department of Defense gift authorities.
Sec. 1044. Acceleration of research, development, and production of medical countermeasures for defense against biological warfare agents.
Sec. 1045. Chemical and biological protective equipment for military personnel and civilian employees of the Department of Defense.
Sec. 1046. Sale of goods and services by Naval Magazine, Indian Island, Alaska.
Sec. 1047. Report on procedures and guidelines for embarkation of civilian guests on naval vessels for public affairs purposes.
Sec. 1048. Technical and clerical amendments.
Sec. 1049. Termination of referendum requirement regarding continuation of military training on island of Vieques, Puerto Rico, and imposition of additional conditions on closure of live-fire training range.

Subtitle F—Other Matters

Sec. 1061. Assistance for firefighters.
Sec. 1062. Extension of times for Commission on the Future of the United States Aerospace industry to report and to terminate.
Sec. 1063. Appropriations to Radiation Exposure Compensation Trust Fund.
Sec. 1064. Waiver of vehicle weight limits during periods of national emergency.
Sec. 1065. Repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France.

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2002 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. [H1002]. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee of conference to accompany the conference report on the bill S. 1438 of the One Hundred Seventh Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2001.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Supplemental Appropriations Act, 2001 (Public Law 107–20).

SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2002.

(a) FISCAL YEAR 2002 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2002 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2001, of funds appropriated for fiscal years before fiscal year 2002 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $708,000 for the Civil Budget.

(2) Of the amount provided in section 301(a)(1), $175,849,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2002.

(a) LIMITATION.—Of the amounts authorized to be appropriated by section 301(a)(24) for the Overseas Contingency Operations Transfer Fund—

(1) no more than $1,315,600,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and

(2) no more than $1,528,600,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(b) PRESIDENTIAL WAIVER.—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:

(1) The President's written certification that the waiver is necessary in the national security interests of the United States.

(2) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

(A) The reasons that the waiver is necessary in the national security interests of the United States.

(B) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2002.

(C) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be.

(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2002 costs associated with United States military forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations.

(c) PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section:

(1) The term ''Bosnia peacekeeping operations'' has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

(2) The term ''Kosovo peacekeeping operations''—

(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and

(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.

SEC. 1006. MAXIMUM AMOUNT FOR NATIONAL FOREIGN INTELLIGENCE PROGRAM.

The total amount authorized to be appropriated for the National Foreign Intelligence Program for fiscal year 2002 is the sum of the following:

(1) The total amount set forth for the National Foreign Intelligence Program for fiscal year 2002 in the message of the President to Congress transmitted by the President on June 27, 2001, and printed as House Document 107–92, captioned ''Communication of the President of the United States Transmitting Requests for Fiscal Year 2002 Budget Amendments for the Department of Defense''.

(2) The total amount, if any, appropriated for the National Foreign Intelligence Program for fiscal year 2002 pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38; 115 Stat. 220-221).

(3) The total amount, if any, appropriated for the National Foreign Intelligence Program for fiscal year 2002 in any law making supplemental appropriations for fiscal year 2002 that is enacted during the second session of the 107th Congress.

SEC. 1007. CLARIFICATION OF APPLICABILITY OF INTEREST PENALTIES FOR LATE PAYMENT OF INTERIM PAYMENTS DUE UNDER CONTRACTS FOR SERVICES.

Section 1010(d) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–251) is amended by inserting before the period at the end of the first sentence the following: '', and shall apply with respect to interim payments that are due on or after such date under contracts entered into before, on, or after that date''.

SEC. 1008. RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.

(a) ANNUAL REPORT ON RELIABILITY.—(1) Not later than September 30 of each year but subject to subsection (f), the Secretary of Defense shall submit to the recipients specified in paragraph (3) a report on the reliability of the Department of Defense financial statements, including the financial statements of each component of the Department that is required to prepare a financial statement under section 3515(c) of title 31, United States Code.

(2) The annual report shall contain the following:

(A) A conclusion regarding whether the policies and procedures of the Department of Defense, and the systems used within the Department of Defense, for the preparation of financial statements allow the achievement of reliability in those financial statements.

(B) For each of the financial statements prepared for the Department of Defense for the fiscal year in which the report is submitted, a conclusion regarding the expected reliability of the financial statement (evaluated on the basis of Office of Management and Budget guidance on financial statements), together with a discussion of the major deficiencies to be expected in the statement.

(C) A summary of the specific sections of the annual Financial Management Improvement Plan of the Department of Defense, current as of the date of the report, that—

(i) detail the priorities, milestones, and measures of success that apply to the preparation of the financial statements;

(ii) detail the planned improvements in the process for the preparation of financial statements that are to be implemented within 12 months after the date on which the plan is issued; and

(iii) provide an estimate of when each financial statement will convey reliable information.

(3) The annual report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(B) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

(C) The Director of the Office of Management and Budget.

(D) The Secretary of the Treasury.

(E) The Comptroller General of the United States.

(4) The Secretary of Defense shall make a copy of the annual report available to the Inspector General of the Department of Defense.

(b) MINIMIZATION OF USE OF RESOURCES FOR UNRELIABLE FINANCIAL STATEMENTS.—(1) With respect to each financial statement for a fiscal year that the Secretary of Defense assesses as being expected to be unreliable in the annual report under subsection (a), the Under Secretary of Defense (Comptroller) shall take appropriate actions to minimize, consistent with the benefits to be derived, the resources (including contractor support) that are used to develop, compile, and report the financial statement.

(2) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, the following information:

(A) An estimate of the resources that the Department of Defense is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the preparation of financial statements.

(B) A discussion of how the resources saved as estimated under subparagraph (A) have been redirected or are to be redirected from the preparation of financial statements to the improvement of systems underlying financial management within the Department of Defense and to the improvement of financial management policies, procedures, and internal controls within the Department of Defense.

(c) INFORMATION TO AUDITORS.—Not later than October 31 of each year, the Under Secretary of Defense (Comptroller) and the Assistant Secretary of each military department with responsibility for financial management and comptroller functions shall each provide to the auditors of the financial statement of that official's department for the fiscal year ending during the preceding month that official's preliminary management representation, in writing, regarding the expected reliability of the financial statement. The representation shall be consistent with guidance issued by the Director of the Office of Management and Budget and shall include the basis for the reliability assessment stated in the representation.

(d) LIMITATION ON INSPECTOR GENERAL AUDITS.—(1) On each financial statement that an official asserts is unreliable under subsection (b) or (c), the Inspector General of the Department of Defense shall only perform the audit procedures required by generally accepted government auditing standards consistent with any representation made by management.

(2) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, information which the Inspector General shall report to the Under Secretary, as follows:

(A) An estimate of the resources that the Inspector General is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the auditing of financial statements.

(B) A discussion of how the resources saved as estimated under subparagraph (A) have been redirected or are to be redirected from the auditing of financial statements to the oversight and improvement of systems underlying financial management within the Department of Defense and to the oversight and improvement of financial management policies, procedures, and internal controls within the Department of Defense.

(e) EFFECTIVE DATE.—The requirements of this section shall apply with respect to financial statements for fiscal years after fiscal year 2001 and to the auditing of those financial statements.

(f) TERMINATION OF APPLICABILITY.—If the Secretary of Defense certifies to the Inspector General of the Department of Defense that the financial statement for the Department of Defense, or a financial statement for a component of the Department of Defense, for a fiscal year is reliable, this section shall not apply with respect to that financial statement or to any successive financial statement for the Department of Defense, or for that component, as the case may be, for any later fiscal year.

SEC. 1009. FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE AND FINANCIAL FEEDER SYSTEMS COMPLIANCE PROCESS.

(a) EXECUTIVE COMMITTEE.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 185. Financial Management Modernization Executive Committee

''(a) ESTABLISHMENT OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall establish a Financial Management Modernization Executive Committee.

''(2) The Committee shall be composed of the following:

''(A) The Under Secretary of Defense (Comptroller), who shall be the chairman of the committee.

''(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(C) The Under Secretary of Defense for Personnel and Readiness.

''(D) The Chief Information Officer of the Department of Defense.

''(E) Such additional personnel of the Department of Defense (including appropriate personnel of the military departments and Defense Agencies) as are designated by the Secretary.

''(3) The Committee shall be accountable to the Senior Executive Council (composed of the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force).

''(b) DUTIES.—In addition to other matters assigned to it by the Secretary of Defense, the Committee shall have the following duties:

''(1) To establish a process that ensures that each critical accounting system, financial management system, and data feeder system of the Department of Defense is compliant with applicable Federal financial management and reporting requirements.

''(2) To develop a management plan for the implementation of the financial and data feeder systems compliance process established pursuant to paragraph (1).

''(3) To supervise and monitor the actions that are necessary to implement the management plan developed pursuant to paragraph (2), as approved by the Secretary of Defense.

''(4) To ensure that a Department of Defense financial management enterprise architecture is developed and maintained in accordance with—

''(A) the overall business process transformation strategy of the Department; and

''(B) the architecture framework of the Department for command, control, communications, computers, intelligence, surveillance, and reconnaissance functions.

''(5) To ensure that investments in existing or proposed financial management systems for the Department comply with the overall business practice transformation strategy of the Department and the financial management enterprise architecture developed under paragraph (4).

''(6) To provide an annual accounting of each financial and data feeder system investment technology project to ensure that each such project is being implemented at acceptable cost and within a reasonable schedule and is contributing to tangible, observable improvements in mission performance.

''(c) MANAGEMENT PLAN FOR IMPLEMENTATION OF FINANCIAL DATA FEEDER SYSTEMS COMPLIANCE PROCESS.—The management plan developed under subsection (b)(2) shall include among its principal elements at least the following elements:

''(1) A requirement for the establishment and maintenance of a complete inventory of all budgetary, accounting, finance, and data feeder systems that support the transformed business processes of the Department and produce financial statements.

''(2) A phased process (consisting of the successive phases of Awareness, Evaluation, Renovation, Validation, and Compliance) for improving systems referred to in paragraph (1) that provides for mapping financial data flow from the cognizant Department business function source (as part of the overall business process transformation strategy of the Department) to Department financial statements.

''(3) Periodic submittal to the Secretary of Defense, the Deputy Secretary of Defense, and the Senior Executive Council (or any combination thereof) of reports on the progress being made in achieving financial management transformation goals and milestones included in the annual financial management improvement plan in 2002.

''(4) Documentation of the completion of each phase specified in paragraph (2) of improvements made to each accounting, finance, and data feeder system of the Department.

''(5) Independent audit by the Inspector General of the Department, the audit agencies of the military departments, and private sector firms contracted to conduct validation audits (or any combination thereof) at the validation phase for each accounting, finance, and data feeder system.

''(d) DATA FEEDER SYSTEMS.—In this section, the term 'data feeder system' has the meaning given that term in section 2222(c)(2) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''185. Financial Management Modernization Executive Committee.''.

(b) ANNUAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) Subsection (a) of section 2222 of title 10, United States Code, is amended—

(A) by striking ''BIENNIAL'' in the subsection heading and inserting ''ANNUAL'';

(B) by striking ''a biennial'' in the first sentence and inserting ''an annual''; and

(C) by striking ''even-numbered'' in the second sentence.

(2) Subsection (c) of such section is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) In each such plan, the Secretary shall include the following:

''(A) A description of the actions to be taken in the fiscal year beginning in the year in which the plan is submitted to implement the annual performance goals, and the performance milestones, included in the financial management improvement plan submitted in 2002 pursuant to paragraphs (1) and (2), respectively, of section 1009(c) of the National Defense Authorization Act for Fiscal Year 2002.

''(B) An estimate of the amount expended in the fiscal year ending in the year in which the plan is submitted to implement the financial management improvement plan in such preceding calendar year, set forth by system.

''(C) If an element of the financial management improvement plan submitted in the fiscal year ending in the year in which the plan is submitted was not implemented, a justification for the lack of implementation of such element.''.

(3)(A) The heading of such section is amended to read as follows:

"§ 2222. Annual financial management improvement plan".

(B) The item relating to section 2222 in the table of sections at the beginning of chapter 131 of such title is amended to read as follows:

''2222. Annual financial management improvement plan.''.

(c) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN IN 2002.—In the annual financial management improvement plan submitted under section 2222 of title 10, United States Code, in 2002, the Secretary of Defense shall include the following:

(1) Measurable annual performance goals for improvement of the financial management of the Department of Defense.

(2) Performance milestones for initiatives under that plan for transforming the financial management operations of the Department of Defense and for implementing a financial management architecture for the Department.

(3) An assessment of the anticipated annual cost of any plans for transforming the financial management operations of the Department of Defense and for implementing a financial management architecture for the Department.

(4) A discussion of the following:

(A) The roles and responsibilities of appropriate Department officials to ensure the supervision and monitoring of the compliance of each accounting, finance, and data feeder system of the Department with—

(i) the business practice transformation strategy of the Department;

(ii) the financial management architecture of the Department; and

(iii) applicable Federal financial management systems and reporting requirements.

(B) A summary of the actions taken by the Financial Management Modernization Executive Committee to ensure that such systems comply with—

(i) the business practice transformation strategy of the Department;

(ii) the financial management architecture of the Department; and

(iii) applicable Federal financial management systems and reporting requirements.

(d) EFFECTIVE DATE.—Paragraph (2) of section 2222(c) of title 10, United States Code, as added by subsection (b)(2), shall not apply with respect to the annual financial management improvement plan submitted under section 2222 of title 10, United States Code, in 2002.

SEC. 1010. AUTHORIZATION OF FUNDS FOR BALLISTIC MISSILE DEFENSE PROGRAMS OR COMBATING TERRORISM PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 2002 for the military functions of the Department of Defense, in addition to amounts authorized to be appropriated in titles I, II, and III, the amount of $1,300,000,000, to be available, in accordance with subsection (b), for the following purposes:

(1) Research, development, test, and evaluation for ballistic missile defense programs of the Ballistic Missile Defense Organization.

(2) Activities of the Department of Defense for combating terrorism.

(b) ALLOCATION BY PRESIDENT.—(1) The amount authorized to be appropriated by subsection (a) shall be allocated between the purposes stated in paragraphs (1) and (2) of that subsection in such manner as may be determined by the President based upon the national security interests of the United States. The amount authorized in subsection (a) shall not be available for any other purpose.

(2) Upon an allocation of such amount by the President, the amount so allocated shall be transferred to the appropriate regular authorization account under this division in the same manner as provided in section 1001. Transfers under this paragraph shall not be counted for the purposes of section 1001(a)(2).

(3) Not later than 15 days after an allocation is made under this subsection, the Secretary of Defense shall submit to the congressional defense committees a report describing the allocation and the Secretary's plan for the use by the Department of Defense of the funds made available pursuant to such allocation.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) POLAND.—To the Government of Poland, the OLIVER HAZARD PERRY class guided missile frigate WADSWORTH (FFG 9).

(2) TURKEY.—To the Government of Turkey, the KNOX class frigates CAPODANNO (FF 1093), THOMAS C. HART (FF 1092), DONALD B. BEARY (FF 1085), McCANDLESS (FF 1084), REASONER (FF 1063), and BOWEN (FF 1079).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign governments and foreign governmental entities on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the KIDD class guided missile destroyers KIDD (DDG 993), CALLAGHAN (DDG 994), SCOTT (DDG 995), and CHANDLER (DDG 996).

(2) TURKEY.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates ESTOCIN (FFG 15) and SAMUEL ELIOT MORISON (FFG 13).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) COSTS OF TRANSFERS ON GRANT BASIS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer authorized to be made on a grant basis under subsection (a).

(e) WAIVER AUTHORITY.—For a vessel transferred on a grant basis pursuant to authority provided by subsection (a)(2), the President may waive reimbursement of charges for the lease of that vessel under section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) for a period of one year before the date of the transfer of that vessel.

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 1012. SALE OF GLOMAR EXPLORER TO THE LESSEE.

(a) AUTHORITY.—The Secretary of the Navy may convey by sale all right, title, and interest of the United States in and to the vessel GLOMAR EXPLORER (AG 193) to the person who, on the date of the enactment of this Act, is the lessee of the vessel.

(b) CONSIDERATION.—The price for which the vessel is sold under subsection (a) shall be a fair and reasonable amount determined by the Secretary of the Navy.

(c) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(d) PROCEEDS OF SALE.—Amounts received by the Secretary from the sale under this section may, to the extent provided in an appropriations Act, be credited to the appropriation available for providing salvage facilities under section 7361 of title 10, United States Code, and are authorized to remain available until expended for that purpose.

SEC. 1013. LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (g) of section 2667 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Paragraph (1) does not apply to a renewal or extension of a lease by the Secretary of the Navy with a selected institution for operation of a ship within the University National Oceanographic Laboratory System if, under the lease, each of the following applies:

''(A) Use of the ship is restricted to federally supported research programs and to non-Federal uses under specific conditions with approval by the Secretary of the Navy.

''(B) Because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewal or extension.

''(C) The lessee is required to maintain the ship in a good state of repair, readiness, and efficient operating condition, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.''.

SEC. 1014. INCREASE IN LIMITATIONS ON ADMINISTRATIVE AUTHORITY OF THE NAVY TO SETTLE ADMIRALTY CLAIMS.

(a) ADMIRALTY CLAIMS AGAINST THE UNITED STATES.—Section 7622 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking ''$1,000,000'' and inserting ''$15,000,000''; and

(2) in subsection (c), by striking ''$100,000'' and inserting ''$1,000,000''.

(b) ADMIRALTY CLAIMS BY THE UNITED STATES.—Section 7623 of such title is amended—

(1) in subsection (a)(2), by striking ''$1,000,000'' and inserting ''$15,000,000''; and

(2) in subsection (c), by striking ''$100,000'' and inserting ''$1,000,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any claim accruing on or after February 1, 2001.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION AND RESTATEMENT OF AUTHORITY TO PROVIDE DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) is amended to read as follows:

"SEC. 1004. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES

''(a) SUPPORT TO OTHER AGENCIES.—During fiscal years 2002 through 2006, the Secretary of Defense may provide support for the counter-drug activities of any other department or agency of the Federal Government or of any State, local, or foreign law enforcement agency for any of the purposes set forth in subsection (b) if such support is requested—

''(1) by the official who has responsibility for the counter-drug activities of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government;

''(2) by the appropriate official of a State or local government, in the case of support for State or local law enforcement agencies; or

''(3) by an appropriate official of a department or agency of the Federal Government that has counter-drug responsibilities, in the case of support for foreign law enforcement agencies.

''(b) TYPES OF SUPPORT.—The purposes for which the Secretary of Defense may provide support under subsection (a) are the following:

''(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State or local government by the Department of Defense for the purposes of—

''(A) preserving the potential future utility of such equipment for the Department of Defense; and

''(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department of Defense.

''(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—

''(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

''(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department of Defense.

''(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities within or outside the United States.

''(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities of the Department of Defense or any Federal, State, or local law enforcement agency within or outside the United States or counter-drug activities of a foreign law enforcement agency outside the United States.

''(5) Counter-drug related training of law enforcement personnel of the Federal Government, of State and local governments, and of foreign countries, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

''(6) The detection, monitoring, and communication of the movement of—

''(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

''(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

''(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

''(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

''(9) The provision of linguist and intelligence analysis services.

''(10) Aerial and ground reconnaissance.

''(c) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—The Secretary of Defense may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.

''(d) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary of Defense may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department of Defense.

''(e) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 376 of title 10, United States Code, the Secretary of Defense may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

''(f) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary of Defense may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1564)) for the purpose of aiding civilian law enforcement agencies.

''(g) RELATIONSHIP TO OTHER LAWS.—(1) The authority provided in this section for the support of counter-drug activities by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the requirements of chapter 18 of title 10, United States Code.

''(2) Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of title 10, United States Code.

''(h) CONGRESSIONAL NOTIFICATION OF FACILITIES PROJECTS.—(1) When a decision is made to carry out a military construction project described in paragraph (2), the Secretary of Defense shall submit to the congressional defense committees written notice of the decision, including the justification for the project and the estimated cost of the project. The project may be commenced only after the end of the 21-day period beginning on the date on which the written notice is received by Congress.

''(2) Paragraph (1) applies to an unspecified minor military construction project that—

''(A) is intended for the modification or repair of a Department of Defense facility for the purpose set forth in subsection (b)(4); and

''(B) has an estimated cost of more than $500,000.''.

SEC. 1022. EXTENSION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022 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–255) is amended—

(1) by inserting ''and April 15, 2002,'' after ''January 1, 2001,''; and

(2) by striking ''fiscal year 2000'' and inserting ''the preceding fiscal year''.

SEC. 1023. AUTHORITY TO TRANSFER TRACKER AIRCRAFT CURRENTLY USED BY ARMED FORCES FOR COUNTER-DRUG PURPOSES.

(a) TRANSFER AUTHORITY.—The Secretary of Defense may transfer to the administrative jurisdiction and operational control of another Federal agency all Tracker aircraft in the inventory of the Department of Defense.

(b) EFFECT OF FAILURE TO TRANSFER.—If the transfer authority provided by subsection (a) is not exercised by the Secretary of Defense by September 30, 2002, any Tracker aircraft remaining in the inventory of the Department of Defense may not be used by the Armed Forces for counter-drug purposes after that date.

SEC. 1024. LIMITATION ON USE OF FUNDS FOR OPERATION OF TETHERED AEROSTAT RADAR SYSTEM PENDING SUBMISSION OF REQUIRED REPORT.

Not more than 50 percent of the funds appropriated or otherwise made available for fiscal year 2002 for operation of the Tethered Aerostat Radar System, which is used by the Armed Forces in maritime, air, and land counter-drug detection and monitoring, may be obligated or expended until such time as the Secretary of Defense submits to Congress the report on the status of the Tethered Aerostat Radar System required by section 1025 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–256).

Subtitle D—Strategic Forces

SEC. 1031. REPEAL OF LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) is repealed.

SEC. 1032. AIR FORCE BOMBER FORCE STRUCTURE.

(a) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2002 may be obligated or expended for retiring or dismantling any of the 93 B–1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit or facility to which assigned as of that date, until 15 days after the Secretary of the Air Force submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Air Force bomber force structure.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall set forth the following:

(1) The Air Force plan for the modernization of the B1–B aircraft fleet, including a transition plan for implementation of that modernization plan and a description of the basing options for the aircraft in that fleet.

(2) The amount and type of bomber force structure in the Air Force appropriate to meet the requirements of the national security strategy of the United States.

(3) Specifications of new missions to be assigned to the National Guard units that currently fly B–1 aircraft and the transition of those units and their facilities from the current B–1 mission to their future missions.

(4) A description of the potential effect of the proposed consolidation and reduction of the B–1 fleet on other National Guard units in the affected States.

(5) A justification of the cost and projected savings of consolidating and reducing the B–1 fleet.

(c) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE DEFINED.—In this section, the term ''amount and type of bomber force structure'' means the number of B–2 aircraft, B–52 aircraft, and B–1 aircraft that are required to carry out the current national security strategy.

SEC. 1033. ADDITIONAL ELEMENT FOR REVISED NUCLEAR POSTURE REVIEW.

Section 1041(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–262) is amended by adding at the end the following new paragraph:

''(7) The possibility of deactivating or dealerting nuclear warheads or delivery systems immediately, or immediately after a decision to retire any specific warhead, class of warheads, or delivery system.''.

SEC. 1034. REPORT ON OPTIONS FOR MODERNIZATION AND ENHANCEMENT OF MISSILE WING HELICOPTER SUPPORT.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report regarding the options for providing the helicopter support missions for the Air Force intercontinental ballistic missile wings at Minot Air Force Base, North Dakota, Malmstrom Air Force Base, Montana, and F.E. Warren Air Force Base, Wyoming, for as long as these missions are required. The report shall include the Secretary's recommendations on a preferred option.

(b) OPTIONS.—Options to be reviewed under subsection (a) include the following:

(1) The current plan of the Air Force for replacement or modernization of UH–1N helicopters currently flown by the Air Force at the missile wings.

(2) Replacement of the UH–1N helicopters currently flown by the Air Force with UH–60 Black Hawk helicopters, the UH–1Y helicopter, or another platform.

(3) Replacement of the UH–1N helicopters with UH–60 helicopters and transition of the mission to the Army National Guard, as detailed in the Air Force Space Command/Army National Guard plan entitled ''ARNG Helicopter Support to Air Force Space Command'' and dated November 2000.

(4) Replacement of the UH–1N helicopters with UH–60 helicopters or another platform, and establishment of composite units combining active duty Air Force and Army National Guard personnel.

(5) Such other options as the Secretary of Defense considers appropriate.

(c) FACTORS.—Factors to be considered in preparing the report under subsection (a) include the following:

(1) Any implications of transferring the helicopter support missions on the command and control of, and responsibility for, missile field force protection.

(2) Current and future operational requirements, and the capabilities of the UH–1N or UH–60 helicopter or other aircraft to meet such requirements.

(3) Cost, with particular attention to opportunities to realize efficiencies over the long run.

(4) Implications for personnel training and retention.

(5) Evaluation of the assumptions used in the plan specified in subsection (b)(3).

(d) CONSIDERATION.—In preparing the report under subsection (a), the Secretary of Defense shall consider carefully the views of the Secretary of the Army, the Secretary of the Air Force, the commander of the United States Strategic Command, and the Chief of the National Guard Bureau.

(e) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted to the congressional defense committees not later than the date on which the President submits to Congress the budget under section 1105 of title 31, United States Code, for fiscal year 2003.

Subtitle E—Other Department of Defense Provisions

SEC. 1041. SECRETARY OF DEFENSE RECOMMENDATION ON NEED FOR DEPARTMENT OF DEFENSE REVIEW OF PROPOSED FEDERAL AGENCY ACTIONS TO CONSIDER POSSIBLE IMPACT ON NATIONAL DEFENSE.

(a) RECOMMENDATION ON NEED FOR DEFENSE IMPACT REVIEW PROCESS.—The Secretary of Defense shall submit to the President the Secretary's recommendation as to whether there should be established within the executive branch a defense impact review process. The Secretary shall submit a copy of such recommendation to Congress.

(b) DEFENSE IMPACT REVIEW PROCESS.—(1) For purposes of this section, the term '''defense impact review process'' means a formal process within the executive branch—

(A) to provide for review by the Department of Defense of certain proposed actions of other Federal departments and agencies to identify any reasonably foreseeable significant adverse impact of such a proposed action on national defense; and

(B) when such a review indicates that a proposed agency action may have such an adverse impact—

(i) to afford the Secretary of Defense a timely opportunity to make recommendations for means to eliminate or mitigate any such adverse impact; and

(ii) to afford an opportunity for those recommendations to be given reasonable and timely consideration by the agency to which provided.

(2) For purposes of such a review process, the proposed agency actions subject to review would be those for which a significant adverse impact on national defense is reasonably foreseeable and that meet such additional criteria as may be specified by the Secretary of Defense.

(c) TIME FOR SUBMISSION OF RECOMMENDATION.—The Secretary shall submit the Secretary's recommendation under subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 1042. DEPARTMENT OF DEFENSE REPORTS TO CONGRESS TO BE ACCOMPANIED BY ELECTRONIC VERSION UPON REQUEST.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

''§ 480. Reports to Congress: submission in electronic form

''(a) REQUIREMENT.—Whenever the Secretary of Defense or any other official of the Department of Defense submits to Congress (or any committee of either House of Congress) a report that the Secretary (or other official) is required by law to submit, the Secretary (or other official) shall, upon request by any committee of Congress to which the report is submitted or referred, provide to Congress (or each such committee) a copy of the report in an electronic medium.

''(b) EXCEPTION.—Subsection (a) does not apply to a report submitted in classified form.

''(c) DEFINITION.—In this section, the term 'report' includes any certification, notification, or other communication in writing.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 481 the following new item:

''480. Reports to Congress: submission in electronic form.''.

SEC. 1043. DEPARTMENT OF DEFENSE GIFT AUTHORITIES.

(a) AUTHORITY TO MAKE LOANS AND GIFTS.—(1) Subsection (a) of section 7545 of title 10, United States Code, is amended by striking ''(a) Subject to'' and all that follows through ''to—'' and inserting the following:

''(a) AUTHORITY TO MAKE LOANS AND GIFTS.—The Secretary of the Navy may lend or give, without expense to the United States, items described in subsection (b) that are not needed by the Department of the Navy to any of the following:''.

(2) Such subsection is further amended—

(A) by capitalizing the first letter after the paragraph designation in each of paragraphs (1) through (12);

(B) by striking the semicolon at the end of paragraphs (1) through (10) and inserting a period;

(C) by striking ''; or'' at the end of paragraph (11) and inserting a period;

(D) in paragraph (5), by striking ''World War I or World War II'' and inserting ''a foreign war'';

(E) in paragraph (6), by striking ''soldiers' monument'' and inserting ''servicemen's monument''; and

(F) in paragraph (8), by inserting ''or memorial'' after ''museum''.

(b) ADDITIONAL ITEMS AUTHORIZED TO BE DONATED BY SECRETARY OF THE NAVY.—Such section is further amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(2) by inserting after subsection (a) the following new subsections:

''(b) ITEMS ELIGIBLE FOR DISPOSAL.—This section applies to the following types of property held by the Department of the Navy:

''(1) Captured, condemned, or obsolete ordnance material.

''(2) Captured, condemned, or obsolete combat or shipboard material.

''(c) REGULATIONS.—A loan or gift made under this section shall be subject to regulations prescribed by the Secretary and to regulations under section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486).''; and

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

''(f) AUTHORITY TO TRANSFER A PORTION OF A VESSEL.—The Secretary may lend, give, or otherwise transfer any portion of the hull or superstructure of a vessel stricken from the Naval Vessel Register and designated for scrapping to a qualified organization specified in subsection (a). The terms and conditions of an agreement for the transfer of a portion of a vessel under this section shall include a requirement that the transferee will maintain the material conveyed in a condition that will not diminish the historical value of the material or bring discredit upon the Navy.''.

(c) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (d) (as redesignated by subsection (b)(1)), by inserting ''MAINTENANCE OF THE RECORDS OF THE GOVERNMENT.—'' after the subsection designation; and

(2) in subsection (e) (as redesignated by subsection (b)(1)), by inserting ''ALTERNATIVE AUTHORITIES TO MAKE GIFTS OR LOANS.—'' after the subsection designation.

(d) CONFORMING AMENDMENTS.—Section 2572(a) of such title is amended—

(1) in paragraph (1), by inserting '', county, or other political subdivision of a State'' before the period at the end;

(2) in paragraph (2), by striking ''soldiers' monument'' and inserting ''servicemen's monument''; and

(3) in paragraph (4), by inserting ''or memorial'' after ''An incorporated museum''.

SEC. 1044. ACCELERATION OF RESEARCH, DEVELOPMENT, AND PRODUCTION OF MEDICAL COUNTERMEASURES FOR DEFENSE AGAINST BIOLOGICAL WARFARE AGENTS.

(a) AGGRESSIVE PROGRAM REQUIRED.—(1) The Secretary of Defense shall carry out a program to aggressively accelerate the research, development, testing, and licensure of new medical countermeasures for defense against the biological warfare agents that are the highest threat.

(2) The program shall include the following activities:

(A) As the program's first priority, investment in multiple new technologies for medical countermeasures for defense against the biological warfare agents that are the highest threat, including for the prevention and treatment of anthrax.

(B) Leveraging of ideas and technologies from the biological technology industry.

(b) STUDY REQUIRED.—(1) The Secretary of Defense shall enter into a contract with the Institute of Medicine and the National Research Council under which the Institute and Council, in consultation with the Secretary, shall carry out a study of the review and approval process for new medical countermeasures for biological warfare agents. The purpose of the study shall be to identify—

(A) new approaches to accelerating such process; and

(B) definitive and reasonable methods for assuring the agencies responsible for regulating such countermeasures that such countermeasures will be effective in preventing disease in humans or in providing safe and effective therapy against such agents.

(2) Not later than June 1, 2002, the Institute and Council shall jointly submit to Congress a report on the results of the study.

(c) FACILITY FOR PRODUCTION OF VACCINES.—(1) Subject to paragraph (2) and to the availability of funds for such purposes appropriated pursuant to an authorization of appropriations, the Secretary of Defense may—

(A) design and construct a facility on a Department of Defense installation for the production of vaccines to meet the requirements of the

Department of Defense to prevent or mitigate the physiological effects of exposure to biological warfare agents;

(B) operate that facility;

(C) qualify and validate that facility for the production of vaccines in accordance with the requirements of the Food and Drug Administration; and

(D) contract with a private-sector source for the production of vaccines in that facility.

(2) The authority under paragraph (1)(A) to construct a facility may be exercised only to the extent that a project for such construction is authorized by law in accordance with section 2802 of title 10, United States Code.

(3) The Secretary shall use competitive procedures under chapter 137 of title 10, United States Code, to enter into contracts to carry out subparagraphs (A), (B), and (D) of paragraph (1).

(d) PLAN REQUIRED.—(1) The Secretary shall develop a long-range plan to provide for the production and acquisition of vaccines to meet the requirements of the Department of Defense to prevent or mitigate the physiological effects of exposure to biological warfare agents.

(2) The plan shall include the following:

(A) An evaluation of the need for one or more vaccine production facilities that are specifically dedicated to meeting the requirements of the Department of Defense and other national interests.

(B) An evaluation of the options for the means of production of such vaccines, including—

(i) use of public facilities, private facilities, or a combination of public and private facilities; and

(ii) management and operation of the facilities by the Federal Government, one or more private persons, or a combination of the Federal Government and one or more private persons.

(C) A specification of the means that the Secretary determines is most appropriate for the production of such vaccines.

(3) The Secretary shall ensure that the plan is consistent with the requirement for safe and effective vaccines approved by the Food and Drug Administration.

(4) In preparing the plan, the Secretary shall—

(A) consider and, as the Secretary determines appropriate, include the information compiled and the analyses developed in preparing the reports required by sections 217 and 218 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–36, 1654A–37); and

(B) consult with the heads of other appropriate departments and agencies of the Federal Government.

(e) REPORT.—Not later than February 1, 2002, the Secretary shall submit to the congressional defense committees a report on the plan required by subsection (d). The report shall include, at a minimum, the contents of the plan and the following matters:

(1) A description of the policies and requirements of the Department of Defense regarding acquisition and use of such vaccines.

(2) The estimated schedule for the acquisition of such vaccines in accordance with the plan.

(3) A discussion of the options considered under subsection (d)(2)(B) for the means of production of such vaccines.

(4) The Secretary's recommendations for the most appropriate course of action to meet the requirements specified in subsection (d)(1), together with the justification for such recommendations and the long-term cost of implementing such recommendations.

(f) FUNDING.—Of the amount authorized to be appropriated under section 201(4) for research, development, test, and evaluation, Defense-wide, $5,000,000 may be available in Program Element 62384BP, and $5,000,000 may be available in Program Element 63384BP, for the program required by subsection (a).

SEC. 1045. CHEMICAL AND BIOLOGICAL PROTECTIVE EQUIPMENT FOR MILITARY PERSONNEL AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements of the Department of Defense, including the reserve components, regarding chemical and biological protective equipment. The report shall set forth the following:

(1) A description of any current shortfalls with respect to requirements regarding chemical and biological protective equipment for military personnel, whether for individuals or units.

(2) An assessment of what should be the appropriate level of protection for civilian employees of the Department of Defense against chemical and biological attack.

(3) A plan for providing required chemical and biological protective equipment for military personnel and civilian employees of the Department of Defense.

(4) An assessment of the costs associated with carrying out the plan described in paragraph (3).

SEC. 1046. SALE OF GOODS AND SERVICES BY NAVAL MAGAZINE, INDIAN ISLAND, ALASKA.

(a) SALE AUTHORIZED.—Subject to subsections (c) and (d) of section 2563 of title 10, United States Code, the Secretary of the Navy may sell to a person outside the Department of Defense any article or service provided by the Naval Magazine, Indian Island, Alaska, that is not available from a United States commercial source.

(b) CREDITING OF PROCEEDS.—The proceeds from the sale of any article or service under this section shall be credited to the appropriation supporting the maintenance and operation of the Naval Magazine, Indian Island, for the fiscal year in which the proceeds are received.

SEC. 1047. REPORT ON PROCEDURES AND GUIDELINES FOR EMBARKATION OF CIVILIAN GUESTS ON NAVAL VESSELS FOR PUBLIC AFFAIRS PURPOSES.

Not later than February 1, 2002, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth in detail the procedures and guidelines of the Navy for the embarkation of civilian guests on naval vessels for public affairs purposes. The report shall include the following:

(1) Procedures for nominating and approving civilian guests for embarkation on naval vessels.

(2) Procedures for ensuring that civilian guest embarkations are conducted only as part of regularly scheduled operations.

(3) Guidelines regarding the operation of equipment by civilian guests on naval vessels.

(4) Any other procedures or guidelines the Secretary considers necessary or appropriate to ensure that operational readiness and safety are not hindered by activities related to the embarkation of civilian guests on naval vessels.

SEC. 1048. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are each amended by striking the period after ''1111'' in the item relating to chapter 56.

(2) Section 119(g)(2) is amended by striking ''National Security Subcommittee'' and inserting ''Subcommittee on Defense''.

(3) Section 130c(b)(3)(C) is amended by striking ''subsection (f)'' and inserting ''subsection (g)''.

(4) Section 176(a)(3) is amended by striking ''Chief Medical Director'' and inserting ''Under Secretary for Health''.

(5)(A) Section 503(c) is amended in paragraph (6)(A)(i) by striking ''14101(18)'' and ''8801(18)'' and inserting ''14101'' and ''8801'', respectively.

(B) The amendment made by subparagraph (A) shall take effect on July 1, 2002, immediately after the amendment to such section effective that date by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–131).

(6) Section 663(e) is amended—

(A) by striking ''Armed Forces Staff College'' in paragraph (1) and inserting ''Joint Forces Staff College''; and

(B) by striking ''ARMED FORCES STAFF COLLEGE'' and inserting ''JOINT FORCES STAFF COLLEGE''.

(7) Section 667(17) is amended by striking ''Armed Forces Staff College'' both places it appears and inserting ''Joint Forces Staff College''.

(8) Section 874(a) is amended by inserting after ''a sentence of confinement for life without eligibility for parole'' the following: ''that is adjudged for an offense committed after October 29, 2000''.

(9) Section 1056(c)(2) is amended by striking '', not later than September 30, 1991,''.

(10) The table of sections at the beginning of chapter 55 is amended by transferring the item relating to section 1074i, as inserted by section 758(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–200), so as to appear after the item relating to section 1074h.

(11) Section 1097a(e) is amended by striking ''section 1072'' and inserting ''section 1072(2)''.

(12) Sections 1111(a) and 1114(a)(1) are each amended by striking ''hereafter'' and inserting ''hereinafter''.

(13) Section 1116 is amended—

(A) in subsection (a)(2)(B), by inserting an open parenthesis before ''other than for training''; and

(B) in subsection (b)(2)(D), by striking ''section 111(c)(4)'' and inserting ''section 1115(c)(4)''.

(14) The heading for subchapter II of chapter 75 is transferred within that chapter so as to appear before the table of sections at the beginning of that subchapter (as if the amendment made by section 721(c)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 694) had inserted that heading following section 1471 instead of before section 1475).

(15) Section 1611(d) is amended by striking ''with''.

(16) Section 2166(e)(9) is amended by striking ''App. 2'' and inserting ''App.''.

(17) Section 2323(a)(1)(C) is amended—

(A) by striking ''section 1046(3)'' and inserting ''section 365(3)'';

(B) by striking ''20 U.S.C. 1135d–5(3)'' and inserting ''20 U.S.C. 1067k''; and

(C) by striking '', which, for the purposes of this section'' and all that follows through the period at the end and inserting a period.

(18) Section 2375(b) is amended by inserting ''(41 U.S.C. 430)'' after ''section 34 of the Office of Federal Procurement Policy Act''.

(19) Section 2376(1) is amended by inserting ''(41 U.S.C. 403)'' after ''section 4 of the Office of Federal Procurement Policy Act''.

(20) Section 2410f(a) is amended by inserting after ''inscription'' the following: '', or another inscription with the same meaning,''.

(21) Section 2461a(a)(2) is amended by striking ''effeciency'' and inserting ''efficiency''.

(22) Section 2467 is amended—

(A) in subsection (a)(2)—

(i) by striking '', United States Code'' in subparagraph (A); and

(ii) by striking ''such'' in subparagraphs (B) and (C); and

(B) in subsection (b)(2)(A), by striking ''United States Code,''.

(23) Section 2535 is amended—

(A) in subsection (a)—

(i) by striking ''intent of Congress'' and inserting ''intent of Congress—'';

(ii) by realigning clauses (1), (2), (3), and (4) so that each such clause appears as a separate paragraph indented two ems from the left margin; and

(iii) in paragraph (1), as so realigned, by striking ''Armed Forces'' and inserting ''armed forces'';

(B) in subsection (b)(1)—

(i) by striking ''in this section, the Secretary is authorized and directed to—'' and inserting ''in subsection (a), the Secretary of Defense shall—''; and

(ii) by striking ''defense industrial reserve'' in subparagraph (A) and inserting ''Defense Industrial Reserve''; and

(C) in subsection (c)—

(i) by striking paragraph (1);

(ii) by redesignating paragraph (2) as paragraph (1) and in that paragraph—

(I) by striking ''means'' and inserting ''means—'';

(II) by realigning clauses (A), (B), and (C) so that each such clause appears as a separate subparagraph indented four ems from the left margin; and

(III) by inserting ''and'' at the end of subparagraph (B), as so realigned; and

(iii) by redesignating paragraph (3) as paragraph (2).

(24) Section 2541c is amended by striking ''subtitle'' both places it appears in the matter preceding paragraph (1) and inserting ''subchapter''.

(25) The second section 2582, added by section 1(a) of Public Law 106–446 (114 Stat. 1932), is redesignated as section 2583, and the item relating to that section in the table of sections at the beginning of chapter 153 is revised to conform to such redesignation.

(26)(A) Section 2693(a) is amended—

(i) in the matter preceding paragraph (1), by inserting ''of Defense'' after ''Secretary''; and

(ii) in paragraph (3)—

(I) by inserting ''to the Secretary of Defense'' after ''certifies'';

(II) by inserting ''(42 U.S.C. 3762a)'' after ''of 1968''; and

(III) by striking ''to the public agencies referred to in section 515(a)(1) or 515(a)(3) of title I of such Act'' and inserting ''to a public agency referred to in paragraph (1) or (3) of subsection (a) of such section''.

(B)(i) The heading of such section is amended to read as follows:

''§ 2693. Conveyance of certain property: Department of Justice correctional options program''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 159 is amended to read as follows:

''2693. Conveyance of certain property: Department of Justice correctional options program.''.

(27) Section 3014(f)(3) is amended by striking ''the number equal to'' and all that follows and inserting ''67.''.

(28) Section 5014(f)(3) is amended by striking ''the number equal to'' and all that follows and inserting ''74.''.

(29) Section 8014(f)(3) is amended by striking ''the number equal to'' and all that follows and inserting ''60.''.

(30) Section 9783(e)(1) is amended by striking ''40101(a)(2)'' and inserting ''40102(a)(2)''.

(31) Section 12741(a)(2) is amended by striking ''received'' and inserting ''receive''.

(b) AMENDMENTS RELATING TO CHANGE IN TITLE OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Title 10, United States Code, is further amended as follows:

(1) Section 133a(b) is amended by striking ''shall assist the Under Secretary of Defense for Acquisition and Technology'' and inserting ''shall assist the Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(2) The following provisions are each amended by striking ''Under Secretary of Defense for Acquisition and Technology'' and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics'': sections 139(c), 139(g) (as redesignated by section 263), 171(a)(3), 179(a)(1), 1702, 1703, 1707(a), 1722(a), 1722(b)(2)(B), 1735(c)(1), 1737(c)(1), 1737(c)(2)(B), 1741(b), 1746(a), 1761(b)(4), 1763, 2302c(a)(2), 2304(f)(1)(B)(iii), 2304(f)(6)(B), 2311(c)(1), 2311(c)(2)(B), 2350a(e)(1)(A), 2350a(e)(2)(B), 2350a(f)(1), 2399(b)(3), 2435(b), 2435(d)(2), 2521(a), and 2534(i)(3).

(3)(A) The heading for section 1702 is amended to read as follows:

''§ 1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities''.

(B) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 is amended to read as follows:

''1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities.''.

(4) Section 2503(b) is amended by striking ''Under Secretary of Defense for Acquisition'' and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(c) AMENDMENTS TO SUBSTITUTE CALENDAR DATES FOR DATE-OF-ENACTMENT REFERENCES.—Title 10, United States Code, is further amended as follows:

(1) Section 130c(d)(1) is amended by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001'' and inserting ''October 30, 2000,''.

(2) Section 184(a) is amended by striking ''the date of the enactment of this section,'' and inserting ''October 30, 2000,''.

(3) Section 986(a) is amended by striking ''the date of the enactment of this section,'' and inserting ''October 30, 2000,''.

(4) Section 1074g(a)(8) is amended by striking ''the date of the enactment of this section'' and inserting ''October 5, 1999,''.

(5) Section 1079(h)(2) is amended by striking ''the date of the enactment of this paragraph'' and inserting ''February 10, 1996,''.

(6) Section 1206(5) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000,'' and inserting ''October 5, 1999,''.

(7) Section 1405(c)(1) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,'' and inserting ''October 5, 1994,''.

(8) Section 1407(f)(2) is amended by striking ''the date of the enactment of this subsection—'' and inserting ''October 30, 2000—''.

(9) Section 1408(d)(6) is amended by striking ''the date of the enactment of this paragraph'' and inserting ''August 22, 1996,''.

(10) Section 1511(b) is amended by striking ''the date of the enactment of this chapter.'' and inserting ''February 10, 1996.''.

(11) Section 2461a(b)(1) is amended by striking ''the date of the enactment of this section,'' and inserting ''October 30, 2000,''.

(12) Section 4021(c)(1) is amended by striking ''the date of the enactment of this section.'' and inserting ''November 29, 1989.''.

(13) Section 6328(a) is amended by striking ''the date of the enactment of this section'' and inserting ''February 10, 1996,''.

(14) Section 7439 is amended—

(A) in subsection (a)(2), by striking ''one year after the date of the enactment of this section,'' and inserting ''November 18, 1998,'';

(B) in subsection (b)(1), by striking ''the date of the enactment of this section,'' and inserting ''November 18, 1997,'';

(C) in subsection (b)(2), by striking ''the end of the one-year period beginning on the date of the enactment of this section.'' and inserting ''November 18, 1998.''; and

(D) in subsection (f)(2), by striking ''the date of the enactment of this section'' and inserting ''November 18, 1997,''.

(15) Section 12533 is amended—

(A) in each of subsections (b) and (c)(1), by striking ''the date of the enactment of this section.'' and inserting ''November 18, 1997.''; and

(B) in each of subsections (c)(2) and (d), by striking ''the date of the enactment of this section'' and inserting ''November 18, 1997,''.

(16) Section 12733(3) is amended—

(A) in subparagraph (B), by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001;'' and inserting ''October 30, 2000;''; and

(B) in subparagraph (C), by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001'' and inserting ''October 30, 2000,''.

(d) AMENDMENTS RELATING TO CHANGE IN TITLE OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—The following provisions are each amended by striking ''Stewart B. McKinney Homeless Assistance Act'' and inserting ''McKinney-Vento Homeless Assistance Act'':

(1) Sections 2814(j)(2), 2854a(d)(2), and 2878(d)(4) of title 10, United States Code.

(2) Sections 2905(b)(6)(A) and 2910(11) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(3) Section 204(b)(6)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(4) Section 2915(c)(10) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2687 note).

(5) Section 2(e)(4)(A) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421; 10 U.S.C. 2687 note).

(6) Section 1053(a) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2650).

(e) AMENDMENTS TO REPEAL OBSOLETE PROVISIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 1144 is amended—

(A) in subsection (a)(3), by striking the second sentence; and

(B) by striking subsection (e).

(2) Section 1581(b) is amended—

(A) by striking ''(1)'' and all that follows through ''The Secretary of Defense shall deposit'' and inserting ''The Secretary of Defense shall deposit''; and

(B) by striking ''on or after December 5, 1991,''.

(3) Subsection (e) of section 1722 is repealed.

(4) Subsection 1732(a) is amended by striking the second sentence.

(5) Section 1734 is amended—

(A) in subsection (b)(1)(B), by striking ''on and after October 1, 1991,''; and

(B) in subsection (e)(2), by striking the last sentence.

(6)(A) Section 1736 is repealed.

(B) The table of sections at the beginning of subchapter III of chapter 87 is amended by striking the item relating to section 1736.

(7)(A) Sections 1762 and 1764 are repealed.

(B) The table of sections at the beginning of subchapter V of chapter 87 is amended by striking the items relating to sections 1762 and 1764.

(8) Section 2112(a) is amended by striking '', with the first class graduating not later than September 21, 1982''.

(9) Section 2218(d)(1) is amended by striking ''for fiscal years after fiscal year 1993''.

(10)(A) Section 2468 is repealed.

(B) The table of sections at the beginning of chapter 146 is amended by striking the item relating to section 2468.

(11) Section 2832 is amended—

(A) by striking ''(a)'' before ''The Secretary of Defense''; and

(B) by striking subsection (b).

(12) Section 7430(b)(2) is amended—

(A) by striking ''at a price less than'' and all that follows through ''the current sales price''

and inserting ''at a price less than the current sales price'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking subparagraph (B).

(f) PUBLIC LAW 106–398.—Effective as of October 30, 2000, and as if included therein as enacted, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 525(b)(1) (114 Stat. 1654A–109) is amended by striking ''subsection (c)'' and inserting ''subsections (a) and (b)''.

(2) Section 1152(c)(2) (114 Stat. 1654A–323) is amended by inserting ''inserting'' after ''and''.

(g) PUBLIC LAW 106–65.—Effective as of October 5, 1999, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 531(b)(2)(A) (113 Stat. 602) is amended by inserting ''in subsection (a),'' after ''(A)''.

(2) Section 549(a)(2) (113 Stat. 611) is amended by striking ''such chapter'' and inserting ''chapter 49 of title 10, United States Code,''.

(3) Section 576(a)(3) (10 U.S.C. 1501 note; 113 Stat. 625) is amended by adding a period at the end.

(4) Section 577(a)(2) (113 Stat. 625) is amended by striking ''bad conduct'' in the first quoted matter and inserting ''bad-conduct''.

(5) Section 811(d)(3)(B)(v) (10 U.S.C. 2302 note; 113 Stat. 709) is amended by striking ''Mentor-Protegee'' and inserting ''Mentor-Protege''.

(6) Section 1052(b)(1) (113 Stat. 764) is amended by striking '' 'The Department'' and inserting ''the 'Department''.

(7) Section 1053(a)(5) (10 U.S.C. 113 note; 113 Stat. 764) is amended by inserting ''and'' before ''Marines''.

(8) Section 1402(f)(2)(A) (22 U.S.C. 2778 note; 113 Stat. 799) is amended by striking ''3201 note'' and inserting ''6305(4)''.

(9) Section 2902(d) (10 U.S.C. 111 note; 113 Stat. 882) is amended by striking ''section 2871(b)'' and inserting ''section 2881(b)''.

(h) PUBLIC LAW 102–484.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 3161(c)(6)(C) (42 U.S.C. 7274h(c)(6)(C)) is amended by striking ''title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.)'' and inserting ''title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.)''.

(2) Section 4416(b)(1) (10 U.S.C. 12681 note) is amended by striking ''force reduction period'' and inserting ''force reduction transition period''.

(3) Section 4461(5) (10 U.S.C. 1143 note) is amended by adding a period at the end.

(i) OTHER LAWS.—

(1) Section 1083(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 113 note) is amended by striking ''NAMES'' and inserting ''NAME''.

(2) Section 845(d)(1)(B)(ii) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended by inserting a closed parenthesis after ''41 U.S.C. 414(3))''.

(3) Section 1123(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1556) is amended by striking ''Armed Forces Staff College'' each place it appears and inserting ''Joint Forces Staff College''.

(4) Section 1412(g)(2)(C)(vii) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)(2)(C)(vii)) is amended by striking ''(c)(3)'' and inserting ''(c)(4)''.

(5) Section 8336 of title 5, United States Code, is amended—

(A) in subsection (d)(2), by striking ''subsection (o)'' and inserting ''subsection (p)''; and

(B) by redesignating the second subsection (o), added by section 1152(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–320), as subsection (p).

(6) Section 9001(3) of title 5, United States Code, is amended by striking ''and'' at the end of subparagraph (A) and inserting ''or''.

(7) Section 318(h)(3) of title 37, United States Code, is amended by striking ''subsection (a)'' and inserting ''subsection (b)''.

(8) Section 3695(a)(5) of title 38, United States Code, is amended by striking ''1610'' and inserting ''1611''.

(9) Section 13(b) of the Peace Corps Act (22 U.S.C. 2512(b)) is amended by striking '', subject to section 5532 of title 5, United States Code''.

(10) Section 127(g)(6) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note), as amended by section 311(b) of the Legislative Branch Appropriations Act, 2000 (Public Law 106–57; 113 Stat. 428), is amended—

(A) by striking ''AUTHORITIES.—'' and all that follows through ''An individual'' and inserting ''AUTHORITIES.—An individual''; and

(B) by striking subparagraph (B).

(11) Section 28 of the Atomic Energy Act of 1954 (42 U.S.C. 2038) is amended in the last sentence by striking '', subject to'' and all that follows through the period at the end and inserting a period.

(12) Section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402) is amended by redesignating the second subsection (e), added by section 3159(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–469), as subsection (f).

(j) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1049. TERMINATION OF REFERENDUM REQUIREMENT REGARDING CONTINUATION OF MILITARY TRAINING ON ISLAND OF VIEQUES, PUERTO RICO, AND IMPOSITION OF ADDITIONAL CONDITIONS ON CLOSURE OF TRAINING RANGE.

(a) IN GENERAL.—Title XV 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–348) is amended by striking sections 1503, 1504, and 1505 and inserting the following new sections:

''SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

''(a) CONDITIONAL AUTHORITY TO CLOSE.—The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue training at that range only if the Secretary certifies to the President and Congress that both of the following conditions are satisfied:

''(1) One or more alternative training facilities exist that, individually or collectively, provide an equivalent or superior level of training for units of the Navy and the Marine Corps stationed or deployed in the eastern United States.

''(2) The alternative facility or facilities are available and fully capable of supporting such Navy and Marine Corps training immediately upon cessation of training on Vieques.

''(b) CONSULTATION REQUIRED.—In determining whether the conditions specified in paragraphs (1) and (2) of subsection (a) are satisfied, the Secretary of the Navy shall take into account the written views and recommendations of the Chief of Naval Operations and the Commandant of the Marine Corps. The Secretary shall submit these written views and recommendations to Congress with the certification submitted under subsection (a).

''SEC. 1504. CLOSURE OF VIEQUES NAVAL TRAINING RANGE AND DISPOSAL OF CLOSED RANGE.

''(a) TERMINATION OF TRAINING AND RELATED CLOSURES.—If the conditions specified in section 1503(a) are satisfied and the Secretary of the Navy makes a determination to close the Vieques Naval Training Range and discontinue live-fire training at that range the Secretary of the Navy shall—

''(1) terminate all Navy and Marine Corps training operations on the island of Vieques;

''(2) terminate all Navy and Marine Corps operations at Naval Station Roosevelt Roads, Puerto Rico, that are related exclusively to the use of the training range on the island of Vieques by the Navy and the Marine Corps; and

''(3) close the Navy installations and facilities on the island of Vieques, other than properties exempt from conveyance and transfer under section 1506.

''(b) TRANSFER TO SECRETARY OF THE INTERIOR.—Upon termination of Navy and Marine Corps training operations on the island of Vieques, the Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior—

''(1) the Live Impact Area on the island of Vieques;

''(2) all Department of Defense real properties on the eastern side of the island that are identified as conservation zones; and

''(3) all other Department of Defense real properties on the eastern side of the island.

''(c) ADMINISTRATION BY SECRETARY OF THE INTERIOR.—

''(1) RETENTION AND ADMINISTRATION.—The Secretary of the Interior shall retain, and may not dispose of any of, the properties transferred under paragraphs (2) and (3) of subsection (b) and shall administer such properties as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) pending the enactment of a law that addresses the disposition of such properties.

''(2) LIVE IMPACT AREA.—The Secretary of the Interior shall assume responsibility for the administration of the Live Impact Area upon transfer under paragraph (1) of subsection (b), administer that area as a wilderness area under the Wilderness Act (16 U.S.C. 1131 et seq.), and deny public access to the area.

''(d) LIVE IMPACT AREA DEFINED.—In this section, the term 'Live Impact Area' means the parcel of real property, consisting of approximately 900 acres (more or less), on the island of Vieques that is designated by the Secretary of the Navy for targeting by live ordnance in the training of forces of the Navy and Marine Corps.''.

(b) CONFORMING AMENDMENT.—Section 1507(c) of such Act (114 Stat. 1654A–355) is amended by striking ''the issuance of a proclamation described in section 1504(a) or''.

Subtitle F—Other Matters

SEC. 1061. ASSISTANCE FOR FIREFIGHTERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (e) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $900,000,000 for each of the fiscal years 2002 through 2004 for the purposes of this section.

''(2) ADMINISTRATIVE EXPENSES.—Of the funds appropriated pursuant to paragraph (1) for a fiscal year, the Director may use not more than three percent of the funds to cover salaries and expenses and other administrative costs incurred by the Director to operate the office established under subsection (b)(2) and make grants and provide assistance under this section.''.

(b) RESPONSE TO TERRORISM OR USE OF WEAPONS OF MASS DESTRUCTION.—Subsection (b)(3) of such section is amended—

(1) in subparagraph (B), by inserting ''(including response to a terrorism incident or use of a weapon of mass destruction)'' after ''response'';

(2) in subparagraph (H), by striking ''and monitoring'' and inserting '', monitoring, and

response to a terrorism incident or use of a weapon of mass destruction''; and

(3) in subparagraph (I), by inserting '', including protective equipment to respond to a terrorism incident or the use of a weapon of mass destruction'' after ''personnel'' the second place it appears.

(c) TECHNICAL AMENDMENTS.—Subsection (b)(3) of such section is further amended—

(1) by striking ''the grant funds—'' in the matter preceding subparagraph (A) and inserting ''the grant funds for one or more of the following purposes:'';

(2) by capitalizing the initial letter of the first word of each of subparagraphs (A) through (N);

(3) by striking the semicolon at the end of each of subparagraphs (A) through (L) and inserting a period; and

(4) by striking ''; or'' at the end of subparagraph (M) and inserting a period.

SEC. 1062. EXTENSION OF TIMES FOR COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY TO REPORT AND TO TERMINATE.

(a) DEADLINE FOR REPORT.—Subsection (d)(1) of section 1092 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–302) is amended by striking ''March 1, 2002'' and inserting ''one year after the date of the first official meeting of the Commission''.

(b) TERMINATION OF COMMISSION.—Subsection (g) of such section is amended by striking ''30 days'' and inserting ''60 days''.

SEC. 1063. APPROPRIATIONS TO RADIATION EXPOSURE COMPENSATION TRUST FUND.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''(e) APPROPRIATION.—

''(1) IN GENERAL.—There are appropriated to the Fund, out of any money in the Treasury not otherwise appropriated, for fiscal year 2002 and each fiscal year thereafter through fiscal year 2011, such sums as may be necessary, not to exceed the applicable maximum amount specified in paragraph (2), to carry out the purposes of the Fund.

''(2) LIMITATION.—Appropriation of amounts to the Fund pursuant to paragraph (1) is subject to the following maximum amounts:

''(A) For fiscal year 2002, $172,000,000.

''(B) For fiscal year 2003, $143,000,000.

''(C) For fiscal year 2004, $107,000,000.

''(D) For fiscal year 2005, $65,000,000.

''(E) For fiscal year 2006, $47,000,000.

''(F) For fiscal year 2007, $29,000,000.

''(G) For fiscal year 2008, $29,000,000.

''(H) For fiscal year 2009, $23,000,000.

''(I) For fiscal year 2010, $23,000,000.

''(J) For fiscal year 2011, $17,000,000.''.

SEC. 1064. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following new subsection:

''(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

''(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.''.

SEC. 1065. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES-LA-COQUETTE, FRANCE.

(a) AUTHORITY TO MAKE GRANT.—(1) Subject to subsections (b) and (c), the Secretary of the Air Force may make a grant to the Lafayette Escadrille Memorial Foundation, Inc., to be used solely for the purpose of repairing, restoring, and preserving the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes la-Coquette, France.

(2) The amount of the grant may not exceed $2,000,000.

(b) CONTRIBUTION OF FUNDS BY FRANCE.—The Secretary of the Air Force may not make the grant authorized by subsection (a) until 30 days after the Secretary submits to Congress a report indicating that the government of France has also contributed funds toward the repair, restoration, and preservation of the memorial. The report shall specify the amount of the funds contributed by the government of France and describe the purpose for which the funds are to be used.

(c) CONDITIONS ON RECEIPT OF GRANT.—(1) The grant under subsection (a) shall be subject to the following conditions:

(A) That the Lafayette Escadrille Memorial Foundation submit to the Secretary of the Air Force an annual report, until the grant funds are fully expended, containing an itemized accounting of expenditures of grant funds and describing the progress made to repair, restore, and preserve the memorial.

(B) That the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, be given access for the purpose of audit and examination to any books, documents, papers, and records of the Lafayette Escadrille Memorial Foundation.

(C) That none of the grant funds be used for remuneration of any entity or individual associated with fundraising for any project in connection with the repair, restoration, and preservation of the memorial.

(2) The Secretary shall transmit to Congress a copy of each report received under paragraph (1)(A).

(d) REPORT ON ARCHITECTURAL AND ENGINEERING COSTS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report containing an estimate of the architectural and engineering costs to be incurred to fully repair, restore, and preserve the memorial and ensure the long-term structural integrity of the memorial. The estimate shall be prepared by a private United States entity, under contract with the Secretary. Funds for the contract shall also be derived from the amount specified in subsection (e).

(e) FUNDS FOR GRANT.—Funds for the grant under subsection (a) shall be derived only from amounts authorized to be appropriated under section 301(a)(4) for operation and maintenance for the Air Force.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Civilian Personnel

Sec. 1101. Personnel pay and qualifications authority for Department of Defense Pentagon Reservation civilian law enforcement and security force.
Sec. 1102. Pilot program for payment of retraining expenses.
Sec. 1103. Authority of civilian employees to act as notaries.
Sec. 1104. Authority to appoint certain health care professionals in the excepted service.

Subtitle B—Civilian Personnel Management Generally

Sec. 1111. Authority to provide hostile fire pay.
Sec. 1112. Payment of expenses to obtain professional credentials.
Sec. 1113. Parity in establishment of wage schedules and rates for prevailing rate employees.
Sec. 1114. Modification of limitation on premium pay.
Sec. 1115. Participation of personnel in technical standards development activities.
Sec. 1116. Retention of travel promotional items.
Sec. 1117. Applicability of certain laws to certain individuals assigned to work in the Federal Government.

Subtitle C—Intelligence Civilian Personnel

Sec. 1121. Authority to increase maximum number of positions in the Defense Intelligence Senior Executive Service.

Subtitle D—Matters Relating To Retirement

Sec. 1131. Improved portability of retirement coverage for employees moving between civil service employment and employment by nonappropriated fund instrumentalities.
Sec. 1132. Federal employment retirement credit for nonappropriated fund instrumentality service.
Sec. 1133. Modification of limitations on exercise of voluntary separation incentive pay authority and voluntary early retirement authority.

Subtitle A—Department of Defense Civilian Personnel

SEC. 1101. PERSONNEL PAY AND QUALIFICATIONS AUTHORITY FOR DEPARTMENT OF DEFENSE PENTAGON RESERVATION CIVILIAN LAW ENFORCEMENT AND SECURITY FORCE.

Section 2674(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before the text in the first paragraph of that subsection;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

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

''(2) For positions for which the permanent duty station is the Pentagon Reservation, the Secretary, in his sole and exclusive discretion, may without regard to the pay provisions of title 5, fix the rates of basic pay for such positions occupied by civilian law enforcement and security personnel appointed under the authority of this section so as to place such personnel on a comparable basis with personnel of other similar Federal law enforcement and security organizations within the vicinity of the Pentagon Reservation, not to exceed the basic pay for personnel performing similar duties in the United States Secret Service Uniformed Division or the United States Park Police.''.

SEC. 1102. PILOT PROGRAM FOR PAYMENT OF RETRAINING EXPENSES.

(a) AUTHORITY TO CARRY OUT PILOT PROGRAM.—(1) The Secretary of Defense may establish a pilot program to facilitate the reemployment of eligible employees of the Department of Defense who are involuntarily separated due to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station. Under the pilot program, the Secretary may pay retraining incentives to encourage non-Federal employers to hire and retain such eligible employees.

(2) Under the pilot program, the Secretary may enter into an agreement with a non-Federal employer under which the employer agrees—

(A) to employ an eligible employee for at least 12 months at a salary that is mutually agreeable to the employer and the eligible employee; and

(B) to certify to the Secretary the amount of costs incurred by the employer for any necessary training (as defined by the Secretary) provided to such eligible employee in connection with the employment.

(3) The Secretary may pay a retraining incentive to the non-Federal employer upon the employee's completion of 12 months of continuous

employment with that employer. The Secretary shall determine the amount of the incentive, except that in no event may such amount exceed the lesser of the amount certified with respect to such eligible employee under paragraph (2)(B), or $10,000.

(4) In a case in which an eligible employee does not remain employed by the non-Federal employer for at least 12 months, the Secretary may pay to the employer a prorated amount of what would have been the full retraining incentive if the eligible employee had remained employed for such 12-month period.

(b) ELIGIBLE EMPLOYEES.—For purposes of this section, an eligible employee is an employee of the Department of Defense, serving under an appointment without time limitation, who has been employed by the Department for a continuous period of at least 12 months and who has been given notice of separation pursuant to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station, except that such term does not include—

(1) a reemployed annuitant under the retirement systems described in subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, or another retirement system for employees of the Federal Government;

(2) an employee who, upon separation from Federal service, is eligible for an immediate annuity under subchapter III of chapter 83 of such title, or subchapter II of chapter 84 of such title; or

(3) an employee who is eligible for disability retirement under any of the retirement systems referred to in paragraph (1).

(c) DURATION.—No incentive may be paid under the pilot program for training commenced after September 30, 2005.

(d) DEFINITIONS.—In this section:

(1) The term ''non-Federal employer'' means an employer that is not an Executive agency, as defined in section 105 of title 5, United States Code, or an entity in the legislative or judicial branch of the Federal Government.

(2) The term ''reduction in force'' has the meaning of that term as used in chapter 35 of such title 5.

(3) The term ''realignment'' has the meaning given that term in section 2910 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 1103. AUTHORITY OF CIVILIAN EMPLOYEES TO ACT AS NOTARIES.

(a) CLARIFICATION OF STATUS OF CIVILIAN ATTORNEYS ELIGIBLE TO ACT AS NOTARIES.—Subsection (b) of section 1044a of title 10, United States Code, is amended by striking ''legal assistance officers'' in paragraph (2) and inserting ''legal assistance attorneys''.

(b) OTHER CIVILIAN EMPLOYEES DESIGNATED TO ACT AS NOTARIES ABROAD.—Such subsection is further amended by adding at the end the following new paragraph:

''(5) For the performance of notarial acts at locations outside the United States, all employees of a military department or the Coast Guard who are designated by regulations of the Secretary concerned or by statute to have those powers for exercise outside the United States.''.

SEC. 1104. AUTHORITY TO APPOINT CERTAIN HEALTH CARE PROFESSIONALS IN THE EXCEPTED SERVICE.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599c. Appointment in excepted service of certain health care professionals

''(a) AUTHORITY.—The Secretary of Defense may appoint in the excepted service without regard to the provisions of subchapter I of chapter 33 of title 5 (except as provided in section 3328 of such title and in subsection (c) of this section) an individual who has—

''(1) a recognized degree or certificate from an accredited institution in a covered health care profession or occupation; and

''(2) successfully completed a clinical education program affiliated with the Department of Defense or the Department of Veterans Affairs.

''(b) COVERED HEALTH CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health care profession or occupation is any of the following:

''(1) Physician.
''(2) Dentist.
''(3) Podiatrist.
''(4) Optometrist.
''(5) Nurse.
''(6) Physician assistant.
''(7) Expanded-function dental auxiliary.

''(c) PREFERENCES IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other individuals established in subchapter I of chapter 33 of title 5.

''(d) PROBATIONARY PERIOD.—There shall be an initial probationary period of two years for appointments made under the authority of this section.

''(e) PROMOTIONS AND ADVANCEMENT.—(1) Promotions of individuals appointed under the authority of this section shall be made only after an examination performed in accordance with regulations prescribed by the Secretary.

''(2) Advancement of such individuals within a pay grade may be made in increments of the minimum rate of basic pay of the grade in accordance with regulations prescribed by the Secretary.

''(f) REVIEW OF RECORDS BY BOARD.—The record of each individual appointed under the authority of this section in the medical, dental, and nursing services shall be reviewed periodically by a board, which shall be appointed in accordance with regulations prescribed by the Secretary. If such board finds that such individual is not fully qualified and satisfactory, such individual shall be separated from service.

''(g) ADJUSTMENT OF PAY.—In accordance with regulations prescribed by the Secretary, the grade and annual rate of basic pay of an individual appointed under this section whose level of assignment is changed from a level of assignment in which the grade level is based on both the nature of the assignment and qualifications may be adjusted to the grade and annual rate of basic pay otherwise appropriate.

''(h) APPOINTMENT TO ADDITIONAL POSITIONS.—(1) The Secretary may use the authority of this subsection (subject to paragraph (2)) to establish the qualifications for, and appoint and advance an individual in the Department of Defense as—

''(A) a clinical or counseling psychologist (if such psychologist holds a diploma as a diplomate in psychology from an accrediting authority approved by the Secretary);

''(B) a certified or registered respiratory therapist;

''(C) a licensed physical therapist;

''(D) a licensed practical or vocational nurse;

''(E) a pharmacist; or

''(F) an occupational therapist.

''(2) Notwithstanding any other provision of this title or any other law, all matters relating to adverse actions, disciplinary actions, and grievance procedures involving an individual appointed to a position described in paragraph (1) (including such actions and procedures involving an employee in a probationary status) shall be resolved under the provisions of title 5 as though such individual had been appointed under such title.

''(i) REINSTATEMENT.—In determining eligibility for reinstatement in the civil service of individuals appointed to positions in the Department of Defense under this section who at the time of appointment have a civil service status and whose employment in the Department of Defense is terminated, the period of service performed in the Department shall be included in computing the period of service under applicable civil service regulations.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599c. Appointment in excepted service of certain health care professionals.''.

Subtitle B—Civilian Personnel Management Generally

SEC. 1111. AUTHORITY TO PROVIDE HOSTILE FIRE PAY.

(a) IN GENERAL.—Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5949. Hostile fire pay

''(a) The head of an Executive agency may pay an employee hostile fire pay at the rate of $150 for any month in which the employee was—

''(1) subject to hostile fire or explosion of hostile mines;

''(2) on duty in an area in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period on duty in that area, other employees were subject to hostile fire or explosion of hostile mines; or

''(3) killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action.

''(b) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his or her injury or wound may be paid hostile fire pay under this section for not more than three additional months during which the employee is so hospitalized.

''(c) An employee may be paid hostile fire pay under this section in addition to other pay and allowances to which entitled, except that an employee may not be paid hostile fire pay under this section for periods of time during which the employee receives payment under section 5925 of this title because of exposure to political violence or payment under section 5928 of this title.''.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end the following new item:

''5949. Hostile fire pay.''.

(c) EFFECTIVE DATE.—This provision is effective as if enacted into law on September 11, 2001, and may be applied with respect to any hostile action that took place on or after that date.

SEC. 1112. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5757. Payment of expenses to obtain professional credentials

''(a) An agency may use appropriated funds or funds otherwise available to the agency to pay for—

''(1) expenses for employees to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

''(2) examinations to obtain such credentials.

''(b) The authority under subsection (a) may not be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position that is excepted from the competitive service because of the confidential, policy-determining, policy-making, or policy-advocating character of the position.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''5757. Payment of expenses to obtain professional credentials.''.

SEC. 1113. PARITY IN ESTABLISHMENT OF WAGE SCHEDULES AND RATES FOR PREVAILING RATE EMPLOYEES.

(a) IN GENERAL.—Paragraph (2) of section 5343(d) of title 5, United States Code, is amended to read as follows:

''(2) When the lead agency determines that there is a number of comparable positions in private industry insufficient to establish the wage schedules and rates, such agency shall establish the wage schedules and rates on the basis of—

''(A) local private industry rates; and

''(B) rates paid for comparable positions in private industry in the nearest wage area that such agency determines is most similar in the nature of its population, employment, manpower, and industry to the local wage area for which the wage survey is being made.''.

(b) EFFECTIVE DATE.—Wage adjustments made pursuant to the amendment made by this section shall take effect in each applicable wage area on the first normal effective date of the applicable wage survey adjustment that occurs after the date of the enactment of this Act.

SEC. 1114. MODIFICATION OF LIMITATION ON PREMIUM PAY.

(a) IN GENERAL.—Section 5547 of title 5, United States Code, is amended to read as follows:

''§ 5547. Limitation on premium pay

''(a) An employee may be paid premium pay under sections 5542, 5545(a), (b), and (c), 5545a, and 5546(a) and (b) only to the extent that the payment does not cause the aggregate of basic pay and such premium pay for any pay period for such employee to exceed the greater of—

''(1) the maximum rate of basic pay payable for GS–15 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

''(2) the rate payable for level V of the Executive Schedule.

''(b)(1) Subject to regulations prescribed by the Office of Personnel Management, subsection (a) shall not apply to an employee who is paid premium pay by reason of work in connection with an emergency (including a wildfire emergency) that involves a direct threat to life or property, including work performed in the aftermath of such an emergency.

''(2) Notwithstanding paragraph (1), no employee referred to in such paragraph may be paid premium pay under the provisions of law cited in subsection (a) if, or to the extent that, the aggregate of the basic pay and premium pay under those provisions for such employee would, in any calendar year, exceed the greater of—

''(A) the maximum rate of basic pay payable for GS–15 in effect at the end of such calendar year (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

''(B) the rate payable for level V of the Executive Schedule in effect at the end of such calendar year.

''(3) Subject to regulations prescribed by the Office of Personnel Management, the head of an agency may determine that subsection (a) shall not apply to an employee who is paid premium pay to perform work that is critical to the mission of the agency. Such employees may be paid premium pay under the provisions of law cited in subsection (a) if, or to the extent that, the aggregate of the basic pay and premium pay under those provisions for such employee would not, in any calendar year, exceed the greater of—

''(A) the maximum rate of basic pay payable for GS–15 in effect at the end of such calendar year (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

''(B) the rate payable for level V of the Executive Schedule in effect at the end of such calendar year.

''(c) The Office of Personnel Management shall prescribe regulations governing the methods of applying subsection (b)(2) and (b)(3) to employees who receive premium pay under section 5545(c) or 5545a, or to firefighters covered by section 5545b who receive overtime pay for hours in their regular tour of duty, and the method of payment to such employees. Such regulations may limit the payment of such premium pay on a biweekly basis.

''(d) This section shall not apply to any employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under section 5546a.''.

(b) CONFORMING AMENDMENT.—Section 118 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by section 1(3) of Public Law 106–554; 114 Stat. 2763A–134) is amended by striking ''limitation on the rate of pay payable during a pay period contained in section 5547(c)(2)'' and inserting ''restrictions contained in section 5547''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first pay period beginning on or after the date that is 120 days following the date of enactment of this Act.

SEC. 1115. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (Pub. Law 104–113; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) EXPENSES OF GOVERNMENT PERSONNEL.—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.''.

SEC. 1116. RETENTION OF TRAVEL PROMOTIONAL ITEMS.

(a) DEFINITION.—In this section, the term ''agency'' has the meaning given that term under section 5701 of title 5, United States Code.

(b) RETENTION OF TRAVEL PROMOTIONAL ITEMS.—To the extent provided under subsection (c), a Federal employee, member of the Foreign Service, member of a uniformed service, any family member or dependent of such an employee or member, or other individual who receives a promotional item (including frequent flyer miles, upgrade, or access to carrier clubs or facilities) as a result of using travel or transportation services obtained at Federal Government expense or accepted under section 1353 of title 31, United States Code, may retain the promotional item for personal use if the promotional item is obtained under the same terms as those offered to the general public and at no additional cost to the Federal Government.

(c) LIMITATION.—Subsection (b)—

(1) applies only to travel that—

(A) is at the expense of an agency; or

(B) is accepted by an agency under section 1353 of title 31, United States Code; and

(2) does not apply to travel by any officer, employee, or other official of the Government who is not in or under any agency.

(d) REGULATORY AUTHORITY.—Any agency with authority to prescribe regulations governing the acquisition, acceptance, use, or disposal of any travel or transportation services obtained at Government expense or accepted under section 1353 of title 31, United States Code, may prescribe regulations to carry out subsection (b) with respect to those travel or transportation services.

(e) REPEAL OF SUPERSEDED LAW.—Section 6008 of the Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702 note; Public Law 103–355) is repealed.

(f) APPLICABILITY.—This section shall apply with respect to promotional items received before, on, or after the date of enactment of this Act.

SEC. 1117. APPLICABILITY OF CERTAIN LAWS TO CERTAIN INDIVIDUALS ASSIGNED TO WORK IN THE FEDERAL GOVERNMENT.

Section 3374(c)(2) of title 5, United States Code, is amended by inserting ''the Ethics in Government Act of 1978, section 27 of the Office of Federal Procurement Policy Act,'' after ''chapter 73 of this title,''.

Subtitle C—Intelligence Civilian Personnel

SEC. 1121. AUTHORITY TO INCREASE MAXIMUM NUMBER OF POSITIONS IN THE DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.

Section 1606(a) of title 10, United States Code, is amended by striking ''517'' and inserting ''544''.

Subtitle D—Matters Relating To Retirement

SEC. 1131. IMPROVED PORTABILITY OF RETIREMENT COVERAGE FOR EMPLOYEES MOVING BETWEEN CIVIL SERVICE EMPLOYMENT AND EMPLOYMENT BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''and'' at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2)(B)—

(A) by striking ''vested''; and

(B) by striking '', as the term'' and all that follows through ''such system''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of such title is amended—

(1) in paragraph (1)—

(A) by inserting ''and'' at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2)(B)—

(A) by striking ''vested''; and

(B) by striking '', as the term'' and all that follows through ''such system''.

SEC. 1132. FEDERAL EMPLOYMENT RETIREMENT CREDIT FOR NONAPPROPRIATED FUND INSTRUMENTALITY SERVICE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—(1) Section 8332(b) of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (15);

(B) by striking the period at the end of paragraph (16) and inserting ''; and'';

(C) by inserting after paragraph (16) the following new paragraph:

''(17) service performed by any individual as an employee paid from nonappropriated funds of an instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) that is not covered by paragraph (16) and that is not otherwise creditable, if the individual elects (in accordance with regulations prescribed by the Office) to have such service credited under this paragraph.'';

(D) in the last sentence, by inserting ''or (17)'' after ''service of the type described in paragraph (16)''; and

(E) by inserting after the last sentence the following: ''Service credited under paragraph (17) may not also be credited under any other retirement system provided for employees paid from nonappropriated funds of a nonappropriated fund instrumentality.''.

(2) Section 8334 of such title is amended by adding at the end the following new subsection:

''(n) Notwithstanding subsection (c), no deposit may be made with respect to service credited under section 8332(b)(17).''.

(3) Section 8339 of such title is amended by adding at the end the following new subsection:

''(u) The annuity of an employee retiring under this subchapter with service credited

under section 8332(b)(17) shall be reduced by the amount necessary to ensure that the present value of the annuity payable to the employee is actuarially equivalent to the present value of the annuity that would be payable to the employee under this subchapter if it were computed—

''(1) on the basis of service that does not include service credited under section 8332(b)(17); and

''(2) assuming the employee separated from service on the actual date of the separation of the employee.

''The amount of the reduction shall be computed under regulations prescribed by the Office of Personnel Management for the administration of this subsection.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8411 of such title is amended—

(A) in subsection (b)—

(i) by striking ''and'' at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(iii) by inserting after paragraph (5) the following new paragraph:

''(6) service performed by any individual as an employee paid from nonappropriated funds of an instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) that is not otherwise creditable, if the individual elects (in accordance with regulations prescribed by the Office) to have such service credited under this paragraph.''; and

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

''(k)(1) The Office of Personnel Management shall accept, for the purposes of this chapter, the certification of the head of a nonappropriated fund instrumentality of the United States concerning service of the type described in subsection (b)(6) that was performed for such nonappropriated fund instrumentality.

''(2) Service credited under subsection (b)(6) may not also be credited under any other retirement system provided for employees paid from nonappropriated funds of a nonappropriated fund instrumentality.''.

(2)(A) Section 8422 of such title is amended by adding at the end the following new subsection:

''(h) No deposit may be made with respect to service credited under section 8411(b)(6).''.

(B) The heading for such section is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service''.

(C) The item relating to such section in the table of contents at the beginning of chapter 84 of title 5, United States Code, is amended to read as follows:

''8422. Deductions from pay; contributions for other service.''.

(3) Section 8415 of such title is amended by adding at the end the following new subsection:

''(j) The annuity of an employee retiring under this chapter with service credited under section 8411(b)(6) shall be reduced by the amount necessary to ensure that the present value of the annuity payable to the employee under this subchapter is actuarially equivalent to the present value of the annuity that would be payable to the employee under this subchapter if it were computed—

''(1) on the basis of service that does not include service credited under section 8411(b)(6); and

''(2) assuming the employee separated from service on the actual date of the separation of the employee.

''The amount of the reduction shall be computed under regulations prescribed by the Office of Personnel Management for the administration of this subsection.''.

(c) APPLICABILITY.—The amendments made by this section shall apply only to separations from service as an employee of the United States on or after the date of the enactment of this Act.

SEC. 1133. MODIFICATION OF LIMITATIONS ON EXERCISE OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY AND VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) IN GENERAL.—Section 1153(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–323) is amended—

(1) in paragraph (1)—

(A) by striking ''(1) Subject to paragraph (2), the'' and inserting ''The'';

(B) by striking ''in each of fiscal years 2002 and 2003, not more than 4000 employees of the Department of Defense are'' and inserting ''in fiscal year 2002 not more than 2000 employees of the Department of Defense are, and in fiscal year 2003 not more than 6000 employees of the Department of Defense are''; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(2) by striking paragraph (2).

(b) CONSTRUCTION.—The amendments made by subsection (a) may be superceded by another provision of law that takes effect after the date of the enactment of this Act, and before October 1, 2003, establishing a uniform system of providing voluntary separation incentives (including a system for requiring approval of plans by the Office of Management and Budget) for employees of the Federal Government.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Related to Arms Control and Monitoring

Sec. 1201. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.

Sec. 1202. Limitation on funding for joint Data Exchange Center in Moscow.

Sec. 1203. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.

Sec. 1204. Authority for employees of Federal Government contractors to accompany chemical weapons inspection teams at Government-owned facilities.

Sec. 1205. Plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union.

Subtitle B—Matters Relating to Allies and Friendly Foreign Nations

Sec. 1211. Acquisition of logistical support for security forces.

Sec. 1212. Extension of authority for international cooperative research and development projects.

Sec. 1213. Cooperative agreements with foreign countries and international organizations for reciprocal use of test facilities.

Sec. 1214. Sense of Congress on allied defense burdensharing.

Subtitle C—Reports

Sec. 1221. Report on significant sales and transfers of military hardware, expertise, and technology to the People's Republic of China.

Sec. 1222. Repeal of requirement for reporting to Congress on military deployments to Haiti.

Sec. 1223. Report by Comptroller General on provision of defense articles, services, and military education and training to foreign countries and international organizations.

Subtitle A—Matters Related to Arms Control and Monitoring

SEC. 1201. CLARIFICATION OF AUTHORITY TO FURNISH NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

(a) REDESIGNATION OF EXISTING SECTION.—(1) The second section 2555 of title 10, United States Code, added by section 1203(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–324), is redesignated as section 2565.

(2) The item relating to that section in the table of sections at the beginning of chapter 152 of that title is amended to read as follows:

''2565. Nuclear test monitoring equipment: furnishing to foreign governments.''.

(b) CLARIFICATION OF AUTHORITY.—Section 2565 of that title, as so redesignated by subsection (a), is amended—

(1) in subsection (a)—

(A) by striking ''CONVEY OR'' in the subsection heading and inserting ''TRANSFER TITLE TO OR OTHERWISE'';

(B) in paragraph (1)—

(i) by striking ''convey'' and inserting ''transfer title''; and

(ii) by striking ''and'' at the end;

(C) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) inspect, test, maintain, repair, or replace any such equipment.''; and

(2) in subsection (b)—

(A) by striking ''conveyed or otherwise provided'' and inserting ''provided to a foreign government'';

(B) by inserting ''and'' at the end of paragraph (1);

(C) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(D) by striking paragraph (3).

SEC. 1202. LIMITATION ON FUNDING FOR JOINT DATA EXCHANGE CENTER IN MOSCOW.

(a) LIMITATION.—Not more than 50 percent of the funds made available to the Department of Defense for fiscal year 2002 for activities associated with the Joint Data Exchange Center in Moscow, Russia, may be obligated for any such activity until—

(1) the United States and the Russian Federation enter into a cost-sharing agreement as described in subsection (d) of section 1231 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–329);

(2) the United States and the Russian Federation enter into an agreement or agreements exempting the United States and any United States person from Russian taxes, and from liability under Russian laws, with respect to activities associated with the Joint Data Exchange Center;

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of each agreement referred to in paragraphs (1) and (2); and

(4) a period of 30 days has expired after the date of the final submission under paragraph (3).

(b) JOINT DATA EXCHANGE CENTER.—For purposes of this section, the term ''Joint Data Exchange Center'' means the United States-Russian Federation joint center for the exchange of data to provide early warning of launches of ballistic missiles and for notification of such launches that is provided for in a joint United States-Russian Federation memorandum of agreement signed in Moscow in June 2000.

SEC. 1203. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2002—The total amount of the assistance for fiscal year 2002 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the

Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking ''2001'' and inserting ''2002''.

SEC. 1204. AUTHORITY FOR EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS TO ACCOMPANY CHEMICAL WEAPONS INSPECTION TEAMS AT GOVERNMENT-OWNED FACILITIES.

(a) AUTHORITY.—Section 303(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6723(b)(2)) is amended by inserting after ''designation of employees of the Federal Government'' the following: ''(and, in the case of an inspection of a United States Government facility, the designation of contractor personnel who shall be led by an employee of the Federal Government)''.

(b) CREDENTIALS.—Section 304(c) of such Act (22 U.S.C. 6724(c)) is amended by striking ''Federal government'' and inserting ''Federal Government (and, in the case of an inspection of a United States Government facility, any accompanying contractor personnel)''.

SEC. 1205. PLAN FOR SECURING NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF THE STATES OF THE FORMER SOVIET UNION.

(a) PLAN REQUIRED.—Not later than June 15, 2002, the President shall submit to Congress a plan, that has been developed in coordination with all relevant Federal agencies—

(1) for cooperating with Russia on disposing, as soon as practicable, of nuclear weapons and weapons-usable nuclear material in Russia that Russia does not retain in its nuclear arsenals;

(2) for assisting Russia in downsizing its nuclear weapons research and production complex;

(3) for cooperating with the other states of the former Soviet Union on disposing, as soon as practicable, of all nuclear weapons and weapons-usable nuclear material in such states; and

(4) for preventing the outflow from the states of the former Soviet Union of scientific expertise that could be used for developing nuclear weapons, other weapons of mass destruction, and delivery systems for such weapons.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall include the following:

(1) Specific goals and measurable objectives for programs that are designed to carry out the objectives described in subsection (a).

(2) Criteria for success for such programs, and a strategy for eventual termination of United States contributions to such programs and assumption of the ongoing support of those programs by others.

(3) A description of any administrative and organizational changes necessary to improve the coordination and effectiveness of such programs. In particular, the plan shall include consideration of the creation of an interagency committee that would have primary responsibilities within the executive branch for—

(A) monitoring United States nonproliferation efforts in the states of the former Soviet Union;

(B) coordinating the implementation of United States policy with respect to such efforts; and

(C) recommending to the President integrated policies, budget options, and private sector and international contributions for such programs.

(4) An estimate of the cost of carrying out such programs.

(c) CONSULTATION.—In developing the plan required by subsection (a), the President—

(1) is encouraged to consult with the relevant states of the former Soviet Union regarding the practicality of various options; and

(2) shall consult with the majority and minority leadership of the appropriate committees of Congress.

Subtitle B—Matters Relating to Allies and Friendly Foreign Nations

SEC. 1211. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

''(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit comprised of members of the United States Armed Forces.

''(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President determines that such action enhances or supports the national security interests of the United States.''.

SEC. 1212. EXTENSION OF AUTHORITY FOR INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS.

(a) ELIGIBILITY OF FRIENDLY FOREIGN COUNTRIES.—Section 2350a of title 10, United States Code, is amended—

(1) in subsection (a)—

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Limitation on use of funds until submission of reports.
Sec. 1304. Requirement to consider use of revenue generated by activities carried out under Cooperative Threat Reduction programs.
Sec. 1305. Prohibition against use of funds for second wing of fissile material storage facility.
Sec. 1306. Prohibition against use of funds for certain construction activities.
Sec. 1307. Reports on activities and assistance under Cooperative Threat Reduction programs.
Sec. 1308. Chemical weapons destruction.
Sec. 1309. Additional matter in annual report on activities and assistance under Cooperative Threat Reduction programs.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2002 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2002 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $403,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2002 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $133,405,000.

(2) For strategic nuclear arms elimination in Ukraine, $51,500,000.

(3) For nuclear weapons transportation security in Russia, $9,500,000.

(4) For nuclear weapons storage security in Russia, $56,000,000.

(5) For biological weapons proliferation prevention activities in the former Soviet Union, $17,000,000.

(6) For activities designated as Other Assessments/Administrative Support, $13,221,000.

(7) For defense and military contacts, $18,650,000.

(8) For chemical weapons destruction in Russia, $50,000,000.

(9) For weapons of mass destruction infrastructure elimination activities in Kazakhstan, $6,000,000.

(10) For weapons of mass destruction infrastructure elimination activities in Ukraine, $6,024,000.

(11) For activities to assist Russia in the elimination of plutonium production reactors, $41,700,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (11) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2002 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2002 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in paragraph (6), (7), or (11) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

(d) MODIFICATION OF AUTHORITY TO VARY INDIVIDUAL AMOUNTS OF FY 2001 FUNDS.—Section 1302(c)(3) 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–340) is amended by striking ''(4),''.

SEC. 1303. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORTS.

Not more than 50 percent of fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended until 30 days after the date of the submission of—

(1) the report required to be submitted in fiscal year 2001 under section 1308(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341); and

(2) the multiyear plan required to be submitted for fiscal year 2001 under section 1308(h) of such Act.

SEC. 1304. REQUIREMENT TO CONSIDER USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

The Secretary of Defense shall consider the use of revenue generated by activities carried out under Cooperative Threat Reduction programs in negotiating and executing contracts with Russia to carry out such programs.

SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY.

(a) PROHIBITION.—No fiscal year 2002 Cooperative Threat Reduction funds and no funds authorized to be appropriated for Cooperative Threat Reduction programs for any prior fiscal year may be used for the construction of a second wing for a storage facility for Russian fissile material.

(b) CONFORMING AMENDMENT.—Section 1304 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–341) is amended to read as follows:

"SEC. 1304. LIMITATION ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

''Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than $412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5) other than planning, design, or construction to improve security at such first wing.''.

SEC. 1306. PROHIBITION AGAINST USE OF FUNDS FOR CERTAIN CONSTRUCTION ACTIVITIES.

No fiscal year 2002 Cooperative Threat Reduction funds may be used for construction activities carried out under Russia's program to eliminate the production of weapons grade plutonium.

SEC. 1307. REPORTS ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c)(4) 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–342) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''audits'' and all that follows through ''conducted'' and inserting ''means (including program management, audits, examinations, and other means) used''; and

(B) by striking ''and that such assistance is being used for its intended purpose'' and inserting '', that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively'';

(2) in subparagraph (C), by inserting ''and an assessment of whether the assistance being provided is being used effectively and efficiently'' before the semicolon; and

(3) in subparagraph (D), by striking ''audits, examinations, and other''.

SEC. 1308. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 794; 22 U.S.C. 5952 note) is amended by inserting before the period at the end the following: ''until the Secretary of Defense submits to Congress a certification that there has been—

''(1) information provided by Russia, that the United States assesses to be full and accurate, regarding the size of the chemical weapons stockpile of Russia;

''(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

''(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

''(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;

''(5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and

''(6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility.''.

SEC. 1309. ADDITIONAL MATTER IN ANNUAL REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341) (as amended by section 1308) is further amended by adding at the end of the following new paragraph:

''(6) A description of the amount of the financial commitment from the international community, and from Russia, for the chemical weapons destruction facility located at Shchuch'ye, Russia, for the fiscal year beginning in the year in which the report is submitted.''.

TITLE XIV—ARMED FORCES RETIREMENT HOME

Sec. 1401. Amendment of Armed Forces Retirement Home Act of 1991.
Sec. 1402. Definitions.
Sec. 1403. Revision of authority establishing the Armed Forces Retirement Home.
Sec. 1404. Chief Operating Officer.
Sec. 1405. Residents of Retirement Home.
Sec. 1406. Local Boards of Trustees.
Sec. 1407. Directors, Deputy Directors, Associate Directors, and staff of facilities.
Sec. 1408. Disposition of effects of deceased persons and unclaimed property.
Sec. 1409. Transitional provisions.
Sec. 1410. Conforming and clerical amendments and repeals of obsolete provisions.

SEC. 1401. AMENDMENT OF ARMED FORCES RETIREMENT HOME ACT OF 1991.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.).

SEC. 1402. DEFINITIONS.

Section 1502 (24 U.S.C. 401) is amended—

(1) by striking paragraphs (1), (2), (3), (4), and (5), and inserting the following new paragraphs:

''(1) The term 'Retirement Home' includes the institutions established under section 1511, as follows:

''(A) The Armed Forces Retirement Home—Washington.

''(B) The Armed Forces Retirement Home—Gulfport.

''(2) The term 'Local Board' means a Local Board of Trustees established under section 1516.

''(3) The terms 'Armed Forces Retirement Home Trust Fund' and 'Fund' mean the Armed Forces Retirement Home Trust Fund established under section 1519(a).'';

(2) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively; and

(3) in paragraph (5), as so redesignated—

(A) in subparagraph (C), by striking '', Manpower and Personnel'' and inserting ''for Personnel''; and

(B) in subparagraph (D), by striking ''with responsibility for personnel matters'' and inserting ''for Manpower and Reserve Affairs''.

SEC. 1403. REVISION OF AUTHORITY ESTABLISHING THE ARMED FORCES RETIREMENT HOME.

Section 1511 (24 U.S.C. 411) is amended to read as follows:

"SEC. 1511. ESTABLISHMENT OF THE ARMED FORCES RETIREMENT HOME.

''(a) INDEPENDENT ESTABLISHMENT.—The Armed Forces Retirement Home is an independent establishment in the executive branch.

''(b) PURPOSE.—The purpose of the Retirement Home is to provide, through the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, residences and related services for certain retired and former members of the Armed Forces.

''(c) FACILITIES.—(1) Each facility of the Retirement Home referred to in paragraph (2) is a separate establishment of the Retirement Home.

''(2) The United States Soldiers' and Airmen's Home is hereby redesignated as the Armed Forces Retirement Home—Washington. The Naval Home is hereby redesignated as the Armed Forces Retirement Home—Gulfport.

''(d) OPERATION.—(1) The Chief Operating Officer of the Armed Forces Retirement Home is the head of the Retirement Home. The Chief Operating Officer is subject to the authority, direction, and control of the Secretary of Defense.

''(2) Each facility of the Retirement Home shall be maintained as a separate establishment of the Retirement Home for administrative purposes and shall be under the authority, direction, and control of the Director of that facility. The Director of each facility of the Retirement Home is subject to the authority, direction, and control of the Chief Operating Officer.

''(e) PROPERTY AND FACILITIES.—(1) The Retirement Home shall include such property and facilities as may be acquired under paragraph (2) or accepted under section 1515(f) for inclusion in the Retirement Home.

''(2) The Secretary of Defense may acquire, for the benefit of the Retirement Home, property and facilities for inclusion in the Retirement Home.

''(3) The Secretary of Defense may dispose of any property of the Retirement Home, by sale, lease, or otherwise, that the Secretary determines is excess to the needs of the Retirement Home. The proceeds from such a disposal of property shall be deposited in the Armed Forces Retirement Home Trust Fund. No such disposal of real property shall be effective earlier than 120 days after the date on which the Secretary transmits a notification of the proposed disposal to the Committees on Armed Services of the Senate and the House of Representatives.

''(f) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense may make available from the Department of Defense to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this title.

''(g) ACCREDITATION.—The Chief Operating Officer shall endeavor to secure for each facility of the Retirement Home accreditation by a nationally recognized civilian accrediting organization, such as the Continuing Care Accreditation Commission and the Joint Commission for Accreditation of Health Organizations.

''(h) ANNUAL REPORT.—The Secretary of Defense shall transmit to Congress an annual report on the financial and other affairs of the Retirement Home for each fiscal year.''.

SEC. 1404. CHIEF OPERATING OFFICER.

(a) ESTABLISHMENT AND AUTHORITY OF POSITION.—Section 1515 (24 U.S.C. 415) is amended to read as follows:

"SEC. 1515. CHIEF OPERATING OFFICER.

''(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Operating Officer of the Retirement Home.

''(2) The Chief Operating Officer shall serve at the pleasure of the Secretary of Defense.

''(3) The Secretary of Defense shall evaluate the performance of the Chief Operating Officer at least once each year.

''(b) QUALIFICATIONS.—To qualify for appointment as the Chief Operating Officer, a person shall—

''(1) be a continuing care retirement community professional;

''(2) have appropriate leadership and management skills; and

''(3) have experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

''(c) RESPONSIBILITIES.—(1) The Chief Operating Officer shall be responsible to the Secretary of Defense for the overall direction, operation, and management of the Retirement Home and shall report to the Secretary on those matters.

''(2) The Chief Operating Officer shall supervise the operation and administration of the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, including the Local Boards of those facilities.

''(3) The Chief Operating Officer shall perform the following duties:

''(A) Issue, and ensure compliance with, appropriate rules for the operation of the Retirement Home.

''(B) Periodically visit, and inspect the operation of, the facilities of the Retirement Home.

''(C) Periodically examine and audit the accounts of the Retirement Home.

''(D) Establish any advisory body or bodies that the Chief Operating Officer considers to be necessary.

''(d) COMPENSATION.—(1) The Secretary of Defense may prescribe the pay of the Chief Operating Officer, except that the annual rate of basic pay, including locality pay, of the Chief Operating Officer may not exceed the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) In addition to basic pay and any locality pay prescribed for the Chief Operating Officer, the Secretary may award the Chief Operating Officer, not more than once each year, a bonus based on the performance of the Chief Operating Officer for the year. The Secretary shall prescribe the amount of any such bonus.

''(3) The total amount of the basic pay and bonus paid the Chief Operating Officer for a year under this section may not exceed the annual rate of basic pay payable for level I of the Executive Schedule under section 5312 of title 5, United States Code.

''(e) ADMINISTRATIVE STAFF.—(1) The Chief Operating Officer may, subject to the approval of the Secretary of Defense, appoint a staff to assist in the performance of the Chief Operating Officer's duties in the overall administration of the Retirement Home.

''(2) The Chief Operating Officer shall prescribe the rates of pay applicable to the members of the staff appointed under paragraph (1), except that—

''(A) a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States may not receive additional pay by reason of service on the administrative staff; and

''(B) the limitations in section 5373 of title 5, United States Code, relating to pay set by administrative action, shall apply to the rates of pay prescribed under this paragraph.

''(f) ACCEPTANCE OF GIFTS.—(1) The Chief Operating Officer may accept gifts of money, property, and facilities on behalf of the Retirement Home.

''(2) Monies received as gifts, or realized from the disposition of property and facilities received as gifts, shall be deposited in the Armed Forces Retirement Home Trust Fund.''.

(b) TRANSFER OF AUTHORITIES.—(1) The following provisions are amended by striking ''Retirement Home Board'' each place it appears and inserting ''Chief Operating Officer'':

(A) Section 1512 (24 U.S.C. 412), relating to eligibility and acceptance for residence in the Armed Forces Retirement Home.

(B) Section 1513(a) (24 U.S.C. 412(a)), relating to services provided to residents of the Armed Forces Retirement Home.

(C) Section 1518(c) (24 U.S.C. 418(c)), relating to inspection of the Armed Forces Retirement Home.

(2) Section 1519(c) (24 U.S.C. 419(c)), relating to authority to invest funds in the Armed Forces Retirement Home Trust Fund, is amended by striking ''Director'' and inserting ''Chief Operating Officer''.

(3) Section 1521(a) (24 U.S.C. 421(a)), relating to payment of residents for services, is amended by striking ''Chairman of the Armed Forces Retirement Board'' and inserting ''Chief Operating Officer''.

(4) Section 1522 (24 U.S.C. 422), relating to authority to accept certain uncompensated services, is amended—

(A) in subsection (a)—

(i) by striking ''Chairman of the Retirement Home Board or the Director of each establishment'' and inserting ''Chief Operating Officer or the Director of a facility''; and

(ii) by striking ''unless'' and all that follows through ''Retirement Home Board'';

(B) in subsection (b)(1)—

(i) by striking ''Chairman of the Retirement Home Board or the Director of the establishment'' and inserting ''Chief Operating Officer or the Director of a facility''; and

(ii) by inserting ''offering the services'' after ''notify the person'';

(C) in subsection (b)(2), by striking ''Chairman'' and inserting ''Chief Operating Officer'';

(D) in subsection (c), by striking ''Chairman of the Retirement Home Board or the Director of an establishment'' and inserting ''Chief Operating Officer or the Director of a facility''; and

(E) in subsection (e)—

(i) by striking ''Chairman of the Retirement Board or the Director of the establishment'' in the first sentence and inserting ''Chief Operating Officer or the Director of a facility''; and

(ii) by striking ''Chairman'' in the second sentence and inserting ''Chief Operating Officer''.

(5) Section 1523(b) (24 U.S.C. 423(b)), relating to preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington, is amended by striking ''Chairman of the Retirement Home Board'' and inserting ''Chief Operating Officer''.

SEC. 1405. RESIDENTS OF RETIREMENT HOME.

(a) REPEAL OF REQUIREMENT OF RESIDENT TO REAPPLY AFTER SUBSTANTIAL ABSENCE.—Subsection (e) of section 1512 (24 U.S.C. 412) is repealed.

(b) FEES PAID BY RESIDENTS.—Section 1514 (24 U.S.C. 414) is amended to read as follows:

''SEC. 1514. FEES PAID BY RESIDENTS.

''(a) MONTHLY FEES.—The Director of each facility of the Retirement Home shall collect a monthly fee from each resident of that facility.

''(b) DEPOSIT OF FEES.—The Directors shall deposit fees collected under subsection (a) in the Armed Forces Retirement Home Trust Fund.

''(c) FIXING FEES.—(1) The Chief Operating Officer, with the approval of the Secretary of Defense, shall from time to time prescribe the fees required by subsection (a). Changes to such fees shall be based on the financial needs of the Retirement Home and the ability of the residents to pay. A change of a fee may not take effect until 120 days after the Secretary of Defense transmits a notification of the change to the Committees on Armed Services of the Senate and the House of Representatives.

''(2) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident. The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in a percentage that the Secretary determines appropriate.

''(3) The fee shall be subject to a limitation on maximum monthly amount. The amount of the limitation shall be increased, effective on January 1 of each year, by the percentage of the increase in retired pay and retainer pay that takes effect on the preceding December 1 under subsection (b) of section 1401a of title 10, United States Code, without regard to paragraph (3) of such subsection. The first increase in a limitation on maximum monthly amount shall take effect on January 1, 2003.

''(d) TRANSITIONAL FEE STRUCTURES.—(1) Until different fees are prescribed and take effect under subsection (c), the percentages and limitations on maximum monthly amount that are applicable to fees charged residents of the Retirement Home are (subject to any adjustment that the Secretary of Defense determines appropriate) as follows:

''(A) For months beginning before January 1, 2002—

''(i) for a permanent health care resident, 65 percent (without limitation on maximum monthly amount); and

''(ii) for a resident who is not a permanent health care resident, 40 percent (without limitation on maximum monthly amount).

''(B) For months beginning after December 31, 2001—

''(i) for an independent living resident, 35 percent, but not to exceed $1,000 each month;

''(ii) for an assisted living resident, 40 percent, but not to exceed $1,500 each month; and

''(iii) for a long-term care resident, 65 percent, but not to exceed $2,500 each month.

''(2) Notwithstanding the limitations on maximum monthly amount prescribed under subsection (c) or set forth in paragraph (1)(B), until the earlier of December 31, 2006, or the date on which an independent living resident or assisted living resident of the Armed Forces Retirement Home—Gulfport occupies a renovated room at that facility, as determined by the Secretary of Defense, the limitation on maximum monthly amount applicable to the resident for months beginning after December 31, 2001, shall be—

''(A) in the case of an independent living resident, $800; and

''(B) in the case of an assisted living resident, $1,300.

SEC. 1406. LOCAL BOARDS OF TRUSTEES.

Section 1516 (24 U.S.C. 416) is amended to read as follows:

''SEC. 1516. LOCAL BOARDS OF TRUSTEES.

''(a) ESTABLISHMENT.—Each facility of the Retirement Home shall have a Local Board of Trustees.

''(b) DUTIES.—The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

''(c) COMPOSITION.—(1) The Local Board for a facility shall consist of at least 11 members who (except as otherwise specifically provided) shall be appointed by the Secretary of Defense in consultation with each of the Secretaries of the military departments concerned. At least one member of the Local Board shall have a perspective that is oriented toward the Retirement Home overall. The Local Board for a facility shall consist of the following members:

''(A) One member who is a civilian expert in nursing home or retirement home administration and financing from the geographical area of the facility.

''(B) One member who is a civilian expert in gerontology from the geographical area of the facility.

''(C) One member who is a service expert in financial management.

''(D) One representative of the Department of Veterans Affairs regional office nearest in proximity to the facility, who shall be designated by the Secretary of Veterans Affairs.

''(E) One representative of the resident advisory committee or council of the facility.

''(F) One enlisted representative of the Services' Retiree Advisory Council.

''(G) The senior noncommissioned officer of one of the Armed Forces.

''(H) One senior representative of the military hospital nearest in proximity to the facility.

''(I) One senior judge advocate from one of the Armed Forces.

''(J) The Director of the facility, who shall be a nonvoting member.

''(K) One senior representative of one of the chief personnel officers of the Armed Forces.

''(L) Other members designated by the Secretary of Defense (if the Local Board is to have more than 11 members).

''(2) The Secretary of Defense shall designate one member of a Local Board to serve as the chairman of the Local Board at the pleasure of the Secretary of Defense.

''(d) TERMS.—(1) Except as provided in subsections (e), (f), and (g), the term of office of a member of a Local Board shall be five years.

''(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Local Board after the expiration of the member's term until a successor is appointed or designated, as the case may be.

''(e) EARLY EXPIRATION OF TERM.—A member of a Local Board who is a member of the Armed Forces or an employee of the United States serves as a member of the Local Board only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Local Board.

''(f) VACANCIES.—(1) A vacancy in the membership of a Local Board shall be filled in the manner in which the original appointment or designation was made, as the case may be.

''(2) A member appointed or designated to fill a vacancy occurring before the end of the term of the predecessor of the member shall be appointed or designated, as the case may be, for the remainder of the term for which the predecessor was appointed.

''(3) A vacancy in a Local Board shall not affect its authority to perform its duties.

''(g) EARLY TERMINATION.—The Secretary of Defense may terminate the appointment of a member of a Local Board before the expiration of the member's term for any reason that the Secretary determines appropriate.

''(h) COMPENSATION.—(1) Except as provided in paragraph (2), a member of a Local Board shall—

''(A) be provided a stipend consistent with the daily government consultant fee for each day on which the member is engaged in the performance of services for the Local Board; and

''(B) while away from home or regular place of business in the performance of services for the Local Board, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

''(2) A member of a Local Board who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving a member of a Local Board.''.

SEC. 1407. DIRECTORS, DEPUTY DIRECTORS, ASSOCIATE DIRECTORS, AND STAFF OF FACILITIES.

Section 1517 (24 U.S.C. 417) is amended to read as follows:

''SEC. 1517. DIRECTORS, DEPUTY DIRECTORS, ASSOCIATE DIRECTORS, AND STAFF OF FACILITIES.

''(a) APPOINTMENT.—The Secretary of Defense shall appoint a Director, a Deputy Director, and an Associate Director for each facility of the Retirement Home.

''(b) DIRECTOR.—The Director of a facility shall—

''(1) be a civilian with experience as a continuing care retirement community professional or a member of the Armed Forces serving on active duty in a grade below brigadier general or, in the case of the Navy, rear admiral (lower half);

''(2) have appropriate leadership and management skills; and

''(3) be required to pursue a course of study to receive certification as a retirement facilities director by an appropriate civilian certifying organization, if the Director is not so certified at the time of appointment.

''(c) DUTIES OF DIRECTOR.—(1) The Director of a facility shall be responsible for the day-to-day operation of the facility, including the acceptance of applicants to be residents of that facility.

''(2) The Director of a facility shall keep accurate and complete records of the facility.

''(d) DEPUTY DIRECTOR.—(1) The Deputy Director of a facility shall—

''(A) be a civilian with experience as a continuing care retirement community professional or a member of the Armed Forces serving on active duty in a grade below colonel or, in the case of the Navy, captain; and

''(B) have appropriate leadership and management skills.

''(2) The Deputy Director of a facility shall serve at the pleasure of the Secretary of Defense.

''(e) DUTIES OF DEPUTY DIRECTOR.—The Deputy Director of a facility shall, under the authority, direction, and control of the Director of the facility, perform such duties as the Director may assign.

''(f) ASSOCIATE DIRECTOR.—(1) The Associate Director of a facility shall—

''(A) be a member of the Armed Forces serving on active duty in the grade of Sergeant Major, Master Chief Petty Officer, or Chief Master Sergeant or a member or former member retired in that grade; and

''(B) have appropriate leadership and management skills.

''(2) The Associate Director of a facility shall serve at the pleasure of the Secretary of Defense.

''(g) DUTIES OF ASSOCIATE DIRECTOR.—The Associate Director of a facility shall, under the authority, direction, and control of the Director and Deputy Director of the facility, serve as ombudsman for the residents and perform such other duties as the Director may assign.

''(h) STAFF.—(1) The Director of a facility may, subject to the approval of the Chief Operating Officer, appoint and prescribe the pay of such principal staff as the Director considers appropriate to assist the Director in operating the facility.

''(2) The principal staff of a facility shall include persons with experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

''(i) ANNUAL EVALUATION OF DIRECTORS.—(1) The Chief Operating Officer shall evaluate the performance of each of the Directors of the facilities of the Retirement Home each year.

''(2) The Chief Operating Officer shall submit to the Secretary of Defense any recommendations regarding a Director that the Chief Operating Officer determines appropriate taking into consideration the annual evaluation.''.

SEC. 1408. DISPOSITION OF EFFECTS OF DECEASED PERSONS AND UNCLAIMED PROPERTY.

(a) LEGAL REPRESENTATION FOR RETIREMENT HOME.—Subsection (b)(2)(A) of section 1520 (24 U.S.C. 420) is amended by inserting ''who is a full-time officer or employee of the United States or a member of the Armed Forces on active duty'' after ''may designate an attorney''.

(b) CORRECTION OF REFERENCE.—Subsection (b)(1)(B) of such section is amended by inserting ''Armed Forces'' before ''Retirement Home Trust Fund''.

SEC. 1409. TRANSITIONAL PROVISIONS.

Part B is amended by striking sections 1531, 1532, and 1533 and inserting the following new sections:

''SEC. 1531. TEMPORARY CONTINUATION OF ARMED FORCES RETIREMENT HOME BOARD.

''Until the Secretary of Defense appoints the first Chief Operating Officer after the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Armed Forces Retirement Home Board, as constituted on the day before the date of the enactment of that Act, shall continue to serve and shall perform the duties of the Chief Operating Officer.

''SEC. 1532. DIRECTORS OF FACILITIES.

''(a) ACTIVE DUTY OFFICERS.—During the three-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Directors and Deputy Directors of the facilities shall be members of the Armed Forces serving on active duty, notwithstanding the authority in subsections (b) and (d) of section 1517 for the Directors and Deputy Directors to be civilians.

''(b) TEMPORARY CONTINUATION OF DIRECTOR OF THE ARMED FORCES RETIREMENT HOME—WASHINGTON.—The person serving as the Director of the Armed Forces Retirement Home—Washington on the day before the enactment of the National Defense Authorization Act for Fiscal Year 2002 may continue to serve as the Director of that facility until April 2, 2002.

''SEC. 1533. TEMPORARY CONTINUATION OF INCUMBENT DEPUTY DIRECTORS.

''A person serving as the Deputy Director of a facility of the Retirement Home on the day before the enactment of the National Defense Authorization Act for Fiscal Year 2002 may continue to serve, at the pleasure of the Secretary of Defense, as the Deputy Director until the date on which a Deputy Director is appointed for that facility under section 1517, except that the service in that position may not continue under this section after December 31, 2004.''.

SEC. 1410. CONFORMING AND CLERICAL AMENDMENTS AND REPEALS OF OBSOLETE PROVISIONS.

(a) CONFORMING AMENDMENTS.—(1) Section 1513(b) (24 U.S.C. 413(b)), relating to services provided to residents of the Armed Forces Retirement Home, is amended by striking ''maintained as a separate establishment'' in the second sentence.

(2) The heading for section 1519 (24 U.S.C. 419) is amended to read as follows:

''SEC. 1519. ARMED FORCES RETIREMENT HOME TRUST FUND.''.

(3) Section 1520 (24 U.S.C. 420), relating to disposition of effects of deceased persons and unclaimed property, is amended—

(A) in subsection (a), by striking ''each facility that is maintained as a separate establishment'' and inserting ''a facility'';

(B) in subsection (b)(2)(A), by striking ''maintained as a separate establishment''; and

(C) in subsection (e), by striking ''Directors'' and inserting ''Director of the facility''.

(4)(A) Section 1523 (24 U.S.C. 423), relating to preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington, is amended by striking ''United States Soldiers' and Airmen's Home'' each place it appears and inserting ''Armed Forces Retirement Home—Washington''.

(B) The heading for such section is amended to read as follows:

''SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT THE ARMED FORCES RETIREMENT HOME—WASHINGTON.''.

(5) Section 1524 (24 U.S.C. 424), relating to conditional supervisory control of the Retirement Home Board, is repealed.

(b) REPEAL OF OBSOLETE PROVISIONS.—The following provisions are repealed:

(1) Section 1512(f) (24 U.S.C. 412(f)), relating to the applicability of certain eligibility requirements.

(2) Section 1519(d) (24 U.S.C. 419(d)), relating to transitional accounts in the Armed Forces Retirement Home Trust Fund.

(3) Part C, relating to effective date and authorization of appropriations.

(c) ADDITION OF TABLE OF CONTENTS.—Section 1501 (24 U.S.C. 401 note) is amended—

(1) by inserting ''(a) SHORT TITLE.—'' before ''This title''; and

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

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

''Sec. 1501. Short title; table of contents.
''Sec. 1502. Definitions.

''PART A—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME
''Sec. 1511. Establishment of the Armed Forces Retirement Home.
''Sec. 1512. Residents of Retirement Home.
''Sec. 1513. Services provided residents.
''Sec. 1514. Fees paid by residents.
''Sec. 1515. Chief Operating Officer.
''Sec. 1516. Local Boards of Trustees.
''Sec. 1517. Directors, Deputy Directors, Associate Directors, and staff of facilities.
''Sec. 1518. Inspection of Retirement Home.
''Sec. 1519. Armed Forces Retirement Home Trust Fund.
''Sec. 1520. Disposition of effects of deceased persons; unclaimed property.
''Sec. 1521. Payment of residents for services.
''Sec. 1522. Authority to accept certain uncompensated services.
''Sec. 1523. Preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington.
''PART B—TRANSITIONAL PROVISIONS
''Sec. 1531. Temporary Continuation of Armed Forces Retirement Home Board.
''Sec. 1532. Directors of Facilities.
''Sec. 1533. Temporary Continuation of Incumbent Deputy Directors.''.

TITLE XV—ACTIVITIES RELATING TO COMBATING TERRORISM

Subtitle A—Increased Funding for Combating Terrorism

Sec. 1501. Definitions.
Sec. 1502. Authorization of emergency appropriations for fiscal year 2001 made by Public Law 107–38 and allocated for national defense functions.
Sec. 1503. Authorization of emergency supplemental appropriations for fiscal year 2002.
Sec. 1504. Authorization of use of funds for military construction projects.
Sec. 1505. Treatment of transferred amounts.
Sec. 1506. Quarterly reports.

Subtitle B—Policy Matters Relating to Combating Terrorism

Sec. 1511. Study and report on the role of the Department of Defense with respect to homeland security.
Sec. 1512. Combating Terrorism Readiness Initiatives Fund for combatant commands.
Sec. 1513. Conveyances of equipment and related materials loaned to State and local governments as assistance for emergency response to a use or threatened use of a weapon of mass destruction.
Sec. 1514. Two-year extension of advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.

Subtitle A—Increased Funding for Combating Terrorism

SEC. 1501. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''ETR Supplemental Appropriations Act, 2001'' means the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38).

(2) The term ''Emergency Supplemental Appropriations Act, 2002'' means an Act (or a portion of an Act) making available for obligation emergency appropriations that were provided, subject to enactment in a subsequent appropriation Act, in the ETR Supplemental Appropriations Act, 2001.

SEC. 1502. AUTHORIZATION OF EMERGENCY APPROPRIATIONS FOR FISCAL YEAR 2001 MADE BY PUBLIC LAW 107–38 AND ALLOCATED FOR NATIONAL DEFENSE FUNCTIONS.

(a) ADJUSTMENT IN AUTHORIZATION AMOUNTS.—(1) Subject to paragraph (2), amounts authorized to be appropriated for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) are hereby increased, with respect to any such authorized amount, by the amount (if any) by which appropriations pursuant to such authorization are increased by amounts appropriated in the ETR Supplemental Appropriations Act, 2001, and transferred by the President (before the date of the enactment of this Act) to the Department of Defense or the National Nuclear Security Administration and subsequently allocated to such appropriations.

(2) Authorization amounts may not be increased under paragraph (1) in excess of amounts derived from allocation of the amounts specified in subsection (b), for the Department of Defense, and in subsection (c), for the National Nuclear Security Administration.

(b) DEPARTMENT OF DEFENSE.—Amounts referred to in subsection (a)(2) for the Department of Defense are amounts for emergency expenses to respond to the terrorist attacks on the United States that occurred on September 11, 2001, allocated to the Department of Defense for fiscal year 2001 for the use of the Armed Forces and other activities and agencies of the Department of Defense, including the purposes stated in section 1504, in the total amount of $13,741,000,000, as follows:

(1) INCREASED SITUATIONAL AWARENESS.—For Increased Situational Awareness, $4,272,000,000.

(2) ENHANCED FORCE PROTECTION.—For Enhanced Force Protection, $1,509,000,000.

(3) IMPROVED COMMAND AND CONTROL.—For Improved Command and Control, $1,403,000,000.

(4) INCREASED WORLDWIDE POSTURE.—For Increased Worldwide Posture, $3,603,000,000.

(5) OFFENSIVE COUNTERTERRORISM.—For Offensive Counterterrorism, $1,459,000,000.

(6) INITIAL CRISIS RESPONSE.—For Initial Crisis Response, $637,000,000.

(7) PENTAGON REPAIR AND UPGRADE.—For Pentagon Repair and Upgrade Activities, $530,000,000.

(8) FUEL COSTS.—For increased fuel costs, $100,000,000.

(9) AIRPORT AND BORDER SECURITY.—For airport and border security, $228,000,000.

(c) NNSA.—The amount referred to in subsection (a)(2) for the National Nuclear Security Administration is the amount of $5,000,000 for emergency expenses to respond to the terrorist attacks on the United States that occurred on September 11, 2001, allocated for fiscal year 2001 atomic energy defense activities of the National Nuclear Security Administration for weapons activities.

(d) TREATMENT AS ADDITIONAL AUTHORIZATIONS.—The amounts authorized to be appropriated by this section are in addition to amounts otherwise authorized to be appropriated by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) or any other Act, for fiscal year 2001 for the use of the Armed Forces and other activities and agencies of the Department of Defense and for the use of the National Nuclear Security Administration.

SEC. 1503. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2002.

(a) DEPARTMENT OF DEFENSE.—For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, funds are hereby authorized to be appropriated to the Defense Emergency Response Fund for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense, including the purposes stated in section 1504, in the total amount of $7,349,000,000, as follows:

(1) INCREASED SITUATIONAL AWARENESS.—For Increased Situational Awareness, $1,735,000,000.

(2) ENHANCED FORCE PROTECTION.—For Enhanced Force Protection, $881,000,000.

(3) IMPROVED COMMAND AND CONTROL.—For Improved Command and Control, $219,000,000.

(4) INCREASED WORLDWIDE POSTURE.—For Increased Worldwide Posture, $2,938,000,000.

(5) OFFENSIVE COUNTERTERRORISM.—For Offensive Counterterrorism, $545,000,000.

(6) INITIAL CRISIS RESPONSE.—For Initial Crisis Response, $106,000,000.

(7) PENTAGON REPAIR AND UPGRADE.—For Pentagon Repair and Upgrade Activities, $925,000,000.

(b) NNSA.—For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and for other expenses to increase the security of the Nation's nuclear weapons complex, funds are hereby authorized to be appropriated for fiscal year 2002 for the atomic energy defense activities of the National Nuclear Security Administration in the amount of $106,000,000, to be available for weapons activities.

(c) DEPARTMENT OF ENERGY.—For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, funds are hereby authorized to be appropriated for fiscal year 2002 to the Department of Energy in the total amount of $11,700,000, as follows:

(1) For Defense Environmental Restoration and Waste Management, $8,200,000.

(2) For Other Defense Activities, $3,500,000.

(d) TRANSFER OF DEFENSE FUNDS.—In order to carry out the specified purposes in subsection (a), the Secretary of Defense may transfer amounts authorized by subsection (a) from the Defense Emergency Response Fund to any other defense appropriations account, including the account ''Support for International Sporting Events, Defense'' and any military construction account as provided in section 1504.

(e) AVAILABILITY.—Amounts appropriated pursuant to authorizations in this section may remain available until expended, if so provided in appropriations Acts.

(f) SOURCE OF FUNDS.—Amounts appropriated pursuant to authorizations in this section shall be derived from amounts provided, subject to subsequent appropriation, in the ETR Supplemental Appropriations Act, 2001.

(g) TREATMENT AS ADDITIONAL AUTHORIZATIONS.—The amounts authorized to be appropriated by this section are in addition to amounts otherwise authorized to be appropriated, by the other provisions of this Act or by any other Act, for fiscal year 2001 for the use of the Armed Forces and other activities and agencies of the Department of Defense and for the use of the National Nuclear Security Administration.

SEC. 1504. AUTHORIZATION OF USE OF FUNDS FOR MILITARY CONSTRUCTION PROJECTS.

(a) AUTHORITY FOR USE OF FUNDS.—Qualified emergency defense appropriations may be used to acquire real property and 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 or to respond to the terrorist attacks on the United States that occurred on September 11, 2001.

(b) PROJECT AUTHORIZATION.—Any project with respect to which the Secretary makes a determination under subsection (a) and that is to be carried out using qualified emergency defense appropriations is hereby authorized for purposes of section 2802 of title 10, United States Code.

(c) QUALIFIED EMERGENCY DEFENSE APPROPRIATIONS.—For purposes of this subsection, the term ''qualified emergency defense appropriations'' means emergency appropriations available to the Department of Defense that are authorized by section 1502 or 1503.

SEC. 1505. TREATMENT OF TRANSFERRED AMOUNTS.

Amounts transferred under authority of section 1502 or 1503 shall be merged with, and shall be available for the same purposes and for the same time period as, the accounts to which transferred. The transfer authority under those sections is in addition to the transfer authority

provided by section 1001 or any other provision of law.

SEC. 1506. QUARTERLY REPORTS.

(a) QUARTERLY REPORT.—Promptly after the end of each quarter of a fiscal year, the Secretary of Defense and the Director of Central Intelligence shall each submit to the congressional defense committees a report (in classified and unclassified form, as needed) on the use of funds authorized by this subtitle. Each such report shall, at a minimum, specify the following:

(1) Any balance of funds remaining in the Defense Emergency Response Fund as of the end of the quarter covered by the report.

(2) The accounts to which funds have been transferred or are to be transferred and the amount of each such transfer.

(3) Within such accounts, each project to which any such funds have been transferred or are to be transferred and the amount of funds obligated and the amount expended for each such project as of the end of the quarter covered by the report.

(b) INITIAL REPORT.—The first report under subsection (a) shall be submitted not later than January 2, 2002.

(c) FINAL REPORT.—No further report under subsection (a) is required after all funds made available to the Department of Defense pursuant to such Act have been obligated.

Subtitle B—Policy Matters Relating to Combating Terrorism

SEC. 1511. STUDY AND REPORT ON THE ROLE OF THE DEPARTMENT OF DEFENSE WITH RESPECT TO HOMELAND SECURITY.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the appropriate role of the Department of Defense with respect to homeland security. The study shall identify and describe the policies, plans, and procedures of the Department of Defense for combating terrorism, including for the provision of support for the consequence management activities of other Federal, State, and local agencies. The study shall specifically identify the following:

(1) The strategy, roles, and responsibilities of the Department of Defense for combating terrorism.

(2) How the Department of Defense will interact with the Office of Homeland Security and how intelligence sharing efforts of the Department of Defense will be organized relative to other Federal agencies and departments and State and local governments.

(3) The ability of the Department of Defense to protect the United States from airborne threats, including threats originating from within the borders of the United States.

(4) Improvements that could be made to enhance the security of the people of the United States against terrorist threats and recommended actions (including legislative action) and programs to address and overcome existing vulnerabilities.

(5) The policies, plans, and procedures relating to how the civilian official in the Department of Defense responsible for combating terrorism and the Joint Task Force Civil Support of the Joint Forces Command will coordinate the performance of functions for combating terrorism with—

(A) teams in the Department of Defense that have responsibilities for responding to acts or threats of terrorism, including—

(i) weapons of mass destruction civil support teams when operating as the National Guard under the command of the Governor of a State, the Governor of Puerto Rico, or the Commanding General of the District of Columbia National Guard;

(ii) weapons of mass destruction civil support teams when operating as the Army National Guard of the United States or the Air National Guard of the United States under the command of the President;

(iii) teams in the departments and agencies of the Federal Government other than the Department of Defense that have responsibilities for responding to acts or threats of terrorism;

(iv) organizations outside the Federal Government, including any State, local and private entities, that function as first responders to acts or threats of terrorism; and

(v) units and organizations of the Reserve Components of the Armed Forces that have missions relating to combating terrorism;

(B) the Director of Military Support of the Department of the Army;

(C) any preparedness plans to combat terrorism that are developed for installations of the Department of Defense by the commanders of the installations and the integration of those plans with the plans of the teams and organizations described in subparagraph (A);

(D) the policies, plans and procedures for using and coordinating the integrated vulnerability assessment teams of the Joint Staff inside and outside the United States; and

(E) the missions of Fort Leonard Wood and other installations for training units, weapons of mass destruction civil support teams and other teams, and individuals in combating terrorism.

(6) The appropriate number and missions of the teams referred to in paragraph (5)(A)(i).

(7) How the Department of Defense Weapons of Mass Destruction Civil Support Teams should interact with the Federal Bureau of Investigation and the Federal Emergency Management Agency during crisis response and consequence management situations.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report including the findings of the study conducted under subsection (a).

SEC. 1512. COMBATING TERRORISM READINESS INITIATIVES FUND FOR COMBATANT COMMANDS.

(a) FUNDING FOR INITIATIVES.—Chapter 6 of title 10, United States Code, is amended by inserting after section 166a the following new section:

"§ 166b. Combatant commands: funding for combating terrorism readiness initiatives

''(a) COMBATING TERRORISM READINESS INITIATIVES FUND.—From funds made available in any fiscal year for the budget account in the Department of Defense known as the 'Combating Terrorism Readiness Initiatives Fund', the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose. The Chairman may provide such funds for initiating any activity named in subsection (b) and for maintaining and sustaining the activity for the fiscal year in which initiated and one additional fiscal year.

''(b) AUTHORIZED ACTIVITIES.—Activities for which funds may be provided under subsection (a) are the following:

''(1) Procurement and maintenance of physical security equipment.

''(2) Improvement of physical security sites.

''(3) Under extraordinary circumstances—

''(A) physical security management planning;

''(B) procurement and support of security forces and security technicians;

''(C) security reviews and investigations and vulnerability assessments; and

''(D) any other activity relating to physical security.

''(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the Combating Terrorism Readiness Initiatives Fund, should give priority consideration to emergency or emergent unforeseen high-priority requirements for combating terrorism.

''(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Chairman of the Joint Chiefs of Staff for a fiscal year out of the Combating Terrorism Readiness Initiatives Fund for an activity referred to in subsection (b) shall be in addition to amounts otherwise available for that activity for that fiscal year.

''(e) LIMITATION.—Funds may not be provided under this section for any activity that has been denied authorization by Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 166a the following new item:

''166b. Combatant commands: funding for combating terrorism readiness initiatives.''.

SEC. 1513. CONVEYANCES OF EQUIPMENT AND RELATED MATERIALS LOANED TO STATE AND LOCAL GOVERNMENTS AS ASSISTANCE FOR EMERGENCY RESPONSE TO A USE OR THREATENED USE OF A WEAPON OF MASS DESTRUCTION.

Section 1412(e) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2718; 50 U.S.C. 2312(e)) is amended by adding at the end the following new paragraph:

''(5) A conveyance of ownership of United States property to a State or local government, without cost and without regard to subsection (f) and title II of the Federal Property and Administrative Services Act of 1949 (or any other provision of law relating to the disposal of property of the United States), if the property is equipment, or equipment and related materials, that is in the possession of the State or local government on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002 pursuant to a loan of the property as assistance under this section.''.

SEC. 1514. TWO-YEAR EXTENSION OF ADVISORY PANEL TO ASSESS DOMESTIC RESPONSE CAPABILITIES FOR TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) EXTENSION OF ADVISORY PANEL.—Section 1405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 2301 note) is amended—

(1) in subsection (h)(2), by striking ''2001'' and inserting ''2003''; and

(2) in subsection (l), by striking ''three years'' and inserting ''five years''.

(b) PAY AND EXPENSES OF MEMBERS.—(1) Subsection (k) of such section is amended to read as follows:

''(k) COMPENSATION OF PANEL MEMBERS.—The provisions of paragraph (4) of section 591(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–212)), shall apply to members of the panel in the same manner as to members of the National Commission on Terrorism under that paragraph.''.

(2) The amendment made by paragraph (1) shall apply with respect to periods of service on the advisory panel under section 1405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 on or after the date of the enactment of this Act.

TITLE XVI—UNIFORMED SERVICES VOTING

Sec. 1601. Sense of Congress regarding the importance of voting.
Sec. 1602. Voting assistance programs.
Sec. 1603. Guarantee of residency for military personnel.
Sec. 1604. Electronic voting demonstration project.
Sec. 1605. Governors' reports on implementation of recommendations for changes in State law made under Federal Voting Assistance Program.

Sec. 1606. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters.
Sec. 1607. Use of certain Department of Defense facilities as polling places.

SEC. 1601. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF VOTING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each person who is an administrator of a Federal, State, or local election—

(1) should be aware of the importance of the ability of each uniformed services voter to exercise the right to vote; and

(2) should perform that person's duties as an election administrator with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live, should have an equal opportunity to cast a vote and to have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in paragraph (1) or (2) who is qualified to vote.

SEC. 1602. VOTING ASSISTANCE PROGRAMS.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1566. Voting assistance: compliance assessments; assistance

''(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to require that the Army, Navy, Air Force, and Marine Corps ensure their compliance with any directives issued by the Secretary of Defense in implementing any voting assistance program.

''(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In this section, the term 'voting assistance programs' means—

''(1) the Federal Voting Assistance Program carried out under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.); and

''(2) any similar program.

''(c) ANNUAL EFFECTIVENESS AND COMPLIANCE REVIEWS.—(1) The Inspector General of each of the Army, Navy, Air Force, and Marine Corps shall conduct—

''(A) an annual review of the effectiveness of voting assistance programs; and

''(B) an annual review of the compliance with voting assistance programs of that armed force.

''(2) Upon the completion of each annual review under paragraph (1), each Inspector General specified in that paragraph shall submit to the Inspector General of the Department of Defense a report on the results of each such review. Such report shall be submitted in time each year to be reflected in the report of the Inspector General of the Department of Defense under paragraph (3).

''(3) Not later than March 31 each year, the Inspector General of the Department of Defense shall submit to Congress a report on—

''(A) the effectiveness during the preceding calendar year of voting assistance programs; and

''(B) the level of compliance during the preceding calendar year with voting assistance programs of each of the Army, Navy, Air Force, and Marine Corps.

''(d) INSPECTOR GENERAL ASSESSMENTS.—(1) The Inspector General of the Department of Defense shall periodically conduct at Department of Defense installations unannounced assessments of the compliance at those installations with—

''(A) the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

''(B) Department of Defense regulations regarding that Act and the Federal Voting Assistance Program carried out under that Act; and

''(C) other requirements of law regarding voting by members of the armed forces.

''(2) The Inspector General shall conduct an assessment under paragraph (1) at not less than 10 Department of Defense installations each calendar year.

''(3) Each assessment under paragraph (1) shall include a review of such compliance—

''(A) within units to which are assigned, in the aggregate, not less than 20 percent of the personnel assigned to duty at that installation;

''(B) within a representative survey of members of the armed forces assigned to that installation and their dependents; and

''(C) within unit voting assistance officers to measure program effectiveness.

''(e) REGULAR MILITARY DEPARTMENT ASSESSMENTS.—The Secretary of each military department shall include in the set of issues and programs to be reviewed during any management effectiveness review or inspection at the installation level an assessment of compliance with the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and with Department of Defense regulations regarding the Federal Voting Assistance Program.

''(f) VOTING ASSISTANCE OFFICERS.—Voting assistance officers shall be appointed or assigned under Department of Defense regulations. Commanders at all levels are responsible for ensuring that unit voting officers are trained and equipped to provide information and assistance to members of the armed forces on voting matters. Performance evaluation reports pertaining to a member who has been assigned to serve as a voting assistance officer shall comment on the performance of the member as a voting assistance officer.

''(g) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.—(1) During the four months preceding a general Federal election month, the Secretary of Defense shall periodically conduct surveys of all overseas locations and vessels at sea with military units responsible for collecting mail for return shipment to the United States and all port facilities in the United States and overseas where military-related mail is collected for shipment to overseas locations or to the United States. The purpose of each survey shall be to determine if voting materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location. During the fourth and third months before a general Federal election month, such surveys shall be conducted biweekly. During the second and first months before a general Federal election month, such surveys shall be conducted weekly.

''(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times.

''(3) In this section, the term 'general Federal election month' means November in an even-numbered year.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1566. Voting assistance: compliance assessments; assistance.''.

(b) INITIAL REPORT.—The first report under section 1566(c)(3) of title 10, United States Code, as added by subsection (a), shall be submitted not later than March 31, 2003.

SEC. 1603. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

SEC. 1604. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002 through an electronic voting system. The project shall be carried out with participation of sufficient numbers of absent uniformed services voters so that the results are statistically relevant.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004. The Secretary shall notify the Committee on Armed Services and the Committee on Rules and Administration of the Senate and the Committee on Armed Services and the Committee on House Administration of the House of Representatives of any decision to delay implementation of the demonstration project.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—The Secretary shall carry out the demonstration project under this section through cooperative agreements with State election officials of States that agree to participate in the project.

(c) REPORT TO CONGRESS.—Not later than June 1 of the year following the year in which the demonstration project is conducted under this section, the Secretary of Defense shall submit to Congress a report analyzing the demonstration project. The Secretary shall include in the report any recommendations the Secretary considers appropriate for continuing the project on an expanded basis for absent uniformed services voters during the next regularly scheduled general election for Federal office.

(d) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term ''absent uniformed services voter'' has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

(2) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

SEC. 1605. GOVERNORS' REPORTS ON IMPLEMENTATION OF RECOMMENDATIONS FOR CHANGES IN STATE LAW MADE UNDER FEDERAL VOTING ASSISTANCE PROGRAM.

(a) REPORTS.—(1) Whenever a State receives a uniformed services voting assistance legislative

recommendation from the Secretary of Defense, acting as the Presidential designee, the chief executive authority of that State shall, not later than 90 days after receipt of that recommendation, provide a report on the status of implementation of that recommendation by that State.

(2) If a legislative recommendation referred to in paragraph (1) has been implemented, in whole or in part, by a State, the report of the chief executive authority of that State under that paragraph with respect to that recommendation shall include a description of the changes made to State law to implement the recommendation. If the recommendation has not been implemented, the report shall include a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

(3) Any report under paragraph (1) shall be transmitted to the Secretary of Defense, acting as the Presidential designee. The Secretary shall transmit a copy of the response to each Member of Congress who represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to any uniformed services voting assistance legislative recommendation transmitted to a State by the Secretary of Defense, acting as the Presidential designee, during the three-year period beginning on the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) The term ''uniformed services voting assistance legislative recommendation'' means a recommendation of the Presidential designee for a modification in the laws of a State for the purpose of improving the access to the polls of absent uniformed services voters and overseas voters.

(2) The term ''Presidential designee'' means the head of the executive department designated by the President under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

(3) The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

(4) The term ''Member of Congress'' includes a Delegate or Resident Commissioner to the Congress.

SEC. 1606. SIMPLIFICATION OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCEDURES FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.

(a) REQUIREMENT FOR STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION.—

(1) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) in paragraph (2)—

(i) by striking ''general, special, primary, or runoff'';

(ii) by inserting ''and absentee ballot application'' after ''voter registration application'';

(iii) by striking ''and'' after the semicolon at the end;

(B) by striking the period at the end of paragraph (3) and inserting ''; and''; and

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

''(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application.''.

(2) CONFORMING AMENDMENT.—Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2)) is amended by striking ''as recommended in section 104'' and inserting ''as required under section 102(4)''.

(b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.—Section 104 of such Act (42 U.S.C. 1973ff–3) is amended to read as follows:

''SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

''(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year.

''(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.

''(c) REVISION OF OFFICIAL POST CARD FORM.—The Presidential designee shall revise the official post card form (prescribed under section 101) to enable a voter using the form to—

''(1) request an absentee ballot for each election for Federal office held in a State during a year; or

''(2) request an absentee ballot for only the next scheduled election for Federal office held in a State.

''(d) NO EFFECT ON VOTER REMOVAL PROGRAMS.—Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993.''.

SEC. 1607. USE OF CERTAIN DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY FACILITIES.—Section 2670 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(b) USE OF CERTAIN FACILITIES AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title) or any other provision of law, the Secretary of Defense or Secretary of a military department may not (except as provided in paragraph (3)) prohibit the designation or use of a qualifying facility under the jurisdiction of the Secretary as an official polling place for local, State, or Federal elections.

''(2) A Department of Defense facility is a qualifying facility for purposes of this subsection if as of December 31, 2000—

''(A) the facility is designated as an official polling place by a State or local election official; or

''(B) the facility has been used as such an official polling place since January 1, 1996.

''(3) The limitation in paragraph (1) may be waived by the Secretary of Defense or Secretary of the military department concerned with respect to a particular Department of Defense facility if the Secretary of Defense or Secretary concerned determines that local security conditions require prohibition of the designation or use of that facility as an official polling place for any election.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Such section is further amended—

(A) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under''; and

(B) by striking ''this section'' and inserting ''this subsection''.

(2) The heading of such section is amended to read as follows:

''§ 2670. Military installations: use by American National Red Cross; use as polling places''.

(3) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Military installations: use by American National Red Cross; use as polling places.''.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE; DEFINITION.

(a) SHORT TITLE.—This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2002''.

(b) DEFINITION OF FISCAL YEAR 2001 DEFENSE AUTHORIZATION ACT.—In this division, the term ''Spence Act'' means the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1654).

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2001 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2000 projects.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$5,150,000
	Fort Rucker	$18,200,000
	Redstone Arsenal	$9,900,000
Alaska	Fort Richardson	$115,000,000
	Fort Wainwright	$27,200,000
Arizona	Fort Huachuca	$6,100,000
	Yuma Proving Ground	$3,100,000
California	Defense Language Institute	$5,900,000
	Fort Irwin	$23,000,000
Colorado	Fort Carson	$66,000,000
District of Columbia	Fort McNair	$11,600,000
Georgia	Fort Benning	$23,900,000
	Fort Gillem	$34,600,000
	Fort Gordon	$34,000,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Hawaii	Fort Stewart/Hunter Army Air Field	$39,800,000
	Kahuku Windmill Site	$900,000
	Navy Public Works Center, Pearl Harbor	$11,800,000
	Pohakuloa Training Facility	$6,600,000
	Wheeler Army Air Field	$50,000,000
Illinois	Rock Island Arsenal	$3,500,000
Kansas	Fort Riley	$10,900,000
Kentucky	Fort Campbell	$88,900,000
	Fort Knox	$12,000,000
Louisiana	Fort Polk	$21,200,000
Maryland	Aberdeen Proving Ground	$58,300,000
	Fort Meade	$11,200,000
Missouri	Fort Leonard Wood	$7,850,000
New Jersey	Fort Monmouth	$20,000,000
	Picatinny Arsenal	$10,200,000
New Mexico	White Sands Missile Range	$7,600,000
New York	Fort Drum	$56,350,000
North Carolina	Fort Bragg	$21,300,000
	Sunny Point Military Ocean Terminal	$11,400,000
Oklahoma	Fort Sill	$5,100,000
South Carolina	Fort Jackson	$65,650,000
Texas	Corpus Christi Army Depot	$10,400,000
	Fort Sam Houston	$2,250,000
	Fort Bliss	$5,000,000
	Fort Hood	$104,200,000
Virginia	Fort Belvoir	$35,950,000
	Fort Eustis	$34,650,000
	Fort Lee	$23,900,000
Washington	Fort Lewis	$238,200,000
	Total:	$1,358,750,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bamberg	$36,000,000
	Area Support Group, Darmstadt	$13,500,000
	Baumholder	$9,000,000
	Hanau	$7,200,000
	Heidelberg	$15,300,000
	Mannheim	$16,000,000
	Wiesbaden Air Base	$26,300,000
Japan	Camp Schab	$3,800,000
Korea	Camp Carroll	$16,593,000
	Camp Casey	$8,500,000
	Camp Hovey	$35,750,000
	Camp Humphreys	$14,500,000
	Camp Jackson	$6,100,000
	Camp Stanley	$28,000,000
	Camp Yongsan	$12,800,000
Kwajalein	Kwajalein Atoll	$11,000,000
	Total:	$260,343,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$4,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	32 Units	$12,000,000
Arizona	Fort Huachuca	72 Units	$10,800,000
Kansas	Fort Leavenworth	80 Units	$20,000,000
Texas	Fort Bliss	76 Units	$13,600,000
	Fort Sam Houston	80 Units	$11,200,000
Korea	Camp Humphreys	54 Units	$12,800,000
		Total:	$80,400,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,592,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $220,750,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,155,594,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,127,750,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $260,343,000.

(3) For a military construction project at an unspecified worldwide location authorized by section 2101(c), $4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $18,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $159,533,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $312,742,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,089,573,000.

(7) For the construction of a cadet development center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $37,900,000.

(8) For the construction of phase 2C of a barracks complex, Tagaytay Street, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), $17,500,000.

(9) For the construction of phase 1C of a barracks complex, Wilson Street, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), $23,000,000.

(10) For construction of phase 2 of a basic combat training complex at Fort Leonard Wood, Missouri, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, $27,000,000.

(11) For the construction of phase 2 of a battle simulation center at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, $9,000,000.

(12) For the construction of phase 1 of a barracks complex, Butner Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), $49,000,000.

(13) For the construction of phase 1 of a barracks complex, Longstreet Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), $27,000,000.

(14) For the construction of a multipurpose digital training range at Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, $13,000,000.

(15) For the homeowners assistance program, as authorized by section 2832(a) of title 10, United States Code, $10,119,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $52,000,000 (the balance of the amount authorized under section 2201(a) for construction of a barracks complex, D Street, at Fort Richardson, Alaska);

(3) $41,000,000 (the balance of the amount authorized under section 2201 (a) for construction of phase 1 of a barracks complex, Nelson Boulevard, at Fort Carson, Colorado);

(4) $36,000,000 (the balance of the amount authorized under section 2201(a) for construction of phase 1 of a basic combat training complex at Fort Jackson, South Carolina); and

(5) $102,000,000 (the balance of the amount authorized under section 2201(a) for construction of a barracks complex, 17th & B Streets, at Fort Lewis, Washington).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (15) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $29,866,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389) is amended—

(1) in the item relating to Fort Leonard Wood, Missouri, by striking ''$65,400,000'' in the amount column and inserting ''$69,800,000'';

(2) in the item relating to Fort Drum, New York, by striking ''$18,000,000'' in the amount column and inserting ''$21,000,000'';

(3) in the item relating to Fort Hood, Texas, by striking ''$36,492,000'' in the amount column and inserting ''$39,492,000''; and

(4) by striking the amount identified as the total in the amount column and inserting ''$626,374,000''.

(b) CONFORMING AMENDMENTS.—Section 2104 of that Act (114 Stat. 1654A–391) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''$1,925,344,000'' and inserting ''$1,935,744,000''; and

(2) in subsection (b)—

(A) in paragraph (2), by striking ''$22,600,000'' and inserting ''$27,000,000'';

(B) in paragraph (3), by striking ''$10,000,000'' and inserting ''$13,000,000''; and

(C) in paragraph (6), by striking ''$6,000,000'' and inserting ''$9,000,000''.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

Section 2104 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 826), as amended by section 2105(c) of the Spence Act; 114 Stat. 1654A–393), is amended —

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''$2,358,331,000'' and inserting ''$2,321,931,000''; and

(B) in paragraph (1), by striking ''$930,058,000'' and inserting ''$893,658,000''; and

(2) in subsection (b)(7), by striking ''$102,500,000'' and inserting ''$138,900,000''.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2001 projects.
Sec. 2206. Modification of authority to carry out certain fiscal year 2000 project.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$22,570,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	$75,125,000
	Marine Corps Air Station, Camp Pendleton	$4,470,000
	Marine Corps Base, Camp Pendleton	$96,490,000
	Naval Air Facility, El Centro	$23,520,000
	Naval Air Station, Lemoore	$10,010,000
	Naval Air Warfare Center, China Lake	$30,200,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	$13,730,000
	Naval Amphibious Base, Coronado	$8,610,000
	Naval Construction Battalion Center, Port Hueneme	$12,400,000
	Naval Construction Training Center, Port Hueneme	$3,780,000
	Naval Station, San Diego	$47,240,000
District of Columbia	Naval Air Facility, Washington	$9,810,000
Florida	Naval Air Station, Key West	$11,400,000
	Naval Air Station, Whiting Field, Milton	$2,140,000
	Naval Station, Mayport	$16,420,000
	Naval Station, Pensacola	$3,700,000
Hawaii	Marine Corps Base, Kaneohe	$24,920,000
	Naval Magazine Lualualei	$6,000,000
	Naval Shipyard, Pearl Harbor	$20,000,000
	Naval Station, Pearl Harbor	$54,700,000
	Navy Public Works Center, Pearl Harbor	$16,900,000
Illinois	Naval Training Center, Great Lakes	$82,260,000
Indiana	Naval Surface Warfare Center, Crane	$14,930,000
Maine	Naval Air Station, Brunswick	$67,395,000
	Naval Shipyard, Portsmouth	$14,620,000
Maryland	Naval Air Warfare Center, Patuxent River	$2,260,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Air Warfare Center, St. Inigoes	$5,100,000
	Naval Explosive Ordinance Disposal Technology Center, Indian Head	$1,250,000
Mississippi	Naval Air Station, Meridian	$3,370,000
	Naval Construction Battalion Center, Gulfport	$21,660,000
	Naval Station, Pascagoula	$4,680,000
Missouri	Marine Corps Support Activity, Kansas City	$9,010,000
Nevada	Naval Air Station, Fallon	$6,150,000
New Jersey	Naval Weapons Station, Earle	$4,370,000
North Carolina	Marine Corps Air Station, New River	$4,050,000
	Marine Corps Base, Camp Lejeune	$67,070,000
Pennsylvania	Naval Foundry and Propeller Center, Philadelphia	$14,800,000
Rhode Island	Naval Station, Newport	$15,290,000
	Naval Underwater Warfare Center, Newport	$9,370,000
South Carolina	Marine Corps Air Station, Beaufort	$8,020,000
	Marine Corps Recruit Depot, Parris Island	$5,430,000
Tennessee	Naval Support Activity, Millington	$3,900,000
Virginia	Marine Corps Air Facility, Quantico	$3,790,000
	Marine Corps Combat Dev Com	$9,390,000
	Naval Amphibious Base, Little Creek	$9,090,000
	Naval Station, Norfolk	$139,270,000
Washington	Naval Air Station, Whidbey Island	$7,370,000
	Naval Station, Everett	$6,820,000
	Strategic Weapons Facility, Bangor	$3,900,000
	Total:	$1,058,750,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity Joint Headquarters Command, Larissa	$12,240,000
	Naval Support Activity, Souda Bay	$3,210,000
Guam	Naval Station, Guam	$9,300,000
	Navy Public Works Center, Guam	$14,800,000
Iceland	Naval Air Station, Keflavik	$2,820,000
Italy	Naval Air Station, Sigonella	$3,060,000
Spain	Naval Station, Rota	$2,240,000
	Total:	$47,670,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	51 Units	$9,017,000
California	Marine Air-Ground Task Force Training Center, Twentynine Palms	74 Units	$16,250,000
Hawaii	Marine Corps Base, Kaneohe	172 Units	$46,996,000
	Naval Station, Pearl Harbor	70 Units	$16,827,000
Mississippi	Naval Construction Battalion Center, Gulfport	160 Units	$23,354,000
Virginia	Marine Corps Combat Development Command, Quantico	60 Units	$7,000,000
Italy	Naval Air Station, Sigonella	10 Units	$2,403,000
		Total:	$121,847,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,499,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $203,434,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,366,742,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,005,410,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $47,670,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $10,546,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $39,557,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $331,780,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $910,095,000.

(6) For construction of phase 6 of a large anachoic chamber facility at the Patuxent River Naval Air Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $10,770,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828), as amended by section 2206 of this Act, $37,580,000.

(8) For repair of a pier at Naval Station, San Diego, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–396), $17,500,000.

(9) For replacement of a pier at Naval Station, Bremerton, Washington, formerly Naval Shipyard, Bremerton, Puget Sound, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–396), as amended by section 2205 of this Act, $24,460,000.

(10) For construction of an industrial skills center at Puget Sound Naval Shipyard, Bremerton, Washington, formerly Naval Shipyard, Bremerton, Puget Sound, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–396), as amended by section 2205 of this Act, $14,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $33,240,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier, increment I, at Naval Station, Norfolk, Virginia); and

(3) $20,100,000 (the balance of the amount authorized under section 2201(a) for a combined propulsion and explosives lab at Naval Air Warfare Center, China Lake, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (10) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $82,626,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) AUTHORIZED CONSTRUCTION AND LAND ACQUISITION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–395) is amended—

(1) in the item relating to Naval Shipyard, Bremerton, Puget Sound, Washington, by striking ''$100,740,000'' in the amount column and inserting ''$102,460,000'';

(2) in the item relating to Naval Station, Bremerton, Washington, by striking ''$11,930,000'' in the amount column and inserting ''$1,930,000''; and

(3) by striking the amount identified as the total in the amount column and inserting ''$803,217,000''.

(b) PLANNING AND DESIGN.—Section 2204(a) of that Act (114 Stat. 1654A–398) is amended—

(1) in the matter preceding paragraph (1), by striking ''$2,227,995,000'' and inserting ''$2,208,407,000''; and

(2) in paragraph (4), by striking ''$73,335,000'' and inserting ''$53,747,000''.

(c) CONFORMING AMENDMENT.—Section 2204(b)(4) of that Act (114 Stat. 1654A–398) is amended by striking ''$10,280,000'' and inserting ''$14,000,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828) is amended—

(1) in the item relating to Camp H.M. Smith, Hawaii, by striking ''$86,050,000'' in the amount column and inserting ''$89,050,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$820,230,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(3) of that Act (113 Stat. 831) is amended by striking ''$70,180,000'' and inserting ''$73,180,000''.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Modification of authority to carry out certain fiscal year 2001 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$34,400,000
Alaska	Eareckson Air Force Base	$4,600,000
	Elmendorf Air Force Base	$32,200,000
Arizona	Davis-Monthan Air Force Base	$23,500,000
	Luke Air Force Base	$4,500,000
Arkansas	Little Rock Air Force Base	$18,100,000
California	Beale Air Force Base	$7,900,000
	Edwards Air Force Base	$16,300,000
	Los Angeles Air Force Base	$23,000,000
	Travis Air Force Base	$10,100,000
	Vandenberg Air Force Base	$11,800,000
Colorado	Buckley Air Force Base	$23,200,000
	Schriever Air Force Base	$30,400,000
	United States Air Force Academy	$25,500,000
Delaware	Dover Air Force Base	$7,300,000
District of Columbia	Bolling Air Force Base	$2,900,000
Florida	Cape Canaveral Air Force Station	$7,800,000
	Eglin Air Force Base	$11,400,000
	Hurlburt Field	$10,400,000
	Tyndall Air Force Base	$20,350,000
Georgia	Moody Air Force Base	$8,600,000
	Robins Air Force Base	$14,650,000
Idaho	Mountain Home Air Force Base	$14,600,000
Kansas	McConnell Air Force Base	$5,100,000
Louisiana	Barksdale Air Force Base	$5,000,000
Maryland	Andrews Air Force Base	$19,420,000
Massachusetts	Hanscom Air Force Base	$9,400,000
Mississippi	Columbus Air Force Base	$5,000,000
	Keesler Air Force Base	$28,600,000
Montana	Malmstrom Air Force Base	$4,650,000
Nevada	Nellis Air Force Base	$31,600,000
New Jersey	McGuire Air Force Base	$36,550,000
New Mexico	Cannon Air Force Base	$9,400,000
	Kirtland Air Force Base	$19,800,000
North Carolina	Pope Air Force Base	$17,800,000
North Dakota	Grand Forks Air Force Base	$7,800,000
Ohio	Wright-Patterson Air Force Base	$28,250,000
Oklahoma	Altus Air Force Base	$20,200,000
	Tinker Air Force Base	$21,400,000
South Carolina	Shaw Air Force Base	$5,800,000
South Dakota	Ellsworth Air Force Base	$12,200,000
Tennessee	Arnold Air Force Base	$24,400,000
Texas	Dyess Air Force Base	$16,800,000
	Lackland Air Force Base	$12,800,000
	Laughlin Air Force Base	$15,600,000
	Sheppard Air Force Base	$45,200,000
Utah	Hill Air Force Base	$44,000,000
Virginia	Langley Air Force Base	$47,300,000
Washington	Fairchild Air Force Base	$2,800,000
	McChord Air Force Base	$20,700,000
Wyoming	F. E. Warren Air Force Base	$10,200,000
	Total:	$891,270,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	$42,900,000
	Spangdahlem Air Base	$8,700,000
Guam	Andersen Air Force Base	$10,150,000
Italy	Aviano Air Base	$11,800,000
Korea	Kunsan Air Base	$12,000,000
	Osan Air Base	$101,142,000
Oman	Masirah	$8,000,000

Air Force: Outside the United States—Continued

Country	Installation or location	Amount
Turkey	Eskisehir	$4,000,000
	Incirlik	$5,500,000
United Kingdom	Royal Air Force, Lakenheath	$11,300,000
	Royal Air Force, Mildenhall	$22,400,000
Wake Island	Wake Island	$25,000,000
	Total:	$262,892,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	$4,458,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Luke Air Force Base	120 Units	$15,712,000
California	Travis Air Force Base	118 Units	$18,150,000
Colorado	Buckley Air Force Base	55 Units	$11,400,000
Delaware	Dover Air Force Base	120 Units	$18,145,000
District of Columbia	Bolling Air Force Base	136 Units	$16,926,000
Hawaii	Hickam Air Force Base	102 Units	$25,037,000
Idaho	Mountain Home Air Force Base	56 Units	$10,000,000
Louisiana	Barksdale Air Force Base	56 Units	$7,300,000
South Dakota	Ellsworth Air Force Base	78 Units	$13,700,000
Virginia	Langley Air Force Base	4 Units	$1,200,000
Portugal	Lajes Field, Azores	64 Units	$13,230,000
		Total:	$150,800,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,558,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $375,345,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,573,122,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $879,270,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $223,592,000.

(3) For a military construction project at an unspecified worldwide location authorized by section 2301(c), $4,458,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,250,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $94,970,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $550,703,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $844,715,000.

(7) $12,600,000 for construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–399), as amended by section 2305 of this Act.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $12,000,000 (the balance of the amount authorized under section 2301(a) for a maintenance depot hanger at Hill Air Force Base, Utah);

(3) $15,300,000 (the balance of the amount authorized under section 2301(b) for repair of an airfield runway at Wake Island); and

(4) $24,000,000 (the balance of the amount authorized under section 2301(b) for a civil engineer complex at Osan Air Force Base, Korea).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $48,436,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) MCGUIRE AIR FORCE BASE.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–399) is amended—

(1) in the item relating to McGuire Air Force Base, New Jersey, by striking ''$29,772,000'' in the amount column and inserting ''$32,972,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$748,955,000''.

(b) MOUNTAIN HOME AIR FORCE BASE.—The table in section 2302(a) of that Act (114 Stat. 1654A–400) is amended in the item relating to Mountain Home Air Force Base, Idaho, by striking ''119 Units'' in the purpose column and inserting ''46 Units''.

(c) CONFORMING AMENDMENT.—Section 2304(b)(2) of that Act (114 Stat. 1654A–402) is amended by striking ''$9,400,000'' and inserting ''$12,600,000''.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Cancellation of authority to carry out certain fiscal year 2001 projects.

Sec. 2405. Modification of authority to carry out certain fiscal year 2000 projects.

Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.

Sec. 2407. Modification of authority to carry out certain fiscal year 1995 project.

Sec. 2408. Prohibition on expenditures to develop forward operating location on Aruba.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity	Laurel Bay, South Carolina	$12,850,000
	Marine Corps Base, Camp LeJeune, North Carolina	$8,857,000
Defense Logistics Agency	Defense Distribution Depot Tracy, California	$30,000,000
	Defense Distribution New Cumberland, Pennsylvania	$19,900,000
	Eielson Air Force Base, Alaska	$8,800,000
	Fort Belvoir, Virginia	$900,000
	Grand Forks Air Force Base, North Dakota	$9,110,000
	Hickam Air Force Base, Hawaii	$29,200,000
	McGuire Air Force Base, New Jersey	$4,400,000
	Minot Air Force Base, North Dakota	$14,000,000
	Philadelphia, Pennsylvania	$2,429,000
	Pope Air Force Base, North Carolina	$3,400,000
Special Operations Command	Aberdeen Proving Ground, Maryland	$3,200,000
	CONUS Classified	$2,400,000
	Fort Benning, Georgia	$5,100,000
	Fort Bragg, North Carolina	$33,562,000
	Fort Lewis, Washington	$6,900,000
	Hurlburt Field, Florida	$13,400,000
	MacDill Air Force Base, Florida	$12,000,000
	Naval Station, San Diego, California	$13,650,000
TRICARE Management Activity	Andrews Air Force Base, Maryland	$10,250,000
	Dyess Air Force Base, Texas	$3,300,000
	F. E. Warren Air Force Base, Wyoming	$2,700,000
	Fort Hood, Texas	$12,200,000
	Fort Stewart/Hunter Army Air Field, Georgia	$11,000,000
	Holloman Air Force Base, New Mexico	$5,700,000
	Hurlburt Field, Florida	$8,800,000
	Marine Corps Base, Camp Pendleton, California	$15,300,000
	Marine Corps Logistics Base, Albany, Georgia	$5,800,000
	Naval Air Station, Whidbey Island, Washington	$6,600,000
	Naval Hospital, Twentynine Palms, California	$1,600,000
	Naval Station, Mayport, Florida	$24,000,000
	Naval Station, Norfolk, Virginia	$21,000,000
	Schriever Air Force Base, Colorado	$4,000,000
Washington Headquarters Services	Pentagon Reservation, Virginia	$25,000,000
	Total:	$391,308,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Aviano Air Base, Italy	$3,647,000
	Geilenkirchen AB, Germany	$1,733,000
	Heidelberg, Germany	$3,312,000
	Kaiserslautern, Germany	$1,439,000
	Kitzingen, Germany	$1,394,000
	Landstuhl, Germany	$1,444,000
	Ramstein Air Force Base, Germany	$2,814,000
	Royal Air Force, Feltwell, United Kingdom	$22,132,000
	Vogelweh Annex, Germany	$1,558,000
	Wiesbaden Air Base, Germany	$1,378,000
	Wuerzburg, Germany	$2,684,000
Defense Logistics Agency	Anderson Air Force Base, Guam	$20,000,000
	Camp Casey, Korea	$5,500,000
	Naval Station, Rota, Spain	$3,000,000
	Yokota Air Base, Japan	$13,000,000
Office Secretary of Defense	Comalapa Air Base, El Salvador	$12,577,000
TRICARE Management Activity	Heidelberg, Germany	$28,000,000
	Lajes Field, Azores, Portugal	$3,750,000
	Thule, Greenland	$10,800,000
	Total:	$140,162,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $27,100,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,481,208,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $391,308,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $140,162,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $24,492,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $54,496,000.

(6) For energy conservation projects authorized by section 2402, $27,100,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $632,713,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $250,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $43,762,000, of which not more than $37,298,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,000,000.

(9) For the construction of phase 6 of an ammunition demilitarization facility at Pine Bluff Arsenal, Arkansas, authorized by section

2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), and section 2407 of this Act, $26,000,000.

(10) For the construction of phase 3 of an ammunition demilitarization facility at Pueblo Army Depot, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), $11,000,000.

(11) For construction of phase 4 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $66,000,000.

(12) For construction of phase 4 of an ammunition demilitarization facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of this Act, $66,500,000.

(13) For the construction of phase 2 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65, 113 Stat. 836), as amended by section 2405 of this Act, $3,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (13) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $17,575,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2404. CANCELLATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) CANCELLATION OF PROJECTS AT CAMP PENDLETON, CALIFORNIA.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–402) is amended—

(1) under the agency heading TRICARE Management Activity, by striking the item relating to Marine Corps Base, Camp Pendleton, California; and

(2) by striking the amount identified as the total in the amount column and inserting ''$242,756,000''.

(b) CANCELLATION OF PROJECTS AT UNSPECIFIED WORLDWIDE LOCATIONS.—Section 2401(c) of that Act (114 Stat. 1654A–404) is amended by striking ''$451,135,000'' and inserting ''$30,065,000''.

(c) TREATMENT OF AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN CANCELED PROJECTS.—Of the amount authorized to be appropriated by section 2403(a) of that Act (114 Stat. 1654A–404), and paragraph (1) of that section, $14,150,000 shall be available for purposes relating to construction of the Portsmouth Naval Hospital, Virginia, as authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640).

(d) REDUCTION IN AUTHORIZATION OF APPROPRIATIONS FOR PROJECTS AT UNSPECIFIED WORLDWIDE LOCATIONS.—Section 2403 of that Act (114 Stat. 1654A–404) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''$1,883,902,000'' and inserting ''$1,828,872,000''; and

(B) in paragraph (3), by striking ''$85,095,000'' and inserting ''$30,065,000''; and

(2) in subsection (b), by striking ''may not exceed—'' and all that follows through the end of the subsection and inserting ''may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).''.

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835) is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$206,800,000'' in the amount column and inserting ''$254,030,000'';

(2) under the agency heading relating to TRICARE Management Agency—

(A) in the item relating to Fort Wainwright, Alaska, by striking ''$133,000,000'' in the amount column and inserting ''$215,000,000''; and

(B) by striking the item relating to Naval Air Station, Whidbey Island, Washington; and

(3) by striking the amount identified as the total in the amount column and inserting ''$711,950,000''.

(b) TREATMENT OF AUTHORIZATION OF APPROPRIATIONS FOR CANCELED WHIDBEY ISLAND, PROJECT.—Of the amount authorized to be appropriated by section 2405(a) of that Act (113 Stat. 837), and paragraph (1) of that section, $4,700,000 shall be available for purposes relating to construction of the Portsmouth Naval Hospital, Virginia, as authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640).

(c) CONFORMING AMENDMENTS.—Section 2405(b) of that Act (113 Stat. 839) is amended—

(1) in paragraph (2), by striking ''$115,000,000'' and inserting ''$197,000,000''; and

(2) in paragraph (3), by striking ''$184,000,000'' and inserting ''$231,230,000''.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193) is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Aberdeen Proving Ground, Maryland, by striking ''$186,350,000'' in the amount column and inserting ''$223,950,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$727,616,000''.

(b) CONFORMING AMENDMENT.—Section 2404(b)(3) of that Act (112 Stat. 2196) is amended by striking ''$158,000,000'' and inserting ''$195,600,000''.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), is amended under the agency heading relating to Chemical Agents and Munitions Destruction, in the item relating to Pine Bluff Arsenal, Arkansas, by striking ''$154,400,000'' in the amount column and inserting ''$177,400,000''.

SEC. 2408. PROHIBITION ON EXPENDITURES TO DEVELOP FORWARD OPERATING LOCATION ON ARUBA.

None of the funds appropriated under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'' in chapter 3 of title III of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 579), may be used by the Secretary of Defense to develop any forward operating location on the island of Aruba.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $162,600,000.

TITLE XXVI—GUARD AND RESERVE FACILITIES

Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 2001, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $393,253,000; and

(B) for the Army Reserve, $168,969,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $52,896,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $253,852,000; and

(B) for the Air Force Reserve, $73,032,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 1998 projects.

Sec. 2704. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Delaware	Dover Air Force Base	Replace Family Housing (55 units)	$8,998,000
Florida	Patrick Air Force Base	Replace Family Housing (46 units)	$9,692,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (37 units)	$6,400,000
Ohio	Wright-Patterson Air Force Base	Replace Family Housing (40 units)	$5,600,000

Army National Guard: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Massachusetts	Westfield	Army Aviation Support Facility	$9,274,000
South Carolina	Spartanburg	Readiness Center	$5,260,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–408), shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	$7,900,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replace Family Housing (94 units)	$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units)	$28,881,000
Louisiana	Naval Complex, New Orleans	Replace Family Housing (100 units)	$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units)	$22,250,000

Air Force: Extension of 1998 Project Authorization

State	Installation or location	Project	Amount
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	$20,900,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2001; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in thresholds for certain unspecified minor military construction projects.

Sec. 2802. Exclusion of unforeseen environmental hazard remediation from limitation on authorized cost variations.

Sec. 2803. Repeal of annual reporting requirement on military construction and military family housing activities.

Sec. 2804. Funds for housing allowances of members assigned to military family housing under alternative authority for acquisition and improvement of military housing.

Sec. 2805. Extension of alternative authority for acquisition and improvement of military housing.

Sec. 2806. Treatment of financing costs as allowable expenses under contracts for utility services from utility systems conveyed under privatization initiative.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Use of military installations for certain recreational activities.

Sec. 2812. Availability of proceeds of sales of Department of Defense property from certain closed military installations.
Sec. 2813. Pilot program to provide additional tools for efficient operation of military installations.
Sec. 2814. Demonstration program on reduction in long-term facility maintenance costs.
Sec. 2815. Base efficiency project at Brooks Air Force Base, Texas.

Subtitle C—Implementation of Prior Base Closure and Realignment Rounds

Sec. 2821. Lease back of base closure property.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Land conveyance, Whittier-Anchorage Pipeline Tank Farm, Anchorage, Alaska.
Sec. 2832. Lease authority, Fort DeRussy, Hawaii.
Sec. 2833. Modification of land exchange, Rock Island Arsenal, Illinois.
Sec. 2834. Land conveyance, Fort Des Moines, Iowa.
Sec. 2835. Modification of land conveyances, Fort Dix, New Jersey.
Sec. 2836. Land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
Sec. 2837. Land exchange and consolidation, Fort Lewis, Washington.
Sec. 2838. Land conveyance, Army Reserve Center, Kewaunee, Wisconsin.

PART II—NAVY CONVEYANCES

Sec. 2841. Transfer of jurisdiction, Centerville Beach Naval Station, Humboldt County, California.
Sec. 2842. Land conveyance, Port of Long Beach, California.
Sec. 2843. Conveyance of pier, Naval Base, San Diego, California.
Sec. 2844. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.
Sec. 2845. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.
Sec. 2846. Land acquisition, Perquimans County, North Carolina.
Sec. 2847. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.
Sec. 2848. Modification of land conveyance, former United States Marine Corps Air Station, Eagle Mountain Lake, Texas.

PART III—AIR FORCE CONVEYANCES

Sec. 2851. Conveyance of avigation easements, former Norton Air Force Base, California.
Sec. 2852. Reexamination of land conveyance, Lowry Air Force Base, Colorado.
Sec. 2853. Water rights conveyance, Andersen Air Force Base, Guam.
Sec. 2854. Conveyance of segment of Loring petroleum pipeline, Maine, and related easements.
Sec. 2855. Land conveyance, petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine.
Sec. 2856. Land conveyances, certain former Minuteman III ICBM facilities in North Dakota.
Sec. 2857. Land conveyances, Charleston Air Force Base, South Carolina.
Sec. 2858. Transfer of jurisdiction, Mukilteo Tank Farm, Everett, Washington.

Subtitle E—Other Matters

Sec. 2861. Management of the Presidio of San Francisco.
Sec. 2862. Transfer of jurisdiction for development of Air Force morale, welfare, and recreation facility, Park City, Utah.
Sec. 2863. Alternate site for United States Air Force Memorial, preservation of open space on Arlington Ridge tract, and related land transfer at Arlington National Cemetery, Virginia.
Sec. 2864. Establishment of memorial to victims of terrorist attack on Pentagon Reservation and authority to accept monetary contributions for memorial and repair of Pentagon.
Sec. 2865. Repeal of limitation on cost of renovation of Pentagon Reservation.
Sec. 2866. Development of United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.
Sec. 2867. Effect of limitation on construction of roads or highways, Marine Corps Base, Camp Pendleton, California.
Sec. 2868. Establishment of World War II memorial at additional location on Guam.
Sec. 2869. Demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
Sec. 2870. Report on future land needs of United States Military Academy, New York, and adjacent community.
Sec. 2871. Naming of Patricia C. Lamar Army National Guard Readiness Center, Oxford, Mississippi.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLDS FOR CERTAIN UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) PROJECTS REQUIRING ADVANCE APPROVAL OF SECRETARY CONCERNED.—Subsection (b)(1) of section 2805 of title 10, United States Code, is amended by striking ''$500,000'' and inserting ''$750,000''.

(b) PROJECTS USING AMOUNTS FOR OPERATION AND MAINTENANCE.—Subsection (c)(1) of that section is amended—

(1) in subparagraph (A), by striking ''$1,000,000'' and inserting ''$1,500,000''; and

(2) in subparagraph (B), by striking ''$500,000'' and inserting ''$750,000''.

SEC. 2802. EXCLUSION OF UNFORESEEN ENVIRONMENTAL HAZARD REMEDIATION FROM LIMITATION ON AUTHORIZED COST VARIATIONS.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

''(d) The limitation on cost increases in subsection (a) does not apply to the following:

''(1) The settlement of a contractor claim under a contract.

''(2) The costs associated with the required remediation of an environmental hazard in connection with a military construction project or military family housing project, such as asbestos removal, radon abatement, lead-based paint removal or abatement, or any other legally required environmental hazard remediation, if the required remediation could not have reasonably been anticipated at the time the project was approved originally by Congress.''.

SEC. 2803. REPEAL OF ANNUAL REPORTING REQUIREMENT ON MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) REPEAL.—Section 2861 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2861.

SEC. 2804. FUNDS FOR HOUSING ALLOWANCES OF MEMBERS ASSIGNED TO MILITARY FAMILY HOUSING UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2883 the following new section:

''§ 2883a. Funds for housing allowances of members of the armed forces assigned to certain military family housing units

''(a) AUTHORITY TO TRANSFER FUNDS TO COVER HOUSING ALLOWANCES.—During the fiscal year in which a contract is awarded for the acquisition or construction of military family housing units under this subchapter that are not to be owned by the United States, the Secretary of Defense may transfer the amount determined under subsection (b) with respect to such housing from appropriations available for support of military housing for the armed force concerned for that fiscal year to appropriations available for pay and allowances of military personnel of that same armed force for that same fiscal year.

''(b) AMOUNT TRANSFERRED.—The total amount authorized to be transferred under subsection (a) in connection with a contract under this subchapter may not exceed an amount equal to any additional amounts payable during the fiscal year in which the contract is awarded to members of the armed forces assigned to the acquired or constructed housing units as basic allowance for housing under section 403 of title 37 that would not otherwise have been payable to such members if not for assignment to such housing units.

''(c) TRANSFERS SUBJECT TO APPROPRIATIONS.—The transfer of funds under the authority of subsection (a) is limited to such amounts as may be provided in advance in appropriations Acts.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by inserting after the item relating to section 2883 the following new item:

''2883a. Funds for housing allowances of members of the armed forces assigned to certain military family housing units.''.

SEC. 2805. EXTENSION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2885 of title 10, United States Code, is amended by striking ''2004'' and inserting ''2012''.

SEC. 2806. TREATMENT OF FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.

(a) EVALUATION OF FEDERAL ACQUISITION REGULATION.—The Secretary of Defense shall conduct an evaluation of the Federal Acquisition Regulation to determine whether or not it is advisable to modify the Federal Acquisition Regulation to provide that a contract for utility services from a utility system conveyed under section 2688(a) of title 10, United States Code, may include terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, or expand the utility system. The Secretary shall complete the evaluation not later than 90 days after the date of the enactment of this Act.

(b) SUBMISSION OF RECOMMENDATION TO FEDERAL ACQUISITION REGULATORY COUNCIL.—If the Secretary determines under subsection (a) that it is advisable to modify the Federal Acquisition Regulation to provide that a contract described in such subsection may include terms and conditions described in such subsection, the Secretary shall submit the results of the evaluation to the Federal Acquisition Regulatory Council together with a recommendation

regarding the amendments to the Federal Acquisition Regulation necessary to effectuate the modification.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. USE OF MILITARY INSTALLATIONS FOR CERTAIN RECREATIONAL ACTIVITIES.

(a) WAIVER AUTHORITY.—Section 2671 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''(b)'' and inserting ''(e) REGULATIONS.—'' and transferring the subsection to the end of the section; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive or otherwise modify the fish and game laws of a State or Territory otherwise applicable under subsection (a)(1) to hunting, fishing, or trapping at a military installation or facility if the Secretary determines that the application of such laws to such hunting, fishing, or trapping without modification could result in undesirable consequences for public health or safety at the installation or facility. The authority to waive such laws includes the authority to extend, but not reduce, the specified season for certain hunting, fishing, or trapping. The Secretary may not waive the requirements under subsection (a)(2) regarding a license for such hunting, fishing, or trapping or any fee imposed by a State or Territory to obtain such a license.

''(2) If the Secretary determines that a waiver of fish and game laws of a State or Territory is appropriate under paragraph (1), the Secretary shall provide written notification to the appropriate State or Territory officials stating the reasons for, and extent of, the waiver. The notification shall be provided at least 30 days before implementation of the waiver.''.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''GENERAL REQUIREMENTS FOR HUNTING, FISHING, AND TRAPPING.—'' after ''(a)'';

(2) in subsection (c), by inserting ''VIOLATIONS.—'' after ''(c)''; and

(3) in subsection (d), by inserting ''RELATION TO TREATY RIGHTS.—'' after ''(d)''.

SEC. 2812. AVAILABILITY OF PROCEEDS OF SALES OF DEPARTMENT OF DEFENSE PROPERTY FROM CERTAIN CLOSED MILITARY INSTALLATIONS.

(a) MODIFICATION OF AVAILABILITY PERCENTAGES.—Subsection (h)(2) of section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) In the case of property located at a military installation that is closed, such amount shall be available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over such property before the closure of the military installation.

''(B) In the case of property located at any other military installation—

''(i) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where such property was located before it was disposed of or transferred; and

''(ii) 50 percent of such amount shall be available for facility maintenance and repair and for environmental restoration by the military department that had jurisdiction over such property before it was disposed of or transferred.''.

(b) RELATION TO OTHER LAWS.—Subsection (h) of such section is further amended—

(1) in paragraph (1), by inserting ''pursuant to a base closure law'' after ''realignment'' in the first sentence; and

(5) in paragraph (5), by inserting before the period at the end the following: '', and the term 'base closure law' shall have the meaning given that term in section 2667(h)(2) of such title''.

SEC. 2813. PILOT PROGRAM TO PROVIDE ADDITIONAL TOOLS FOR EFFICIENT OPERATION OF MILITARY INSTALLATIONS.

(a) INITIATIVE AUTHORIZED.—The Secretary of Defense may carry out a pilot program (to be known as the ''Pilot Efficient Facilities Initiative'') for purposes of determining the potential for increasing the efficiency and effectiveness of the operation of military installations.

(b) DESIGNATION OF PARTICIPATING MILITARY INSTALLATIONS.—(1) The Secretary of Defense may designate up to two military installations of each military department for participation in the Initiative.

(2) Before designating a military installation under paragraph (1), the Secretary shall consult with employees at the installation and communities in the vicinity of the installation regarding the Initiative.

(3) The Secretary shall transmit to Congress written notification of the designation of a military installation to participate in the Initiative not later than 30 days before taking any action to carry out the Initiative at the installation. The notification shall include a description of the steps taken by the Secretary to comply with paragraph (2).

(c) MANAGEMENT PLAN.—(1) As part of the notification required under subsection (b), the Secretary of Defense shall submit a management plan for the Initiative at the military installation designated in the notification.

(2) The management plan for a designated military installation shall include a description of—

(A) each proposed lease of real or personal property located at the military installation;

(B) each proposed disposal of real or personal property located at the installation;

(C) each proposed leaseback of real or personal property leased or disposed of at the installation;

(D) each proposed conversion of services at the installation from Federal Government performance to non-Federal Government performance, including performance by contract with a State or local government or private entity or performance as consideration for the lease or disposal of property at the installation; and

(E) each other action proposed to be taken to improve mission effectiveness and reduce the cost of providing quality installation support at the installation.

(3) With respect to each proposed action described under paragraph (2), the management plan shall include—

(A) an estimate of the savings expected to be achieved as a result of the action;

(B) each regulation not required by statute that is proposed to be waived to implement the action; and

(C) each statute or regulation required by statute that is proposed to be waived to implement the action, including—

(i) an explanation of the reasons for the proposed waiver; and

(ii) a description of the action to be taken to protect the public interests served by the statute or regulation, as the case may be, in the event of the waiver.

(4) The management plan shall include measurable criteria for the evaluation of the effects of the actions taken pursuant to the Initiative at the designated military installation.

(d) WAIVER OF STATUTORY REQUIREMENTS.—The Secretary of Defense may waive any statute, or regulation required by statute, for purposes of carrying out the Initiative only if specific authority for the waiver of such statute or regulation is provided in a law that is enacted after the date of the enactment of this Act.

(e) INSTALLATION EFFICIENCY INITIATIVE FUND.—(1) There is established on the books of the Treasury a fund to be known as the ''Installation Efficiency Initiative Fund''.

(2) There shall be deposited in the Fund all cash rents, payments, reimbursements, proceeds, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and other actions taken under the Initiative.

(3) To the extent provided in advance in authorization Acts and appropriations Acts, amounts in the Fund shall be available to the Secretary of Defense for purposes of managing capital assets and providing support services at military installations participating in the Initiative. Amounts in the Fund may be used for such purposes in addition to, or in combination with, other amounts authorized to appropriated for such purposes. Amounts in the Fund shall be available for such purposes for five years.

(4) Subject to applicable financial management regulations, the Secretary shall structure the Fund, and provide administrative policies and procedures, in order provide proper control of deposits in and disbursements from the Fund.

(f) REPORT.—Not later than December 31, 2004, the Secretary of Defense shall submit to Congress a report on the Initiative. The report shall contain a description of the actions taken under the Initiative and include such other information, including recommendations, as the Secretary considers appropriate regarding the Initiative.

(g) DEFINITIONS.—In this section:

(1) The term ''Initiative'' means the Pilot Efficient Facilities Initiative.

(2) The term ''Fund'' means the Installation Efficiency Initiative Fund.

(3) The term ''military installation'' has the meaning given such term in section 2687(e) of title 10, United States Code.

(h) TERMINATION.—The authority of the Secretary of Defense to carry out the Initiative shall terminate December 31, 2005.

SEC. 2814. DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS.

(a) AUTHORITY TO CARRY OUT PROGRAM.—The Secretary of the Army may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts for military construction projects for the purpose of determining whether such requirements facilitate reductions in the long-term facility maintenance costs of the military departments.

(b) CONTRACTS.—Not more than three contracts entered into in any year may contain requirements referred to in subsection (a) for the purpose of the demonstration program. The demonstration program may only cover contracts entered into on or after the date of the enactment of this Act.

(c) EFFECTIVE PERIOD OF REQUIREMENTS.—The effective period of a requirement referred to in subsection (a) that is included in a contract for the purpose of the demonstration program may not exceed five years.

(d) REPORTING REQUIREMENTS.—Not later than January 31, 2005, the Secretary of the Army shall submit to Congress a report on the demonstration program, including the following:

(1) A description of all contracts that contain requirements referred to in subsection (a) for the purpose of the demonstration program.

(2) An evaluation of the demonstration program and a description of the experience of the Secretary with respect to such contracts.

(3) Any recommendations, including recommendations for the termination, continuation, or expansion of the demonstration program, that the Secretary considers appropriate.

(e) EXPIRATION.—The authority under subsection (a) to include requirements referred to in that subsection in contracts under the demonstration program shall expire on September 30, 2006.

(f) FUNDING.—Amounts authorized to be appropriated for the Army for a fiscal year for military construction shall be available for the demonstration program under this section in such fiscal year.

SEC. 2815. BASE EFFICIENCY PROJECT AT BROOKS AIR FORCE BASE, TEXAS.

(a) ADMINISTRATION OF PROJECT.—Section 136(m)(9) of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246; 114 Stat. 524), is amended by striking '', who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate''.

(b) INDEMNIFICATION OF TRANSFEREES.—Not later than March 1, 2002, the Secretary of Defense shall submit to Congress a report evaluating the base efficiency project conducted under section 136 of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246; 114 Stat. 520). The evaluation shall address whether the disposal of real property under subsection (e) or other provisions of that section requires any additional authority for the Secretary beyond the authority provided under existing law to hold harmless, defend, and indemnify the recipients of the property against claims arising out of Department of Defense activities on the property before disposal. If the Secretary determines that inclusion of such an indemnity provision would facilitate activities under the base efficiency project, the Secretary shall include a recommendation in the report regarding the nature and extent of the indemnification to be provided.

Subtitle C—Implementation of Prior Base Closure and Realignment Rounds

SEC. 2821. LEASE BACK OF BASE CLOSURE PROPERTY.

(a) 1988 LAW.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (E), (F), (G), (H), and (I) as subparagraphs (F), (G), (H), (I), and (J), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

''(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

''(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

''(iii) A lease under clause (i) may not require rental payments by the United States.

''(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

''(v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the department or agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

''(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

''(II) firefighting or security-guard functions.''.

(b) 1990 LAW.—Section 2905(b)(4)(E) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new clause:

''(v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the department or agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

''(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

''(II) firefighting or security-guard functions.''.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. LAND CONVEYANCE, WHITTIER-ANCHORAGE PIPELINE TANK FARM, ANCHORAGE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Port of Anchorage, an entity of the Municipality of Anchorage, Alaska (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to two adjoining parcels of real property, including any improvements thereon, consisting of approximately 48 acres in Anchorage, Alaska, which are known as of the Whittier-Anchorage Pipeline Tank Farm, for the purpose of permitting the Port to use the parcels for economic development.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Port shall pay to the United States an amount, in cash or in-kind, equal to not less than the fair market value of the conveyed property, as determined by the Secretary. The Secretary may authorize the Port to carry out, as in-kind consideration, environmental remediation activities for the property to be conveyed.

(c) TIME FOR CONVEYANCE.—The Secretary may delay the conveyance under subsection (a) until such time as the Army studies relating to the Alaska deployment of the Interim Brigade Combat Team in Alaska are completed.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. LEASE AUTHORITY, FORT DERUSSY, HAWAII.

(a) LEASE AUTHORIZED.—Notwithstanding section 809 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309), and section 2814(b) of the Military Construction Authorization Act, 1989 (Public Law 100–456; 102 Stat. 2117), the Secretary of the Army may enter into a lease with the City and County of Honolulu, Hawaii, for the purpose of making available to the City and County a parcel of real property at Fort DeRussy, Hawaii, for the construction and operation of a parking facility. The size and location of the parcel shall be determined by the Secretary.

(b) TERMS AND CONDITIONS.—The lease under subsection (a) may be for such term of years, require such consideration, and contain such other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) RELATIONSHIP TO OTHER LEASE AUTHORITY.—Section 2667 of title 10, United States Code, shall not apply to the lease under subsection (a).

(d) DISPOSITION OF MONEY RENTALS.—All money rentals received pursuant to the lease under subsection (a) shall be—

(1) retained by the Secretary;

(2) credited to an appropriation account that supports the operation and maintenance of Fort DeRussy; and

(3) available for such purpose until expended.

SEC. 2833. MODIFICATION OF LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.

(a) ADDITIONAL CONVEYANCE AUTHORIZED.—Subsection (a) of section 2832 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 857) is amended—

(1) by inserting ''(1)'' after ''CONVEYANCE AUTHORIZED.—''; and

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

''(2) The Secretary may convey to the City all right, title, and interest of the United States in and to an additional parcel of real property, including improvements thereon, at the Rock Island Arsenal consisting of approximately .513 acres.''.

(b) CONSIDERATION.—Subsection (b) of such section is amended—

(1) by inserting ''(1)'' after ''CONSIDERATION.—'';

(2) by striking ''subsection (a)'' both places it appears and inserting ''subsection (a)(1)''; and

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

''(2) As consideration for the conveyance under subsection (a)(2), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .063 acres and construct on the parcel, at the City's expense, a new access ramp to the Rock Island Arsenal.''.

SEC. 2834. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Fort Des Moines Memorial Park, Inc., a nonprofit organization (in this section referred to as the ''Memorial Park''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.6 acres located at Fort Des Moines United States Army Reserve Center, Des Moines, Iowa, for the purpose of the establishment of the Fort Des Moines Memorial Park and Education Center.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Memorial Park use the property for museum and park purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for museum and park purposes, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Memorial Park shall reimburse the Secretary for the excess costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other excess costs incurred by the Secretary, in connection with the conveyance authorized by this section, if the excess costs were incurred as a result of a request by the Memorial Park. In this paragraph, the term ''excess costs'' means costs in excess of those costs considered reasonable and necessary

by the Secretary to comply with existing law to make the conveyance authorized by subsection (a).

(2) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Memorial Park.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. MODIFICATION OF LAND CONVEYANCES, FORT DIX, NEW JERSEY.

Section 2835(c) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2004) is amended by adding at the end the following new paragraph:

''(3) Notwithstanding paragraph (1) or (2), the Borough and Board may exchange between each other, without the consent of the Secretary, all or any portion of the property conveyed under subsection (a) so long as the property continues to be used by the grantees for economic development or educational purposes.''.

SEC. 2836. LAND CONVEYANCE, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Commonwealth of Virginia (in this section referred to as the ''Commonwealth'') all right, title, and interest of United States in and to two parcels of real property, including any improvements thereon, located at the Engineer Proving Ground, Fort Belvoir, Virginia, as follows:

(1) The parcel, consisting of approximately 170 acres, that is to be used for construction of a portion of the Fairfax County Parkway.

(2) The parcel, consisting of approximately 11.45 acres, that is subject to an easement previously granted to the Commonwealth as Army easement DACA 31–3–96–440 for the construction of a portion of Interstate Highway 95.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Commonwealth shall—

(1) design and construct, at its expense and for public benefit, the portion of the Fairfax County Parkway through the Engineer Proving Ground;

(2) provide a conceptual design for eventual incorporation and construction by others of access into the Engineer Proving Ground at the Rolling Road Interchange from Fairfax County Parkway as specified in Virginia Department of Transportation Project #R000–029–249, C514;

(3) provide such easements or rights of way for utilities under or across the Fairfax County Parkway as the Secretary considers appropriate for the optimum development of the Engineer Proving Ground; and

(4) pay the United States an amount, jointly determined by the Secretary and the Commonwealth, appropriate to cover the costs of constructing a replacement building for building 5089 located on the Engineer Proving Ground.

(c) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the property conveyed under subsection (a) as of the date of the conveyance under that subsection.

(d) ACCEPTANCE AND DISPOSITION OF FUNDS.—(1) The Secretary of the Army may accept the funds paid by the Commonwealth as consideration under subsection (b)(4) and shall credit the accepted funds to the appropriation or appropriations that are appropriate for paying the costs of the replacement of Building 5089, located on the Engineer Proving Ground, Fort Belvoir, Virginia, consistent with paragraphs (2) and (3) of this subsection.

(2) Funds accepted under paragraph (1) shall be available, until expended, for the replacement of Building 5089.

(3) Funds appropriated pursuant to the authorization of appropriations in section 301(a)(1), and funds appropriated pursuant to the authorization of appropriations in section 2104(a)(4), shall be available in accordance with section 2805 of title 10, United States Code, for the excess, if any, of the cost of the replacement of Building 5089 over the amount available for such project under paragraph (2).

(e) DESCRIPTION OF PROPERTY.—(1) The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commonwealth.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (a)(2) are as set forth in Army easement DACA 31–3–96–440.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

(a) EXCHANGE AUTHORIZED.—(1) The Secretary of the Army may convey to the Nisqually Tribe, a federally recognized Indian tribe whose tribal lands are located within the State of Washington, all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, consisting of approximately 138 acres at Fort Lewis, Washington, in exchange for the real property described in subsection (b).

(2) The property authorized for conveyance under paragraph (1) does not include Bonneville Power Administration transmission facilities or the right of way described in subsection (c).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Nisqually Tribe shall—

(1) acquire from Thurston County, Washington, several parcels of real property consisting of approximately 416 acres that are owned by the county, are located within the boundaries of Fort Lewis, and are currently leased by the Army; and

(2) convey fee title over the acquired property to the Secretary.

(c) RIGHT-OF-WAY FOR BONNEVILLE POWER ADMINISTRATION.—The Secretary may use the authority provided in section 2668 of title 10, United States Code, to convey to the Bonneville Power Administration a right-of-way that authorizes the Bonneville Power Administration to use real property at Fort Lewis as a route for the Grand Coulee-Olympia and Olympia-White River electric transmission lines and appurtenances for the purpose of facilitating the removal of such transmission lines from tribal lands of the Nisqually Tribe.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and acquired under subsection (b) shall be determined by surveys satisfactory to the Secretary and the Nisqually Tribe. The cost of a survey shall be borne by the recipient of the property being surveyed.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) CONVEYANCE AUTHORIZED.—The Administrator of General Services may convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains a surplus Army Reserve Center. After such conveyance, the property may be used and occupied only by the City or by another local or State government entity approved by the City.

(b) REVERSIONARY INTEREST.—(1) During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States.

(2) Upon reversion, the Administrator shall immediately proceed to a public sale of the property. The Administrator shall deposit the net proceeds from the public sale in the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C 460l–5).

(c) ADDITIONAL LIMITATION ON USE.—The property conveyed under subsection (a) shall not be used for commercial purposes.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2841. TRANSFER OF JURISDICTION, CENTERVILLE BEACH NAVAL STATION, HUMBOLDT COUNTY, CALIFORNIA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior the real property, including any improvements thereon, consisting of the closed Centerville Beach Naval Station in Humboldt County, California, for the purpose of permitting the Secretary of the Interior to manage the real property as open space or for other public purposes.

(b) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, PORT OF LONG BEACH, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Long Beach, California, acting by and through its Board of Harbor Commissioners (in this section referred to as the ''City''), all right, title, and interest of the United States in and to up to 11.08 acres of real property, including any improvements thereon, comprising a portion of the Navy Mole at the former Long Beach Naval Complex, Long Beach, California, for the purpose of permitting the City to use the property to support the reuse of other former Navy property conveyed to the City.

(b) CONSIDERATION.—(1) Subject to paragraph (2), as consideration for the conveyance under subsection (a), the City shall—

(A) convey to the Secretary all right, title, and interest of the City in and to a parcel of real property of equal size on the Mole that is acceptable to the Secretary; and

(B) construct on the property conveyed under subparagraph (A) suitable replacement fuel transfer and storage facilities for the Navy, similar or equivalent to the facilities on the property to be conveyed under subsection (a), as determined necessary by the Secretary.

(2) If the Secretary determines that replacement fuel transfer and storage facilities are not required by the Navy, the Secretary may make the conveyance under subsection (a) at no cost to the City.

(c) TIME FOR CONVEYANCE.—Unless the Secretary makes the determination referred to in subsection (b)(2), the conveyance to the City authorized by subsection (a) shall be made only after the Secretary determines that the replacement fuel transfer and storage facilities have been constructed and are ready for use.

(d) CONSTRUCTION SCHEDULE.—The City shall construct the replacement fuel transfer and storage facilities pursuant to such schedule and in such a manner so as to not interrupt or otherwise adversely affect the capability of the Navy to accomplish its mission.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The City shall be responsible for conducting the surveys.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. CONVEYANCE OF PIER, NAVAL BASE, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the San Diego Aircraft Carrier Museum or its designee (in this section referred to as the ''Museum'') all right, title, and interest of the United States in and to the property known as Pier 11A at Naval Base, San Diego, California, together with associated structures and interests in the land underlying the pier, if any, for the purpose of permitting the Museum to use the property to berth a vessel and operate a museum for the general public.

(2) The Secretary may not make the conveyance until such time as the Museum certifies that the Museum has acquired an interest in property from the State of California or a political subdivision of the State to facilitate the use of the conveyed pier to berth a vessel and operate a museum for the general public.

(b) ASSUMPTION OF LIABILITY.—The Museum shall expressly accept any and all liability pertaining to the physical condition of the property conveyed under subsection (a) and shall hold the United States harmless from any and all liability arising from the property's physical condition.

(c) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Museum shall reimburse the Secretary for the excess costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other excess costs incurred by the Secretary, in connection with the conveyance authorized by this section, if the excess costs were incurred as a result of a request by the Museum. In this paragraph, the term ''excess costs'' means costs in excess of those costs considered reasonable and necessary by the Secretary to comply with existing law to make the conveyance authorized by subsection (a).

(2) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Museum.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. MODIFICATION OF AUTHORITY FOR CONVEYANCE OF NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.

Section 2853(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–430) is amended by inserting ''any or'' before ''all right''.

SEC. 2845. LAND TRANSFER AND CONVEYANCE, NAVAL SECURITY GROUP ACTIVITY, WINTER HARBOR, MAINE.

(a) TRANSFER OF JURISDICTION OF SCHOODIC POINT PROPERTY AUTHORIZED.—(1) The Secretary of the Navy may transfer to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted as Tract 15–116 on the map entitled ''Acadia National Park Schoodic Point Area'', numbered 123/80,418 and dated May 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 71 acres, as depicted as Tract 15–115 on the map referred to in paragraph (1), from the Secretary of the Navy to the Secretary of the Interior as authorized by Public Law 80–260 (61 Stat. 519) and to be executed on or about June 30, 2002.

(b) CONVEYANCE OF COREA AND WINTER HARBOR PROPERTIES AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, less the real property described in subsection (a)(1), for the purpose of economic redevelopment.

(c) TRANSFER OF PERSONAL PROPERTY.—The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior in the case of the real property transferred under subsection (a), or to any recipient of such real property in the case of real property conveyed under subsection (b), any or all personal property associated with the real property so transferred or conveyed, including any personal property required to continue the maintenance of the infrastructure of such real property (including the generators for an uninterrupted power supply in building 154 at the Corea site).

(d) MAINTENANCE OF PROPERTY PENDING CONVEYANCE.—(1) The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) in accordance with the protection and maintenance standards specified in section 101–47.4913 of title 41, Code of Federal Regulations, until the earlier of—

(A) the date of the conveyance of such real property under subsection (b); or

(B) September 30, 2003.

(2) The requirement in paragraph (1) shall not be construed as authority to improve the real property, improvements, and infrastructure referred to in that paragraph so as to bring such real property, improvements, or infrastructure into compliance with any zoning or property maintenance codes or to repair any damage to such improvements and infrastructure caused by natural accident or disaster.

(e) INTERIM LEASE.—(1) Until such time as any parcel of real property to be conveyed under subsection (b) is conveyed by deed under that subsection, the Secretary of the Navy may lease such parcel to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be the amount determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(f) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary of the Navy may require each recipient of real property conveyed under subsection (b) to reimburse the Secretary for the excess costs incurred by the Secretary for any environmental assessment, study, or analysis carried out by the Secretary in connection with the conveyance of such property, if the excess costs were incurred as a result of a request by the recipient. In this paragraph, the term ''excess costs'' means costs in excess of those costs considered reasonable and necessary by the Secretary to comply with existing law to make the conveyance to the recipient.

(2) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property transferred under subsection (a), and each parcel of real property conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of any survey for real property conveyed under subsection (b) shall be borne by the recipient of the real property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. LAND ACQUISITION, PERQUIMANS COUNTY, NORTH CAROLINA.

The Secretary of the Navy may, using funds previously appropriated for such purpose, acquire any and all right, title, and interest in and to a parcel of real property, including improvements thereon, consisting of approximately 240 acres, or any portion thereof, in Perquimans County, North Carolina, for purposes of including such parcel in the Harvey Point Defense Testing Activity, Hertford, North Carolina.

SEC. 2847. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, TOLEDO, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the Toledo-Lucas County Port Authority, Ohio (in this section referred to as the ''Port Authority''), any or all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 29 acres and comprising the Naval Weapons Industrial Reserve Plant, Toledo, Ohio.

(2) The Secretary may include in the conveyance under paragraph (1) such facilities, equipment, fixtures, and other personal property located or based on the parcel conveyed under that paragraph, or used in connection with the parcel, as the Secretary determines to be excess to the Navy.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease such

real property, and any personal property described in subsection (a)(2), to the Port Authority in exchange for such security, fire protection, and maintenance services as the Secretary considers appropriate.

(c) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a), and any lease under subsection (b), shall be subject to the conditions that the Port Authority—

(1) accept the real and personal property concerned in their condition at the time of the conveyance or lease, as the case may be; and

(2) except as provided in subsection (d), use the real and personal property concerned, whether directly or through an agreement with a public or private entity, for economic development or such other public purposes as the Port Authority considers appropriate.

(d) SUBSEQUENT USE.—(1) Subject to the approval of the Secretary, the Port Authority may sublease real property or personal property covered by a lease under subsection (b) to another person for economic development or such other public purposes as the Port Authority considers appropriate.

(2) Following the conveyance of real property under subsection (a), the Port Authority may lease or reconvey the real property, and any personal property conveyed with such real property under that subsection, for economic development or such other public purposes as the Port Authority considers appropriate.

(e) REIMBURSEMENT FOR COSTS OF CONVEYANCE AND LEASE.—(1) The Port Authority shall reimburse the Secretary for the excess costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other excess costs incurred by the Secretary, in connection with the conveyance authorized by this section, if the excess costs were incurred as a result of a request by the Port Authority. In this paragraph, the term ''excess costs'' means costs in excess of those costs considered reasonable and necessary by the Secretary to comply with existing law to make the conveyance authorized by subsection (a).

(2) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1), and an appropriate inventory or other description of the personal property to be conveyed under subsection (a)(2), shall be determined by a survey and other means satisfactory to the Secretary. The cost of the survey shall be borne by the Port Authority.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1), and any lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2848. MODIFICATION OF LAND CONVEYANCE, FORMER UNITED STATES MARINE CORPS AIR STATION, EAGLE MOUNTAIN LAKE, TEXAS.

Section 5 of Public Law 85–258 (71 Stat. 583) is amended by inserting before the period at the end the following: ''or for the protection, maintenance, and operation of other Texas National Guard facilities''.

PART III—AIR FORCE CONVEYANCES

SEC. 2851. CONVEYANCE OF AVIGATION EASEMENTS, FORMER NORTON AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—The Administrator of General Services shall convey, without consideration, to the Inland Valley Development Agency (the redevelopment authority for former Norton Air Force Base, California) two avigation easements (identified as APN 289–231–08 and APN 289–232–08) held by the United States.

(b) CONDITION OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the condition that, if the recipient sells one or both of the easements conveyed under subsection (a), the recipient shall pay to the United States an amount equal to the lesser of—

(1) the sale price of the easement; or

(2) the fair market value of the easement.

(c) DURATION OF CONDITION.—The condition specified in subsection (b) shall apply only to a conveyance that occurs during the 10-year period beginning on the date the Administrator makes the conveyance required by subsection (a).

SEC. 2852. REEXAMINATION OF LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.

The Secretary of the Air Force shall reevaluate the terms and conditions of the pending negotiated sale agreement with the Lowry Redevelopment Authority for certain real property at Lowry Air Force Base, Colorado, in light of changed circumstances regarding the property, including changes in the flood plain designations affecting some of the property, to determine whether the changed circumstances warrant a reduction in the amount of consideration otherwise required under the agreement or other modifications to the agreement.

SEC. 2853. WATER RIGHTS CONVEYANCE, ANDERSEN AIR FORCE BASE, GUAM.

(a) AUTHORITY TO CONVEY.—In conjunction with the conveyance of the water supply system for Andersen Air Force Base, Guam, under the authority of section 2688 of title 10, United States Code, and in accordance with all the requirements of that section, the Secretary of the Air Force may convey all right, title, and interest of the United States, or such lesser estate as the Secretary considers appropriate to serve the interests of the United States, in the water rights related to the following Air Force properties located on Guam:

(1) Andy South, also known as the Andersen Administrative Annex.

(2) Marianas Bonins Base Command.

(3) Andersen Water Supply Annex, also known as the Tumon Water Well or the Tumon Maui Well.

(b) ADDITIONAL REQUIREMENTS.—The Secretary may exercise the authority contained in subsection (a) only if the Secretary—

(1) determines that adequate supplies of potable groundwater exist under the main base and northwest field portions of Andersen Air Force Base to meet the current and long-term requirements of the installation for water;

(2) determines that such supplies of groundwater are economically obtainable; and

(3) requires the conveyee of the water rights under subsection (a) to provide a water system capable of meeting the water supply needs of the main base and northwest field portions of Andersen Air Force Base, as determined by the Secretary.

(c) INTERIM WATER SUPPLIES.—If the Secretary determines that it is in the best interests of the United States to transfer title to the water rights and utility systems at Andy South and Andersen Water Supply Annex before placing into service a replacement water system and well field on Andersen Air Force Base, the Secretary may require that the United States have the primary right to all water produced from Andy South and Andersen Water Supply Annex until the replacement water system and well field is placed into service and operates to the satisfaction of the Secretary. In exercising the authority provided by this subsection, the Secretary may retain a reversionary interest in the water rights and utility systems at Andy South and Andersen Water Supply Annex until such time as the replacement water system and well field is placed into service and operates to the satisfaction of the Secretary.

(d) SALE OF EXCESS WATER AUTHORIZED.—(1) As part of the conveyance of water rights under subsection (a), the Secretary may authorize the conveyee of the water system to sell to public or private entities such water from Andersen Air Force Base as the Secretary determines to be excess to the needs of the United States. In the event the Secretary authorizes the conveyee to resell water, the Secretary shall negotiate a reasonable return to the United States of the value of such excess water sold by the conveyee, which return the Secretary may receive in the form of reduced charges for utility services provided by the conveyee.

(2) If the Secretary cannot meet the requirements of subsection (b), and the Secretary determines to proceed with a water utility system conveyance under section 2688 of title 10, United States Code, without the conveyance of water rights, the Secretary may provide in any such conveyance that the conveyee of the water system may sell to public or private entities such water from Andy South and Andersen Water Supply Annex as the Secretary determines to be excess to the needs of the United States. The Secretary shall negotiate a reasonable return to the United States of the value of such excess water sold by the conveyee, which return the Secretary may receive in the form of reduced charges for utility services provided by the conveyee.

(e) TREATMENT OF WATER RIGHTS.—For purposes of section 2688 of title 10, United States Code, the water rights referred to in subsection (a) shall be considered as part of a utility system (as that term is defined in subsection (h)(2) of such section).

SEC. 2854. CONVEYANCE OF SEGMENT OF LORING PETROLEUM PIPELINE, MAINE, AND RELATED EASEMENTS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Loring Development Authority, Maine (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to the segment of the Loring Petroleum (POL) Pipeline, Maine, consisting of approximately 27 miles in length and running between the Searsport terminal and Bangor Air National Guard Base.

(b) RELATED EASEMENTS.—As part of the conveyance authorized by subsection (a), the Secretary may convey to the Authority, without consideration, all right, title, and interest of the United States in and to any easements or rights-of-way necessary for the operation or maintenance of the segment of pipeline conveyed under that subsection.

(c) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Authority shall reimburse the Secretary for the excess costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other excess costs incurred by the Secretary, in connection with the conveyance authorized by this section, if the excess costs were incurred as a result of a request by the Authority. In this paragraph, the term ''excess costs'' means costs in excess of those costs considered reasonable and necessary by the Secretary to comply with existing law to make the conveyance authorized by subsection (a).

(2) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the segment of pipeline conveyed under subsection (a), and of any easements or rights-of-way conveyed under subsection (b), shall be determined by surveys and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the preceding sentence shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCE, PETROLEUM TERMINAL SERVING FORMER LORING AIR FORCE BASE AND BANGOR AIR NATIONAL GUARD BASE, MAINE.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey to the Maine Port Authority of the State of Maine (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to the Petroleum Terminal (POL) at Mack Point, Searsport, Maine, which served former Loring Air Force Base and Bangor Air National Guard Base, Maine.

(2) The conveyance under paragraph (1) may include the following:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 20 acres and comprising a portion of the Petroleum Terminal.

(B) Any additional fuel tanks, other improvements, and equipment located on the 43-acre parcel of property adjacent to the property described in subparagraph (A), and leased by the Secretary as of the date of the enactment of this Act, which constitutes the remaining portion of the Petroleum Terminal.

(b) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance under subsection (a) unless the Authority agrees to utilize the property to be conveyed under that subsection solely for economic development purposes.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the Authority shall lease to the Secretary approximately one acre of the real property conveyed under that subsection, together with any improvements thereon, that constitutes the Aerospace Fuels Laboratory (also known as Building 14).

(2) The real property leased under this subsection shall include the parking lot, outbuildings, and other improvements associated with the Aerospace Fuels Laboratory and such easements of ingress and egress to the real property, including easements for utilities, as are required for the operations of the Aerospace Fuels Laboratory.

(3) As part of the lease of real property under this subsection, the Authority shall maintain around the real property for the term of the lease a zone, not less than 75 feet in depth, free of improvements or encumbrances.

(4) The lease under this subsection shall be without cost to the United States.

(5) The term of the lease under this subsection may not exceed 25 years. If operations at the Aerospace Fuels Laboratory cease before the expiration of the term of the lease otherwise provided for under this subsection, the lease shall be deemed to have expired upon the cessation of such operations.

(d) CONVEYANCE CONTINGENT ON EXPIRATION OF LEASE OF FUEL TANKS.—The Secretary may not make the conveyance under subsection (a) until the expiration of the lease referred to in paragraph (2)(B) of that subsection.

(e) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Authority shall reimburse the Secretary for the excess costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other excess costs incurred by the Secretary, in connection with the conveyance authorized by this section, if the excess costs were incurred as a result of a request by the Authority. In this paragraph, the term ''excess costs'' means costs in excess of those costs considered reasonable and necessary by the Secretary to comply with existing law to make the conveyance authorized by subsection (a).

(2) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease under subsection (c), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCES, CERTAIN FORMER MINUTEMAN III ICBM FACILITIES IN NORTH DAKOTA.

(a) CONVEYANCES AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the State Historical Society of North Dakota (in this section referred to as the ''Historical Society'') all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, of the Minuteman III ICBM facilities of the former 321st Missile Group at Grand Forks Air Force Base, North Dakota, as follows:

(A) The parcel consisting of the launch facility designated ''November–33''.

(B) The parcel consisting of the missile alert facility and launch control center designated ''Oscar-O''.

(2) The purpose of the conveyance of the facilities is to provide for the establishment of an historical site allowing for the preservation, protection, and interpretation of the facilities.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of State and the Secretary of Defense in order to ensure that the conveyances required by subsection (a) are carried out in accordance with applicable treaties.

(c) HISTORICAL SITE.—The Secretary may, in cooperation with the Historical Society, enter into one or more cooperative agreements with appropriate public or private entities or individuals in order to provide for the establishment and maintenance of the historic site referred to in subsection (a)(2).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCES, CHARLESTON AIR FORCE BASE, SOUTH CAROLINA.

(a) CONVEYANCE TO STATE OF SOUTH CAROLINA AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of South Carolina (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, consisting of approximately 24 acres at Charleston Air Force Base, South Carolina, and comprising the Air Force Family Housing Annex. The purpose of the conveyance is to facilitate the Remount Road Project.

(b) CONVEYANCE TO CITY OF NORTH CHARLESTON AUTHORIZED.—The Secretary may convey, without consideration, to the City of North Charleston, South Carolina (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, referred to in subsection (a). The purpose of the conveyance is to permit the use of the property by the City for municipal purposes.

(c) DETERMINATION OF PORTIONS OF PROPERTY TO BE CONVEYED.—(1) Subject to paragraph (2), the Secretary, the State, and the City shall jointly determine the portion of the property referred to in subsection (a) that is to be conveyed to the State under subsection (a) and the portion of the property that is to be conveyed to the City under subsection (b).

(2) In determining under paragraph (1) the portions of property to be conveyed under this section, the portion to be conveyed to the State shall be the minimum portion of the property required by the State for the purpose specified in subsection (a), and the portion to be conveyed to the City shall be the balance of the property.

(d) LIMITATION ON CONVEYANCES.—The Secretary may not carry out the conveyance of property authorized by subsection (a) or (b) until the completion of an assessment of environmental contamination of the property authorized to be conveyed by such subsection for purposes of determining responsibility for environmental remediation of such property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for the property to be conveyed under subsection (a) shall be borne by the State, and the cost of the survey for the property to be conveyed under subsection (b) shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2858. TRANSFER OF JURISDICTION, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) TRANSFER AUTHORIZED.—The Secretary of the Air Force shall transfer, without reimbursement, to the Secretary of Commerce administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Mukilteo Tank Farm in Everett, Washington, and containing the Mukilteo Research Center facility of the National Marine Fisheries Service.

(b) TIME FOR CONVEYANCE.—The Secretary of the Air Force shall make the transfer under subsection (a) at the same time that the Secretary makes the conveyance authorized by section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–436).

(c) EXCHANGE.—With the consent of the Port Authority for Everett, Washington, the Secretary of Commerce may exchange with the Port Authority all or any portion of the property transferred under subsection (a) for a parcel of real property of equal area at the Mukilteo Tank Farm that is owned by the Port Authority.

(d) ADMINISTRATION.—The Secretary of Commerce shall administer the property transferred under subsection (a) or received under subsection (c) through the Administrator of the National Oceanic and Atmospheric Administration as part of the Administration. The Administrator shall use the property as the location of a research facility, and may construct a new facility on the property for such research purposes as the Administrator considers appropriate.

(e) EFFECT OF FAILURE TO UTILIZE TRANSFERRED PROPERTY.—(1) If, after the 12-year period beginning on the date of the enactment of this Act, the Administrator is not using any portion of the property transferred under subsection (a) or received under subsection (c) for the purpose specified in subsection (d), the Administrator shall convey, without consideration, to the Port Authority for Everett, Washington, all right, title, and interest in and to such portion of the real property, including improvements thereon.

(2) The Port Authority shall use any real property conveyed to the Port Authority under this subsection for development and operation of a port facility and for other public purposes.

(f) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force. The cost of the survey shall be borne by the Secretary of Commerce.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

(h) CONFORMING AMENDMENT.—Section 2866(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–436) is amended by striking ''22 acres'' and inserting ''20.9 acres''.

Subtitle E—Other Matters

SEC. 2861. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.

(a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.—Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

''SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.

''(a) AVAILABILITY OF HOUSING UNITS FOR LONG-TERM ARMY LEASE.—Subject to subsection (c), the Trust shall make available for lease, to those persons designated by the Secretary of the Army and for such length of time as requested by the Secretary of the Army, 22 housing units located within the Presidio that are under the administrative jurisdiction of the Trust and specified in the agreement between the Trust and the Secretary of the Army in existence as of the date of the enactment of this section.

''(b) LEASE AMOUNT.—The monthly amount charged by the Trust for the lease of a housing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code.

''(c) CONDITION ON CONTINUED AVAILABILITY OF HOUSING UNITS.—Effective after the end of the four-year period beginning on the date of the enactment of this section, the Trust shall have no obligation to make housing units available under subsection (a) unless, during that four-year period, the Secretary of the Treasury purchases new obligations of at least $80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional five years.''.

(b) INCREASED BORROWING AUTHORITY AND TECHNICAL CORRECTIONS.—Paragraphs (2) and (3) of section 104(d) of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996, as amended by section 334 of appendix C of Public Law 106–113 (113 Stat. 1501A–198) and amended and redesignated by section 101(13) of Public Law 106–176 (114 Stat. 25), are amended—

(1) in paragraph (2), by striking ''including a review of the creditworthiness of the loan and establishment of a repayment schedule,'' the second place it appears; and

(2) in paragraph (3)—

(A) by striking ''$50,000,000'' and inserting ''$150,000,000''; and

(B) by striking ''paragraph (3) of''.

SEC. 2862. TRANSFER OF JURISDICTION FOR DEVELOPMENT OF AIR FORCE MORALE, WELFARE, AND RECREATION FACILITY, PARK CITY, UTAH.

(a) TRANSFER AUTHORIZED.—(1) The Secretary of the Interior may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force a parcel of real property in Park City, Utah, including any improvements thereon, that consists of approximately 35 acres, is located on the north side of State highway 248 in township 2 south, range 4 east, Salt Lake meridian, and is designated as parcel 3 by the Bureau of Land Management. The real property to be transferred under this paragraph does not include any lands located on the south side of State highway 248.

(2) The transfer shall be subject to existing rights, except that the Secretary of the Interior shall terminate any lease with respect to the parcel issued under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 689 et seq.), and still in effect as of the date of the enactment of this Act.

(b) USE OF TRANSFERRED LAND.—(1) The Secretary of the Air Force may use the real property transferred under subsection (a) as the location for an Air Force morale, welfare, and recreation facility to be developed using nonappropriated funds.

(2) The Secretary of the Air Force may return the transferred property (or property acquired in exchange for the transferred property under subsection (c)) to the administrative jurisdiction of the Secretary of the Interior at any time upon certifying that development of the morale, welfare, and recreation facility would not be in the best interests of the Government.

(c) SUBSEQUENT CONVEYANCE AUTHORITY.—(1) In lieu of developing the Air Force morale, welfare, and recreation facility on the real property transferred under subsection (a), the Secretary of the Air Force may convey or lease the property to the State of Utah, a local government, or a private entity in exchange for other property to be used as the site of the facility.

(2) The values of the properties exchanged by the Secretary under this subsection either shall be equal, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The conveyance or lease shall be on such other terms as the Secretary of the Air Force considers to be advantageous to the development of the facility.

(d) ALTERNATIVE DEVELOPMENT AUTHORITY.—The Secretary of the Air Force may lease the real property transferred under subsection (a), or any property acquired pursuant to subsection (c), to another party and may enter into a contract with the party for the design, construction, and operation of the Air Force morale, welfare, and recreation facility. The Secretary of the Air Force may authorize the contractor to operate the facility as both a military and a commercial operation if the Secretary determines that such an authorization is a necessary incentive for the contractor to agree to design, construct, and operate the facility.

(e) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey. The cost of the survey shall be borne by the Secretary of the Air Force.

SEC. 2863. ALTERNATE SITE FOR UNITED STATES AIR FORCE MEMORIAL, PRESERVATION OF OPEN SPACE ON ARLINGTON RIDGE TRACT, AND RELATED LAND TRANSFER AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) The term ''Arlington Naval Annex'' means the parcel of Federal land located in Arlington County, Virginia, that is subject to transfer to the administrative jurisdiction of the Secretary of the Army under section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879).

(2) The term ''Foundation'' means the Air Force Memorial Foundation, which was authorized in Public Law 103–163 (107 Stat. 1973; 40 U.S.C. 1003 note) to establish a memorial in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

(3) The term ''Air Force Memorial'' means the United States Air Force Memorial to be established by the Foundation.

(4) The term ''Arlington Ridge tract'' means the parcel of Federal land in Arlington County, Virginia, known as the Nevius Tract and transferred to the Department of the Interior in 1953, that is bounded generally by—

(A) Arlington Boulevard (United States Route 50) to the north;

(B) Jefferson Davis Highway (Virginia Route 110) to the east;

(C) Marshall Drive to the south; and

(D) North Meade Street to the west.

(5) The term ''Section 29'' means a parcel of Federal land in Arlington County, Virginia, that is currently administered by the Secretary of the Interior within the boundaries of Arlington National Cemetery and is identified as ''Section 29''.

(b) USE OF ARLINGTON NAVAL ANNEX AS SITE FOR AIR FORCE MEMORIAL.—

(1) AVAILABILITY OF SITE.—The Secretary of Defense shall make available to the Foundation, without reimbursement, up to three acres of the Arlington Naval Annex, which the Foundation shall use as the location for the Air Force Memorial in lieu of any previously approved location for the Air Force Memorial. The land made available shall include the promontory adjacent to, and the land underlying, Wing 8 of Federal Office Building #2 in the northeast quadrant of the Arlington Naval Annex.

(2) EXCEPTION.—The requirement to use the land made available under paragraph (1) as the location for the Air Force Memorial, and the prohibition on the use of any previously approved location, shall not apply if the Secretary of Defense determines that it is physically impracticable to construct the Air Force Memorial on such land on account of the geological nature of the land.

(3) RELATION TO OTHER TRANSFER AUTHORITY.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall transfer to the Secretary of the Army administrative jurisdiction over the Arlington Naval Annex site made available under this subsection for construction of the Air Force Memorial. Nothing in this subsection alters the deadline for transfer of the remainder of the Arlington Naval Annex to the Secretary of the Army and remediation of the transferred land for use as part of Arlington National Cemetery, as required by section 2881 of the Military Construction Authorization Act for Fiscal Year 2000.

(c) SITE PREPARATION.—

(1) PREPARATION FOR CONSTRUCTION.—Upon receipt of notification from the Foundation that the Foundation has sufficient funds to commence construction of the Air Force Memorial, the Secretary of Defense, in coordination with the Foundation, shall remove Wing 8 of Federal Office Building #2 at the Arlington Naval Annex, as well as its associated outbuilding and parking lot, and prepare the land made available under subsection (b) for construction of the Air Force Memorial. In addition to demolition and removal, such site preparation work may include environmental remediation, installation of water, sewer, telephone, electrical, and storm water management infrastructure necessary for the memorial, installation of sidewalks consistent with the design of the memorial compliant with the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and the placement of screening berms and mature evergreen trees between Federal Office Building #2 and the memorial.

(2) COMPLETION.—Not later than two years after the date on which the Foundation provides the notification referred to in paragraph (1), the Secretary of Defense shall complete the demolition and removal of the structures and such site preparation work as the Secretary agrees to undertake under this subsection.

(3) FUNDING SOURCE.—The Secretary of Defense shall use amounts appropriated for operation and maintenance to carry out the demolition and removal work and site preparation described in paragraph (1).

(4) ASSISTANCE FOR DISPLACED AGENCY.—The Secretary of the Army shall serve as the Executive Agent for the Ballistic Missile Defense Organization in securing suitable sites, including, if necessary, sites not currently owned by the

United States, to replace offices lost as a result of the demolition of Wing 8 of Federal Office Building #2 at the Arlington Naval Annex.

(d) CONSTRUCTION OF AIR FORCE MEMORIAL.—

(1) COMMENCEMENT.—Upon the demolition and removal of the structures required to be removed under subsection (c)(1), the Secretary of Defense shall permit the Foundation to commence construction of the Air Force Memorial on the Arlington Naval Annex site made available under subsection (b).

(2) OVERSIGHT.—The Secretary of Defense shall have exclusive authority in all matters relating to approval of the siting and design of the Air Force Memorial on the Arlington Naval Annex site, and the siting, design, and construction of the memorial on such site shall not be subject to the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(3) EFFECT OF FAILURE TO COMMENCE CONSTRUCTION.—If, within five years after the date of the enactment of this Act, the Foundation has not commenced construction of the Air Force Memorial on the Arlington Naval Annex site made available under subsection (b), the Secretary of Defense may revoke the authority of the Foundation to use the site as the location of the memorial.

(e) ACCESS AND MANAGEMENT OF AIR FORCE MEMORIAL.—The Secretary of the Army may enter into a cooperative agreement with the Foundation to provide for management, maintenance, and repair of the Air Force Memorial constructed on the Arlington Naval Annex site made available under subsection (b) and to guarantee public access to the memorial.

(f) LIMITATION ON USE OF ARLINGTON NAVAL ANNEX AS SITE FOR OTHER MEMORIALS OR MUSEUMS.—Section 2881(b) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879) is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Secretary of Defense shall reserve not more than four acres of the Navy Annex property south of the existing Columbia Pike as a site for—

''(A) a National Military Museum, if such site is recommended for such purpose by the Commission on the National Military Museum established under section 2901 and the Secretary of Defense considers such site compatible with Arlington National Cemetery and the Air Force Memorial; or

''(B) such other memorials or museums that the Secretary of Defense considers compatible with Arlington National Cemetery and the Air Force Memorial.''.

(g) PRESERVATION OF ARLINGTON RIDGE TRACT.—

(1) GENERAL RULE.—After the date of the enactment of this Act, no additional structure or memorials shall be constructed on the Arlington Ridge tract.

(2) OPTION FOR FUTURE BURIALS.—Paragraph (1) does not prohibit the eventual use of a portion of the Arlington Ridge tract as a location for in-ground burial sites and columbarium for the burial of individuals eligible for burial in Arlington National Cemetery, if the development of such sites is specifically authorized in a law enacted after the date of the enactment of this Act.

(h) LAND TRANSFER, SECTION 29.—

(1) TRANSFER REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over that portion of Section 29 designated as the interment zone and consisting of approximately 12 acres. The Secretary of the Interior shall modify the boundaries of the George Washington Memorial Parkway as may be necessary to reflect the land transfer required by this subsection.

(2) USE OF TRANSFERRED LAND.—The Secretary of the Army shall use the transferred property for the development of in-ground burial sites and columbarium that are designed to meet the contours of Section 29.

(3) MANAGEMENT OF REMAINDER.—The Secretary of the Interior shall manage that portion of Section 29 not transferred under this subsection in perpetuity to provide a natural setting and visual buffer for Arlington House, the Robert E. Lee Memorial.

(4) REPEAL OF OBSOLETE LAW.—Section 2821(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2791) is repealed.

SEC. 2864. ESTABLISHMENT OF MEMORIAL TO VICTIMS OF TERRORIST ATTACK ON PENTAGON RESERVATION AND AUTHORITY TO ACCEPT MONETARY CONTRIBUTIONS FOR MEMORIAL AND REPAIR OF PENTAGON.

(a) MEMORIAL AUTHORIZED.—The Secretary of Defense may establish a memorial at the Pentagon Reservation dedicated to the victims of the terrorist attack on the Pentagon that occurred on September 11, 2001. The Secretary shall use necessary amounts in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United States Code, including amounts deposited in the Fund under subsection (c), to plan, design, construct, and maintain the memorial.

(b) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Defense may accept monetary contributions made for the purpose of assisting in—

(1) the establishment of the memorial to the victims of the terrorist attack; and

(2) the repair of the damage caused to the Pentagon Reservation by the terrorist attack.

(c) DEPOSIT OF CONTRIBUTIONS.—The Secretary of Defense shall deposit contributions accepted under subsection (b) in the Pentagon Reservation Maintenance Revolving Fund. The contributions shall be available for expenditure only for the purposes specified in subsection (b).

SEC. 2865. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806) is repealed.

SEC. 2866. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a nonprofit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania (in this section referred to as the ''facility'').

(2) The facility is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) DESIGN AND CONSTRUCTION.—The design of the facility shall be subject to the approval of the Secretary. At the election of the Secretary, the Secretary may—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility; or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory completion, as determined by the Secretary, of the facility, and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) USE OF CERTAIN GIFTS.—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2867. EFFECT OF LIMITATION ON CONSTRUCTION OF ROADS OR HIGHWAYS, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219) is amended in the first sentence by inserting after ''maintain'' the following: '', notwithstanding any provision of State law to the contrary,''.

SEC. 2868. ESTABLISHMENT OF WORLD WAR II MEMORIAL AT ADDITIONAL LOCATION ON GUAM.

Section 2886 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–441) is amended—

(1) in subsection (a), by inserting '', and on Federal lands near Yigo,'' after ''Fena Caves'';

(2) in the heading of subsection (b), by striking ''MEMORIAL'' and inserting ''MEMORIALS''; and

(3) in subsections (b) and (c), by striking ''memorial'' each place it appears and inserting ''memorials''.

SEC. 2869. DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

(a) EXTENSION.—Subsection (c) of section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is amended by striking ''September 30, 2001.'' and inserting ''January 31, 2002, with regard to fire-fighting and police services, and September 30, 2003, with regard to other services described in subsection (a).''.

(b) CONFORMING AMENDMENT.—Section 1206 of the Supplemental Appropriations Act, 2001 (Public Law 107–20; 115 Stat. 161), is repealed.

SEC. 2870. REPORT ON FUTURE LAND NEEDS OF UNITED STATES MILITARY ACADEMY, NEW YORK, AND ADJACENT COMMUNITY.

(a) REPORT REQUIRED.—Not later than February 1, 2002, the Secretary of the Army shall submit to Congress a report evaluating the future needs of the United States Military Academy for lands suitable for use for military training and the feasibility of making unneeded lands available to the Village of Highland Falls, New York, through fee simple conveyance, long-term lease under section 2667 of title 10, United States Code, or other means.

(b) CONSULTATION.—The Secretary shall prepare the report in consultation with appropriate officials of the Village of Highland Falls.

SEC. 2871. NAMING OF PATRICIA C. LAMAR ARMY NATIONAL GUARD READINESS CENTER, OXFORD, MISSISSIPPI.

The Oxford Army National Guard Readiness Center, Oxford, Mississippi, shall be known and

designated as the ''Patricia C. Lamar Army National Guard Readiness Center''. Any reference to that readiness center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Patricia C. Lamar Army National Guard Readiness Center.

TITLE XXIX—FORT IRWIN MILITARY LAND WITHDRAWAL

Sec. 2901. Short title.
Sec. 2902. Withdrawal and reservation of lands for National Training Center.
Sec. 2903. Map and legal description.
Sec. 2904. Management of withdrawn and reserved lands.
Sec. 2905. Water rights.
Sec. 2906. Environmental compliance and environmental response requirements.
Sec. 2907. West Mojave Coordinated Management Plan.
Sec. 2908. Release of wilderness study areas.
Sec. 2909. Training activity separation from utility corridors.
Sec. 2910. Duration of withdrawal and reservation.
Sec. 2911. Extension of initial withdrawal and reservation.
Sec. 2912. Termination and relinquishment.
Sec. 2913. Delegation of authority.

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Fort Irwin Military Land Withdrawal Act of 2001''.

SEC. 2902. WITHDRAWAL AND RESERVATION OF LANDS FOR NATIONAL TRAINING CENTER.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, all public lands and interests in lands described in subsection (c) are hereby withdrawn from all forms of appropriation under the general land laws, including the mining laws and mineral and geothermal leasing laws, and jurisdiction over such lands and interests in lands withdrawn and reserved by this title is hereby transferred to the Secretary of the Army.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army for the following purposes:

(1) The conduct of combined arms military training at the National Training Center.

(2) The development and testing of military equipment at the National Training Center.

(3) Other defense-related purposes consistent with the purposes specified in paragraphs (1) and (2).

(4) Conservation and related research purposes.

(c) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this section comprise approximately 110,000 acres in San Bernardino County, California, as generally depicted as ''Proposed Withdrawal Land'' on the map entitled ''National Training Center—Proposed Withdrawal of Public Lands for Training Purposes'', dated September 21, 2000, and filed in accordance with section 2903.

(d) CHANGES IN USE.—The Secretary of the Army shall consult with the Secretary of the Interior before using the lands withdrawn and reserved by this section for any purpose other than those purposes identified in subsection (b).

(e) INDIAN TRIBES.—Nothing in this title shall be construed as altering any rights reserved for tribal use by treaty or Federal law. The Secretary of the Army shall consult with federally recognized Indian tribes in the vicinity of the lands withdrawn under subsection (a) before taking action affecting rights or cultural resources protected by treaty or Federal law.

SEC. 2903. MAP AND LEGAL DESCRIPTION.

(a) PREPARATION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map and legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT.—The map and legal description shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(c) AVAILABILITY.—Copies of the map and the legal description shall be available for public inspection in the following offices:

(1) The offices of the California State Director, California Desert District Office, and Riverside and Barstow Field Offices of the Bureau of Land Management.

(2) The Office of the Commander, National Training Center and Fort Irwin.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in implementing this section.

SEC. 2904. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) GENERAL MANAGEMENT AUTHORITY.—During the period of the withdrawal and reservation made by this title, the Secretary of the Army shall manage the lands withdrawn and reserved by this title for the purposes specified in section 2902.

(b) TEMPORARY PROHIBITION ON CERTAIN USE.—Military use of the lands withdrawn and reserved by this title that result in ground disturbance, as determined by the Secretary of the Army and the Secretary of the Interior, are prohibited until the Secretary of the Army and the Secretary of the Interior certify to Congress that there has been full compliance with respect to such lands with the appropriate provisions of this title, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable laws.

(c) ACCESS RESTRICTIONS.—

(1) IN GENERAL.—If the Secretary of the Army determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the lands withdrawn and reserved by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) LIMITATION.—Any closure under paragraph (1) shall be limited to the minimum areas and periods that the Secretary of the Army determines are required for the purposes specified in such paragraph.

(3) NOTICE.—Immediately preceding and during any closure under paragraph (1), the Secretary of the Army shall post appropriate warning notices and take other steps, as necessary, to notify the public of the closure.

(d) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—The Secretary of the Army shall prepare and implement, in accordance with title I of the Sikes Act (16 U.S.C. 670 et seq.), an integrated natural resources management plan for the lands withdrawn and reserved by this title. In addition to the elements required under the Sikes Act, the integrated natural resources management plan shall include the following:

(1) A requirement that any hunting, fishing, and trapping on the lands withdrawn and reserved by this title be conducted in accordance with section 2671 of title 10, United States Code.

(2) A requirement that the Secretary of the Army take necessary actions to prevent, suppress, and manage brush and range fires occurring within the boundaries of Fort Irwin and brush and range fires occurring outside the boundaries of Fort Irwin that result from military activities at Fort Irwin.

(e) FIREFIGHTING.—Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Army may obligate funds appropriated or otherwise available to the Secretary of the Army to enter into a memorandum of understanding, cooperative agreement, or contract for fire fighting services to carry out the requirements of subsection (d)(2). The Secretary of the Army shall reimburse the Secretary of the Interior for costs incurred by the Secretary of the Interior to assist in carrying out the requirements of such subsection.

(f) CONSULTATION WITH NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—In preparing and implementing any plan, report, assessment, survey, opinion, or impact statement regarding the lands withdrawn and reserved by this title, the Secretary of the Army shall consult with the Administrator of the National Aeronautics and Space Administration whenever proposed Army actions have the potential to affect the operations or the environmental management of the Goldstone Deep Space Communications Complex. The requirement for consultation shall apply, at a minimum, to the following:

(1) Plans for military training, military equipment testing, or related activities that have the potential of impacting communications between Goldstone Deep Space Communications Complex and space flight missions or other transmission or receipt of signals from outer space by the Goldstone Deep Space Communications Complex.

(2) The integrated natural resources management plan required by subsection (d).

(3) The West Mojave Coordinated Management Plan referred to in section 2907.

(4) Any document prepared in compliance with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other laws applicable to the lands withdrawn and reserved by this title.

(g) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), the Secretary of the Army may use sand, gravel, or similar mineral material resources of the type subject to disposition under such Act from the lands withdrawn and reserved by this title if the use of such resources is required for construction needs of the National Training Center.

SEC. 2905. WATER RIGHTS.

(a) NO RESERVED WATER RIGHT ESTABLISHED.—Nothing in this title shall be construed—

(1) to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title; or

(2) to authorize the appropriation of water on such lands by the United States after the date of the enactment of this Act, except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—This section shall not be construed to affect any water rights acquired or reserved by the United States before the date of the enactment of this Act, and the Secretary of the Army may exercise any such previously acquired or reserved water rights.

SEC. 2906. ENVIRONMENTAL COMPLIANCE AND ENVIRONMENTAL RESPONSE REQUIREMENTS.

(a) AGREEMENTS CONCERNING THE ENVIRONMENT AND PUBLIC HEALTH.—The Secretary of the Army and the Secretary of the Interior shall enter into such agreements as are necessary, appropriate, and in the public interest to carry out the purposes of this title.

(b) RELATION TO OTHER ENVIRONMENTAL LAWS.—Nothing in this title shall relieve, and no action taken under this title may relieve, the Secretary of the Army or the Secretary of the Interior, or any other person from any liability or other obligation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Resource Conservation and Recovery Act of 1976

(42 U.S.C. 6901 et seq.) or any other Federal or State law.

SEC. 2907. WEST MOJAVE COORDINATED MANAGEMENT PLAN.

(a) COMPLETION.—The Secretary of the Interior shall make every effort to complete the West Mojave Coordinated Management Plan not later than two years after the date of the enactment of this Act.

(b) CONSIDERATION OF WITHDRAWAL AND RESERVATION IMPACTS.—The Secretary of the Interior shall ensure that the West Mojave Coordinated Management Plan considers the impacts of the availability or nonavailability of the lands withdrawn and reserved by this title on the plan as a whole.

(c) CONSULTATION.—The Secretary of the Interior shall consult with the Secretary of the Army and the Administrator of the National Aeronautics and Space Administration in the development of the West Mojave Coordinated Management Plan.

SEC. 2908. RELEASE OF WILDERNESS STUDY AREAS.

Congress hereby finds and directs that lands withdrawn and reserved by this title have been adequately studied for wilderness designation pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), and are no longer subject to the requirement of such section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

SEC. 2909. TRAINING ACTIVITY SEPARATION FROM UTILITY CORRIDORS.

(a) REQUIRED SEPARATION.—All military ground activity training on the lands withdrawn and reserved by this title shall remain at least 500 meters from any utility system, in existence as of the date of the enactment of this Act, in Utility Planning Corridor D, as described in the California Desert Conservation Area Plan, dated 1980 and subsequently amended.

(b) EXCEPTION.—Subsection (a) does not modify the use of any lands used, as of the date of the enactment of this Act, by the National Training Center for training or alter any right of access granted by interagency agreement.

SEC. 2910. DURATION OF WITHDRAWAL AND RESERVATION.

(a) TERMINATION DATE.—Unless extended pursuant to section 2911, unless relinquishment is postponed by the Secretary of the Interior pursuant to section 2912(b), and except as provided in section 2912(d), the withdrawal and reservation made by this title shall terminate 25 years after the date of the enactment of this Act.

(b) LIMITATION ON SUBSEQUENT AVAILABILITY FOR APPROPRIATION.—At the time of termination of the withdrawal and reservation made by this title, the previously withdrawn lands shall not be open to any forms of appropriation under the general land laws, including the mining laws and the mineral and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order specifying the date upon which such lands shall be restored to the public domain and opened.

SEC. 2911. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.

(a) NOTIFICATION REQUIREMENT.—Not later than three years before the termination date specified in section 2910(a), the Secretary of the Army shall notify Congress and the Secretary of the Interior whether the Army will have a continuing military need, beyond the termination date, for all or any portion of the lands withdrawn and reserved by this title.

(b) PROCESS FOR EXTENSION OF WITHDRAWAL AND RESERVATION.—

(1) CONSULTATION AND APPLICATION.—If the Secretary of the Army determines that there will be a continuing military need after the termination date for any of the lands withdrawn and reserved by this title, the Secretary of the Army shall—

(A) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such needed lands; and

(B) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such needed lands.

(2) APPLICATION REQUIREMENTS.—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension of the land withdrawal and reservation made by this title shall be considered to be complete if the application includes the information required by section 3 of Public Law 85–337 (commonly known as the Engle Act; 43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and only to the extent, the Secretary of the Army proposes to use or develop such resources during the period of extension.

(c) SUBMISSION OF PROPOSED EXTENSION TO CONGRESS.—The Secretary of the Interior and the Secretary of the Army may submit to Congress a legislative proposal for the extension of the withdrawal and reservation made by this title. The legislative proposal shall be accompanied by an appropriate analysis of environmental impacts associated with the proposal, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SEC. 2912. TERMINATION AND RELINQUISHMENT.

(a) NOTICE OF TERMINATION.—During the first 22 years of the withdrawal and reservation made by this title, if the Secretary of the Army determines that there is no continuing military need for the lands withdrawn and reserved by this title, or any portion of such lands, the Secretary of the Army shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands. The notice shall specify the proposed date of relinquishment.

(b) ACCEPTANCE OF JURISDICTION.—The Secretary of the Interior may accept jurisdiction over any lands covered by a notice under subsection (a) if the Secretary of the Interior determines that the Secretary of the Army has taken or will take all environmental response and restoration activities required under applicable laws and regulations with respect to such lands.

(c) NOTICE OF ACCEPTANCE.—If the Secretary of the Interior decides to accept jurisdiction over lands covered by a notice under subsection (a) before the termination date of the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order that shall—

(1) terminate the withdrawal and reservation of such lands under this title;

(2) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(d) RETAINED ARMY JURISDICTION.—Notwithstanding the termination date specified in section 2910, unless and until the Secretary of the Interior accepts jurisdiction of land proposed for relinquishment pursuant to this section, such land shall remain withdrawn and reserved for the Secretary of the Army for the limited purposes of environmental response and restoration actions under section 2906 and continued land management responsibilities pursuant to the integrated natural resources management plan required under section 2904, until such environmental response and restoration activities on those lands are completed.

(e) SEVERABILITY OF FUNCTIONS.—All functions described under this section, including transfers, relinquishments, extensions, and other determinations, may be made on a parcel-by-parcel basis.

SEC. 2913. DELEGATION OF AUTHORITY.

(a) SECRETARY OF THE ARMY.—The Secretary of the Army may delegate to officials in the Department of the Army such functions as the Secretary of the Army may determine appropriate to carry out this title.

(b) SECRETARY OF THE INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that the order described in section 2912(c) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

TITLE XXX—REALIGNMENT AND CLOSURE OF MILITARY INSTALLATIONS AND PREPARATION OF INFRASTRUCTURE PLAN FOR THE NUCLEAR WEAPONS COMPLEX

Sec. 3001. Authorization of round of realignments and closures of military installations in 2005.
Sec. 3002. Selection criteria.
Sec. 3003. Revised procedures for making recommendations for realignments and closures and commission consideration of recommendations.
Sec. 3004. Limitations on privatization in place.
Sec. 3005. Department of Defense Base Closure Account 2005.
Sec. 3006. Implementation of closure and realignment decisions.
Sec. 3007. Technical and clarifying amendments.
Sec. 3008. Preparation of infrastructure plan for the nuclear weapons complex.

SEC. 3001. AUTHORIZATION OF ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS IN 2005.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

"SEC. 2912. 2005 ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS.

''(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—

''(1) PREPARATION AND SUBMISSION.—As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2005, the Secretary shall include the following:

''(A) A force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with fiscal year 2005, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet these threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

''(B) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department.

''(2) RELATIONSHIP OF PLAN AND INVENTORY.—Using the force-structure plan and infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and include as part of the submission of such plan and inventory) the following:

''(A) A description of the infrastructure necessary to support the force structure described in the force-structure plan.

''(B) A discussion of categories of excess infrastructure and infrastructure capacity.

''(C) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

''(3) SPECIAL CONSIDERATIONS.—In determining the level of necessary versus excess infrastructure under paragraph (2), the Secretary shall consider the following:

''(A) The anticipated continuing need for and availability of military installations outside the United States, taking into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.

''(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

''(4) REVISION.—The Secretary may revise the force-structure plan and infrastructure inventory. If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress as part of the budget justification documents submitted to Congress for fiscal year 2006.

''(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—

''(1) CERTIFICATION REQUIRED.—On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such subsection, the Secretary shall include as part of the submission of the plan and inventory—

''(A) a certification regarding whether the need exists for the closure or realignment of additional military installations; and

''(B) if such need exists, a certification that the additional round of closures and realignments would result in annual net savings for each of the military departments beginning not later than fiscal year 2011.

''(2) EFFECT OF FAILURE TO CERTIFY.—If the Secretary does not include the certifications referred to in paragraph (1), the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

''(c) COMPTROLLER GENERAL EVALUATION.—

''(1) EVALUATION REQUIRED.—If the certification is provided under subsection (b), the Comptroller General shall prepare an evaluation of the following:

''(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection criteria prepared under section 2913, including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

''(B) The need for the closure or realignment of additional military installations.

''(2) SUBMISSION.—The Comptroller General shall submit the evaluation to Congress not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

''(d) AUTHORIZATION OF ADDITIONAL ROUND; COMMISSION.—

''(1) APPOINTMENT OF COMMISSION.—Subject to the certifications required under subsection (b), the President may commence an additional round for the selection of military installations for closure and realignment under this part in 2005 by transmitting to the Senate, not later than March 15, 2005, nominations pursuant to section 2902(c) for the appointment of new members to the Defense Base Closure and Realignment Commission.

''(2) EFFECT OF FAILURE TO NOMINATE.—If the President does not transmit to the Senate the nominations for the Commission by March 15, 2005, the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

''(3) MEMBERS.—Notwithstanding section 2902(c)(1), the Commission appointed under the authority of this subsection shall consist of nine members.

''(4) TERMS; MEETINGS; TERMINATION.—Notwithstanding subsections (d), (e)(1), and (l) of section 2902, the Commission appointed under the authority of this subsection shall meet during calendar year 2005 and shall terminate on April 15, 2006.

''(5) FUNDING.—If no funds are appropriated to the Commission by the end of the second session of the 108th Congress for the activities of the Commission in 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.''.

SEC. 3002. SELECTION CRITERIA.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after section 2912, as added by section 3001, the following new section:

''SEC. 2913. SELECTION CRITERIA FOR 2005 ROUND.

''(a) PREPARATION OF PROPOSED SELECTION CRITERIA.—

''(1) IN GENERAL.—Not later than December 31, 2003, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.

''(2) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under this subsection.

''(b) MILITARY VALUE AS PRIMARY CONSIDERATION.—The selection criteria prepared by the Secretary shall ensure that military value is the primary consideration in the making of recommendations for the closure or realignment of military installations under this part in 2005. Military value shall include at a minimum the following:

''(1) Preservation of training areas suitable for maneuver by ground, naval, or air forces to guarantee future availability of such areas to ensure the readiness of the Armed Forces.

''(2) Preservation of military installations in the United States as staging areas for the use of the Armed Forces in homeland defense missions.

''(3) Preservation of military installations throughout a diversity of climate and terrain areas in the United States for training purposes.

''(4) The impact on joint warfighting, training, and readiness.

''(5) Contingency, mobilization, and future total force requirements at both existing and potential receiving locations to support operations and training.

''(c) SPECIAL CONSIDERATIONS.—The selection criteria for military installations shall also address at a minimum the following:

''(1) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

''(2) The economic impact on existing communities in the vicinity of military installations.

''(3) The ability of both existing and potential receiving communities' infrastructure to support forces, missions, and personnel.

''(4) The impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

''(d) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of military installations shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that may be required to assume responsibility for activities at the military installations.

''(e) FINAL SELECTION CRITERIA.—Not later than February 16, 2004, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005. Such criteria shall be the final criteria to be used, along with the force-structure plan and infrastructure inventory referred to in section 2912, in making such recommendations unless disapproved by an Act of Congress enacted on or before March 15, 2004.

''(f) RELATION TO CRITERIA FOR EARLIER ROUNDS.—Section 2903(b), and the selection criteria prepared under such section, shall not apply with respect to the process of making recommendations for the closure or realignment of military installations in 2005.''.

SEC. 3003. REVISED PROCEDURES FOR MAKING RECOMMENDATIONS FOR REALIGNMENTS AND CLOSURES AND COMMISSION CONSIDERATION OF RECOMMENDATIONS.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after section 2913, as added by section 3002, the following new section:

''SEC. 2914. SPECIAL PROCEDURES FOR MAKING RECOMMENDATIONS FOR REALIGNMENTS AND CLOSURES FOR 2005 ROUND; COMMISSION CONSIDERATION OF RECOMMENDATIONS.

''(a) RECOMMENDATIONS REGARDING CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.—If the Secretary makes the certifications required under section 2912(b), the Secretary shall publish in the Federal Register and transmit to the congressional defense committees and the Commission, not later than May 16, 2005, a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under section 2912 and the final selection criteria prepared by the Secretary under section 2913.

''(b) PREPARATION OF RECOMMENDATIONS.—

''(1) IN GENERAL.—The Secretary shall comply with paragraphs (2) through (6) of section 2903(c) in preparing and transmitting the recommendations under this section. However, paragraph (6) of section 2903(c) relating to submission of information to Congress shall be deemed to require such submission within 48 hours.

''(2) CONSIDERATION OF LOCAL GOVERNMENT VIEWS.—(A) In making recommendations to the Commission in 2005, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

''(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable to such recommendations.

''(C) The recommendations shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to a military installation covered by such recommendations. The statement shall set forth the reasons for the result.

''(c) RECOMMENDATIONS TO RETAIN BASES IN INACTIVE STATUS.—In making recommendations for the closure or realignment of military installations, the Secretary may recommend that an installation be placed in an inactive status if the Secretary determines that—

''(1) the installation may be needed in the future for national security purposes; or

''(2) retention of the installation is otherwise in the interest of the United States.

''(d) COMMISSION REVIEW AND RECOMMENDATIONS.—

''(1) IN GENERAL.—Except as provided in this subsection, section 2903(d) shall apply to the

consideration by the Commission of the recommendations transmitted by the Secretary in 2005. The Commission's report containing its findings and conclusions, based on a review and analysis of the Secretary's recommendations, shall be transmitted to the President not later than September 8, 2005.

''(2) AVAILABILITY OF RECOMMENDATIONS TO CONGRESS.—After September 8, 2005, the Commission shall promptly provide, upon request, to any Member of Congress information used by the Commission in making its recommendations.

''(3) LIMITATIONS ON AUTHORITY TO ADD TO CLOSURE OR REALIGNMENT LISTS.—The Commission may not consider making a change in the recommendations of the Secretary that would add a military installation to the Secretary's list of installations recommended for closure or realignment unless, in addition to the requirements of section 2903(d)(2)(C)—

''(A) the Commission provides the Secretary with at least a 15-day period, before making the change, in which to submit an explanation of the reasons why the installation was not included on the closure or realignment list by the Secretary; and

''(B) the decision to add the installation for Commission consideration is supported by at least seven members of the Commission.

''(4) TESTIMONY BY SECRETARY.—The Commission shall invite the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on any proposed change by the Commission to the Secretary's recommendations.

''(5) COMPTROLLER GENERAL REPORT.—The Comptroller General report required by section 2903(d)(5)(B) analyzing the recommendations of the Secretary and the selection process in 2005 shall be transmitted to the congressional defense committees not later than July 1, 2005.

''(e) REVIEW BY THE PRESIDENT.—

''(1) IN GENERAL.—Except as provided in this subsection, section 2903(e) shall apply to the review by the President of the recommendations of the Commission under this section, and the actions, if any, of the Commission in response to such review, in 2005. The President shall review the recommendations of the Secretary and the recommendations contained in the report of the Commission under subsection (d) and prepare a report, not later than September 23, 2005, containing the President's approval or disapproval of the Commission's recommendations.

''(2) COMMISSION RECONSIDERATION.—If the Commission prepares a revised list of recommendations under section 2903(e)(3) in 2005 in response to the review of the President in that year under paragraph (1), the Commission shall transmit the revised list to the President not later than October 20, 2005.

''(3) EFFECT OF FAILURE TO TRANSMIT.—If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) of section 2903(e) by November 7, 2005, the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

''(4) EFFECT OF TRANSMITTAL.—A report of the President under this subsection containing the President's approval of the Commission's recommendations is deemed to be a report under section 2903(e) for purposes of sections 2904 and 2908.''.

SEC. 3004. LIMITATIONS ON PRIVATIZATION IN PLACE.

Section 2904(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in the 2005 report only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations of the Commission in such report and is determined by the Commission to be the most cost-effective method of implementation of the recommendation;''.

SEC. 3005. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

(a) ESTABLISHMENT.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after section 2906 the following new section:

''SEC. 2906A. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

''(a) IN GENERAL.—(1) If the Secretary makes the certifications required under section 2912(b), there shall be established on the books of the Treasury an account to be known as the 'Department of Defense Base Closure Account 2005' (in this section referred to as the 'Account'). The Account shall be administered by the Secretary as a single account.

''(2) There shall be deposited into the Account—

''(A) funds authorized for and appropriated to the Account;

''(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

''(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this part pursuant to a closure or realignment the date of approval of which is after January 1, 2005.

''(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).

''(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is after January 1, 2005.

''(2) When a decision is made to use funds in the Account to carry out a construction project under section 2905(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

''(c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

''(B) The report for a fiscal year shall include the following:

''(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.

''(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

''(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

''(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

''(I) any failure to carry out military construction projects that were so proposed; and

''(II) any expenditures for military construction projects that were not so proposed.

''(2) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is after January 1, 2005, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

''(A) all the funds deposited into and expended from the Account or otherwise expended under this part with respect to such installations; and

''(B) any amount remaining in the Account.

''(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part the date of approval of closure or realignment of which is after January 1, 2005, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

''(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

''(3) The Secretary may use amounts in the reserve account, without further appropriation, for the purpose of acquiring, constructing, and improving—

''(A) commissary stores; and

''(B) real property and facilities for nonappropriated fund instrumentalities.

''(4) In this subsection, the terms 'commissary store funds', 'nonappropriated funds', and 'nonappropriated fund instrumentality' shall have the meaning given those terms in section 2906(d)(4).

''(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except as provided in section 2906(e) with respect to funds in the Department of Defense Base Closure Account 1990 under section 2906 and except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).''.

(b) CONFORMING AMENDMENTS.—Section 2906 of that Act is amended—

(1) in subsection (a)(2)(C), by inserting ''the date of approval of closure or realignment of which is before January 1, 2005'' after ''under this part'';

(2) in subsection (b)(1), by inserting ''with respect to military installations the date of approval of closure or realignment of which is before January 1, 2005,'' after ''section 2905'';

(3) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A), by inserting ''with respect to military installations the date of approval of closure or realignment of which is before January 1, 2005,'' after ''under this part''; and

(B) in subparagraph (A), by inserting ''with respect to such installations'' after ''under this part'';

(4) in subsection (d)(1), by inserting ''the date of approval of closure or realignment of which is before January 1, 2005'' after ''under this part''; and

(5) in subsection (e), by striking ''Except for'' and inserting ''Except as provided in section 2906A(e) with respect to funds in the Department of Defense Base Closure Account 2005 under section 2906A and except for''.

*(c) CLERICAL AMENDMENT.—The section heading of section 2906 of that Act is amended by striking ''**ACCOUNT**'' and inserting ''**DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990**''.*

SEC. 3006. IMPLEMENTATION OF CLOSURE AND REALIGNMENT DECISIONS.

(a) REQUIREMENT TO RECEIVE FAIR MARKET VALUE.—Section 2905(b)(4)(B) of that Act is amended—

(1) in the first sentence, by striking ''shall be without consideration'' in the matter preceding clause (i) and inserting ''may be without consideration''; and

(2) by inserting after ''(B)'' the following new sentence: ''With respect to military installations for which the date of approval of closure or realignment is after January 1, 2005, the Secretary shall seek to obtain consideration in connection with any transfer under this paragraph of property located at the installation in an amount equal to the fair market value of the property, as determined by the Secretary.''.

(b) TRANSFERS IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Section 2905(e) of that Act is amended—

(1) in paragraph (1)(B), by adding at the end the following new sentence: ''The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this part after 2001 that are available for purposes other than to assist the homeless.'';

(2) in paragraph (2)(A), by striking ''to be paid by the recipient of the property or facilities'' and inserting ''otherwise to be paid by the Secretary with respect to the property or facilities'';

(3) by striking paragraph (6);

(4) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), (6), respectively; and

(5) by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

''(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

''(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.''.

(c) SCOPE OF INDEMNIFICATION OF TRANSFEREES IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Paragraph (6) of section 2905(e) of that Act, as redesignated by subsection (b)(4), is amended by inserting before the period the following: '', except in the case of releases or threatened releases not disclosed pursuant to paragraph (4)''.

SEC. 3007. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking ''the date of the enactment of this Act and ending on December 31, 1995,'' and inserting ''November 5, 1990, and ending on April 15, 2006,''.

(b) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking ''that date'' and inserting ''the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)''.

(c) COMMITTEE NAME.—That Act is further amended by striking ''National Security'' and inserting ''Armed Services'' each place it appears in the following provisions:

(A) Section 2902(e)(2)(B)(ii).

(B) Section 2908(b).

(d) OTHER CLARIFYING AMENDMENTS.—(1) That Act is further amended by inserting ''or realignment'' after ''closure'' each place it appears in the following provisions:

(A) Section 2905(b)(3).

(B) Section 2905(b)(5).

(C) Section 2905(b)(7)(B)(iv).

(D) Section 2905(b)(7)(N).

(E) Section 2910(10)(B).

(2) That Act is further amended by inserting ''or realigned'' after ''closed'' each place it appears in the following provisions:

(A) Section 2905(b)(3)(C)(ii).

(B) Section 2905(b)(3)(D).

(C) Section 2905(b)(3)(E).

(D) Section 2905(b)(5)(A).

(E) Section 2910(9).

(F) Section 2910(10).

(3) Section 2905(e)(1)(B) of that Act is amended by inserting '', or realigned or to be realigned,'' after ''closed or to be closed''.

SEC. 3008. PREPARATION OF INFRASTRUCTURE PLAN FOR THE NUCLEAR WEAPONS COMPLEX.

(a) INFRASTRUCTURE PLAN FOR NUCLEAR WEAPONS COMPLEX.—

(1) PREPARATION AND SUBMISSION.—Not later than the date on which the budget for the Department of Energy for fiscal year 2004 is submitted to Congress, the Secretary of Energy shall submit to Congress an infrastructure plan for the nuclear weapons complex adequate to support the nuclear weapons stockpile, the naval reactors program, and nonproliferation and national security activities.

(2) SPECIAL CONSIDERATIONS.—In preparing the infrastructure plan, the Secretary shall take into consideration the following:

(A) The Department of Defense Nuclear Posture Review required pursuant to section 1041 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–262).

(B) Any efficiencies and security benefits of consolidation of facilities of the nuclear weapons complex.

(C) The necessity to have a residual production capability.

(b) RECOMMENDATIONS REGARDING REALIGNMENTS AND CLOSURES.—On the basis of the infrastructure plan prepared under subsection (a), the Secretary shall make such recommendations regarding the need to close or realign facilities of the nuclear weapons complex as the Secretary considers appropriate, including the Secretary's recommendations on whether to establish a process by which a round of closures and realignments would be carried out and any additional legislative authority necessary to implement the recommendations. The Secretary shall submit the recommendations as part of the infrastructure plan under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The terms ''Secretary'' and ''Secretary of Energy'' mean the Secretary of Energy, acting after consideration of the recommendations of the Administrator for Nuclear Security.

(2) The term ''nuclear weapons complex'' means the national security laboratories and nuclear weapons production facilities (as such terms are defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)) and the facilities of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order (as such term is defined in section 3216 of such Act (50 U.S.C. 2406)).

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental restoration and waste management.
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Sec. 3141. Establishment of Principal Deputy Administrator of National Nuclear Security Administration.
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Sec. 3180. Liabilities and other obligations.
Sec. 3181. Rocky Flats Museum.
Sec. 3182. Annual report on funding.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $7,121,094,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, $5,343,567,000, to be allocated as follows:

(A) For stewardship operation and maintenance, $4,601,871,000, to be allocated as follows:

(i) For directed stockpile work, $1,002,274,000.

(ii) For campaigns, $2,074,473,000, to be allocated as follows:

(I) For operation and maintenance, $1,704,501,000.

(II) For construction, $369,972,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Livermore, California, $5,400,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $22,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,070,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $5,377,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $81,125,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $245,000,000.

(iii) For readiness in technical base and facilities, $1,525,124,000, to be allocated as follows:

(I) For operation and maintenance, $1,348,260,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $176,864,000, to be allocated as follows:

Project 02–D–103, project engineering and design (PED), various locations, $22,830,000.

Project 02–D–105, engineering technology complex upgrade, Lawrence Livermore National Laboratory, Livermore, California, $4,750,000.

Project 02–D–107, electrical power systems safety communications and bus upgrades, Nevada Test Site, Nevada, $3,507,000.

Project 01–D–101, microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico, $39,000,000.

Project 01–D–103, preliminary project design and engineering, various locations, $16,379,000.

Project 01–D–107, Atlas relocation, Nevada Test Site, Nevada, $3,300,000.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $7,700,000.

Project 01–D–800, sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $12,993,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $4,400,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $4,955,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $300,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City plant, Kansas City, Missouri, $22,200,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $13,700,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 consolidation, Oak Ridge, Tennessee, $6,850,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,900,000.

(B) For secure transportation asset, $121,800,000, to be allocated as follows:

(i) For operation and maintenance, $77,571,000.

(ii) For program direction, $44,229,000.

(C) For safeguards and security, $448,881,000, to be allocated as follows:

(i) For operations and maintenance, $439,281,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $9,600,000, to be allocated as follows:

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,600,000.

(D) For facilities and infrastructure, $200,000,000.

(E) The total amount authorized by this paragraph is the sum of the amounts authorized to be appropriated by subparagraphs (A) through (D), reduced by $28,985,000, to be derived from a security charge for reimbursable work.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For defense nuclear nonproliferation activities, $776,886,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $244,306,000, to be allocated as follows:

(i) For operation and maintenance, $208,500,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $35,806,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, $35,806,000.

(B) For arms control and Russian transition initiatives, $117,741,000.

(C) For international materials protection, control, and accounting, $143,800,000.

(D) For highly enriched uranium transparency implementation, $13,950,000.

(E) For international nuclear safety, $10,000,000.

(F) For fissile materials control and disposition, $289,089,000, to be allocated as follows:

(i) For United States surplus fissile materials disposition, $228,089,000, to be allocated as follows:

(I) For operation and maintenance, $130,089,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $98,000,000, to be allocated as follows:

Project 01–D–407, highly enriched uranium blend-down, Savannah River Site, Aiken, South Carolina, $24,000,000.

Project 99–D–141, pit disassembly and conversion facility, Savannah River Site, Aiken, South Carolina, $11,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility, Savannah River Site, Aiken, South Carolina, $63,000,000.

(ii) For Russian surplus fissile materials disposition, $61,000,000.

(G) The total amount authorized by this paragraph is the sum of the amounts authorized to be appropriated by subparagraphs (A) through (F), reduced by $42,000,000, to be derived from offsets and use of prior year balances.

(3) NAVAL REACTORS.—For naval reactors, $688,045,000, to be allocated as follows:

(A) For naval reactors development, $665,445,000, to be allocated as follows:

(i) For operation and maintenance, $652,245,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $13,200,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, $9,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $4,200,000.

(B) For program direction, $22,600,000.

(4) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, and for program direction for the National Nuclear Security Administration (other than for naval reactors and secure transportation asset), $312,596,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of $6,022,415,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7277n), $1,080,538,000.

(2) SITE/PROJECT COMPLETION.—For site completion and project completion in carrying out environmental management activities necessary for national security programs, $959,696,000, to be allocated as follows:

(A) For operation and maintenance, $919,030,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $40,666,000, to be allocated as follows:

Project 01–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $3,256,000.

Project 02–D–420, plutonium stabilization and packaging, Savannah River Site, Aiken, South Carolina, $20,000,000.

Project 01–D–414, preliminary project, engineering and design (PE&D), various locations, $2,754,000.

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $5,040,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $2,700,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,910,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $4,244,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $762,000.

(3) POST-2006 COMPLETION.—For post-2006 completion in carrying out environmental restoration and waste management activities necessary for national security programs, $3,265,201,000, to be allocated as follows:

(A) For operation and maintenance, $1,955,979,000.

(B) For uranium enrichment decontamination and decommissioning fund contribution, $420,000,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,754,000, to be allocated as follows:

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $6,754,000.

(D) For the Office of River Protection in carrying out environmental restoration and waste management activities necessary for national security programs, $882,468,000, to be allocated as follows:

(i) For operation and maintenance, $322,151,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $560,317,000, to be allocated as follows:

Project 01–D–416, waste treatment and immobilization plant, Richland, Washington, $520,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $33,473,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $6,844,000.

(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, $216,000,000.

(5) EXCESS FACILITIES.—For excess facilities in carrying out environmental restoration and waste management activities necessary for national security programs, $1,300,000.

(6) SAFEGUARDS AND SECURITY.—For safeguards and security in carrying out environmental restoration and waste management activities necessary for national security programs, $205,621,000.

(7) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, $355,761,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated by subsection (a) is the sum of the amounts authorized to be appropriated by paragraphs (1) through (7) of that subsection, reduced by $61,702,000, of which $56,311,000 is to reflect an offset provided by use of prior year balances and $5,391,000 is to be derived from a security charge for reimbursable work.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for other defense activities in carrying out programs necessary for national security in the amount of $499,663,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, $40,844,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, $46,000,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $250,427,000, to be allocated as follows:

(A) For nuclear safeguards and security, $116,500,000.

(B) For security investigations, $44,927,000.

(C) For corporate management information programs, $10,000,000.

(D) For program direction, $79,000,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,904,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $113,307,000, to be allocated as follows:

(A) For environment, safety, and health (defense), $91,307,000.

(B) For program direction, $22,000,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $20,000,000, to be allocated as follows:

(A) For worker and community transition, $18,000,000.

(B) For program direction, $2,000,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,893,000.

(8) NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.—For national security programs administrative support, $22,000,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a) is the total of the amounts authorized to be appropriated by paragraphs (1) through (8) of that subsection, reduced by $10,712,000, of which $10,000,000 is to reflect an offset provided by use of prior year balances and $712,000 is to be derived from a security charge for reimbursable work.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $153,537,000, to be allocated as follows:

Project 02–PVT–1, Paducah disposal facility, Paducah, Kentucky, $13,329,000.

Project 02–PVT–2, Portsmouth disposal facility, Portsmouth, Ohio, $2,000,000.

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $49,332,000.

Project 98–PVT–5, environmental management/waste management disposal, Oak Ridge, Tennessee, $26,065,000.

Project 97–PVT–2, advanced mixed waste treatment project, Idaho Falls, Idaho, $52,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $10,826,000.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $280,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Except as provided in sections 3129 and 3130, until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year, the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON MINOR CONSTRUCTION PROJECTS.

(a) AUTHORITY.—The Secretary of Energy may carry out any minor construction project using operation and maintenance funds, or facilities and infrastructure funds, authorized by this title.

(b) ANNUAL REPORT.—The Secretary shall submit to the congressional defense committees on an annual basis a report on each exercise of the authority in subsection (a) during the preceding year. Each report shall provide a brief description of each minor construction project covered by the report.

(c) COST VARIATION REPORTS TO CONGRESSIONAL COMMITTEES.—If, at any time during the construction of any minor construction project authorized by this title, the estimated cost of the project is revised and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately submit to the congressional defense committees a report explaining the reasons for the cost variation.

(d) MINOR CONSTRUCTION PROJECT DEFINED.—In this section, the term ''minor construction project'' means any plant project not specifically authorized by law if the approved total estimated cost of the plant project does not exceed $5,000,000.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or

which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there is excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) does not apply to a construction project with a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) LIMITATIONS.—The authority provided by this subsection to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a minor construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for that design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated for advance planning, engineering, and construction design, and for plant projects, under sections 3101, 3102, 3103, and 3104 to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2003.

SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of that office to another such program or project.

(b) LIMITATIONS.—(1) Not more than three transfers may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under in any one transfer under subsection (a) may not exceed $5,000,000.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary—

(A) to address a risk to health, safety, or the environment; or

(B) to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102(a).

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by that office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2001, and ending on September 30, 2002.

SEC. 3130. TRANSFER OF WEAPONS ACTIVITIES FUNDS.

(a) TRANSFER AUTHORITY FOR WEAPONS ACTIVITIES FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of that office to another such program or project.

(b) LIMITATIONS.—(1) Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed $5,000,000.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer—

(A) is necessary to address a risk to health, safety, or the environment; or

(B) will result in cost savings and efficiencies.

(4) A transfer may not be carried out by a manager of a field office under subsection (a) to cover a cost overrun or scheduling delay for any program or project.

(5) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in 3101(1).

(B) A program or project not described in subparagraph (A) that is for weapons activities

necessary for national security programs of the Department, that is being carried out by that office, and for which weapons activities funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term ''weapons activities funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out weapons activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2001, and ending on September 30, 2002.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. CONSOLIDATION OF NUCLEAR CITIES INITIATIVE PROGRAM WITH INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

The Administrator for Nuclear Security shall consolidate the Nuclear Cities Initiative program with the Initiatives for Proliferation Prevention program under a single management line.

SEC. 3132. NUCLEAR CITIES INITIATIVE.

(a) LIMITATIONS ON USE OF FUNDS.—No funds authorized to be appropriated for the Nuclear Cities Initiative after fiscal year 2001 may be obligated or expended with respect to more than three nuclear cities, or more than two serial production facilities in Russia, until 30 days after the Administrator for Nuclear Security submits to the appropriate congressional committees an agreement signed by the Russian Federation on access under the Nuclear Cities Initiative to the ten closed nuclear cities and four serial production facilities of the Nuclear Cities Initiative.

(b) ANNUAL REPORT.—(1) Not later than the first Monday in February each year, the Administrator shall submit to the appropriate congressional committees a report on financial and programmatic activities with respect to the Nuclear Cities Initiative during the preceding fiscal year.

(2) Each report shall include, for the fiscal year covered by such report, the following:

(A) A list of each project that is or was completed, ongoing, or planned under the Nuclear Cities Initiative during such fiscal year.

(B) For each project listed under subparagraph (A), information, current as of the end of such fiscal year, on the following:

(i) The purpose of such project.

(ii) The budget for such project.

(iii) The life-cycle costs of such project.

(iv) Participants in such project.

(v) The commercial viability of such project.

(vi) The number of jobs in Russia created or to be created by or through such project.

(vii) Of the total amount of funds spent on such project, the percentage of such amount spent in the United States and the percentage of such amount spent overseas.

(C) A certification by the Administrator that each project listed under subparagraph (A) did contribute, is contributing, or will contribute, as the case may be, to the downsizing of the nuclear weapons complex in Russia, together with a description of the evidence utilized to make such certification.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(2) NUCLEAR CITIES INITIATIVE.—The term ''Nuclear Cities Initiative'' means the initiative arising pursuant to the March 1998 discussion between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

(3) NUCLEAR CITY.—The term ''nuclear city'' means any of the nuclear cities within the complex of the Russia Ministry of Atomic Energy (MINATOM) as follows:

(A) Sarov (Arzamas–16 and Avangard).

(B) Zarechnyy (Penza–19).

(C) Novoural'sk (Sverdlovsk–44).

(D) Lesnoy (Sverdlovsk–45).

(E) Ozersk (Chelyabinsk–65).

(F) Snezhinsk (Chelyabinsk–70).

(G) Trechgornyy (Zlatoust–36).

(H) Seversk (Tomsk–7).

(I) Zhelenznogorsk (Krasnoyarsk–26).

(J) Zelenogorsk (Krasnoyarsk–45).

SEC. 3133. LIMITATION ON AVAILABILITY OF FUNDS FOR WEAPONS ACTIVITIES FOR FACILITIES AND INFRASTRUCTURE.

Not more than 50 percent of the funds authorized to be appropriated by section 3101(a)(1)(D) for the National Nuclear Security Administration for weapons activities for facilities and infrastructure may be obligated or expended until the Administrator for Nuclear Security submits to the congressional defense committees a report setting forth the following:

(1) Criteria for the selection of projects to be carried out using such funds.

(2) Criteria for establishing priorities among projects so selected.

(3) A list of the projects so selected, including the priority assigned to each such project.

SEC. 3134. LIMITATION ON AVAILABILITY OF FUNDS FOR OTHER DEFENSE ACTIVITIES FOR NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.

Not more than $5,000,000 of the funds authorized to be appropriated by section 3103(a)(8) for other defense activities for national security programs administrative support may be obligated or expended until the latest of the following:

(1) The date on which the Secretary of Energy submits to Congress a report setting forth the purposes for which the Secretary plans to obligate and expend such funds.

(2) The date on which the Administrator for Nuclear Security submits to Congress the future-years nuclear security program for fiscal year 2002 required by section 3253 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2453).

(3) The date on which the Secretary of Energy submits to Congress the report on the feasibility of using an energy savings performance contract mechanism to offset, or possibly cover, the cost of a new office building for the Albuquerque operations office of the Department of Energy, as completed by the Secretary in accordance with the directive contained in Senate Report 106–50 (the report of the Committee on Armed Services of the Senate to accompany the bill S. 1059 of the One Hundred Sixth Congress, relating to the National Defense Authorization Act for Fiscal Year 2000; p. 470).

SEC. 3135. TERMINATION DATE OF OFFICE OF RIVER PROTECTION, RICHLAND, WASHINGTON.

Subsection (f) of section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2250), as amended by section 3141 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–462), is amended to read as follows:

''(f) TERMINATION.—(1) The Office shall terminate on the later to occur of the following dates:

''(A) September 30, 2010.

''(B) The date on which the Assistant Secretary of Energy for Environmental Management determines, in consultation with the head of the Office, that continuation of the Office is no longer necessary to carry out the responsibilities of the Department of Energy under the Tri-Party Agreement.

''(2) The Assistant Secretary shall notify, in writing, the committees referred to in subsection (d) of a determination under paragraph (1).

''(3) In this subsection, the term 'Tri-Party Agreement' means the Hanford Federal Facility Agreement and Consent Order entered into among the Department of Energy, the Environmental Protection Agency, and the State of Washington Department of Ecology.''.

SEC. 3136. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) SUPPORT FOR FISCAL 2002.—From amounts appropriated or otherwise made available to the Secretary of Energy by this title—

(1) $6,900,000 shall be available for payment by the Secretary for fiscal year 2002 to the Los Alamos National Laboratory Foundation, a not-for-profit foundation chartered in accordance with section 3167(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2052); and

(2) $8,000,000 shall be available for extension of the contract between the Department of Energy and the Los Alamos Public Schools through fiscal year 2002.

(b) SUPPORT FOR FISCAL 2003.—Subject to the availability of appropriations, the Secretary is authorized to—

(1) make payment for fiscal year 2003 similar to the payment referred to in subsection (a)(1); and

(2) provide for a contract extension through fiscal 2003 similar to the contract extension referred to in subsection (a)(2).

(c) USE OF FUNDS.—The foundation referred to in subsection (a)(1) shall—

(1) utilize funds provided under this section as a contribution to the endowment fund for the foundation; and

(2) use the income generated from investments in the endowment fund that are attributable to payments made under this section to fund programs to support the educational needs of children in public schools in the vicinity of Los Alamos National Laboratory.

(d) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) An evaluation of the requirements for continued payments beyond fiscal year 2003 into the endowment fund of the foundation referred to in subsection (a) to enable the foundation to meet the goals of the Department to support the recruitment and retention of staff at the Los Alamos National Laboratory.

(2) The Secretary's recommendations for any further support beyond fiscal year 2003 directly to the Los Alamos Public Schools.

SEC. 3137. REPORTS ON ACHIEVEMENT OF MILESTONES FOR NATIONAL IGNITION FACILITY.

(a) NOTIFICATION OF ACHIEVEMENT.—The Administrator for Nuclear Security shall notify the congressional defense committees when the National Ignition Facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, achieves each Level I milestone and Level II milestone for the National Ignition Facility.

(b) REPORT ON FAILURE OF TIMELY ACHIEVEMENT.—Not later than 10 days after the date on which the National Ignition Facility fails to achieve a Level I milestone or Level II milestone for the National Ignition Facility in a timely manner, the Administrator shall submit to the congressional defense committees a report on such failure. Each such report shall include—

(1) a statement of the failure of the National Ignition Facility to achieve the milestone concerned in a timely manner;

(2) an explanation for the failure; and

(3) either—

(A) an estimate when that milestone will be achieved; or

(B) if that milestone will not be achieved—

(i) a statement that that milestone will not be achieved;

(ii) an explanation why that milestone will not be achieved; and

(iii) the implications for the overall scope, schedule, and budget of the National Ignition Facility project of not achieving that milestone.

(c) MILESTONES.—For purposes of this section, the Level I milestones and Level II milestones for the National Ignition Facility are as established in the August 2000 revised National Ignition Facility baseline document.

(d) TERMINATION.—The requirements of this section shall terminate on September 30, 2004.

Subtitle D—Matters Relating to Management of the National Nuclear Security Administration

SEC. 3141. ESTABLISHMENT OF PRINCIPAL DEPUTY ADMINISTRATOR OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ESTABLISHMENT.—Subtitle A of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2401 et seq.) is amended—

(1) by redesignating section 3213 as section 3220 and transferring such section, as so redesignated, to the end of that subtitle; and

(2) by inserting after section 3212 the following new section 3213:

"SEC. 3213. PRINCIPAL DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

''(a) IN GENERAL.—(1) There is in the Administration a Principal Deputy Administrator, who is appointed by the President, by and with the advice and consent of the Senate.

''(2) The Principal Deputy Administrator shall be appointed from among persons who have extensive background in organizational management and are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the Administration in a manner that advances and protects the national security of the United States.

''(b) DUTIES.—Subject to the authority, direction, and control of the Administrator, the Principal Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe, including the coordination of activities among the elements of the Administration. The Principal Deputy Administrator shall act for, and exercise the powers of, the Administrator when the Administrator is disabled or the position of Administrator is vacant.''.

(b) PAY LEVEL.—Section 5315 of title 5, United States Code, is amended—

(1) by inserting before the item relating to Deputy Administrators of the National Nuclear Security Administration the following new item:

''Principal Deputy Administrator, National Nuclear Security Administration.''; and

(2) by inserting ''Additional'' before ''Deputy Administrators of the National Nuclear Security Administration''.

(c) CLERICAL AMENDMENTS.—The table of contents preceding section 3201 of such Act is amended—

(1) by striking the item relating to section 3213 and inserting the following:

''Sec. 3213. Principal Deputy Administrator for National Security.'';

and

(2) by inserting after the item relating to section 3218 the following new items:

''Sec. 3219. Scope of authority of Secretary of Energy to modify organization of Administration.

''Sec. 3220. Status of Administration and contractor personnel within Department of Energy.''.

SEC. 3142. ELIMINATION OF REQUIREMENT THAT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES REPORT TO DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.

Section 3214 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 959; 50 U.S.C. 2404) is amended by striking subsection (c).

SEC. 3143. REPEAL OF DUPLICATIVE PROVISION RELATING TO DUAL OFFICE HOLDING BY PERSONNEL OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3245 of the National Nuclear Security Administration Act (50 U.S.C. 2443), as added by section 315 of the Energy and Water Development Appropriations Act, 2001 (as enacted into law by Public Law 106–377; 114 Stat. 1441B–23), is repealed.

SEC. 3144. REPORT ON ADEQUACY OF FEDERAL PAY AND HIRING AUTHORITIES TO MEET PERSONNEL REQUIREMENTS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) REPORT REQUIRED.—Not later than March 1, 2002, the Administrator for Nuclear Security shall submit to the congressional committees specified in subsection (b) a report on the adequacy of Federal pay and hiring authorities to meet the personnel requirements of the National Nuclear Security Administration. The report shall include the following:

(1) A description of the Federal pay and hiring authorities available to the Administrator.

(2) A description of the Federal pay and hiring authorities that are not available to the Administrator, and an explanation why such authorities are not available.

(3) If any Federal pay and hiring authorities referred to in paragraph (1) are not being used, an explanation why such authorities are not being used.

(4) An assessment of whether or not existing Federal pay and hiring authorities are adequate or inadequate to meet the personnel requirements of the Administration.

(5) Any recommendations that the Administrator considers appropriate for modifications or enhancements of existing Federal pay and hiring authorities in order to meet the personnel requirements of the Administration.

(6) Any recommendations that the Administrator considers appropriate for new Federal pay and hiring authorities in order to meet the personnel requirements of the Administration.

(7) A plan for structuring the pay and hiring authorities with respect to the Federal workforce of the Administration so to ensure that such workforce meets applicable requirements of the most current five-year program plan for the Administration.

(b) SPECIFIED COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

Subtitle E—Other Matters

SEC. 3151. IMPROVEMENTS TO ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) AMENDMENTS TO ENERGY EMPLOYEES PROGRAM.—The Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–394); 42 U.S.C. 7384 et seq.) is amended as follows:

(1) CERTAIN LEUKEMIA AS SPECIFIED CANCER.—Section 3621(17) (114 Stat. 1654A–502; 42 U.S.C. 7384l(17)), as amended by section 2403 of the Supplemental Appropriations Act, 2001 (Public Law 107–20; 115 Stat. 175), is further amended by adding at the end the following new subparagraph:

''(D) Leukemia (other than chronic lymphocytic leukemia), if initial occupation exposure occurred before 21 years of age and onset occurred more than two years after initial occupational exposure.''.

(2) ADDITIONAL MEMBERS OF SPECIAL EXPOSURE COHORT.—Section 3626(b) (114 Stat. 1654A–505; 42 U.S.C. 7384q(b)) is amended in the matter preceding paragraph (1) by inserting after ''Department of Energy facility'' the following: '', or at an atomic weapons employer facility,''.

(3) ESTABLISHMENT OF CHRONIC SILICOSIS.—Section 3627(e)(2)(A) (114 Stat. 1654A–506; 42 U.S.C. 7384r(e)(2)(A)) is amended by striking ''category 1/1'' and inserting ''category 1/0''.

(4) SURVIVORS.—

(A) Section 3628(e) (114 Stat. 1654A–506; 42 U.S.C. 7384s(e)) is amended to read as follows:

''(e) PAYMENTS IN THE CASE OF DECEASED PERSONS.—(1) In the case of a covered employee who is deceased at the time of payment of compensation under this section, whether or not the death is the result of the covered employee's occupational illness, such payment may be made only as follows:

''(A) If the covered employee is survived by a spouse who is living at the time of payment, such payment shall be made to such surviving spouse.

''(B) If there is no surviving spouse described in subparagraph (A), such payment shall be made in equal shares to all children of the covered employee who are living at the time of payment.

''(C) If there is no surviving spouse described in subparagraph (A) and if there are no children described in subparagraph (B), such payment shall be made in equal shares to the parents of the covered employee who are living at the time of payment.

''(D) If there is no surviving spouse described in subparagraph (A), and if there are no children described in subparagraph (B) or parents described in subparagraph (C), such payment shall be made in equal shares to all grandchildren of the covered employee who are living at the time of payment.

''(E) If there is no surviving spouse described in subparagraph (A), and if there are no children described in subparagraph (B), parents described in subparagraph (C), or grandchildren described in subparagraph (D), then such payment shall be made in equal shares to the grandparents of the covered employee who are living at the time of payment.

''(F) Notwithstanding the other provisions of this paragraph, if there is—

''(i) a surviving spouse described in subparagraph (A); and

''(ii) at least one child of the covered employee who is living and a minor at the time of payment and who is not a recognized natural child or adopted child of such surviving spouse,

then half of such payment shall be made to such surviving spouse, and the other half of such payment shall be made in equal shares to each child of the covered employee who is living and a minor at the time of payment.

''(2) If a covered employee eligible for payment dies before filing a claim under this title, a survivor of that employee who may receive payment under paragraph (1) may file a claim for such payment.

''(3) For purposes of this subsection—

''(A) the 'spouse' of an individual is a wife or husband of that individual who was married to that individual for at least one year immediately before the death of that individual;

''(B) a 'child' includes a recognized natural child, a stepchild who lived with an individual in a regular parent-child relationship, and an adopted child;

''(C) a 'parent' includes fathers and mothers through adoption;

''(D) a 'grandchild' of an individual is a child of a child of that individual; and

''(E) a 'grandparent' of an individual is a parent of a parent of that individual.''.

(B) Section 3630(e) (114 Stat. 1654A–507; 42 U.S.C. 7384u(e)) is amended to read as follows:

''(e) PAYMENTS IN THE CASE OF DECEASED PERSONS.—(1) In the case of a covered employee who is deceased at the time of payment of compensation under this section, whether or not the death is the result of the covered employee's occupational illness, such payment may be made only as follows:

''(A) If the covered employee is survived by a spouse who is living at the time of payment, such payment shall be made to such surviving spouse.

''(B) If there is no surviving spouse described in subparagraph (A), such payment shall be

made in equal shares to all children of the covered employee who are living at the time of payment.

''(C) If there is no surviving spouse described in subparagraph (A) and if there are no children described in subparagraph (B), such payment shall be made in equal shares to the parents of the covered employee who are living at the time of payment.

''(D) If there is no surviving spouse described in subparagraph (A), and if there are no children described in subparagraph (B) or parents described in subparagraph (C), such payment shall be made in equal shares to all grandchildren of the covered employee who are living at the time of payment.

''(E) If there is no surviving spouse described in subparagraph (A), and if there are no children described in subparagraph (B), parents described in subparagraph (C), or grandchildren described in subparagraph (D), then such payment shall be made in equal shares to the grandparents of the covered employee who are living at the time of payment.

''(F) Notwithstanding the other provisions of this paragraph, if there is—

''(i) a surviving spouse described in subparagraph (A); and

''(ii) at least one child of the covered employee who is living and a minor at the time of payment and who is not a recognized natural child or adopted child of such surviving spouse,

then half of such payment shall be made to such surviving spouse, and the other half of such payment shall be made in equal shares to each child of the covered employee who is living and a minor at the time of payment.

''(2) If a covered employee eligible for payment dies before filing a claim under this title, a survivor of that employee who may receive payment under paragraph (1) may file a claim for such payment.

''(3) For purposes of this subsection—

''(A) the 'spouse' of an individual is a wife or husband of that individual who was married to that individual for at least one year immediately before the death of that individual;

''(B) a 'child' includes a recognized natural child, a stepchild who lived with an individual in a regular parent-child relationship, and an adopted child;

''(C) a 'parent' includes fathers and mothers through adoption;

''(D) a 'grandchild' of an individual is a child of a child of that individual; and

''(E) a 'grandparent' of an individual is a parent of a parent of that individual.''.

(C) Paragraph (18) of section 3621 (114 Stat. 1654A–502; 42 U.S.C. 7384l) is repealed.

(D) The amendments made by this paragraph shall take effect on July 1, 2001.

(5) ELECTION OF REMEDIES.—Section 3645 (114 Stat. 1654A–510; 42 U.S.C. 7385d) is amended by amending subsections (a) through (d) to read as follows:

''(a) EFFECT OF TORT CASES FILED BEFORE ENACTMENT OF ORIGINAL LAW.—(1) Except as provided in paragraph (2), if an otherwise eligible individual filed a tort case specified in subsection (d) before October 30, 2000, such individual shall be eligible for compensation and benefits under subtitle B.

''(2) If such tort case remained pending as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, and such individual does not dismiss such tort case before December 31, 2003, such individual shall not be eligible for such compensation or benefits.

''(b) EFFECT OF TORT CASES FILED BETWEEN ENACTMENT OF ORIGINAL LAW AND ENACTMENT OF 2001 AMENDMENTS.—(1) Except as provided in paragraph (2), if an otherwise eligible individual filed a tort case specified in subsection (d) during the period beginning on October 30, 2000, and ending on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, such individual shall not be eligible for such compensation or benefits.

''(2) If such individual dismisses such tort case on or before the last permissible date specified in paragraph (3), such individual shall be eligible for such compensation or benefits.

''(3) The last permissible date referred to in paragraph (2) is the later of the following dates:

''(A) April 30, 2003.

''(B) The date that is 30 months after the date the individual first becomes aware that an illness covered by subtitle B of a covered employee may be connected to the exposure of the covered employee in the performance of duty under section 3623.

''(c) EFFECT OF TORT CASES FILED AFTER ENACTMENT OF 2001 AMENDMENTS.—(1) If an otherwise eligible individual files a tort case specified in subsection (d) after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, such individual shall not be eligible for such compensation or benefits if a final court decision is entered against such individual in such tort case.

''(2) If such a final court decision is not entered, such individual shall nonetheless not be eligible for such compensation or benefits, except as follows: If such individual dismisses such tort case on or before the last permissible date specified in paragraph (3), such individual shall be eligible for such compensation and benefits.

''(3) The last permissible date referred to in paragraph (2) is the later of the following dates:

''(A) April 30, 2003.

''(B) The date that is 30 months after the date the individual first becomes aware that an illness covered by subtitle B of a covered employee may be connected to the exposure of the covered employee in the performance of duty under section 3623.

''(d) COVERED TORT CASES.—A tort case specified in this subsection is a tort case alleging a claim referred to in section 3643 against a beryllium vendor or atomic weapons employer.''.

(6) ATTORNEY FEES.—Section 3648 (114 Stat. 1654A–511; 42 U.S.C. 7385g) is amended—

(A) in subsection (a), by inserting after ''the claim of an individual'' the following: ''for payment of lump-sum compensation'';

(B) in subsection (b)(1), by inserting after ''initial claim'' the following: ''for payment of lump-sum compensation'';

(C) in subsection (b)(2), by striking ''with respect to any claim'' and all that follows through the period at the end and inserting ''with respect to objections to a recommended decision denying payment of lump-sum compensation.'';

(D) by redesignating subsection (c) as subsection (d); and

(E) by inserting after subsection (b) the following new subsection (c):

''(c) INAPPLICABILITY TO OTHER SERVICES.—This section shall not apply with respect to services rendered that are not in connection with such a claim for payment of lump-sum compensation.''.

(b) STUDY OF RESIDUAL CONTAMINATION OF FACILITIES.—(1) The National Institute for Occupational Safety and Health shall, with the cooperation of the Department of Energy and the Department of Labor, carry out a study on the following matters:

(A) Whether or not significant contamination remained in any atomic weapons employer facility or facility of a beryllium vendor after such facility discontinued activities relating to the production of nuclear weapons.

(B) If so, whether or not such contamination could have caused or substantially contributed to the cancer of a covered employee with cancer or a covered beryllium illness, as the case may be.

(2)(A) The National Institute for Occupational Safety and Health shall submit to the applicable congressional committees the following reports:

(i) Not later than 180 days after the date of the enactment of this Act, a report on the progress made as of the date of the report on the study required by paragraph (1).

(ii) Not later than one year after the date of the enactment of this Act, a final report on the study required by paragraph (1).

(B) In this paragraph, the term ''applicable congressional committees'' means—

(i) the Committee on Armed Services, Committee on Appropriations, Committee on the Judiciary, and Committee on Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committee on Armed Services, Committee on Appropriations, Committee on the Judiciary, and Committee on Education and the Workforce of the House of Representatives.

(3) Amounts for the study under paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (114 Stat. 1654A–498).

(4) In this subsection:

(A) The terms ''atomic weapons employer facility'', ''beryllium vendor'', ''covered employee with cancer'', and ''covered beryllium illness'' have the meanings given those terms in section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (114 Stat. 1654A–498; 42 U.S.C. 7384l).

(B) The term ''contamination'' means the presence of any—

(i) material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; or

(ii) beryllium dust, particles, or vapor,

exposure to which could cause or substantially contribute to the cancer of a covered employee with cancer or a covered beryllium illness, as the case may be.

SEC. 3152. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) NEW COUNTERINTELLIGENCE POLYGRAPH PROGRAM REQUIRED.—The Secretary of Energy shall carry out, under regulations prescribed under this section, a new counterintelligence polygraph program for the Department of Energy. The purpose of the new program is to minimize the potential for release or disclosure of classified data, materials, or information.

(b) AUTHORITIES AND LIMITATIONS.—(1) The Secretary shall prescribe regulations for the new counterintelligence polygraph program required by subsection (a) in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(2) In prescribing regulations for the new program, the Secretary shall take into account the results of the Polygraph Review.

(3) Not later than six months after obtaining the results of the Polygraph Review, the Secretary shall issue a notice of proposed rulemaking for the new program.

(c) REPEAL OF EXISTING POLYGRAPH PROGRAM.—Effective 30 days after the Secretary submits to the congressional defense committees the Secretary's certification that the final rule for the new counterintelligence polygraph program required by subsection (a) has been fully implemented, section 3154 of the Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999 (subtitle D of title XXXI of Public Law 106–65; 42 U.S.C. 7383h) is repealed.

(d) REPORT ON FURTHER ENHANCEMENT OF PERSONNEL SECURITY PROGRAM.—(1) Not later than January 1, 2003, the Administrator for Nuclear Security shall submit to Congress a report setting forth the recommendations of the Administrator for any legislative action that the Administrator considers appropriate in order to enhance the personnel security program of the Department of Energy.

(2) Any recommendations under paragraph (1) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

(e) POLYGRAPH REVIEW DEFINED.—In this section, the term ''Polygraph Review'' means the

review of the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 3153. ONE-YEAR EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) IN GENERAL.—Section 3161(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 942; 5 U.S.C. 5597 note) is amended by striking ''January 1, 2003'' and inserting ''January 1, 2004''.

(b) CONSTRUCTION.—The amendment made by subsection (a) may be superseded by another provision of law that takes effect after the date of the enactment of this Act, and before January 1, 2004, establishing a uniform system for providing voluntary separation incentives (including a system for requiring approval of plans by the Office of Management and Budget) for employees of the Federal Government.

SEC. 3154. ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF DEPARTMENT OF ENERGY FACILITIES TO TERRORIST ATTACK.

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

''ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK

''SEC. 663. (a) The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department facilities to terrorist attack.

''(b) Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include the results of the assessment covered by such report, together with such findings and recommendations as the Secretary considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that Act is amended by inserting after the item relating to section 662 the following new item:

''Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.''.

SEC. 3155. DISPOSITION OF SURPLUS DEFENSE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.

(a) CONSULTATION REQUIRED.—The Secretary of Energy shall consult with the Governor of the State of South Carolina regarding any decisions or plans of the Secretary related to the disposition of surplus defense plutonium and defense plutonium materials located at the Savannah River Site, Aiken, South Carolina.

(b) NOTICE REQUIRED.—For each shipment of defense plutonium or defense plutonium materials to the Savannah River Site, the Secretary shall, not less than 30 days before the commencement of such shipment, submit to the congressional defense committees a report providing notice of such shipment.

(c) PLAN FOR DISPOSITION.—The Secretary shall prepare a plan for disposal of the surplus defense plutonium and defense plutonium materials currently located at the Savannah River Site and for disposal of defense plutonium and defense plutonium materials to be shipped to the Savannah River Site in the future. The plan shall include the following:

(1) A review of each option considered for such disposal.

(2) An identification of the preferred option for such disposal.

(3) With respect to the facilities for such disposal that are required by the Department of Energy's Record of Decision for the Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic Environmental Impact Statement dated January 14, 1997—

(A) a statement of the cost of construction and operation of such facilities;

(B) a schedule for the expeditious construction of such facilities, including milestones; and

(C) a firm schedule for funding the cost of such facilities.

(4) A specification of the means by which all such defense plutonium and defense plutonium materials will be removed in a timely manner from the Savannah River Site for storage or disposal elsewhere.

(d) PLAN FOR ALTERNATIVE DISPOSITION.—If the Secretary determines not to proceed at the Savannah River Site with construction of the plutonium immobilization plant, or with the mixed oxide fuel fabrication facility, the Secretary shall prepare a plan that identifies a disposition path for all defense plutonium and defense plutonium materials that would otherwise have been disposed of at such plant or such facility, as applicable.

(e) SUBMISSION OF PLANS.—Not later than February 1, 2002, the Secretary shall submit to Congress the plan required by subsection (c) (and the plan prepared under subsection (d), if applicable).

(f) LIMITATION ON PLUTONIUM SHIPMENTS.—If the Secretary does not submit to Congress the plan required by subsection (c) (and the plan prepared under subsection (d), if applicable) by February 1, 2002, the Secretary shall be prohibited from shipping defense plutonium or defense plutonium materials to the Savannah River Site during the period beginning on February 1, 2002, and ending on the date on which such plans are submitted to Congress.

(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit or limit the Secretary from shipping defense plutonium or defense plutonium materials to sites other than the Savannah River Site during the period referred to in subsection (f) or any other period.

(h) ANNUAL REPORT ON FUNDING FOR FISSILE MATERIALS DISPOSITION ACTIVITIES.—The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report setting forth the extent to which amounts requested for the Department for such fiscal year for fissile materials disposition activities will enable the Department to meet commitments for the disposition of surplus defense plutonium and defense plutonium materials located at the Savannah River Site, and for any other fissile materials disposition activities, in such fiscal year.

SEC. 3156. MODIFICATION OF DATE OF REPORT OF PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.

Section 3159(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 42 U.S.C. 2121 note) is amended by striking ''of each year, beginning with 1999,'' and inserting ''of 1999 and 2000, and not later than February 1, 2002,''.

Subtitle F—Rocky Flats National Wildlife Refuge

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the ''Rocky Flats National Wildlife Refuge Act of 2001''.

SEC. 3172. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The majority of the Rocky Flats site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the Rocky Flats site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure of the site;

(2) to create a process for public input on the management of the refuge referred to in paragraph (1) before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

SEC. 3173. DEFINITIONS.

In this subtitle:

(1) CERCLA.—The term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(2) CLEANUP AND CLOSURE.—The term ''cleanup and closure'' means the response actions for covered substances carried out at Rocky Flats, as required by any of the following:

(A) The RFCA.

(B) CERCLA.

(C) RCRA.

(D) The Colorado Hazardous Waste Act, 25–15–101 to 25–15–327, Colorado Revised Statutes.

(3) COVERED SUBSTANCE.—The term ''covered substance'' means any of the following:

(A) Any hazardous substance, as such term is defined in paragraph (14) of section 101 of CERCLA (42 U.S.C. 9601).

(B) Any pollutant or contaminant, as such term is defined in paragraph (33) of such section 101.

(C) Any petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of paragraph (14) of such section 101.

(4) RCRA.—The term ''RCRA'' means the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), popularly known as the Resource Conservation and Recovery Act.

(5) REFUGE.—The term ''refuge'' means the Rocky Flats National Wildlife Refuge established under section 3177.

(6) RESPONSE ACTION.—The term ''response action'' means any of the following:

(A) A response, as such term is defined in paragraph (25) of section 101 of CERCLA (42 U.S.C. 9601).

(B) A corrective action under RCRA or under the Colorado Hazardous Waste Act, 25–15–101 to 25–15–327, Colorado Revised Statutes.

(C) Any requirement for institutional controls imposed by any of the laws referred to in subparagraph (A) or (B).

(7) RFCA.—The term ''RFCA'' means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(A) the Department of Energy;

(B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) ROCKY FLATS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Rocky Flats'' means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map titled ''Rocky Flats Environmental Technology Site'', dated October 22, 2001, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) EXCLUSIONS.—The term ''Rocky Flats'' does not include—

(i) the land and facilities of the Department of Energy's National Renewable Energy Laboratory, including the acres retained by the Secretary under section 3174(f); and

(ii) any land and facilities not within the boundaries depicted on the map referred to in subparagraph (A).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.

(a) FEDERAL OWNERSHIP.—Except as expressly provided in this subtitle, all right, title, and interest of the United States, held on or acquired after the date of the enactment of this Act, to land or interest therein, including minerals, within the boundaries of Rocky Flats shall be retained by the United States.

(b) LINDSAY RANCH.—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3173(8)(A), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) PROHIBITION ON ANNEXATION.—Neither the Secretary nor the Secretary of the Interior shall allow the annexation of land within the refuge by any unit of local government.

(d) PROHIBITION ON THROUGH ROADS.—Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) TRANSPORTATION RIGHT-OF-WAY.—

(1) IN GENERAL.—

(A) AVAILABILITY OF LAND.—On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) BOUNDARIES.—Land made available under this paragraph may not extend more than 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of the enactment of this Act.

(C) EASEMENT OR SALE.—Land may be made available under this paragraph by easement or sale to one or more appropriate entities.

(D) COMPLIANCE WITH APPLICABLE LAW.—Any action under this paragraph shall be taken in compliance with applicable law.

(2) CONDITIONS.—An application referred to in paragraph (1) meets the conditions specified in this paragraph if the application—

(A) is submitted by any county, city, or other political subdivision of the State of Colorado; and

(B) includes documentation demonstrating that the transportation improvements for which the land is to be made available—

(i) are carried out so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge; and

(ii) are included in the regional transportation plan of the metropolitan planning organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

(f) WIND TECHNOLOGY EXPANSION AREA.—The Secretary shall retain, for the use of the National Renewable Energy Laboratory, the approximately 25 acres identified on the map referred to in section 3173(8)(A) as the ''Wind Technology Expansion Area''.

SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.

(a) TRANSFER REQUIRED.—

(1) IN GENERAL.—Subject to the other provisions of this section, the Secretary shall transfer administrative jurisdiction over the property that is to comprise the refuge to the Secretary of the Interior.

(2) DATE OF TRANSFER.—The transfer shall be carried out not earlier than the completion certification date, and not later than 30 business days after that date.

(3) COMPLETION CERTIFICATION DATE.—For purposes of paragraph (2), the completion certification date is the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Secretary of the Interior that cleanup and closure at Rocky Flats has been completed, except for the operation and maintenance associated with response actions, and that all response actions are operating properly and successfully.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIRED ELEMENTS.—The transfer required by subsection (a) shall be carried out pursuant to a memorandum of understanding between the Secretary and the Secretary of the Interior. The memorandum of understanding shall—

(A) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out such transfer;

(B) address the impacts that any property rights referred to in section 3179(a) may have on the management of the refuge, and provide strategies for resolving or mitigating these impacts;

(C) identify the land the administrative jurisdiction of which is to be transferred to the Secretary of the Interior; and

(D) specify the allocation of the Federal costs incurred at the refuge after the date of such transfer for any site investigations, response actions, and related activities for covered substances.

(2) PUBLICATION OF DRAFT.—Not later than one year after the date of the enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft of the memorandum of understanding.

(3) FINALIZATION AND IMPLEMENTATION.—

(A) Not later than 18 months after the date of the enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(B) In finalizing the memorandum of understanding, the Secretary and Secretary of the Interior shall specifically identify the land the administrative jurisdiction of which is to be transferred to the Secretary of the Interior and provide for a determination of the exact acreage and legal description of such land by a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(c) TRANSFER OF IMPROVEMENTS.—The transfer required by subsection (a) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for purposes of managing the refuge.

(d) PROPERTY RETAINED FOR RESPONSE ACTIONS.—

(1) IN GENERAL.—The transfer required by subsection (a) shall not include, and the Secretary shall retain jurisdiction, authority, and control over, the following real property and facilities at Rocky Flats:

(A) Any engineered structure, including caps, barrier walls, and monitoring or treatment wells, to be used in carrying out a response action for covered substances.

(B) Any real property or facility to be used for any other purpose relating to a response action or any other action that is required to be carried out by the Secretary at Rocky Flats.

(2) CONSULTATION.—The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Governor of the State of Colorado on the identification of all real property and facilities to be retained under this subsection.

(e) COST.—The transfer required by subsection (a) shall be completed without cost to the Secretary of the Interior.

(f) NO REDUCTION IN FUNDS.—The transfer required by subsection (a), and the memorandum of understanding required by subsection (b), shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

SEC. 3176. ADMINISTRATION OF RETAINED PROPERTY; CONTINUATION OF CLEANUP AND CLOSURE.

(a) ADMINISTRATION OF RETAINED PROPERTY.—

(1) IN GENERAL.—In administering the property retained under section 3175(d), the Secretary shall consult with the Secretary of the Interior to minimize any conflict between—

(A) the administration by the Secretary of such property for a purpose relating to a response action; and

(B) the administration by the Secretary of the Interior of land the administrative jurisdiction of which is transferred under section 3175(a).

(2) PRIORITY IN CASE OF CONFLICT.—In the case of any such conflict, the Secretary and the Secretary of the Interior shall ensure that the administration for a purpose relating to a response action, as described in paragraph (1)(A), shall take priority.

(3) ACCESS.—The Secretary of the Interior shall provide to the Secretary such access and cooperation with respect to the refuge as the Secretary requires to carry out operation and maintenance, future response actions, natural resources restoration, or any other obligations.

(b) ONGOING CLEANUP AND CLOSURE.—

(1) IN GENERAL.—The Secretary shall carry out to completion cleanup and closure at Rocky Flats.

(2) CLEANUP LEVELS.—The Secretary shall carry out such cleanup and closure to the levels established for soil, water, and other media, following a thorough review by the parties to the RFCA and the public (including the United States Fish and Wildlife Service and other interested government agencies) of the appropriateness of the interim levels in the RFCA.

(3) NO RESTRICTION ON USE OF NEW TECHNOLOGIES.—Nothing in this subtitle, and no action taken under this subtitle, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

(c) OPPORTUNITY TO COMMENT.—The Secretary of the Interior shall have the opportunity to comment with respect to any proposed response action as to the impacts, if any, of such proposed response action on the refuge.

(d) RULES OF CONSTRUCTION.—

(1) NO RELIEF FROM OBLIGATIONS UNDER OTHER LAW.—Nothing in this subtitle, and no action taken under this subtitle—

(A) relieves the Secretary, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any Federal or State law;

(B) impairs or alters any provision of the RFCA; or

(C) alters any authority of the Administrator of the Environmental Protection Agency under section 120(e) of CERCLA (42 U.S.C. 9620(e)), or any authority of the State of Colorado.

(2) CLEANUP LEVELS.—Nothing in this subtitle shall reduce the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(3) PAYMENT OF RESPONSE ACTION COSTS.—Nothing in this subtitle affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a covered substance to pay the costs of response actions carried out to abate the release of, or clean up, the covered substance.

SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—On completion of the transfer required by section 3175(a), and subject to section 3176(a), the Secretary of the Interior shall commence administration of the real property comprising the refuge in accordance with this subtitle.

(b) ESTABLISHMENT OF REFUGE.—Not later than 30 days after the transfer required by section 3175(a), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the Rocky Flats National Wildlife Refuge.

(c) COMPOSITION.—The refuge shall be comprised of the property the administrative jurisdiction of which was transferred as required by section 3175(a).

(d) NOTICE.—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

(e) ADMINISTRATION AND PURPOSES.—

(1) IN GENERAL.—The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) REFUGE PURPOSES.—The refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)); and

(D) providing opportunities for compatible scientific research.

(3) MANAGEMENT.—In managing the refuge, the Secretary of the Interior shall—

(A) ensure that wildlife-dependent recreation and environmental education and interpretation are the priority public uses of the refuge; and

(B) comply with all response actions.

SEC. 3178. COMPREHENSIVE PLANNING PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, in developing a comprehensive conservation plan for the refuge in accordance with section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior shall establish a comprehensive planning process that involves the public and local communities. The Secretary of the Interior shall establish such process in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Federal and State of Colorado officials who have been designated as trustees for Rocky Flats under section 107(f)(2) of CERCLA (42 U.S.C. 9607(f)(2)).

(b) OTHER PARTICIPANTS.—In addition to the entities specified in subsection (a), the comprehensive planning process required by subsection (a) shall include the opportunity for direct involvement of entities that are not members of the Coalition as of the date of the enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) DISSOLUTION OF COALITION.—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive planning process required by subsection (a)—

(1) such comprehensive planning process shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in such comprehensive planning process.

(d) CONTENTS.—In addition to the requirements of section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive conservation plan referred to in subsection (a) shall address and make recommendations on the following:

(1) The identification of any land referred to in subsection (e) of section 3174 that could be made available under that subsection.

(2) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure purposes, refuge purposes, or other purposes.

(3) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(4) Any other issues relating to Rocky Flats.

(e) COALITION DEFINED.—In this section, the term ''Coalition'' means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

(1) the city of Arvada, Colorado;

(2) the city of Boulder, Colorado;

(3) the city of Broomfield, Colorado;

(4) the city of Westminster, Colorado;

(5) the town of Superior, Colorado;

(6) Boulder County, Colorado; and

(7) Jefferson County, Colorado.

(f) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress—

(1) the comprehensive conservation plan referred to in subsection (a); and

(2) a report that contains—

(A) an outline of the involvement of the public and local communities in the comprehensive planning process, as required by subsection (a);

(B) to the extent that any input or recommendation from the comprehensive planning process is not accepted, a clear statement of the reasons why such input or recommendation is not accepted; and

(C) a discussion of the impacts of any property rights referred to in section 3179(a) on management of the refuge, and an identification of strategies for resolving and mitigating these impacts.

SEC. 3179. PROPERTY RIGHTS.

(a) IN GENERAL.—Except as provided in subsections (c) and (d), nothing in this subtitle limits any valid, existing property right at Rocky Flats that is owned by any person or entity, including, but not limited to—

(1) any mineral right;

(2) any water right or related easement; and

(3) any facility or right-of-way for a utility.

(b) ACCESS.—Except as provided in subsection (c), nothing in this subtitle affects any right of an owner of a property right referred to in subsection (a) to access the owner's property.

(c) REASONABLE CONDITIONS.—

(1) IN GENERAL.—The Secretary or the Secretary of the Interior may impose such reasonable conditions on access to property rights referred to in subsection (a) as are appropriate for the cleanup and closure of Rocky Flats and for the management of the refuge.

(2) NO EFFECT ON OTHER LAW.—Nothing in this subtitle affects any Federal, State, or local law (including any regulation) relating to the use, development, and management of property rights referred to in subsection (a).

(3) NO EFFECT ON ACCESS RIGHTS.—Nothing in this subsection precludes the exercise of any access right, in existence on the date of the enactment of this Act, that is necessary to perfect or maintain a water right in existence on that date.

(d) UTILITY EXTENSION.—

(1) IN GENERAL.—The Secretary or the Secretary of the Interior may allow not more than one extension from an existing utility right-of-way on Rocky Flats, if necessary.

(2) CONDITIONS.—An extension under paragraph (1) shall be subject to the conditions specified in subsection (c).

(e) EASEMENT SURVEYS.—Subject to subsection (c), until the date that is 180 days after the date of the enactment of this Act, an entity that possesses a decreed water right or prescriptive easement relating to land at Rocky Flats may carry out such surveys at Rocky Flats as the entity determines are necessary to perfect the right or easement.

SEC. 3180. LIABILITIES AND OTHER OBLIGATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall relieve, and no action may be taken under this subtitle to relieve, the Secretary, the Secretary of the Interior, or any other person from any liability or other obligation at Rocky Flats under CERCLA, RCRA, or any other Federal or State law.

(b) COST RECOVERY, CONTRIBUTION, AND OTHER ACTION.—Nothing in this subtitle is intended to prevent the United States from bringing a cost recovery, contribution, or other action that would otherwise be available under Federal or State law.

SEC. 3181. ROCKY FLATS MUSEUM.

(a) MUSEUM.—To commemorate the contribution that Rocky Flats and its worker force provided to winning the Cold War and the impact that such contribution has had on the nearby communities and the State of Colorado, the Secretary may establish a Rocky Flats Museum.

(b) LOCATION.—The Rocky Flats Museum shall be located in the city of Arvada, Colorado, unless, after consultation under subsection (c), the Secretary determines otherwise.

(c) CONSULTATION.—The Secretary shall consult with the city of Arvada, other local communities, and the Colorado State Historical Society on—

(1) the development of the museum;

(2) the siting of the museum; and

(3) any other issues relating to the development and construction of the museum.

(d) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary, in coordination with the city of Arvada, shall submit to Congress a report on the costs associated with the construction of the museum and any other issues relating to the development and construction of the museum.

SEC. 3182. ANNUAL REPORT ON FUNDING.

For each of fiscal years 2003 through 2007, at the time of submission of the budget of the President under section 1105(a) of title 31, United States Code, for such fiscal year, the Secretary and the Secretary of the Interior shall jointly submit to Congress a report on the costs of implementation of this subtitle. The report shall include—

(1) the costs incurred by each Secretary in implementing this subtitle during the preceding fiscal year; and

(2) the funds required by each Secretary to implement this subtitle during the current and subsequent fiscal years.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2002, $18,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.
Sec. 3304. Revision of limitations on required disposals of certain materials in National Defense Stockpile.

Sec. 3305. Acceleration of required disposal of cobalt in National Defense Stockpile.
Sec. 3306. Restriction on disposal of manganese ferro.

SEC. 3301. DEFINITIONS.

In this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

(3) The term ''Market Impact Committee'' means the Market Impact Committee appointed under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(c)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2002, the National Defense Stockpile Manager may obligate up to $65,200,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials contained in the National Defense Stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Bauxite	40,000 short tons
Chromium Metal	3,512 short tons
Iridium	25,140 troy ounces
Jewel Bearings	30,273,221 pieces
Manganese Ferro HC	209,074 short tons
Palladium	11 troy ounces
Quartz Crystal	216,648 pounds
Tantalum Metal Ingot	120,228 pounds contained
Tantalum Metal Powder	36,020 pounds contained
Thorium Nitrate	600,000 pounds.

(b) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

SEC. 3304. REVISION OF LIMITATIONS ON REQUIRED DISPOSALS OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) PUBLIC LAW 105–261.—Section 3303 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note) is amended—

(1) in subsection (a)—

(A), by striking ''the amount of—'' and inserting ''total amounts not less than—'';

(B) by striking ''and'' at the end of paragraph (3); and

(C) by striking paragraph (4) and inserting the following new paragraphs:

''(4) $760,000,000 by the end of fiscal year 2005; and

''(5) $770,000,000 by the end of fiscal year 2011.''; and

(2) in subsection (b)(2), by striking ''receipts in the amounts specified in subsection (a)'' and inserting ''receipts in the total amount specified in subsection (a)(5)''.

(b) PUBLIC LAW 105–85.—Section 3305 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note) is amended—

(1) in subsection (a), by striking ''amounts equal to—'' and inserting ''total amounts not less than—''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following new paragraph:

''(2) The President may not dispose of cobalt under this section in fiscal year 2006 in excess of the disposals necessary to result in receipts during that fiscal year in the total amount specified in subsection (a)(5).''.

(c) PUBLIC LAW 104–201.—Section 3303 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 50 U.S.C. 98d note) is amended—

(1) in subsection (a), by striking ''amounts equal to—'' and inserting ''total amounts not less than—''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following new paragraph:

''(2) The President may not dispose of materials under this section during the 10-fiscal year period referred to in subsection (a)(2) in excess of the disposals necessary to result in receipts during that period in the total amount specified in such subsection.''.

SEC. 3305. ACCELERATION OF REQUIRED DISPOSAL OF COBALT IN NATIONAL DEFENSE STOCKPILE.

Section 3305(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as amended by section 3304(b) of this Act, is amended—

(1) in paragraph (1), by striking ''2003'' and inserting ''2002'';

(2) in paragraph (2), by striking ''2004'' and inserting ''2003'';

(3) in paragraph (3), by striking ''2005'' and inserting ''2004'';

(4) in paragraph (4), by striking ''2006'' and inserting ''2005''; and

(5) in paragraph (5), by striking ''2007'' and inserting ''2006''.

SEC. 3306. RESTRICTION ON DISPOSAL OF MANGANESE FERRO.

(a) TEMPORARY QUANTITY RESTRICTIONS.—During fiscal years 2002 through 2005, the disposal of manganese ferro in the National Defense Stockpile may not exceed the following quantities:

(1) During fiscal year 2002, 25,000 short tons of all grades of manganese ferro.

(2) During fiscal year 2003, 25,000 short tons of high carbon manganese ferro of the highest grade.

(3) During each of the fiscal years 2004 and 2005, 50,000 short tons of high carbon manganese ferro of the highest grade.

(b) CONFORMING AMENDMENT.—Section 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) is repealed.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $17,371,000 for fiscal year 2002 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2002.
Sec. 3502. Define ''war risks'' to vessels to include confiscation, expropriation, nationalization, and deprivation of the vessels.
Sec. 3503. Holding obligor's cash as collateral under title XI of Merchant Marine Act, 1936.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002.

Funds are hereby authorized to be appropriated for fiscal year 2002, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $89,054,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $103,978,000, of which—

(A) $100,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,978,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $10,000,000.

SEC. 3502. DEFINE "WAR RISKS" TO VESSELS TO INCLUDE CONFISCATION, EXPROPRIATION, NATIONALIZATION, AND DEPRIVATION OF THE VESSELS.

Section 1201(c) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1281(c)) is amended to read as follows:

''(c) The term 'war risks' includes to such extent as the Secretary may determine—

''(1) all or any part of any loss that is excluded from marine insurance coverage under a 'free of capture or seizure' clause, or under analogous clauses; and

''(2) other losses from hostile acts, including confiscation, expropriation, nationalization, or deprivation.''.

SEC. 3503. HOLDING OBLIGOR'S CASH AS COLLATERAL UNDER TITLE XI OF MERCHANT MARINE ACT, 1936.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended by inserting after section 1108 the following:

"SEC. 1109. DEPOSIT FUND.

''(a) ESTABLISHMENT OF DEPOSIT FUND.—There is established in the Treasury a deposit fund for purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor to serve

as collateral for a guarantee under this title made with respect to the obligor.

''(b) AGREEMENT.—

''(1) IN GENERAL.—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, use, and reinvestment of cash of the obligor held in the deposit fund established by subsection (a).

''(2) TERMS.—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

''(3) SECURITY INTEREST OF UNITED STATES.—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

''(c) INVESTMENT.—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b). Cash balances of the deposit fund in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

''(d) WITHDRAWALS.—

''(1) IN GENERAL.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

''(2) USE OF INCOME.—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

''(3) RETENTION AGAINST DEFAULT.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary's recovery against the obligor in case of a default by the obligor on an obligation.''.

And the House agree to the same.

From the Committee on Armed Services, for consideration of the Senate Bill and the House amendment, and modifications committed to conference:

BOB STUMP,
DUNCAN HUNTER,
JAMES V. HANSEN,
CURT WELDON,
JIM SAXTON,
JOHN M. MCHUGH,
TERRY EVERETT,
ROSCOE G. BARTLETT,
HOWARD ''BUCK'' MCKEON,
J.C. WATTS, Jr.,
MAC THORNBERRY,
SAXBY CHAMBLISS,
IKE SKELTON,
SOLOMON P. ORTIZ,
LANE EVANS,
NEIL ABERCROMBIE,
MARTIN T. MEEHAN,
ROBERT A. UNDERWOOD,
THOMAS ALLEN,
VIC SNYDER,

From the Committee on Education and the Workforce, for consideration of secs. 304, 305, 1123, 3151, and 3157 of the Senate bill, and secs. 341, 342, 509, and 584 of the House amendment, and modifications committed to conference:

MICHAEL N. CASTLE,
JOHNNY ISAKSON,
GEORGE MILLER,

From the Committee on Government Reform, for consideration of secs. 564, 622, 803, 813, 901, 1044, 1047, 1051, 1065, 1075, 1102, 1111–1113, 1124–1126, 2832, 3141, 3144, and 3153 of the Senate bill, and secs. 333, 519, 588, 802, 803, 811–819, 1101, 1103–1108, 1110, and 3132 of the House amendment, and modifications committed to conference:

DAN BURTON,
DAVE WELDON,
HENRY A. WAXMAN,

Provided that Mr. Tom Davis of Virginia is appointed in lieu of Mr. Weldon of Florida for consideration of secs. 803 and 2832 of the Senate bill, and secs. 333 and 803 of the House amendment, and modifications committed to conference:

TOM DAVIS,

Provided that Mr. Horn is appointed in lieu of Mr. Weldon of Florida for consideration of secs. 811–819 of the House amendment, and modifications committed to conference:

STEPHEN HORN,

From the Committee on House Administration, for consideration of secs. 572, 574–577, and 579 of the Senate bill, and sec. 552 of the House amendment, and modifications committed to conference:

ROBERT W. NEY,
JOHN L. MICA,

From the Committee on International Relations, for consideration of secs. 331, 333, 1201–1205, and 1211–1218 of the Senate bill, and secs. 1011, 1201, 1202, 1205, and 1209, title XIII, and sec. 3133 of the House amendment, and modifications committed to conference:

HENRY HYDE,
BEN GILMAN,
TOM LANTOS,

From the Committee on the Judiciary, for consideration of secs. 821, 1066, and 3151 of the Senate bill, and secs. 323 and 818 of the House amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
LAMAR SMITH,

From the Committee on Resources, for consideration of secs. 601, 663, 2823, and 3171–3181 of the Senate bill, and secs. 601, 1042, 2841, 2845, 2861–2863, and 2865 and title XXIX of the House amendment, and modifications committed to conference:

JIM GIBBONS,
GEORGE RADANOVICH,

Provided that Mr. Udall of Colorado is appointed in lieu of Mr. Rahall for consideration of secs. 3171–3181 of the Senate bill, and modifications committed to conference:

MARK UDALL,

From the Committee on Science, for consideration of secs. 1071 and 1124 of the Senate bill, and modifications committed to conference:

SHERWOOD BOEHLERT,
NICK SMITH,
RALPH M. HALL,

Provided that Mr. Ehlers is appointed in lieu of Mr. Smith of Michigan for consideration of sec. 1124 of the Senate bill, and modifications committed to conference:

VERNON J. EHLERS,

From the Committee on Small Business, for consideration of secs. 822–824 and 1068 of the Senate bill, and modifications committed to conference:

DONALD A. MANZULO,
LARRY COMBEST,

From the Committee on Transportation and Infrastructure, for consideration of secs. 563, 601, and 1076 of the Senate bill, and secs. 543, 544, 601, 1049, and 1053 of the House amendment, and modifications committed to conference:

DON YOUNG,
FRANK A. LOBIONDO,
CORRINE BROWN,

Provided that Mr. Pascrell is appointed in lieu of Ms. Brown of Florida for consideration of sec. 1049 of the House amendment, and modifications committed to conference:

BILL PASCRELL, Jr.,

From the Committee on Veterans' Affairs, for consideration of secs. 538, 539, 573, 651, 717, and 1064 of the Senate bill, and sec. 641 of the House amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,
(except sec. 641 of House amendment and secs. 539 and 651 of Senate bill),
MIKE BILIRAKIS,

Managers on the Part of the House.

CARL LEVIN,
TED KENNEDY,
JOSEPH LIEBERMAN,
MAX CLELAND,
MARY LANDRIEU,
JACK REED,
DANIEL K. AKAKA,
BILL NELSON,
BEN NELSON,
JEAN CARNAHAN,
MARK DAYTON,
JEFF BINGAMAN,
JOHN WARNER,
STROM THURMOND,
BOB SMITH,
JIM INHOFE,
RICK SANTORUM,
PAT ROBERTS,
WAYNE ALLARD
TIM HUTCHINSON,
JEFF SESSIONS,
SUSAN COLLINS,
JIM BUNNING,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1438), to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorization of appropriations for fiscal year 2002 for the Department of Defense for procurement; research and development; test and evaluation; operation and maintenance; working capital funds; military construction and family housing; and for weapons and environmental restoration programs of the Department of Energy, that have a budget authority implication of $343.3 billion for the national defense function.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is provided in appropriations acts.

In order to relate the conference recommendations to the Budget Resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the

national defense function are authorized permanently or, in certain instances, authorized in other annual legislation.

The following table summarizes authorizations included in the bill for fiscal year 2002 and, in addition, summarizes the implications of the conference action for the budget authority totals for national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization	Budget Authority Implication: FY 2002 Request	House Authorization	Senate Authorization	Conference Change to Request	Conference Authorization
DIVISION A										
Title I -- PROCUREMENT										
Aircraft Procurement, Army	1,925,491	1,987,491	2,123,391	149,881	2,075,372	1,925,491	1,987,491	2,123,391	149,881	2,075,372
Missile Procurement, Army	1,859,634	1,097,286	1,807,384	(772,680)	1,086,954	1,859,634	1,097,286	1,807,384	(772,680)	1,086,954
Procurement of W&TCV, Army	2,276,746	2,367,046	2,276,746	71,399	2,348,145	2,276,746	2,367,046	2,276,746	71,399	2,348,145
Procurement of Ammunition, Army	1,193,365	1,208,565	1,187,565	(6,132)	1,187,233	1,193,365	1,208,565	1,187,565	(6,132)	1,187,233
Other Procurement, Army	3,961,737	4,143,986	4,024,486	82,343	4,044,080	3,961,737	4,143,986	4,024,486	82,343	4,044,080
Aircraft Procurement, Navy	8,252,543	8,337,243	8,169,043	70,604	8,323,147	8,252,543	8,337,243	8,169,043	70,604	8,323,147
Weapons Procurement, Navy	1,433,475	1,476,692	1,503,475	50,846	1,484,321	1,433,475	1,476,692	1,503,475	50,846	1,484,321
Shipbuilding & Conversion, Navy	9,344,121	9,378,221	9,522,121	26,851	9,370,972	9,344,121	9,378,221	9,522,121	26,851	9,370,972
Other Procurement, Navy	4,097,576	4,157,313	4,293,476	184,895	4,282,471	4,097,576	4,157,313	4,293,476	184,895	4,282,471
Procurement, Marine Corps	981,724	1,025,624	981,724	32,913	1,014,637	981,724	1,025,624	981,724	32,913	1,014,637
Procurement of Ammunition, Navy & Marine Corps	457,099	463,507	476,099	9,808	466,907	457,099	463,507	476,099	9,808	466,907
Aircraft Procurement, Air Force	10,744,458	10,705,687	10,892,957	44,709	10,789,167	10,744,458	10,705,687	10,892,957	44,709	10,789,167
Procurement of Ammunition, Air Force	865,344	871,344	885,344	16,500	881,844	865,344	871,344	885,344	16,500	881,844
Missile Procurement, Air Force	3,233,536	3,226,336	3,286,436	(10,900)	3,222,636	3,233,536	3,226,336	3,286,436	(10,900)	3,222,636
Other Procurement, Air Force	8,159,521	8,250,821	8,081,721	36,500	8,196,021	8,159,521	8,250,821	8,081,721	36,500	8,196,021
Procurement, Defense-Wide	1,603,927	2,267,346	1,596,725	675,555	2,279,482	1,603,927	2,267,346	1,596,725	675,555	2,279,482
National Guard & Reserve Equipment		0	0	0	0		0	0		0
Defense Inspector General	1,800	1,800	2,800	1,000	2,800		0	1,000	1,000	1,000
Defense Production Act Purchases	0	0	4,000	0	0	50,000	50,000	54,000	0	50,000
Chemical Agents & Munitions Destruction, Army	1,153,557	0	0	(1,153,557)	0	1,153,557	0	0	(1,153,557)	0
Chemical Agents & Munitions Destruction, Defense		1,078,557	1,153,557	1,153,557	1,153,557		1,078,557	1,153,557	1,153,557	1,153,557
Defense Health Program	267,915	267,915	267,915	0	267,915		0		0	0
TOTAL PROCUREMENT	**61,813,569**	**62,312,780**	**62,536,665**	**664,092**	**62,477,661**	**61,593,854**	**62,093,065**	**62,316,950**	**664,092**	**62,257,946**
Title II -- RESEARCH, DEVELOPMENT, TEST & EVALUATION										
RDT&E, Army	6,693,920	6,749,025	6,901,670	(18,595)	6,675,325	6,693,920	6,749,025	6,901,670	(18,595)	6,675,325
RDT&E, Navy	11,123,389	10,863,274	11,134,806	(339,125)	10,784,264	11,123,389	10,863,274	11,134,806	(339,125)	10,784,264
RDT&E, Air Force	14,343,982	14,485,653	14,459,457	63,205	14,407,187	14,343,982	14,485,653	14,459,457	63,205	14,407,187
RDT&E, Defense-Wide	15,050,787	15,109,623	13,878,747	(678,147)	14,372,640	15,050,787	15,109,623	13,878,747	(678,147)	14,372,640
Developmental Test & Evaluation, Defense		0	0	0	0		0	0		0
Operational Test & Evaluation	217,355	217,355	227,855	4,000	221,355	217,355	217,355	227,855	4,000	221,355
Defense Health Program	65,304	65,304	65,304	0	65,304		0	0		0
TOTAL RDT&E	**47,494,737**	**47,490,234**	**46,667,839**	**(968,662)**	**46,526,075**	**47,429,433**	**47,424,930**	**46,602,535**	**(968,662)**	**46,460,771**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

Title III -- OPERATION AND MAINTENANCE	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization	Budget Authority Implication: FY 2002 Request	House Authorization	Senate Authorization	Conference Change to Request	Conference Authorization
Operation and Maintenance, Army	21,191,680	21,015,280	21,146,882	(538,439)	20,653,241	21,191,680	21,015,280	21,146,882	(538,439)	20,653,241
Operation and Maintenance, Navy	26,961,382	26,587,962	26,927,931	(500,083)	26,461,299	26,961,382	26,587,962	26,927,931	(500,083)	26,461,299
Operation and Maintenance, Marine Corps	2,892,314	2,898,114	2,911,339	(19,790)	2,872,524	2,892,314	2,898,114	2,911,339	(19,790)	2,872,524
Operation and Maintenance, Air Force	26,146,770	25,811,462	25,993,582	(548,003)	25,598,767	26,146,770	25,811,462	25,993,582	(548,003)	25,598,767
Operation and Maintenance, Defense-Wide	12,518,631	11,690,031	12,470,732	(569,045)	11,949,586	12,518,631	11,690,031	12,470,732	(569,045)	11,949,586
Operation and Maintenance, Army Reserve	1,787,246	1,814,246	1,803,146	36,900	1,824,146	1,787,246	1,814,246	1,803,146	36,900	1,824,146
Operation and Maintenance, Navy Reserve	1,003,690	1,003,690	1,000,369	(3,640)	1,000,050	1,003,690	1,003,690	1,000,369	(3,640)	1,000,050
Operation and Maintenance, Marine Corps Reserve	144,023	144,023	142,956	(1,170)	142,853	144,023	144,023	142,956	(1,170)	142,853
Operation and Maintenance, Air Force Reserve	2,029,866	2,017,866	2,029,866	0	2,029,866	2,029,866	2,017,866	2,029,866	0	2,029,866
Operation and Maintenance, Army National Guard	3,677,359	3,705,359	3,697,659	19,200	3,696,559	3,677,359	3,705,359	3,697,659	19,200	3,696,559
Operation and Maintenance, Air National Guard	3,867,361	3,967,361	4,037,161	100,000	3,967,361	3,867,361	3,967,361	4,037,161	100,000	3,967,361
Office of the Inspector General	150,221	152,021	149,221	(1,000)	149,221	152,021	153,821	151,021	(1,000)	151,021
US Court of Appeals, Armed Forces	9,096	9,096	9,096	0	9,096	9,096	9,096	9,096		9,096
Environmental Restoration, Army	389,800	389,800	389,800	0	389,800	389,800	389,800	389,800		389,800
Environmental Restoration, Navy	257,517	257,517	257,517	0	257,517	257,517	257,517	257,517		257,517
Environmental Restoration, Air Force	385,437	385,437	385,437	0	385,437	385,437	385,437	385,437		385,437
Environmental Restoration, Defense	23,492	23,492	23,492	0	23,492	23,492	23,492	23,492		23,492
Environmental Restoration, Formerly Used Defense Sites	190,255	190,255	230,255	40,000	230,255	190,255	190,255	230,255	40,000	230,255
General Reduction, Title III			(40,000)	0	0			(40,000)		0
Overseas Humanitarian, Disaster & Civic Aid	49,700	49,700	49,700	0	49,700	49,700	49,700	49,700		49,700
Drug Interdiction & Counter-Drug Activities, Defense	820,381	820,381	860,381	0	820,381	820,381	820,381	860,381		820,381
Payment to Kaho'olawe Island Fund	25,000	25,000	60,000	15,000	40,000	25,000	25,000	60,000	15,000	40,000
Defense Health Program	17,565,750	17,570,750	17,546,750	5,000	17,570,750	17,898,969	17,903,969	17,879,969	5,000	17,903,969
Cooperative Threat Reduction	403,000	403,000	403,000	0	403,000	403,000	403,000	403,000		403,000
Overseas Contingency Operations Transfer Fund	2,844,226	2,844,226	2,844,226	0	2,844,226	2,844,226	2,844,226	2,844,226		2,844,226
Support for International Sporting Competitions	15,800	15,800	15,800	0	15,800	15,800	15,800	15,800		15,800
Utilities Adjustment				(125,000)	(125,000)	0	0	0	(125,000)	(125,000)
Restoration of Rocky Mountain Arsenal	0	0	0	0	0	6,000	6,000	6,000		6,000
Kaho'olawe Island Environmental Restoration	0	0	0	0	0	25,000	25,000	25,000		25,000
Disposal of DoD Real Property	0	0	0	0	0	8,389	8,389	8,389		8,389
Lease of DoD Real Property	0	0	0	0	0	8,407	8,407	8,407		8,407
National Science Center, Army	0	0	0	0	0	30	30	30		30
DoD Overseas Military Facility Investment Recovery	0	0	0	0	0	3,300	3,300	3,300		3,300
Defense Burdensharing - Allies/NATO	0	0	0	0	0	210,000	210,000	210,000		210,000
TOTAL OPERATION AND MAINTENANCE	125,349,997	123,791,869	125,346,298	(2,090,070)	123,259,927	125,946,142	124,388,014	125,942,443	(2,090,070)	123,856,072

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization	Budget Authority Implication: FY 2002 Request	House Authorization	Senate Authorization	Conference Change to Request	Conference Authorization
REVOLVING AND MANAGEMENT FUNDS										
Defense Working Capital Fund, Army	170,000	170,000	170,000	0	170,000	170,000	170,000	170,000		170,000
Defense Working Capital Fund, Air Force	36,786	36,786	36,786	0	36,786	36,786	36,786	36,786		36,786
Defense Working Capital Fund, Defense Agencies	641,900	641,900	591,600	(295,590)	346,310	641,900	641,900	591,600	(295,590)	346,310
National Defense Sealift Fund	506,408	407,708	506,408	(98,700)	407,708	506,408	407,708	506,408	(98,700)	407,708
Defense Working Capital Fund, DECA	1,103,300	1,103,300	1,103,300	0	1,103,300	1,103,300	1,103,300	1,103,300		1,103,300
TOTAL REVOLVING AND MANAGEMENT FUNDS	2,458,394	2,359,694	2,408,094	(394,290)	2,064,104	2,458,394	2,359,694	2,408,094	(394,290)	2,064,104
TOTAL TITLE III	127,808,391	126,151,563	127,754,392	(2,484,360)	125,324,031	128,404,536	126,747,708	128,350,537	(2,484,360)	125,920,176
Title IV-V-VI MILITARY PERSONNEL	0	82,307,281	82,390,900	82,307,281	82,307,281	82,307,281	82,279,101	82,390,900	0	82,307,281
Title X -- GENERAL PROVISIONS										
Proposed Legislation	(330,000)	0	0	330,000	0	(330,000)	0	0	330,000	0
Management Efficiencies		0	(1,630,000)	0	0		0	(1,630,000)		0
Combating Terrorism		400,000		0	0		400,000	0		0
Missile Defense & Combating Terrorism		0	1,300,000	1,300,000	1,300,000		0	1,300,000	1,300,000	1,300,000
TOTAL GENERAL PROVISIONS	(330,000)	400,000	(330,000)	1,630,000	1,300,000	(330,000)	400,000	(330,000)	1,630,000	1,300,000
TOTAL DIVISION A	236,786,697	318,661,858	319,019,796	81,148,351	317,935,048	319,405,104	318,944,804	319,330,922	(1,158,930)	318,246,174

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization	Budget Authority Implication: FY 2002 Request	House Authorization	Senate Authorization	Conference Change to Request	Conference Authorization
DIVISION B										
MILITARY CONSTRUCTION										
Military Construction, Army	1,760,541	1,686,601	1,635,341	(17,381)	1,743,160	1,760,541	1,686,601	1,635,341	(17,381)	1,743,160
Military Construction, Navy	1,071,408	1,159,654	1,146,948	53,459	1,124,867	1,071,408	1,159,654	1,146,948	53,459	1,124,867
Military Construction, Air Force	1,068,250	1,171,504	1,176,289	109,454	1,177,704	1,068,250	1,171,504	1,176,289	109,454	1,177,704
Military Construction, Defense-Wide	694,558	838,957	859,744	107,925	802,483	694,558	838,957	859,744	107,925	802,483
Military Construction, Army National Guard	267,389	304,915	365,240	125,864	393,253	267,389	304,915	365,240	125,864	393,253
Military Construction, Air National Guard	149,072	197,472	227,232	101,780	253,852	149,072	197,472	227,232	101,780	253,852
Military Construction, Army Reserve	111,404	173,017	111,404	57,565	168,969	111,404	173,017	111,404	57,565	168,969
Military Construction, Naval Reserve	33,641	53,291	33,641	19,255	52,896	33,641	53,291	33,641	19,255	52,896
Military Construction, Air Force Reserve	53,732	79,132	53,732	19,300	73,032	53,732	79,132	53,732	19,300	73,032
Base Realignment & Closure IV	532,200	532,200	592,200	100,513	632,713	524,470	524,470	584,470	100,513	624,983
NATO Security Investment Program	162,600	162,600	162,600	0	162,600	162,600	162,600	162,600	0	162,600
Prior Year Reductions and Savings		0	(55,000)	(181,268)	(181,268)		0	(55,000)	(181,268)	(181,268)
TOTAL MILITARY CONSTRUCTION	5,904,795	6,359,343	6,309,371	499,466	6,404,261	5,897,065	6,351,613	6,301,641	499,466	6,396,531
FAMILY HOUSING										
Family Housing Construction, Army	291,542	275,154	313,852	21,200	312,742	291,542	275,154	313,852	21,200	312,742
Family Housing Operations and Debt, Army	1,108,991	1,046,203	1,108,991	(19,418)	1,089,573	1,108,991	1,046,203	1,108,991	(19,418)	1,089,573
Family Housing Construction, Navy & Marine Corps	304,400	332,766	312,591	27,380	331,780	304,400	332,766	312,591	27,380	331,780
Family Housing Operations & Debt, Navy & Marine Corps	918,095	900,585	918,095	(8,000)	910,095	918,095	900,585	918,095	(8,000)	910,095
Family Housing Construction, Air Force	518,237	511,512	542,381	32,466	550,703	518,237	511,512	542,381	32,466	550,703
Family Housing Operations & Debt, Air Force	869,121	843,018	869,121	(24,406)	844,715	869,121	843,018	869,121	(24,406)	844,715
Family Housing Construction, Defense-Wide	250	250	250	0	250	250	250	250		250
Family Housing Operations & Debt, Defense-Wide	43,762	43,762	43,762	0	43,762	43,762	43,762	43,762		43,762
Homeowners Assistance Fund, Defense	10,119	10,119	10,119	0	10,119	17,849	17,849	17,849		17,849
DoD Family Housing Improvement Fund	2,000	2,000	2,000	0	2,000	2,000	2,000	2,000		2,000
TOTAL FAMILY HOUSING	4,066,517	3,965,369	4,121,162	29,222	4,095,739	4,074,247	3,973,099	4,128,892	29,222	4,103,469
TOTAL DIVISION B	9,971,312	10,324,712	10,430,533	528,688	10,500,000	9,971,312	10,324,712	10,430,533	528,688	10,500,000

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization	Budget Authority Implication: FY 2002 Request	House Authorization	Senate Authorization	Conference Change to Request	Conference Authorization
DIVISION C -- DEPARTMENT OF DEFENSE										
National Defense Stockpile Transaction Fund	0	0	0	0	0	(150,000)	(150,000)	(150,000)		(150,000)
MANDATORY/PERMANENT DOD AUTHORIZATIONS		(13,000)					(13,000)	(40,000)	(37,000)	(37,000)
TRUST FUNDS AND OFFSETTING RECEIPTS	0	0	0	0	0	(1,227,126)	(1,227,126)	(1,227,126)		(1,227,126)
TOTAL DEPARTMENT OF DEFENSE (051)	246,758,009	328,973,570	329,450,329	81,677,039	328,435,048	327,999,290	327,879,390	328,344,329	(667,242)	327,332,048
DIVISION C -- ATOMIC ENERGY DEFENSE ACTIVITIES (053)										
National Nuclear Security Administration										
Weapons Activities	5,300,025	5,369,488	5,452,810	43,542	5,343,567	5,300,025	5,369,488	5,452,810	43,542	5,343,567
Defense Nuclear Nonproliferation	773,700	783,700	830,500	3,186	776,886	773,700	783,700	830,500	3,186	776,886
Naval Reactors	688,045	688,045	688,045	0	688,045	688,045	688,045	688,045	0	688,045
Defense Nuclear Counterintelligence		13,662	0	0	0		13,662	0	0	0
Office of the Administrator	15,000	15,000	380,366	297,596	312,596	15,000	15,000	380,366	297,596	312,596
Total National Nuclear Security Administration	6,776,770	6,869,895	7,351,721	344,324	7,121,094	6,776,770	6,869,895	7,351,721	344,324	7,121,094
Defense Environmental Restoration & Waste Management	4,548,708	4,646,427	4,924,918	393,169	4,941,877	4,548,708	4,646,427	4,924,918	393,169	4,941,877
Defense Facilities Closure Projects	1,050,538	1,050,538	1,080,538	30,000	1,080,538	1,050,538	1,050,538	1,080,538	30,000	1,080,538
Defense Environmental Management Privatization	141,537	126,208	157,537	12,000	153,537	141,537	126,208	157,537	12,000	153,537
Other Defense Activities	527,614	502,099	501,483	(27,951)	499,663	527,614	502,099	501,483	(27,951)	499,663
Defense Nuclear Waste Disposal	310,000	310,000	250,000	(30,000)	280,000	310,000	310,000	250,000	(30,000)	280,000
Total DOE/NNSA Discretionary Authorizations	13,355,167	13,505,167	14,266,197	721,542	14,076,709	13,355,167	13,505,167	14,266,197	721,542	14,076,709
Energy Employees Compensation Admin Expenses	0	0	0	0	0	63,000	63,000	63,000		63,000
Energy Employees Illness Compensation	0					152,000	152,000	163,000	11,000	163,000
Radiation Exposure Compensation	0	0	0	0	0	102,000	102,000	102,000		102,000
Radiation Exposure - Proposed Legislation						(26,000)	(26,000)	0	26,000	0
Total Department of Energy/NNSA	13,355,167	13,505,167	14,266,197	721,542	14,076,709	13,646,167	13,796,167	14,594,197	758,542	14,404,709
Defense Nuclear Facilities Safety Board	18,500	18,500	18,500	0	18,500	18,500	18,500	18,500	0	18,500
Formerly Used Sites Remedial Action Program	0			0		140,000	0	0	(140,000)	0
Total Atomic Energy Defense Activities (053)	13,373,667	13,523,667	14,284,697	721,542	14,095,209	13,804,667	13,814,667	14,612,697	618,542	14,423,209
TOTAL DIVISION C	13,373,667	13,523,667	14,284,697	721,542	14,095,209	13,804,667	13,814,667	14,612,697	618,542	14,423,209

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization	Budget Authority Implication: FY 2002 Request	House Authorization	Senate Authorization	Conference Change to Request	Conference Authorization
DEFENSE RELATED ACTIVITIES (054)										
Radiation Exposure Compensation Act benefits (Sec. 1063)	0	0	0	0	0	172,000	172,000	172,000	0	172,000
FEMA Salaries, Expenses, Planning and Assistance	50,000	0	0	(50,000)	0	50,000	0	0	(50,000)	0
Maritime Security Program (Title XXXV)	0	98,700	0	98,700	98,700		98,700	0	98,700	98,700
Other Defense Related Activities (054)		0		0	0	1,258,000	1,258,000	1,258,000		1,258,000
Total Defense Related Activities (054)	50,000	98,700	0	48,700	98,700	1,480,000	1,528,700	1,430,000	48,700	1,528,700
TOTAL NATIONAL DEFENSE FUNCTION (050)	260,181,676	342,595,937	343,735,026	82,447,281	342,628,957	343,283,957	343,222,757	344,387,026	0	343,283,957

CONGRESSIONAL DEFENSE COMMITTEES

The term ''congressional defense committees'' is often used in this statement of managers. It means the Defense Authorization and Appropriations Committees of the Senate and the House of Representatives.

COMMITTEE REPORTS

The Senate bill contained a provision (sec. 4) regarding the applicability of the report of the Committee on Armed Services of the Senate to accompany S. 1416 to this bill.

The House amendment contained no similar provision.

The Senate recedes. The conferees agree that the report of the Committee on Armed Services of the Senate to accompany S. 1416 (Senate Report 107–62) shall apply to this Act to the same extent, and in the same manner, as the report of the Committee on Armed Services of the House of Representatives to accompany H.R. 2586 (House Report 107–194).

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Procurement overview

The budget request for fiscal year 2002 included an authorization of $61,813.6 million for Procurement for the Department of Defense.

The Senate bill would authorize $62,532.7 million.

The House amendment would authorize $62,312.8 million.

The conferees recommended an authorization of $62,477.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization
DIVISION A					
Title I -- PROCUREMENT					
Aircraft Procurement, Army	1,925,491	1,987,491	2,123,391	149,881	2,075,372
Missile Procurement, Army	1,859,634	1,097,286	1,807,384	(772,680)	1,086,954
Procurement of W&TCV, Army	2,276,746	2,367,046	2,276,746	71,399	2,348,145
Procurement of Ammunition, Army	1,193,365	1,208,565	1,187,565	(6,132)	1,187,233
Other Procurement, Army	3,961,737	4,143,986	4,024,486	82,343	4,044,080
Aircraft Procurement, Navy	8,252,543	8,337,243	8,169,043	70,604	8,323,147
Weapons Procurement, Navy	1,433,475	1,476,692	1,503,475	50,846	1,484,321
Shipbuilding & Conversion, Navy	9,344,121	9,378,221	9,522,121	26,851	9,370,972
Other Procurement, Navy	4,097,576	4,157,313	4,293,476	184,895	4,282,471
Procurement, Marine Corps	981,724	1,025,624	981,724	32,913	1,014,637
Procurement of Ammunition, Navy & Marine Corps	457,099	463,507	476,099	9,808	466,907
Aircraft Procurement, Air Force	10,744,458	10,705,687	10,892,957	44,709	10,789,167
Procurement of Ammunition, Air Force	865,344	871,344	885,344	16,500	881,844
Missile Procurement, Air Force	3,233,536	3,226,336	3,286,136	(10,900)	3,222,636
Other Procurement, Air Force	8,159,521	8,250,821	8,081,721	36,500	8,196,021
Procurement, Defense-Wide	1,603,927	2,267,346	1,596,725	675,555	2,279,482
National Guard & Reserve Equipment		0	0	0	0
Defense Inspector General	1,800	1,800	2,800	1,000	2,800
Defense Production Act Purchases	0	0	4,000	0	0
Chemical Agents & Munitions Destruction, Army	1,153,557	0	0	(1,153,557)	0
Chemical Agents & Munitions Destruction, Defense		1,078,557	1,153,557	1,153,557	1,153,557
Defense Health Program	267,915	267,915	267,915	0	267,915
TOTAL PROCUREMENT	**61,813,569**	**62,312,780**	**62,536,665**	**664,092**	**62,477,661**

Management reform initiatives

The conferees agree to reduce procurement accounts by $90.0 million to reflect savings from management reform initiatives, as discussed in Title VIII.

Aircraft Procurement, Army—Overview

The budget request for fiscal year 2002 included an authorization of $1,925.5 million for Aircraft Procurement, Army in the Department of Defense.

The Senate bill would authorize $2,123.4 million.

The House amendment would authorize $1,987.5 million.

The conferees recommended an authorization of $2,075.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Aircraft Procurement, Army										
	Fixed Wing										
1	ARL (TIARA)										
2	UTILITY F/W (MR) AIRCRAFT										
	Rotary Wing										
3	UH 60 BLACK HAWK (MYP)	12	174,515	12	174,515	22	277,015	10	102,500	22	277,015
4	UH-60 BLACK HAWK (MYP) (AP-CY)		26,906		26,906		26,906				26,906
5	HELICOPTER NEW TRAINING					21	34,100	15	25,000	15	25,000
	Modification of Aircraft										
6	GUARDRAIL MODS (TIARA)		8,827		8,827		8,827				8,827
7	ARL MODS (TIARA)		12,322		12,322		12,322				12,322
8	AHIF MODS										
9	AH-64 MODS		38,473		50,473		50,273		5,000		43,473
	Vibration Management Enhancement Program, ARNG				[7,000]						
	Oil Debris Detection System (ODDS)				[5,000]				[5,000]		
	Increase Components in Pool for AH-64 Retrofit						[11,800]				
10	CH-47 CARGO HELICOPTER MODS (MYP)		277,460		281,460		277,460		4,000		281,460
	Crashworthy Cockpit Seats				[4,000]				[4,000]		
11	CH-47 CARGO HELICOPTER MODS (MYP) (AP-CY)		17,722		17,722		17,722				17,722
12	CH-47 ICH										

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13	UTILITY/CARGO AIRPLANE MODS		16,095		16,095		16,095				16,095
14	OH-58 MODS		463		463		463				463
15	AIRCRAFT LONG RANGE MODS		753		753		753				753
16	LONGBOW		888,561		898,561		935,561		10,000		898,561
	Recapitalization				[10,000]				[10,000]		
	Increase Components in Pool for Longbow Retrofit						[47,000]				
17	LONGBOW (AP-CY)		29,526		29,526		29,526				29,526
18	UH-1 MODS										
19	UH-60 MODS		52,269		58,269		52,269		6,000		58,269
	Crashworthy External Fuel Systems, ARNG				[6,000]				[6,000]		
20	KIOWA WARRIOR		42,600		42,600		42,600				42,600
21	PROPHET AIR (TIARA)										
22	AIRBORNE AVIONICS		78,421		78,421		78,421				78,421
23	ASE MODS (SIRFC)										
24	ASE MODS (ATIRCM)										
25	GATM										
26	GATM ROLLUP		54,551		54,551		54,551				54,551
27	MODIFICATIONS < $5.0M										
	Spares and Repair Parts										
28	SPARE PARTS (AIR)		5,331		5,331		5,331				5,331

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	Support Equipment and Facilities										
	Ground Support Avionics										
29	AIRCRAFT SURVIVABILITY EQUIPMENT		32,780		52,780		32,780				32,780
	AN / AVR-2A Laser Detecting Sets				[20,000]						
30	ASE INFRARED CM	12	36,653	12	36,653	12	36,653			12	36,653
	Other Support										
31	AVIONICS SUPPORT EQUIPMENT		7,544		7,544		10,044		2,500		10,044
	ANVIS 6 Goggles						[2,500]		[2,500]		
32	COMMON GROUND EQUIPMENT		19,113		19,113		19,113				19,113
33	AIRCREW INTEGRATED SYSTEMS		10,253		10,253		10,253				10,253
34	AIR TRAFFIC CONTROL		68,887		78,887		68,887		3,000		71,887
	Cold Cathode Portable Landing Lights				[10,000]				[3,000]		
35	INDUSTRIAL FACILITIES		707		707		707				707
36	LAUNCHER, 2.75 ROCKET		4,960		4,960		4,960				4,960
37	AIRBORNE COMMUNICATIONS		19,799		19,799		19,799				19,799
38	CLOSED ACCOUNT ADJUSTMENT										
38a	Management Reform Initiatives								(8,119)		(8,119)
	Total - Aircraft Procurement, Army		1,925,491		1,987,491		2,123,391		149,881		2,075,372

Missile Procurement, Army—Overview

The budget request for fiscal year 2002 included an authorization of $1,859.6 million for Missile Procurement, Army in the Department of Defense.

The Senate bill would authorize $1,807.4 million.

The House amendment would authorize $1,097.3 million.

The conferees recommended an authorization of $1,087.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	Missile Procurement, Army										
	Surface-to-air Missile System										
1	PATRIOT PAC-3	72	676,574			72	676,574	-72	(676,574)		
	Transfer to PDW, BMDO				[-676,574]				[-676,574]		
2	STINGER SYSTEM SUMMARY	497	45,890	497	23,390	253	23,390		(22,500)	497	23,390
	Transfer to Other Army R&D Programs				[-22,500]				[-22,500]		
	Reduce Excessive Growth from Last Year's Estimate						[-22,500]				
3	AVENGER SYSTEM SUMMARY		11,624		11,624		11,624				11,624
	Air-to-surface Missile System										
4	HELLFIRE SYS SUMMARY	2200	241,811	2200	241,811	2200	241,811			2200	241,811
	Anti-tank/Assault Missile System										
5	JAVELIN (AAWS-M) SYSTEM SUMMARY	4139	414,632	4139	414,632	4139	414,632			4139	414,632
6	JAVELIN (AAWS-M) SYSTEM SUMMARY (AP-CY)										
7	LINE OF SIGHT ANTI-TANK (LOSAT) SYSTEM SUM (AP-CY)		11,427		9,427		9,427		(2,000)		9,427
	Transfer to Other Army R&D Programs				[-2,000]				[-2,000]		
	Advance Procurement Funds Budgeted Too Early						[-2,000]				
8	MLRS ROCKET										
9	GUIDED MLRS ROCKET (GMLRS)		8,480		8,480		8,480				8,480

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10	MLRS LAUNCHER SYSTEMS	35	148,294	35	138,044	53	174,044	18	(10,250)	53	138,044
	Transfer to Other Army R&D Programs				[-10,250]				[-10,250]		
	Buy Additional Launcher Upgrade for 1 Battalion						[36,000]				
	Reduce Excessive Growth in Engineering Services						[-10,250]				
11	ARMY TACTICAL MSL SYS (ATACMS) - SYS	24	34,263	24	40,263	24	25,263		(9,000)	24	25,263
	ATACMS Block IV				[15,000]						
	Transfer to PE 64768A (RDA 106)				[-9,000]		[-9,000]		[-9,000]		
12	ATACMS BLKII SYSTEM SUMMARY	6	61,000	6	61,000	6	61,000			6	61,000
	Modification of Missiles										
13	PATRIOT MODS		37,617		25,107		37,617				37,617
	Transfer to Other Army R&D Programs				[-12,510]						
14	STINGER MODS		5,830		5,830		5,830				5,830
15	AVENGER MODS		17,991		11,877		11,891		(6,114)		11,877
	Transfer to Other Army R&D Programs				[-6,114]				[-6,114]		
	Reduce Excessive Growth from Last Year's Appropriated Level						[-6,100]				
16	ITAS/TOW MODS		96,204		60,804		60,804		(35,400)		60,804
	Transfer to Other Army R&D Programs				[-15,400]				[-15,400]		
	Reduce Excessive Growth from Last Year's Appropriated Level				[-20,000]		[-35,400]		[-20,000]		

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17	MLRS MODS		23,599		20,599		20,599		(3,000)		20,599
	Transfer to Other Army R&D Programs				[-3,000]				[-3,000]		
	Reduce Excessive Growth in Legacy System						[-3,000]				
	Spares and Repair Parts										
18	SPARES AND REPAIR PARTS		15,299		15,299		15,299				15,299
	Support Equipment and Facilities										
19	AIR DEFENSE TARGETS		3,325		3,325		3,325				3,325
20	ITEMS LESS THAN $5.0M (MISSILES)		1,039		1,039		1,039				1,039
21	MISSILE DEMILITARIZATION		1,358		1,358		1,358				1,358
22	PRODUCTION BASE SUPPORT		3,377		3,377		3,377				3,377
22a	Management Reform Initiatives								(7,842)		(7,842)
	Total - Missile Procurement Army		1,859,634		1,097,286		1,807,384		(772,680)		1,086,954

Procurement of Weapons and Tracked Combat Vehicles, Army—Overview

The budget request for fiscal year 2002 included an authorization of $2,276.7 million for Procurement of Weapons and Tracked Combat Vehicles, Army in the Department of Defense.

The Senate bill would authorize $2,276.7 million.

The House amendment would authorize $2,367.0 million.

The conferees recommended an authorization of $2,348.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	Procurement of Weapons and Tracked Combat Vehicles, Army										
	Tracked Combat Vehicles										
1	ABRAMS TRNG DEV MOD		5,545		5,545		5,545				5,545
2	BRADLEY BASE SUSTAINMENT		400,779		460,779		400,779		60,000		460,779
	Bradley A0 to A2ODS, ARNG				[60,000]				[60,000]		
3	BRADLEY BASE SUSTAINMENT (AP-CY)		2,681		2,681		2,681				2,681
4	BRADLEY FVS TRAINING DEVICES		2,609		2,609		2,609				2,609
5	HAB TRAINING DEVICES										
6	BRADLEY FVS TRAINING DEVICES (MOD)		8,814		8,814		8,814				8,814
7	ABRAMS TANK TRAINING DEVICES		11,814		11,814		11,814				11,814
8	INTERIM ARMORED VEHICLE (IAV) FAMILY	326	662,595	326	662,595	326	662,595			326	662,595
9	COMMAND & CONTROL VEHICLE										
10	COMMAND & CONTROL VEHICLE (AP-CY)										
	Modification of Tracked Combat Vehicles										
11	CARRIER, MOD		48,567		63,867		48,567				48,567
	M113 recapitalization				[15,300]						
12	FIST VEHICLE (MOD)		14,590		14,590		14,590				14,590
13	BFVS SERIES (MOD)		42,262		42,262		42,262				42,262
14	HOWITZER, MED SP FT 155MM M109A6 (MOD)		5,370		5,370		5,370				5,370

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15	FAASV PIP TO FLEET		18,501		18,501		18,501				18,501
16	IMPROVED RECOVERY VEHICLE (M88 MOD)		58,114		58,114		58,114				58,114
17	BREACHER SYSTEM (MOD)										
18	HEAVY ASSAULT BRIDGE (HAB) SYS (MOD)		48,592		48,592		48,592				48,592
19	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)		4,025		4,025		4,025				4,025
20	M1 ABRAMS TANK (MOD)		113,485		113,485		113,485				113,485
21	M1A1D RETROFIT		11,647		11,647		11,647				11,647
22	SYSTEM ENHANCEMENT PGM: SEP M1A2		102,152		102,152		102,152				102,152
23	ABRAMS UPGRADE PROGRAM		395,802		385,802		395,802				395,802
	Unjustified Cost Growth in Systems Technical Support				[-10,000]						
24	ABRAMS UPGRADE PROGRAM (AP-CY)		194,438		194,438		194,438				194,438
25	MODIFICATIONS LESS THAN $5.0M (TCV-WTCV)										
	Support Equipment and Facilities										
26	ITEMS LESS THAN $5.0M (TCV-WTCV)		146		146		146				146
27	PRODUCTION BASE SUPPORT (TCV-WTCV)		9,979		9,979		9,979				9,979
	Weapons and Other Combat Vehicles										
28	ARMOR MACHINE GUN, 7.62MM M240 SERIES	716	8,033	716	8,033	716	8,033			716	8,033
29	MACHINE GUN, 5.56MM (SAW)										
30	GRENADE LAUNCHER, AUTO, 40MM, MK19-3	1510	28,826	1510	38,826	1510	28,826		6,000	1510	34,826
	Production base support				[10,000]				[6,000]		

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31	81MM MORTAR (ROLL)		3,321		3,321		3,321				3,321
32	M16 RIFLE	3060	1,978	3060	1,978	3060	1,978			3060	1,978
33	XM107, CAL. 50, SNIPER RIFLE	150	2,149	150	2,149	150	2,149			150	2,149
34	5.56 CARBINE M4	2800	2,400	2800	2,400	2800	2,400			2800	2,400
35	HOWITZER LT WT 155MM (T)		1,107		1,107		1,107				1,107
	Modification of Weapons and Other Combat Vehicles										
36	MARK-19 MODIFICATIONS		745		745		745				745
37	M4 CARBINE MODS										
38	SQUAD AUTOMATIC WEAPON (MOD)		4,450		4,450		4,450				4,450
39	MEDIUM MACHINE GUNS (MODS)		746		746		746				746
40	HOWITZER, TOWED, 155MM, M198 (MODS)		2,823		2,823		2,823				2,823
41	M119 MODIFICATIONS		4,887		4,887		4,887				4,887
42	M16 RIFLE MODS		2,100		2,100		2,100				2,100
43	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)		1,261		1,261		1,261				1,261
	Support Equipment and Facilities										
44	ITEMS LESS THAN $5.0M (WOCV-WTCV)		1,275		1,275		1,275				1,275
45	PRODUCTION BASE SUPPORT (WOCV-WTCV)		6,430		6,430		6,430				6,430
46	INDUSTRIAL PREPAREDNESS		4,270		19,270		4,270		15,000		19,270
	Arsenal Support Initiative				[15,000]				[15,000]		
47	SMALL ARMS (SOLDIER ENH PROG)		303		303		303				303

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	Spares and Repair Parts										
48	SPARES AND REPAIR PARTS (WTCV)		37,135		37,135		37,135				37,135
48a	Management Reform Initiatives								(9,601)		(9,601)
	Total - Procurement of WTCV, Army		2,276,746		2,367,046		2,276,746		71,399		2,348,145

Procurement of Ammunition, Army—Overview

The budget request for fiscal year 2002 included an authorization of $1,193.4 million for Procurement of Ammunition, Army in the Department of Defense.

The Senate bill would authorize $1,187.6 million.

The House amendment would authorize $1,208.6 million.

The conferees recommended an authorization of $1,187.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	Procurement of Ammunition, Army										
	Small/Medium Caliber Ammunition										
1	CTG, 5.56MM, ALL TYPES		67,241		67,241		67,241				67,241
2	CTG 5.56MM ARMOR PIERCING M995	2605	3,551	2605	3,551	2605	3,551			2605	3,551
3	CTG, 7.62MM, ALL TYPES		11,833		11,833		11,833				11,833
4	CTG 7.62MM ARMOR PIERCING XM993	1168	2,412	1168	2,412	1168	2,412			1168	2,412
5	CTG, 9MM, ALL TYPES		2,657		2,657		2,657				2,657
6	CTG, .50 CAL., ALL TYPES		26,823		26,823		26,823				26,823
7	CTG CAL .50 API MK211 MOD 0	404	3,211	404	3,211	404	3,211			404	3,211
8	CTG, 20MM, ALL TYPES		85		85		85				85
9	CTG, 25MM, ALL TYPES		46,231		46,231		46,231				46,231
10	CTG, 30MM, ALL TYPES		9,811		9,811		9,811				9,811
11	CTG, 40MM, ALL TYPES		49,395		49,395		49,395				49,395
12	NONLETHAL WEAPONS CAPABILITY SET	5	5,891	5	5,891	5	5,891			5	5,891
	Mortar Ammunition										
13	60MM MORTAR, ALL TYPES		45,389		45,389		45,389				45,389
14	81MM MORTAR, ALL TYPES				8,000				4,000		4,000
	M816				[8,000]				[4,000]		
15	CTG MORTAR 120MM HE M934 W/MO FUZE	50	39,536	50	39,536	50	39,536			50	39,536

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16	CTG MORTAR 120MM ILLUM XM930 W/MTSQ	2	3,521	2	6,321	2	3,521		2,800	2	6,321
	White Phosphorous Production Line Upgrade				[2,800]				[2,800]		
17	CTG 120MM WP SMOKE M929A1	11	11,480	11	11,480	11	11,480			11	11,480
18	CTG 120MM IR ILLUM XM983	2	3,521	2	8,521	2	3,521			2	3,521
	Tank Ammunition										
19	CTG, 105MM, HEP-T, W/FUZE F/TANK M393	1	6,036	1	6,036	1	6,036			1	6,036
20	CTG 120MM APFSDS-T M829A2/M829E3	5	35,596	5	35,596	5	35,596			5	35,596
21	CTG 120MM HEAT-MP-T M830A1										
22	CTG TANK 120MM TP-T M831/M831A1	86	46,200	86	46,200	86	46,200			86	46,200
23	CTG TANK 120MM TPCSDS-T M865	198	97,487	198	97,487	198	97,487			198	97,487
	Artillery Ammunition										
24	CTG ARTY 75MM BLANK M337A1	38	1,824	38	1,824	38	1,824			38	1,824
25	CTG ARTY 105MM BLANK M395										
26	CTG ARTY 105MM DPICM XM915										
27	CTG ARTY 105MM M927		14		14		14				14
28	CTG ARTY 105MM ILLUM M314 SERIES	6	5,037	6	5,037	6	5,037			6	5,037
29	PROJ ARTY 155MM SMOKE WP M825										
30	PROJ ARTY 155MM HE M795						10,000		5,000		5,000
31	PROJ ARTY 155MM SADARM M898										

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32	REMOTE AREA DENIAL ARTILLERY MUNITION (RADAM)	104	48,218	104	20,818	104	27,418		(27,400)	104	20,818
	Use FY 01 Funds to Meet FY 02 Requirements				[-27,400]		[-20,800]		[-27,400]		
33	PROJ ARTY 155MM HE M107	224	41,400	224	41,400	224	41,400			224	41,400
34	MODULAR ARTILLERY CHARGE SYSTEM (MACS)	836	87,413	836	87,413	836	87,413			836	87,413
	Artillery Fuzes										
35	ARTILLERY FUZES, ALL TYPES		56,443		56,443		56,443				56,443
	Mines										
36	MINE, TRAINING, ALL TYPES		9,536		9,536		9,536				9,536
37	MINE AT M87 (VOLCANO)										
38	WIDE AREA MUNITIONS		2,025		2,025		2,025				2,025
	Rockets										
39	BUNKER DEFEATING MUNITION (BDM)				10,000				5,000		5,000
	Bunker Defeating Munition (BDM)				[10,000]				[5,000]		
40	ROCKET, HYDRA 70, ALL TYPES		136,654		136,654		136,654				136,654

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	Other Ammunition										
41	DEMOLITION MUNITIONS, ALL TYPES		18,168		21,168		23,168		4,500		22,668
	Modernization Demolition Initiators				[3,000]				[2,000]		
	Anti-personnel Obstacle Breaching System						[5,000]		[2,500]		
42	GRENADES, ALL TYPES		25,710		25,710		25,710				25,710
43	SIGNALS, ALL TYPES		10,611		16,811		10,611				10,611
	XM-211 / XM-212 AIRCM				[6,200]						
44	SIMULATORS, ALL TYPES		3,409		3,409		3,409				3,409
	Miscellaneous										
45	AMMO COMPONENTS, ALL TYPES		6,874		6,874		6,874				6,874
46	CAD/PAD ALL TYPES		5,037		5,037		5,037				5,037
47	ITEMS LESS THAN $5 MILLION		11,018		11,018		11,018				11,018
48	AMMUNITION PECULIAR EQUIPMENT		8,816		8,816		8,816				8,816
49	FIRST DESTINATION TRANSPORTATION (AMMO)		5,218		5,218		5,218				5,218
50	CLOSEOUT LIABILITIES		32,213		32,213		32,213				32,213
	Ammunition Production Base Support										
51	PROVISION OF INDUSTRIAL FACILITIES		57,277		57,277		57,277				57,277
52	LAYAWAY OF INDUSTRIAL FACILITIES		13,815		13,815		13,815				13,815
53	MAINTENANCE OF INACTIVE FACILITIES		10,802		10,802		10,802				10,802

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54	CONVENTIONAL AMMO DEMILITARIZATION		73,225		73,225		73,225				73,225
55	ARMS INITIATIVE		4,701		12,301		4,701		5,000		9,701
55b	Management Reform Initiatives								(5,032)		(5,032)
	Total - Procurement of Ammunition, Army		1,193,365		1,208,565		1,187,565		(6,132)		1,187,233

Other Procurement, Army—Overview

The budget request for fiscal year 2002 included an authorization of $3,961.7 million for Other Procurement, Army in the Department of Defense.

The Senate bill would authorize $4,024.5 million.

The House amendment would authorize $4,144.0 million.

The conferees recommended an authorization of $4,044.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	Other Procurement, Army										
	Tactical and Support Vehicles										
	Tactical Vehicles										
1	TACTICAL TRAILERS/DOLLY SETS		3,723		3,723		3,723				3,723
2	SEMITRAILERS, FLATBED:		29,317		29,317		29,317				29,317
3	SEMITRAILERS, TANKERS		6,664		6,664		6,664				6,664
4	SEMITRAILER VAN CGO SUPPLY 12T 4WHL M129A2C	95	7,300	95	7,300	95	7,300			95	7,300
5	HI MOB MULTI-PURP WHLD VEH (HMMWV)		130,821		130,821		130,821				130,821
6	TRUCK, DUMP, 20T (CCE)	30	8,078	30	8,078	30	8,078			30	8,078
7	FAMILY OF MEDIUM TACTICAL VEH (FMTV)		467,386		467,386		467,386				467,386
8	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT		5,024		5,024		5,024				5,024
9	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		157,633		157,633		157,633				157,633
10	ARMORED SECURITY VEHICLES (ASV)	20	14,483	20	14,483	20	14,483			20	14,483
11	TRUCK, TRACTOR, LINE HAUL, M915/M916		47,507		47,507		47,507				47,507
12	TOWING DEVICE, 5TH WHEEL	34	2,013	34	2,013	34	2,013			34	2,013
13	TRUCK, TRACTOR, YARD TYPE, M878 (C/S)	35	4,003	35	4,003	35	4,003			35	4,003

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14	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV PROGRAM	169	31,304	169	31,304	169	26,304		(5,000)	169	26,304
	Align with 3rd IBCT Production & Fielding						[-5,000]		[-5,000]		
15	LINE HAUL ESP	240	18,515	240	18,515	240	18,515			240	18,515
16	MODIFICATION OF IN SVC EQUIP		49,184		59,184		49,184				49,184
	Wheel-to-Track Conversion System				[10,000]						
17	ITEMS LESS THAN $5.0M (TAC VEH)		1,903		1,903		1,903				1,903
	Non-tactical Vehicles										
18	HEAVY ARMORED SEDAN	3	585	3	585	3	585			3	585
19	PASSENGER CARRYING VEHICLES		1,115		1,115		1,115				1,115
20	NONTACTICAL VEHICLES, OTHER	53	5,458	53	5,458	53	5,458			53	5,458
	Communications and Electronics Equipment										
	Comm-Joint Communications										
21	COMBAT IDENTIFICATION PROGRAM		13,147		13,147		13,147				13,147
22	JCSE EQUIPMENT (USREDCOM)		5,594		5,594		5,594				5,594
	Comm-Satellite Communications										
23	DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPACE)		99,420		99,420		99,420				99,420
24	SHF TERM		16,951						(16,951)		
	Incumbent contractor terminated; plans unclear				[-16,951]		[-16,951]		[-16,951]		

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25	SAT TERM, EMUT (SPACE)		12,640		12,640		12,640				12,640
26	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	7120	20,806	7120	20,806	7120	20,806			7120	20,806
27	SMART-T (SPACE)		21,704		21,704		21,704				21,704
28	SCAMP (SPACE)		3,562		3,562		3,562				3,562
29	GLOBAL BRDCST SVC - GBS		6,969		6,969		6,969				6,969
30	MOD OF IN-SVC EQUIP (TAC SAT)		2,492		2,492		15,592				2,492
	Secure Enroute Communications						[13,100]				
	Comm-C3 System										
31	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		8,622		8,622		8,622				8,622
	Comm-Combat Communications										
32	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)		46,332		46,332		56,332		7,000		53,332
	Enhanced Position Location & Reporting System (EPLRS)						[10,000]		[7,000]		
33	SINCGARS FAMILY		20,687		20,687		24,187				20,687
	Transfer from PE 23761A (RDA 160) - GPS in SINCGARS						[3,500]				
34	TRACTOR CAGE		1,866		1,866		1,866				1,866
35	JOINT TACTICAL AREA COMMAND SYSTEMS		971		971		971				971

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36	ACUS MOD PROGRAM		113,137		113,137		153,137		25,000		138,137
	Downsize Communications Switches and Shelters						[40,000]		[25,000]		
37	COMMS ELEC EQUIP FIELDING		3,412		3,412		3,412				3,412
37a	Improved High Frequency Radio, USAR				10,000				5,000		5,000
	Replace Older, Unsupportable HF Radios in the USAR				[10,000]				[5,000]		
38	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS		5,136		5,136		5,136				5,136
39	PRODUCT IMPROVED COMBAT VEHICLE CREWMAN HEADSETS				9,000						
	Complete replacement of Headsets to Eliminate EMI Communications Losses				[9,000]						
40	COMBAT SURVIVOR EVADER LOCATOR (CSE		12,720		12,720		12,720				12,720
41	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)		7,703		7,703		7,703				7,703
	Comm-Intelligence Communications										
42	CI AUTOMATION ARCHITECTURE		1,635		1,635		1,635				1,635
	Information Security										
43	TSEC - ARMY KEY MGT SYS (AKMS)		12,203		12,203		12,203				12,203

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44	INFORMATION SYSTEM SECURITY PROGRAM-ISSP		42,244		52,244		42,244		3,000		45,244
	Additional Secure Terminal Equipment				[10,000]				[3,000]		
	Comm-Long Haul Communications										
45	TERRESTRIAL TRANSMISSION		2,038		2,038		2,038				2,038
46	BASE SUPPORT COMMUNICATIONS		11,739		11,739		11,739				11,739
47	ARMY DISN ROUTER		4,931		4,931		4,931				4,931
48	ELECTROMAG COMP PROG (EMCP)		462		462		462				462
49	WW TECH CON IMP PROG (WWTCIP)		2,998		2,998		2,998				2,998
	Comm-Base Communications										
50	INFORMATION SYSTEMS		166,679		166,679		166,679				166,679
51	DEFENSE MESSAGE SYSTEM (DMS)		18,463		18,463		18,463				18,463
52	LOCAL AREA NETWORK (LAN)		103,965		103,965		103,965				103,965
53	PENTAGON INFORMATION MGT AND TELECOM		33,605		33,605		33,605				33,605
	Elect Equip-Nat For Int Prog (NFIP)										
54	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		877		877		877				877
55	GENERAL DEFENSE INTELL PROG (GDIP)		27,994		27,994		27,994				27,994
	Elect Equip-Tact Int Rel Act (TIARA)										
56	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)		46,931		46,931		46,931				46,931
57	JTT/CIBS-M (TIARA)	59	10,345	59	10,345	59	10,345			59	10,345

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58	PROPHET GROUND (TIARA)	28	15,734	28	15,734	28	15,734			28	15,734
59	TACTICAL UNMANNED AERIAL VEHICLE (TUAV)	12	84,300	12	91,600	12	100,500		7,300	12	91,600
	Upgrade LRIP sensors for use by Objective Force				[7,300]		[16,200]		[7,300]		
60	JOINT STARS (ARMY) (TIARA)		21,304		21,304		21,304				21,304
61	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)		20,124		20,124		20,124				20,124
62	DRUG INTERDICTION PROGRAM (DIP) (TIARA)										
63	TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES										
64	TACTICAL EXPLOITATION SYSTEM/DCGS-A (TIARA)		26,168		26,168		26,168				26,168
	Transfer from PE 35208A (RDA 175) - Tactical Surveillance System										
65	COMMON IMAGERY GROUND/SURFACE SYSTEM (CIGSS)		2,611		2,611		2,611				2,611
66	TROJAN (TIARA)		4,895		4,895		4,895				4,895
67	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)		1,744		1,744		1,744				1,744
68	CI HUMINT AUTOMATED TOOL SET (CHATS) (TIARA)		1,492		1,492		1,492				1,492
69	ITEMS LESS THAN $5.0M (TIARA)		2,091		2,091		2,091				2,091

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	Elect Equip-Electronic Warfare (EW)										
70	SHORTSTOP		5		5		5				5
71	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES		2,306		2,306		2,306				2,306
	Elect Equip-Tactical Surv. (TAC SURV)										
72	FAAD GBS		1,887		1,887		1,887				1,887
73	SENTINEL MODS		30,885		30,885		30,885				30,885
74	NIGHT VISION DEVICES		37,019		37,019		37,019				37,019
75	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	80	44,535	80	44,535	80	46,135			80	44,535
	Commander's Remote Display						[1,600]				
76	LTWT VIDEO RECON SYSTEM (LWVRS)	16	1,339	16	1,339	16	1,339			16	1,339
77	NIGHT VISION, THERMAL WPN SIGHT	1643	35,134	1643	35,134	1643	35,134			1643	35,134
78	COMBAT IDENTIFICATION / AIMING LIGHT		8,503		8,503		8,503				8,503
79	ARTILLERY ACCURACY EQUIP		10,413		14,913		10,413				10,413
	AN / TMQ-41 Meteorological Measuring System, ARNG				[4,500]						
80	MOD OF IN-SVC EQUIP (MMS)		935		935		935				935
81	MOD OF IN-SVC EQUIP (MVS)		251		251		251				251

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82	PORTABLE INDUCTIVE ARTILLERY FUZE SETTER										
83	MOD OF IN-SVC EQUIP (TAC SURV)		21,478		21,478		21,478				21,478
84	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	1655	74,663	1655	74,663	1655	74,663			1655	74,663
85	LIGHTWEIGHT LASER DESIGNATOR / RANGEFINDER	21	7,059	21	7,059	21	7,059			21	7,059
86	COMPUTER BALLISTICS: MORTAR M-30										
87	MORTAR FIRE CONTROL SYSTEM	53	16,785	53	16,785	53	16,785			53	16,785
88	INTEGRATED MET SYS SENSORS (IMETS) - TIARA		2,521		2,521		2,521				2,521
	Elect Equip-Tactical C2 Systems										
89	TACTICAL OPERATIONS CENTERS		38,952		38,952		38,952				38,952
90	ADV FIELD ARTILLERY TACT DATA SYS (AFATDS)		49,476		49,476		49,476				49,476
91	LIGHT WEIGHT TECHNICAL FIRE DIRECTION SYS		1,677		1,677		1,677				1,677
92	CMBT SVC SUPT CONTROL SYS (CSSCS)		25,201		25,201		25,201				25,201
93	FAAD C2		8,900		8,900		8,900				8,900
94	FAADC2I MODIFICATIONS										
95	AIR & MSL DEFENSE PLANNING & CONTROL SYS		10,299		10,299		10,299				10,299
96	FORWARD ENTRY DEVICE (FED)		15,915		15,915		15,915				15,915
97	STRIKER-COMMAND AND CONTROL SYSTEM	31	21,442	31	21,442	31	21,442			31	21,442

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98	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		936		936		936				936
99	LOGTECH		8,212		8,212		8,212				8,212
100	TC AIMS II		25,512		25,512		25,512				25,512
101	GUN LAYING AND POS SYS (GLPS)	131	12,079	131	12,079	131	12,079			131	12,079
102	ISYSCON EQUIPMENT		32,448		32,448		32,448				32,448
103	MANEUVER CONTROL SYSTEM (MCS)	49	6,839	49	6,839	49	6,839			49	6,839
104	STAMIS TACTICAL COMPUTERS (STACOMP)		60,621		60,621		60,921				60,621
	Transfer from PE 23761A (RDA 160) - Future Finance System						[300]				
105	STANDARD INTEGRATED CMD POST SYSTEM		30,513		45,513		30,513				30,513
	Additional Modular Command Post System Tents				[15,000]						
	Elect Equip-Automation										
106	ARMY TRAINING MODERNIZATION		26,312		26,312		26,312				26,312
107	AUTOMATED DATA PROCESSING EQUIP		146,885		146,885		146,885				146,885
108	RESERVE COMPONENT AUTOMATION SYS (RCAS)		89,319		89,319		89,319				89,319
	Elect Equip-Audio Visual Sys (A/V)										
109	SPECIAL INFORMATION OPERATIONS (SIO) (TIARA)		206		206		206				206
110	AFRTS		2,481		2,481		2,481				2,481
111	ITEMS LESS THAN $5.0M (A/V)		5,778		5,778		5,778				5,778
112	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)		631		631		631				631

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	Elect Equip-Support										
113	PRODUCTION BASE SUPPORT (C-E)		419		419		419				419
	Other Support Equipment										
	Chemical Defensive Equipment										
114	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)		23,547		23,547		23,547				23,547
	Bridging Equipment										
115	TACTICAL BRIDGING, DRY SUPPORT		25,752		25,752		25,752				25,752
116	TACTICAL BRIDGE, FLOAT-RIBBON		48,181		59,381		48,181		11,200		59,381
	Accelerate Fielding of 2 ARNG Multi-role Bridge Companies				[11,200]				[11,200]		
	Engineer (Non-construction) Equipment										
117	DISPENSER, MINE M139		2,400		2,400		2,400				2,400
118	KIT, STANDARD TELEOPERATING										
119	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS)		13,272		13,272		13,272				13,272
120	WIDE AREA MUNITIONS (REMOTE CONTROL UNIT)	274	3,317	274	3,317	274	3,317			274	3,317
121	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	11207	4,058	11207	4,058	11207	4,058			11207	4,058

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122	< $5M, COUNTERMINE EQUIPMENT		156		156		156				156
123	BN COUNTERMINE SIP										
	Combat Service Support Equipment										
124	HEATERS AND ECUS		5,082		5,082		5,082				5,082
125	LAUNDRIES, SHOWERS AND LATRINES		23,232		28,232		23,232		5,000		28,232
	Additional Laundry Advanced Systems				[5,000]				[5,000]		
126	SOLDIER ENHANCEMENT		3,148		3,148		3,148				3,148
127	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	276	3,636	276	18,636	276	3,636		3,000	276	6,636
	Additional LMEs				[15,000]				[3,000]		
128	FORCE PROVIDER										
129	FIELD FEEDING AND REFRIGERATION		7,043		7,043		7,043				7,043
130	AIR DROP PROGRAM										
131	CAMOUFLAGE: ULCANS				10,000						
132	ITEMS LESS THAN $5.0M (CSS-EQ)		4,001		4,001		4,001				4,001
	Petroleum Equipment										
133	FAMILY OF TANK ASSEMBLIES, FABRIC, COLLAPSIBLE										
134	QUALITY SURVEILLANCE EQUIPMENT		7,694		7,694		7,694				7,694
135	DISTRIBUTION SYSTEMS, PETROLEUM & WATER		18,294		18,294		18,294				18,294

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136	PUMPS, WATER AND FUEL										
137	ASSAULT HOSELINE SYSTEM	35	5,361	35	5,361	35	5,361			35	5,361
138	INLAND PETROLEUM DISTRIBUTION SYSTEM		1,706		1,706		1,706				1,706
139	ITEMS LESS THAN $5.0M (POL)										
	Water Equipment										
140	WATER PURIFICATION SYSTEMS		39,289		39,289		39,289				39,289
141	ITEMS LESS THAN $5.0M (WATER EQ)										
	Medical Equipment										
142	COMBAT SUPPORT MEDICAL		16,731		23,731		16,731				16,731
	Rapid IV Pumps				[6,000]						
	Temper Tents, USAR				[1,000]						
	Maintenance Equipment										
143	SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)	160	9,979	160	9,979	160	9,979			160	9,979
144	WELDING SHOP, TRAILER MTD	144	6,053	144	6,053	144	6,053			144	6,053
145	ITEMS LESS THAN $5.0M (MAINT EQ)		2,617		2,617		2,617				2,617
146	STEAM CLEANER, TRAILER MOUNTED										
	Construction Equipment										
147	SCRAPER, EARTHMOVING, 7 1/2 CU YD		7,230		13,230		7,230		6,000		13,230
	Commercial, Self-propelled Elevating Scrapers				[6,000]				[6,000]		

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148	DISTR, WATER, SP MIN 2500G SEC/NON-SEC	28	1,006	28	5,006	28	1,006			28	1,006
	2000G Module Water Distributors				[4,000]						
149	MISSION MODULES - ENGINEERING		6,121		6,121		6,121				6,121
150	COMPACTOR	50	4,589	50	4,589	50	4,589			50	4,589
151	LOADERS		12,669		12,669		12,669				12,669
152	HYDRAULIC EXCAVATOR	21	4,589	21	4,589	21	4,589			21	4,589
153	DEPLOYABLE UNIVERSAL COMBAT EARTH MOVERS		5,301		21,301		5,301		16,000		21,301
	War Reserve & Production Base Support				[16,000]				[16,000]		
154	TRACTOR, FULL TRACKED		2,018		2,018		2,018				2,018
155	CRANES		22,029		22,029		22,029				22,029
156	CRUSHING/SCREENING PLANT, 150 TPH	2	4,474	2	4,474	2	4,474			2	4,474
157	PLANT, ASPHALT MIXING	1	2,013	1	2,013	1	2,013			1	2,013
158	ARMORED COMBAT EARTHMOVER, M9 ACE	1	1,107	1	1,107	1	1,107			1	1,107
159	TACTICAL RAPID EXCAVATION SYSTEM (TRE	1	5,031	1	5,031	1	5,031			1	5,031
160	CONST EQUIP ESP		12,974		12,974		12,974				12,974
161	ITEMS LESS THAN $5.0M (CONST EQUIP)		12,428		12,428		12,428				12,428
	Rail Float Containerization Equipment										
162	SMALL TUG										
163	FLOATING CRANE, 100-250 TON										

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
164	LOGISTIC SUPPORT VESSEL (LSV)	1	25,437	1	25,437	1	25,437			1	25,437
165	LOGISTICS SUPPORT VESSEL (ESP)										
166	CAUSEWAY SYSTEMS										
167	RAILWAY CAR, FLAT, 89 FOOT										
168	ITEMS LESS THAN $5.0M (FLOAT/RAIL)		3,254		3,254		3,254				3,254
	Generators										
169	GENERATORS AND ASSOCIATED EQUIP		59,768		59,768		59,768				59,768
	Material Handling Equipment										
170	ROUGH TERRAIN CONTAINER HANDLER (RTC	84	43,353	84	43,353	84	43,353			84	43,353
171	ALL TERRAIN LIFTING ARMY SYSTEM	145	21,062	145	21,062	145	21,062			145	21,062
172	MHE EXTENDED SERVICE PROGRAM (ESP)	5	1,007	5	1,007	5	1,007			5	1,007
173	ROUGH TERRAIN CONTAINER CRANE										
174	ITEMS LESS THAN $5.0M (MHE)		481		481		481				481
	Training Equipment										
175	CTC INSTRUMENTATION SUPPORT		10,307		16,307		10,307		6,000		16,307
	Deploy Force-on-force Instrum Range Sys (DFIRST), ARNG				[6,000]				[6,000]		

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
176	TRAINING DEVICES, NONSYSTEM		74,481		111,681		74,481		14,500		88,981
	Army Aviation Institutional Training Simulator (AAITS)				[20,000]				[5,000]		
	BEAMHIT, USAR				[14,200]				[7,000]		
	Fire Fighter Training System				[3,000]				[2,500]		
177	CLOSE COMBAT TACTICAL TRAINER		36,783		36,783		36,783				36,783
178	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCAT)		25,227		25,227		25,227				25,227
179	FIRE SUPPORT COMBINED ARMS TACTICAL TRAINER										
	Test Measure and Dig Equipment (TMD)										
180	CALIBRATION SETS EQUIPMENT		16,001		16,001		16,001				16,001
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)		52,397		52,397		52,397				52,397
182	TEST EQUIPMENT MODERNIZATION (TEMOD)		15,655		15,655		15,655				15,655
183	ARMY DIAGNOSTICS IMPROVEMENT PGM (ADIP)		18,344		18,344		18,344				18,344
	Other Support Equipment										
184	RECONFIGURABLE SIMULATORS		365		365		365				365
185	PHYSICAL SECURITY SYSTEMS (OPA3)		69,227		69,227		69,227				69,227
186	BASE LEVEL COM'L EQUIPMENT		8,696		8,696		8,696				8,696
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		32,468		32,468		32,468				32,468

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(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
188	PRODUCTION BASE SUPPORT (OTH)		2,545		2,545		2,545				2,545
189	SPECIAL EQUIPMENT FOR USER TESTING		16,400		32,400		16,400		12,000		28,400
	XM Target Acquisition Radar-Agile Multi-beam (XMTARAMB)				[12,000]				[12,000]		
	Target Receiver Injection Module Threat Simulator				[4,000]						
190	MA8975		6,057		6,057		6,057				6,057
191	CLOSED ACCOUNT ADJUSTMENTS										
	Spares and Repair Parts										
192	INITIAL SPARES - TSV										
193	INITIAL SPARES - C&E		43,093		43,093		43,093				43,093
194	INITIAL SPARES - OTHER SUPPORT EQUIPMENT		971		971		971				971
194a	Management Reform Initiatives								(16,706)		(16,706)
	Total - Other Procurement, Army		3,961,737		4,143,986		4,024,486		82,343		4,044,080

Chemical Agents and Munitions Destruction, Army—Overview

The budget request for fiscal year 2002 included an authorization of $1,153.6 million for Chemical Agents & Munitions Destruction, Army in the Department of Defense.

The Senate bill would authorize $1,153.6 million for Chemical Agents & Munitions Destruction, Defense.

The House amendment would authorize $1,078.6 million for Chemical Agents & Munitions Destruction, Defense.

The conferees recommended an authorization of $1,153.6 million for Chemical Agents & Munitions Destruction, Defense. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Chemical Agents & Munitions Destruction, Army										
1	CHEM DEMILITARIZATION - RDTE		200,379						(200,379)		
	Transfer to CAMD, D - Comply with 50 USC 1521				[-192,879]		[-200,379]		[-200,379]		
	Program reduction				[-7,500]						
2	CHEM DEMILITARIZATION - PROC		164,158						(164,158)		
	Transfer to CAMD, D - Comply with 50 USC 1521				[-157,158]		[-164,158]		[-164,158]		
	Program reduction				[-7,000]						
3	CHEM DEMILITARIZATION - O&M		789,020						(789,020)		
	Transfer to CAMD, D - Comply with 50 USC 1521				[-728,520]		[-789,020]		[-789,020]		
	Program reduction				[-60,500]						
	Total - Chemical Agents & Munitions Destruction, Army		1,153,557						(1,153,557)		

Aircraft Procurement, Navy—Overview

The budget request for fiscal year 2002 included an authorization of $8,252.5 million for Aircraft Procurement, Navy in the Department of Defense.

The Senate bill would authorize $8,169.0 million.

The House amendment would authorize $8,337.2 million.

The conferees recommended an authorization of $8,323.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Aircraft Procurement, Navy										
	Combat Aircraft										
1	AV-8B (V/STOL)HARRIER (MYP)										
2	AV-8B (V/STOL)HARRIER (MYP) (AP-CY)										
3	F/A-18E/F (FIGHTER) HORNET (MYP)	48	3,067,522	48	3,067,522	48	3,082,522		13,000	48	3,080,522
	Accelerate IDECM Purchases						[15,000]		[13,000]		
4	F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY)		88,876		88,876		88,876				88,876
5	V-22 (MEDIUM LIFT)	12	1,009,881	12	1,009,881	9	783,181	-1	(50,000)	11	959,881
6	V-22 (MEDIUM LIFT) (AP-CY)		48,428		48,428		48,428				48,428
7	AH-1W (HELICOPTER) SEA COBRA		1,383		1,383		1,383				1,383
8	SH-60R		25,064		25,064		25,064				25,064
9	E-2C (EARLY WARNING) HAWKEYE (MYP)	5	242,746	5	242,746	5	242,746			5	242,746
10	E-2C (EARLY WARNING) HAWKEYE (MYP) (AP-CY)		36,191		36,191		36,191				36,191
	Airlift Aircraft										
11	CH-60S (MYP)	13	181,957	13	181,957	13	181,957				181,957
12	CH-60S (MYP) (AP-CY)		64,212		64,212		64,212				64,212
13	UC-35										
14	C-40A										
15	C-37										

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(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Trainer Aircraft										
16	T-45TS (TRAINER) GOSHAWK	6	179,331	6	192,331	6	179,331		6,500	6	185,831
	Operational Flight Trainers				[13,000]				[6,500]		
17	T-45TS (TRAINER) GOSHAWK (AP-CY)										
18	JPATS					10	44,600	7	31,500	7	31,500
	Other Aircraft										
19	KC-130J	4	299,047	4	299,047	4	299,047			4	299,047
	Modification of Aircraft										
20	EA-6 SERIES		137,645		137,645		191,645		25,000		162,645
	Band 9 / 10 Transmitters						[38,000]		[25,000]		
	Wing Center Sections						[16,000]				
21	AV-8 SERIES		49,541		79,541		85,541		30,000		79,541
	Litening II+ Targeting Pods				[30,000]		[36,000]		[30,000]		
22	F-14 SERIES		4,504		4,504		4,504				4,504
23	ADVERSARY		34,769		34,769		34,769				34,769
24	F-18 SERIES		193,206		193,206		193,206				193,206
25	H-46 SERIES		38,664		38,664		38,664				38,664
26	AH-1W SERIES		10,821		10,821		10,821				10,821
27	H-53 SERIES		16,541		16,541		16,541				16,541

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28	SH-60 SERIES		1,735		15,935		1,735		3,000		4,735
	AQS-13F Sonar Upgrades				[11,000]				[3,000]		
	Advanced Helicopter Emergency Egress Lighting System				[3,200]						
29	H-1 SERIES		1,149		1,149		1,149				1,149
30	H-3 SERIES		4,191		4,191		4,191				4,191
31	EP-3 SERIES		123,747		123,747		123,747				123,747
32	P-3 SERIES		113,191		113,191		209,191		15,000		128,191
	AIP Upgrades						[60,000]		[15,000]		
	BMUP Upgrades						[27,000]				
	CNS / ATM Upgrades						[9,000]				
33	S-3 SERIES		43,242		43,242		43,242				43,242
34	E-2 SERIES		14,636		39,636		14,636		25,000		39,636
	Mission Computer Upgrade A / C Conversion to Hawkeye 2000				[25,000]				[25,000]		
35	TRAINER A/C SERIES		5,155		5,155		5,155				5,155
36	C-2A		27,369		24,369		27,369				27,369
	Component installation cost growth				[-3,000]						
37	C-130 SERIES		5,407		5,407		5,407				5,407
38	FEWSG		643		643		643				643

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(Dollars in Thousands)

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39	CARGO/TRANSPORT A/C SERIES		4,224		4,224		4,224				4,224
40	E-6 SERIES		74,847		74,847		74,847				74,847
41	EXECUTIVE HELICOPTERS SERIES		16,183		16,183		16,183				16,183
42	SPECIAL PROJECT AIRCRAFT		3,088		3,088		3,088				3,088
43	T-45 SERIES		12,778		12,778		12,778				12,778
44	POWER PLANT CHANGES		13,083		13,083		13,083				13,083
45	COMMON ECM EQUIPMENT		33,315		31,315		33,315				33,315
	ALR-67 support costs				[-2,000]						
46	COMMON AVIONICS CHANGES		65,147		65,147		65,147				65,147
47	V-22 (TILT/ROTOR ACFT) OSPREY		35,000		35,000		35,000				35,000
	Aircraft Spares and Repair Parts										
48	SPARES AND REPAIR PARTS		1,420,252		1,420,252		1,321,252		(20,000)		1,400,252
	V-22 Spares						[-99,000]		[-20,000]		
	Aircraft Support Equipment and Facilities										
49	COMMON GROUND EQUIPMENT		332,926		332,926		332,926				332,926
50	AIRCRAFT INDUSTRIAL FACILITIES		18,219		22,719		18,219		4,500		22,719
	Calibration test equipment				[4,500]				[4,500]		
51	WAR CONSUMABLES		12,585		12,585		12,585				12,585
52	OTHER PRODUCTION CHARGES		27,637		30,637		27,637		3,000		30,637
	TARPS-CD				[3,000]				[3,000]		

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53	SPECIAL SUPPORT EQUIPMENT		110,897		110,897		110,897				110,897
54	FIRST DESTINATION TRANSPORTATION		1,568		1,568		1,568				1,568
55	CANCELED ACCOUNT ADJUSTMENTS (M)										
55a	General Reduction						(3,400)		(3,400)		(3,400)
	Transfer to APAF 12 - Fix USAF JPATS Pricing Problem						[-3,400]		[-3,400]		
55b	Management Reform Initiatives								(12,496)		(12,496)
	Total - Aircraft Procurement, Navy		8,252,543		8,337,243		8,169,043		70,604		8,323,147

Weapons Procurement, Navy—Overview

The budget request for fiscal year 2002 included an authorization of $1,433.5 million for Weapons Procurement, Navy in the Department of Defense.

The Senate bill would authorize $1,503.5 million.

The House amendment would authorize $1,476.7 million.

The conferees recommended an authorization of $1,484.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Weapons Procurement, Navy										
	Ballistic Missiles										
1	TRIDENT II	12	559,042	12	559,042	12	559,042			12	559,042
2	TRIDENT II (AP-CY)		8,727		8,727		8,727				8,727
	Support Equipment and Facilities										
3	MISSILE INDUSTRIAL FACILITIES		1,275		1,275		1,275				1,275
	Theater Ballistic Missile Defense										
4	NAVY AREA MISSILE DEFENSE		6,983				6,983		(6,983)		
	Transfer to PDW, BMDO				[-6,983]				[-6,983]		
	Other Missiles										
	Strategic Missiles										
5	TOMAHAWK	34	50,101	34	70,101	34	50,101		15,000	34	65,101
	Tooling & Test Equipment				[20,000]				[15,000]		
6	ESSM	38	45,017	38	45,017	38	45,017			38	45,017
	Tactical Missiles										
7	AMRAAM	57	40,028	57	40,028	57	40,028			57	40,028
8	SIDEWINDER	105	27,310	105	27,310	105	27,310			105	27,310
9	JSOW										
10	SLAM-ER	30	26,174	30	26,174	30	26,174			30	26,174
11	STANDARD MISSILE	91	195,404	91	195,404	91	195,404	5		96	195,404

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12	RAM	90	43,024	90	43,024	90	43,024			90	43,024
13	HELLFIRE				25,000	250	20,000	250	20,000	250	20,000
14	PENGUIN										
15	AERIAL TARGETS		66,349		66,349		66,349				66,349
16	DRONES AND DECOYS										
17	OTHER MISSILE SUPPORT		15,840		15,840		15,840				15,840
	Modification of Missiles										
18	SIDEWINDER MODS		802		802		802				802
19	HARM MODS										
20	STANDARD MISSILES MODS		35,353		35,353		35,353				35,353
	Support Equipment and Facilities										
21	WEAPONS INDUSTRIAL FACILITIES		17,247		17,247		37,247		15,000		32,247
	Allegany Ballistics Lab Facilities Restoration						[20,000]		[15,000]		
22	FLEET SATELLITE COMM (MYP) (SPACE)										
23	FLEET SATELLITE COMM FOLLOW-ON		77,840		77,840		77,840				77,840
	Ordnance Support Equipment										
24	ORDNANCE SUPPORT EQUIPMENT		4,210		4,210		4,210				4,210
	Torpedoes and Related Equipment										
	Torpedoes and Related Equipment										
25	ASW TARGETS		15,335		15,335		15,335				15,335

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(Dollars in Thousands)

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	Mod of Torpedoes and Related Equipment										
26	MK-46 TORPEDO MODS		7,444		7,444		7,444				7,444
27	MK-48 TORPEDO ADCAP MODS		42,386		42,386		42,386				42,386
28	QUICKSTRIKE MINE		3,899		3,899		3,899				3,899
	Support Equipment										
29	TORPEDO SUPPORT EQUIPMENT		30,025		30,025		30,025				30,025
30	ASW RANGE SUPPORT		14,861		14,861		14,861				14,861
	Destination Transportation										
31	FIRST DESTINATION TRANSPORTATION		2,802		2,802		2,802				2,802
	Other Weapons										
	Guns and Gun Mounts										
32	SMALL ARMS AND WEAPONS		910		6,110		910				910
	MK 46 Mod 0 Machine Gun				[5,200]						
	Modification of Guns and Gun Mounts										
33	CIWS MODS		40,503		40,503		55,503		5,000		45,503
	Block 1B modifications						[15,000]		[5,000]		
34	5/54 GUN MOUNT MODS										
35	MK-75 76MM GUN MOUNT MODS										
36	GUN MOUNT MODS		5,748		5,748		20,748		5,000		10,748
	5"/54 for Cruiser Conversion and other mods						[15,000]		[5,000]		

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
37	MODS UNDER $2 MILLION										
	Other										
38	PIONEER										
39	CANCELED ACCOUNT ADJUSTMENTS										
40	CANCELED ACCOUNT ADJUSTMENTS										
41	PRIOR YEAR DEFICIENCIES										
42	CANCELED ACCOUNT ADJ (88)										
43	CANCELED ACCOUNT ADJ (89)										
	Spares and Repair Parts										
44	SPARES AND REPAIR PARTS		48,836		48,836		48,836				48,836
44a	Management Reform Initiatives								(2,171)		(2,171)
	Total - Weapons Procurement, Navy		1,433,475		1,476,692		1,503,475		50,846		1,484,321

Procurement of Ammunition, Navy and Marine Corps—Overview

The budget request for fiscal year 2002 included an authorization of $457.1 million for Procurement of Ammunition, Navy and Marine Corps in the Department of Defense.

The Senate bill would authorize $476.1 million.

The House amendment would authorize $463.6 million.

The conferees recommended an authorization of $466.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	Procurement of Ammunition, Navy & Marine Corps										
	Navy Ammunition										
1	GENERAL PURPOSE BOMBS		65,155		65,155		65,155				65,155
2	CANCELED ACCOUNT ADJUSTMENTS										
3	JDAM	1417	41,133	1417	41,133	1417	41,133			1417	41,133
4	2.75 INCH ROCKETS										
5	AIRBORNE ROCKETS, ALL TYPES		21,138		21,138		21,138				21,138
6	MACHINE GUN AMMUNITION		16,423		16,423		16,423				16,423
7	PRACTICE BOMBS		35,019		35,019		35,019				35,019
8	CARTRIDGES & CART ACTUATED DEVICES		26,697		26,697		26,697				26,697
9	AIRCRAFT ESCAPE ROCKETS		10,784		10,784		10,784				10,784
10	AIR EXPENDABLE COUNTERMEASURES		36,403		42,903		36,403		6,500		42,903
	Additional MJU-52				[6,500]				[6,500]		
11	JATOS		4,771		4,771		4,771				4,771
12	5 INCH/54 GUN AMMUNITION		12,009		12,009		12,009				12,009
13	EXTENDED RANGE GUIDED MUNITIONS (ERGM)		5,151		5,151		5,151				5,151
14	76MM GUN AMMUNITION		990		990		990				990
15	OTHER SHIP GUN AMMUNITION		7,318		7,318		7,318				7,318
16	SMALL ARMS & LANDING PARTY AMMO		8,878		8,878		8,878				8,878
17	PYROTECHNIC AND DEMOLITION		8,439		8,439		8,439				8,439

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18	MINE NEUTRALIZATION DEVICES		4,985		4,985		4,985				4,985
19	AMMUNITION LESS THAN $5 MILLION		1,343		1,343		1,343				1,343
20	CAWCF CLOSURE COSTS		6,993		6,993		6,993				6,993
	Marine Corps Ammunition										
21	5.56 MM, ALL TYPES		9,402		9,402		9,402				9,402
22	7.62 MM, ALL TYPES		7,395		7,395		7,395				7,395
23	LINEAR CHARGES, ALL TYPES		18,957		18,957		18,957				18,957
24	.50 CALIBER		6,225		6,225		6,225				6,225
25	40 MM, ALL TYPES		5,857		5,857		5,857				5,857
26	60MM, ALL TYPES		2,699		2,699		2,699				2,699
27	81MM, ALL TYPES		6,669		6,669		6,669				6,669
28	120MM, ALL TYPES		7,639		7,639		7,639				7,639
29	CTG 25MM, ALL TYPES		6,031		6,031		6,031				6,031
30	9 MM ALL TYPES		2,832		2,832		2,832				2,832
31	GRENADES, ALL TYPES		10,533		10,533		10,533				10,533
32	STINGER SLEP		7,330		7,330		7,330				7,330
33	ROCKETS, ALL TYPES		4,794		4,794		4,794				4,794
34	ARTILLERY, ALL TYPES		24,488		24,488		34,488		4,000		28,488
	155mm M795 HE						[10,000]		[4,000]		
35	DEMOLITION MUNITIONS, ALL TYPES		2,925		2,925		2,925				2,925

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36	FUZE, ALL TYPES										
37	NON LETHALS		4,461		4,461		4,461				4,461
38	AMMO MODERNIZATION		7,019		7,019		7,019				7,019
39	ITEMS LESS THAN $5 MILLION		1,014		1,014		1,014				1,014
40	CAWCF CLOSURE COSTS		7,200		7,200		7,200				7,200
40a	Undistributed						9,000				
40b	Management Reform Initiatives								(692)		(692)
	Total - Procurement of Ammunition, Navy & Marine Corps		457,099		463,599		476,099		9,808		466,907

Shipbuilding and Conversion, Navy—Overview

The budget request for fiscal year 2002 included an authorization of $9,344.1 million for Shipbuilding and Conversion, Navy in the Department of Defense.

The Senate bill would authorize $9,522.1 million.

The House amendment would authorize $9,378.2 million.

The conferees recommended an authorization of $9,371.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Shipbuilding and Conversion, Navy										
	Other Warships										
1	CARRIER REPLACEMENT PROGRAM										
2	CARRIER REPLACEMENT PROGRAM (AP-CY)		138,890		138,890		138,890				138,890
3	SSGN (AP-CY)		86,440		137,440		264,440		51,000		137,440
	Four boat SSGN program				[51,000]		[178,000]		[51,000]		
4	VIRGINIA CLASS SUBMARINE	1	1,608,914	1	1,608,914	1	1,608,914			1	1,608,914
5	VIRGINIA CLASS SUBMARINE (AP-CY)		684,288		684,288		684,288				684,288
6	CVN REFUELING OVERHAULS	1	1,118,124	1	1,175,224	1	1,118,124		57,000	1	1,175,124
	CVN-69 RCOH				[57,100]				[57,000]		
7	CVN REFUELING OVERHAULS (AP-CY)		73,707		73,707		73,707				73,707
8	SUBMARINE REFUELING OVERHAULS	2	382,265	2	382,265	2	382,265			2	382,265
9	SUBMARINE REFUELING OVERHAULS (AP-CY)		77,750		77,750		77,750				77,750
10	DDG-51	3	2,966,036	3	2,966,036	3	2,966,036			3	2,966,036
11	DDG-51 (AP-CY)										
	Amphibious Ships										
12	LHD-1 AMPHIBIOUS ASSAULT SHIP	1	267,238	1	267,238	1	267,238			1	267,238
13	LHD-1 AMPHIBIOUS ASSAULT SHIP (AP-CY)										
14	LPD-17										
15	LPD-17 (AP-CY)		421,330		421,330		421,330				421,330

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	Auxiliaries, Craft and Prior Year Program Costs										
16	ADC(X)	1	370,818	1	370,818	1	370,818			1	370,818
17	LCAC LANDING CRAFT										
18	OUTFITTING		307,230		297,230		307,230				307,230
	Delete Funds Budgeted for FY 02 Starts & FY 03 Deliveries				[-10,000]						
19	LCAC SLEP	2	41,091	2	41,091	2	41,091			2	41,091
20	COMPLETION OF PY SHIPBUILDING PROGRAMS		800,000		725,000		800,000		(75,000)		725,000
	Offset for LPD-17 Supplemental Appropriations				[-75,000]				[-75,000]		
20a	Mine Hunter SWATH				2,000				2,000		2,000
	Purchase Small MCM Boat				[2,000]				[2,000]		
20b	Yard Oilers			3	9,000				6,000		6,000
	Additional yard oilers				[9,000]				[6,000]		
20c	Management Reform Initiatives								(14,149)		(14,149)
	Total - Shipbuilding and Conversion, Navy		9,344,121		9,378,221		9,522,121		26,851		9,370,972

Other Procurement, Navy—Overview

The budget request for fiscal year 2002 included an authorization of $4,097.6 million for Other Procurement, Navy in the Department of Defense.

The Senate bill would authorize $4,293.5 million.

The House amendment would authorize $4,157.3 million.

The conferees recommended an authorization of $4,282.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	Other Procurement, Navy										
	Ships Support Equipment										
	Ship Propulsion Equipment										
1	LM-2500 GAS TURBINE		7,083		7,083		7,083				7,083
2	ALLISON 501K GAS TURBINE		6,896		6,896		6,896				6,896
	Propellers										
3	SUBMARINE PROPELLERS		4,460		4,460		4,460				4,460
	Navigation Equipment										
4	OTHER NAVIGATION EQUIPMENT		45,946		55,946		52,946		11,500		57,446
	MSC Force Protection Thermal Imaging System				[10,000]				[7,500]		
	AN/WSN-7B						[7,000]		[4,000]		
	Underway Replenishment Equipment										
5	UNDERWAY REPLENISHMENT EQUIPMENT		1,802		1,802		1,802				1,802
	Periscopes										
6	SUB PERISCOPES & IMAGING EQUIPMENT		29,240		29,240		29,240				29,240
	Other Shipboard Equipment										
7	FIREFIGHTING EQUIPMENT		17,539		17,539		17,539				17,539
8	COMMAND AND CONTROL SWITCHBOARD		9,139		9,139		9,139				9,139
9	POLLUTION CONTROL EQUIPMENT		66,958		66,958		66,958				66,958
10	SUBMARINE SUPPORT EQUIPMENT		6,796		6,796		6,796				6,796

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11	SUBMARINE BATTERIES		10,891		10,891		10,891				10,891
12	STRATEGIC PLATFORM SUPPORT EQUIPMENT		11,276		11,276		11,276				11,276
13	DSSP EQUIPMENT		7,498		7,498		7,498				7,498
14	LCAC										
15	MINESWEEPING EQUIPMENT		20,168		20,168		20,168				20,168
16	ITEMS LESS THAN $5 MILLION		79,285		79,285		86,185		4,600		83,885
	Integrated Condition Assessment (ICAS) System						[5,300]		[3,000]		
	Engineering Control & Surveillance System						[1,600]		[1,600]		
17	SURFACE IMA										
18	SUBMARINE LIFE SUPPORT SYSTEM		4,940		4,940		4,940				4,940
	Reactor Plant Equipment										
19	REACTOR COMPONENTS		208,849		208,849		320,849		112,000		320,849
	Reactor Core Funding to Support 4 Conversions						[112,000]		[112,000]		
	Ocean Engineering										
20	DIVING AND SALVAGE EQUIPMENT		5,712		5,712		5,712				5,712
21	EOD UNDERWATER EQUIPMENT										
	Small Boats										
22	STANDARD BOATS		32,151		35,351		32,151				32,151
	Rigid Inflatable EOD Boats				[3,200]						

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	Training Equipment										
23	OTHER SHIPS TRAINING EQUIPMENT		16,772		16,772		16,772				16,772
	Production Facilities and Equipment										
24	OPERATING FORCES IPE		27,522		28,022		27,522				27,522
	Expeditionary Maintenance Facilities				[500]						
	Other Ship Support										
25	NUCLEAR ALTERATIONS		121,105		121,105		121,105				121,105
	Drug Interdiction Support										
26	DRUG INTERDICTION SUPPORT										
	Communications and Electronics Equipment										
	Ship Radars										
27	AN/SPS-49										
28	RADAR SUPPORT				15,000				5,000		5,000
	MK-92 Mod 1 Upgrade to Mod 2 Configuration				[15,000]				[5,000]		
29	TISS										
	Ship Sonars										
30	AN/SQQ-89 SURF ASW COMBAT SYSTEM		16,561		16,561		16,561				16,561
31	SSN ACOUSTICS		113,016		113,016		113,016				113,016
32	UNDERSEA WARFARE SUPPORT EQUIPMENT		4,263		4,263		4,263				4,263
33	SURFACE SONAR WINDOWS AND DOME										

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34	SONAR SUPPORT EQUIPMENT										
35	SONAR SWITCHES AND TRANSDUCERS		10,808		10,808		10,808				10,808
	ASW Electronic Equipment										
36	SUBMARINE ACOUSTIC WARFARE SYSTEM		12,624		12,624		12,624				12,624
37	FIXED SURVEILLANCE SYSTEM		33,692		33,692		33,692				33,692
38	SURTASS		17,650		17,650		17,650				17,650
39	ASW OPERATIONS CENTER		6,059		6,059		6,059				6,059
	Electronic Warfare Equipment										
40	AN/SLQ-32		1,971		1,971		1,971				1,971
41	INFORMATION WARFARE SYSTEMS		2,908		2,908		2,908				2,908
	Reconnaissance Equipment										
42	SHIPBOARD IW EXPLOIT		57,535		57,535		57,535				57,535
43	COMMON HIGH BANDWIDTH DATA LINK										
	Submarine Surveillance Equipment										
44	SUBMARINE SUPPORT EQUIPMENT PROGRAM		22,928		22,928		22,928				22,928
	Other Ship Electronic Equipment										
45	NAVY TACTICAL DATA SYSTEM										
46	COOPERATIVE ENGAGEMENT CAPABILITY		77,133		77,133		77,133				77,133
47	GCCS-M EQUIPMENT		61,085		61,085		61,085				61,085

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48	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		42,826		42,826		42,826				42,826
49	ATDLS		9,965		9,965		9,965				9,965
50	MINESWEEPING SYSTEM REPLACEMENT		8,903		8,903		13,903		5,000		13,903
	High resolution side-scan sonar						[5,000]		[5,000]		
51	SHALLOW WATER MCM										
52	NAVSTAR GPS RECEIVERS (SPACE)		9,857		9,857		9,857				9,857
53	ARMED FORCES RADIO AND TV		14,609		14,609		14,609				14,609
54	STRATEGIC PLATFORM SUPPORT EQUIPMENT		11,361		11,361		11,361				11,361
	Training Equipment										
55	OTHER SPAWAR TRAINING EQUIPMENT		1,793		1,793		1,793				1,793
56	OTHER TRAINING EQUIPMENT		37,225		41,225		41,225		2,000		39,225
	Battle Force Tactical Trainer (BFTT) - Air Traffic Control				[4,000]						
	Tactical Communications Onboard Trainer for BFTT						[4,000]		[2,000]		
	Aviation Electronic Equipment										
57	MATCALS		1,005		1,005		1,005				1,005
58	SHIPBOARD AIR TRAFFIC CONTROL		8,036		8,036		8,036				8,036
59	AUTOMATIC CARRIER LANDING SYSTEM		15,617		15,617		15,617				15,617

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60	NATIONAL AIR SPACE SYSTEM		43,618		43,618		43,618				43,618
61	AIR STATION SUPPORT EQUIPMENT		7,421		7,421		7,421				7,421
62	MICROWAVE LANDING SYSTEM		5,409		5,409		5,409				5,409
63	FACSFAC		1,151		1,151		1,151				1,151
64	ID SYSTEMS		18,310		17,310		18,310				18,310
	Unjustified cost increases				[-1,000]						
65	SURFACE IDENTIFICATION SYSTEMS										
66	TAC A/C MISSION PLANNING SYS (TAMPS)		13,411		13,411		13,411				13,411
	Other Shore Electronic Equipment										
67	GCCS-M EQUIPMENT ASHORE										
68	TADIX-B										
69	NAVAL SPACE SURVEILLANCE SYSTEM		4,898		4,898		4,898				4,898
70	GCCS-M EQUIPMENT TACTICAL/MOBILE										
71	COMMON IMAGERY GROUND SURFACE SYSTEMS		58,446		58,446		58,446				58,446
72	RADIAC		7,876		7,876		7,876				7,876
73	GPETE		4,727		4,727		4,727				4,727
74	INTEG COMBAT SYSTEM TEST FACILITY		4,502		4,502		4,502				4,502
75	EMI CONTROL INSTRUMENTATION		5,162		5,162		5,162				5,162

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76	ITEMS LESS THAN $5 MILLION		6,332		6,332		29,332		10,000		16,332
	AN / SPS-73 (V)						[14,000]		[5,000]		
	AN / BPS-15H Integration into TIDS						[9,000]		[5,000]		
	Shipboard Communications										
77	SHIPBOARD TACTICAL COMMUNICATIONS										
78	SHIP COMMUNICATIONS AUTOMATION		121,242		121,242		121,242				121,242
79	SHIP COMM ITEMS UNDER $5 MILLION										
80	COMMUNICATIONS ITEMS UNDER $5M		24,278		24,278		24,278				24,278
	Submarine Communications										
81	SHORE LF/VLF COMMUNICATIONS		17,517		17,517		17,517				17,517
82	SUBMARINE COMMUNICATION EQUIPMENT		89,309		89,309		89,309				89,309
	Satellite Communications										
83	SATCOM SHIP TERMINALS (SPACE)										
84	SATELLITE COMMUNICATIONS SYSTEMS		198,143		213,143		198,143		12,000		210,143
	Digital Modular Radio				[15,000]				[12,000]		
85	SATCOM SHORE TERMINALS (SPACE)										
	Shore Communications										
86	JCS COMMUNICATIONS EQUIPMENT		4,623		4,623		4,623				4,623
87	ELECTRICAL POWER SYSTEMS		1,301		1,301		1,301				1,301
88	NSIPS		14,232		14,232		14,232				14,232

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89	JEDMICS										
90	NAVAL SHORE COMMUNICATIONS		66,772		66,772		66,772				66,772
	Cryptographic Equipment										
91	INFO SYSTEMS SECURITY PROGRAM (ISSP)		78,170		88,170		78,170		3,000		81,170
	Additional Secure Terminal Equipment				[10,000]				[3,000]		
	Cryptologic Equipment										
92	SPECIAL DCP										
93	CRYPTOLOGIC COMMUNICATIONS EQUIPMENT		15,595		15,595		15,595				15,595
	Drug Interdiction Support										
94	OTHER DRUG INTERDICTION SUPPORT										
	Aviation Support Equipment										
	Sonobuoys										
95	PASSIVE SONOBUOYS (NON-BEAM FORMING)										
96	AN/SSQ-62 (DICASS)										
97	AN/SSQ-101 (ADAR)										
98	SONOBUOYS - ALL TYPES		57,886		57,886		77,886		10,000		67,886
99	MISCELLANEOUS SONOBUOYS LESS THAN $5 MILLION										
	Aircraft Support Equipment										
100	WEAPONS RANGE SUPPORT EQUIPMENT		10,129		10,129		10,129				10,129

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101	EXPEDITIONARY AIRFIELDS		7,551		7,551		7,551				7,551
102	AIRCRAFT REARMING EQUIPMENT		12,265		12,265		12,265				12,265
103	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT		27,500		27,500		27,500				27,500
104	METEOROLOGICAL EQUIPMENT		29,833		29,833		29,833				29,833
105	OTHER PHOTOGRAPHIC EQUIPMENT		1,710		1,710		1,710				1,710
106	AVIATION LIFE SUPPORT		21,035		21,035		21,035				21,035
107	AIRBORNE MINE COUNTERMEASURES		46,860		46,860		46,860				46,860
108	OTHER AVIATION SUPPORT EQUIPMENT		13,645		13,645		13,645				13,645
	Ordnance Support Equipment										
	Ship Gun System Equipment										
109	GUN FIRE CONTROL EQUIPMENT		17,926		17,926		21,926		4,000		21,926
	SPQ-9B Solid State Transmitter						[4,000]		[4,000]		
110	NAVAL FIRES CONTROL SYSTEM		600		600		600				600
	Ship Missile System Equipment										
111	NATO SEASPARROW		10,670		10,670		10,670				10,670
112	RAM GMLS		31,838		31,838		31,838				31,838
113	SHIP SELF DEFENSE SYSTEM		34,378		34,378		34,378				34,378
114	AEGIS SUPPORT EQUIPMENT		155,113		155,113		155,113				155,113
115	SURFACE TOMAHAWK SUPPORT EQUIPMENT		61,241		61,241		61,241				61,241

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116	SUBMARINE TOMAHAWK SUPPORT EQUIPMENT		3,062		3,062		3,062				3,062
117	VERTICAL LAUNCH SYSTEMS		6,857		6,857		6,857				6,857
	FBM Support Equipment										
118	STRATEGIC PLATFORM SUPPORT EQUIPMENT		9,823		9,823		9,823				9,823
119	STRATEGIC MISSILE SYSTEMS EQUIPMENT		205,094		203,094		205,094				205,094
	Unjustified cost increases				[-2,000]						
	ASW Support Equipment										
120	SSN COMBAT CONTROL SYSTEMS		40,716		40,716		40,716				40,716
121	SUBMARINE ASW SUPPORT EQUIPMENT		5,935		5,935		5,935				5,935
122	SURFACE ASW SUPPORT EQUIPMENT		3,213		3,213		3,213				3,213
123	ASW RANGE SUPPORT EQUIPMENT		6,012		6,012		6,012				6,012
	Other Ordnance Support Equipment										
124	EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT		9,353		9,353		9,353				9,353
125	ITEMS LESS THAN $5 MILLION		5,795		5,795		5,795				5,795

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Other Expendable Ordnance										
126	ANTI-SHIP MISSILE DECOY SYSTEM		27,513		27,513		41,513		10,000		37,513
	NULKA Decoy Procurement						[12,000]		[8,000]		
	NULKA Modifications						[2,000]		[2,000]		
127	SURFACE TRAINING DEVICE MODS		7,318		7,318		7,318				7,318
128	SUBMARINE TRAINING DEVICE MODS		20,753		20,753		20,753				20,753
	Civil Engineering Support Equipment										
	Civil Engineering Support Equipment										
129	ARMORED SEDANS		440		440		440				440
130	PASSENGER CARRYING VEHICLES		1,351		1,351		1,351				1,351
131	GENERAL PURPOSE TRUCKS		1,531		1,531		1,531				1,531
132	CONSTRUCTION & MAINTENANCE EQUIPMENT		9,587		9,587		9,587				9,587
133	FIRE FIGHTING EQUIPMENT		5,300		5,300		5,300				5,300
134	TACTICAL VEHICLES		20,154		20,154		20,154				20,154
135	AMPHIBIOUS EQUIPMENT		14,633		14,633		14,633				14,633
136	POLLUTION CONTROL EQUIPMENT		19,969		19,969		19,969				19,969
137	ITEMS UNDER $5 MILLION		11,323		11,323		11,323				11,323

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Supply Support Equipment										
	Supply Support Equipment										
138	MATERIALS HANDLING EQUIPMENT		8,786		8,786		8,786				8,786
139	OTHER SUPPLY SUPPORT EQUIPMENT		7,534		13,534		7,534		2,000		9,534
	Serial Number Tracking System				[6,000]				[2,000]		
140	FIRST DESTINATION TRANSPORTATION		5,222		5,222		5,222				5,222
141	SPECIAL PURPOSE SUPPLY SYSTEMS		490,438		490,438		490,438				490,438
	Personnel and Command Support Equipment										
	Training Devices										
142	TRAINING SUPPORT EQUIPMENT		1,101		1,101		1,101				1,101
	Command Support Equipment										
143	TRAINING SUPPORT EQUIPMENT										
144	OTHER TRAINING EQUIPMENT										
145	COMMAND SUPPORT EQUIPMENT		28,787		27,787		28,787				28,787
	Unjustified cost increases				[-1,000]						
146	EDUCATION SUPPORT EQUIPMENT		6,646		6,646		6,646				6,646
147	MEDICAL SUPPORT EQUIPMENT		7,693		7,693		7,693				7,693
148	INTELLIGENCE SUPPORT EQUIPMENT										
149	OPERATING FORCES SUPPORT EQUIPMENT		15,812		15,812		15,812				15,812
150	MOBILE SENSOR PLATFORM		4,006		4,006		4,006				4,006

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
151	ENVIRONMENTAL SUPPORT EQUIPMENT		25,205		25,205		25,205				25,205
152	PHYSICAL SECURITY EQUIPMENT		116,932		116,932		116,932				116,932
	Productivity Programs										
153	JUDGMENT FUND REIMBURSEMENT										
	Other										
154	CANCELED ACCOUNT ADJUSTMENTS										
	Spares and Repair Parts										
155	SPARES AND REPAIR PARTS		234,136		234,136		234,136				234,136
999	CLASSIFIED PROGRAMS		15,463		15,463		15,463				15,463
155a	Management Reform Initiatives								(6,205)		(6,205)
	Total - Other Procurement, Navy		4,097,576		4,157,276		4,293,476		184,895		4,282,471

Procurement, Marine Corps—Overview

The budget request for fiscal year 2002 included an authorization of $981.7 million for Procurement, Marine Corps in the Department of Defense.

The Senate bill would authorize $981.7 million.

The House amendment would authorize $1,025.6 million.

The conferees recommended an authorization of $1,014.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Procurement, Marine Corps										
	Weapons and Combat Vehicles										
	Tracked Combat Vehicles										
1	AAV7A1 PIP	170	77,087	170	77,087	170	77,087			170	77,087
2	AAAV		1,512		1,512		1,512				1,512
3	LAV PIP		25,783		25,783		25,783				25,783
4	IMPROVED RECOVERY VEHICLE (IRV)	8	21,026	8	21,026	8	21,026			8	21,026
5	MODIFICATION KITS (TRKD VEH)		3,825		3,825		3,825				3,825
	Artillery and Other Weapons										
6	155MM LIGHTWEIGHT TOWED HOWITZER										
7	MOD KITS (ARTILLERY)		1,478		1,478		1,478				1,478
8	MARINE ENHANCEMENT PROGRAM		2,243		2,243		2,243				2,243
9	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION		274		5,274		274				274
	Weapons										
10	MODULAR WEAPON SYSTEM		7,501		7,501		7,501				7,501
	Other Support										
11	OPERATIONS OTHER THAN WAR		1,552		1,552		1,552				1,552

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(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Guided Missiles and Equipment										
	Guided Missiles										
12	JAVELIN		1,036		1,036		1,036				1,036
13	PEDESTAL MOUNTED STINGER (PMS) (MYP)										
14	ITEMS UNDER $5 MILLION										
15	PREDATOR (SRAW)										
	Other Support										
16	MODIFICATION KITS		6,612		6,612		6,612				6,612
	Communications and Electronics Equipment										
	Repair and Test Equipment										
17	AUTO TEST EQUIP SYS		616		616		616				616
18	GENERAL PURPOSE ELECTRONIC TEST EQUIPMENT		8,115		8,115		8,115				8,115
	Intell/Comm Equipment (Non-tel)										
19	INTELLIGENCE SUPPORT EQUIPMENT		9,615		9,615		9,615				9,615
20	MOD KITS (INTEL)		7,217		7,217		7,217				7,217
21	ITEMS UNDER $5 MILLION (INTELL)		1,654		1,654		1,654				1,654
	Repair and Test Equipment (Non-tel)										
22	GENERAL PURPOSE MECHANICAL TMDE		4,578		4,578		4,578				4,578

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Other Comm/Elec Equipment (Non-tel)										
23	NIGHT VISION EQUIPMENT		22,374		36,874		22,374		10,000		32,374
	AN / PVS-17				[14,500]				[10,000]		
	Other Support (Non-tel)										
24	ITEMS UNDER $5 MILLION (COMM & ELEC)		9,028		9,028		9,028				9,028
25	COMMON COMPUTER RESOURCES		21,302		21,302		21,302				21,302
26	COMMAND POST SYSTEMS		17,338		17,338		17,338				17,338
27	MANEUVER C2 SYSTEMS										
28	RADIO SYSTEMS		50,911		50,911		50,911				50,911
29	COMM SWITCHING & CONTROL SYSTEMS										
30	COMM & ELEC INFRASTRUCTURE SUPPORT		7,546		7,546		7,546				7,546
31	MOD KITS MAGTF C4I		21,136		21,136		21,136				21,136
32	AIR OPERATIONS C2 SYSTEMS		5,210		5,210		5,210				5,210
33	INTELLIGENCE C2 SYSTEMS		11,825		11,825		11,825				11,825
34	FIRE SUPPORT SYSTEM		16,152		16,152		16,152				16,152
	Support Vehicles										
	Administrative Vehicles										
35	COMMERCIAL PASSENGER VEHICLES		773		773		773				773
36	COMMERCIAL CARGO VEHICLES		6,487		6,487		6,487				6,487

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	Tactical Vehicles										
37	5/4T TRUCK HMMWV (MYP)	1466	109,201	1466	109,201	1466	109,201			1466	109,201
38	MEDIUM TACTICAL VEHICLE REPLACEMENT	1946	312,199	1946	312,199	1946	312,199			1946	312,199
	Other Support										
39	ITEMS LESS THAN $5 MILLION		2,564		2,564		2,564				2,564
	Engineer and Other Equipment										
	Engineer and Other Equipment										
40	ENVIRONMENTAL CONTROL EQUIP ASSORT		2,571		2,571		2,571				2,571
41	BULK LIQUID EQUIPMENT		8,130		8,130		8,130				8,130
42	TACTICAL FUEL SYSTEMS		2,721		2,721		2,721				2,721
43	DEMOLITION SUPPORT SYSTEMS		5,674		5,674		5,674				5,674
44	POWER EQUIPMENT ASSORTED		7,622		7,622		7,622				7,622
45	SHOP EQ CONTACT MAINTENANCE (SECM)										
	Material Handling Equipment										
46	COMMAND SUPPORT EQUIPMENT										
47	AMPHIBIOUS RAID EQUIPMENT		2,349		2,349		2,349				2,349
48	PHYSICAL SECURITY EQUIPMENT		4,846		4,846		4,846				4,846
49	GARRISON MOBILE ENGR EQUIP		5,938		5,938		5,938				5,938

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
50	MATERIAL HANDLING EQUIP		27,453		27,453		27,453		7,400		34,853
	Tractor, Rubber Tired Articulated Steering, Multi-purpose (TRAM)								[7,400]		
51	FIRST DESTINATION TRANSPORTATION		9,340		9,340		9,340				9,340
	General Property										
52	FIELD MEDICAL EQUIPMENT		7,530		7,530		7,530				7,530
53	TRAINING DEVICES		30,566		30,566		30,566				30,566
54	CONTAINER FAMILY		5,909		13,309		5,909				5,909
	Tractor, Rubber Tired Articulated Steering, Multi-purpose (TRAM) SLEP				[7,400]						
55	FAMILY OF CONSTRUCTION EQUIPMENT		8,281		25,281		8,281		17,000		25,281
	D-7G Dozer / Scraper / Grader Remanufacture				[17,000]				[17,000]		
56	FAMILY OF INTERNALLY TRANSPORTABLE VEHICLE (ITV)		4,852		4,852		4,852				4,852
57	RAPID DEPLOYABLE KITCHEN		5,947		5,947		5,947				5,947
	Other Support										
58	MODIFICATION KITS		11,892		11,892		11,892				11,892
59	ITEMS LESS THAN $5 MILLION		7,684		7,684		7,684				7,684
60	CANCELED ACCOUNT ADJUSTMENT (M)										

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Spares and Repair Parts										
61	SPARES AND REPAIR PARTS		26,649		26,649		26,649				26,649
61a	Management Reform Initiatives								(1,487)		(1,487)
	Total - Procurement, Marine Corps		981,724		1,025,624		981,724		32,913		1,014,637

Aircraft Procurement, Air Force—Overview

The budget request for fiscal year 2002 included an authorization of $10,744.5 million for Aircraft Procurement, Air Force in the Department of Defense.

The Senate bill would authorize $10,893.0 million.

The House amendment would authorize $10,705.7 million.

The conferees recommended an authorization of $10,789.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Aircraft Procurement, Air Force										
	Combat Aircraft										
	Tactical Forces										
1	F-22 RAPTOR	13	2,658,153	13	2,658,153	13	2,658,153			13	2,658,153
2	F-22 RAPTOR (AP-CY)		379,159		379,159		379,159				379,159
3	F-15A										
4	F-15A (AP-CY)										
5	F-16A (MYP)										
6	F-16A (MYP) (AP-CY)										
	Airlift Aircraft										
7	C-17A (MYP)	15	2,875,775	15	2,839,775	15	2,875,775			15	2,875,775
	Transfer to Support 15 C-17s in FY 03				[-36,000]						
8	C-17A (MYP) (AP-CY)		228,100		264,100		228,100				228,100
	Transfer to Support 15 C-17s in FY 03				[36,000]						
9	C-17 ICS		441,163		441,163		441,163				441,163
10	EC-130J										
11	C-130J	2	221,809	2	221,809	3	320,809	1	72,000	3	293,809
	Additional Aircraft						[72,000]		[72,000]		
	Spares & Support						[9,000]				
	Maintenance Training Devices						[18,000]				

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Trainer Aircraft										
12	JPATS	48	228,409	48	228,409	48	231,809		3,400	48	231,809
	Transfer from APN - Fix USAF JPATS Pricing Problem						[3,400]		[3,400]		
	Other Aircraft										
	Helicopters										
13	V-22 OSPREY		95,110						(95,110)		
14	V-22 OSPREY (AP-CY)		14,991						(14,991)		
	Mission Support Aircraft										
15	C-32B FEST/DEST AIRCRAFT	1	72,451	1	72,451	1	72,451			1	72,451
16	CIVIL AIR PATROL A/C	27	2,629	27	2,629	27	2,629			27	2,629
17	OPERATIONAL SUPPORT AIRCRAFT										
	Other Aircraft										
18	TARGET DRONES		35,484		35,484		35,484				35,484
19	C-40 ANG										
20	EC-130H		19,000		19,000		19,000				19,000
21	E-8C	1	283,202	1	283,202	1	283,202			1	283,202
22	E-8C (AP-CY)		49,000		49,000		49,000				49,000
23	E-8C ICS										
24	HAEUAV	2	85,427	2	85,427	2	85,427			2	85,427

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25	HAEUAV (AP-CY)		33,500		33,500		33,500				33,500
26	PREDATOR UAV	6	19,632	6	39,632	8	25,632		20,000	6	39,632
	Predator B Air Vehicles				[20,000]				[20,000]		
	Additional Attrition Reserve Air Vehicles						[6,000]				
	Modification of Inservice Aircraft										
	Strategic Aircraft										
27	B-2A		11,858		44,858		11,858		13,500		25,358
	SATCOM Upgrades				[33,000]				[13,500]		
28	B-1B		95,493		37,493		95,493				95,493
	Transfer to O&M, ANG				[-58,000]						
29	B-52		3,548		3,548		54,548				3,548
	AI Q-172 ECM Upgrades						[51,000]				
30	F-117								27,620		27,620
	AF-requested realignment of funds from classified line								[27,620]		
	Tactical Aircraft										
31	A-10		18,547		18,547		18,547				18,547

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32	F-15		212,160		264,660		237,160		33,000		245,160
	F-15E Link 16				[19,500]						
	F100-PW-220E Engine Upgrades				[25,000]		[25,000]		[25,000]		
	Additional ALQ-135 Band 1.5 Internal Countermeasures Systems				[8,000]				[8,000]		
33	F-16		231,962		233,962		319,962		32,000		263,962
	Advance Concept Ejection Seat (ACES) II Upgrade				[2,000]				[2,000]		
	F100-PW-229 Engines						[88,000]		[30,000]		
34	T/AT-37		84		84		84				84
	Airlift Aircraft										
35	C-5		103,214		103,214		103,214				103,214
36	C-9		647		647		647				647
37	C-17A		139,278		139,278		160,378		9,800		149,078
	Training Evaluation Performance Aircraft Training Set (TEPATS)						[9,800]		[9,800]		
	Trainer Block Concurrency Upgrades						[2,100]				
	Combined Engine / Engine Cowling Trainer						[9,200]				
38	C-21		2,675		2,675		2,675				2,675
39	C-22										
40	C-32A		40,393		40,393		40,393				40,393

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41	C-37A		379		379		379				379
42	C-141		825		825		825				825
	Trainer Aircraft										
43	T-1										
44	T-3 (EFS) AIRCRAFT										
45	T-38		144,726		144,726		144,726				144,726
46	T-41 AIRCRAFT		90		90		90				90
47	T-43		3,750		3,750		3,750				3,750
	Other Aircraft										
48	KC-10A (ATCA)		31,249		31,249		31,249				31,249
49	C-12		412		412		412				412
50	C-18		830		830		830				830
51	C-20 MODS		635		635		635				635
52	VC-25A MOD		14,165		14,165		14,165				14,165
53	C-130		57,936		57,936		57,936				57,936
54	C-135		231,066		256,566		231,066				231,066
	KC-135E Re-engining				[25,500]						
55	DARP		195,045		206,045		195,045				195,045
	Cobra Ball Dual Sided 3-Channel Optics & SIGINT Collection				[11,000]						

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56	E-3		92,520		92,520		92,520				92,520
57	E-4		45,539		45,539		45,539				45,539
58	E-8		82,996		82,996		71,496		(11,500)		71,496
	Transfer to PE 27581F (RDAF 138) - SATCOM Kit Development						[-5,700]		[-5,700]		
	Transfer to PE 27581F (RDAF 138) - Global Air Traffic Management (GATM) - Radio Integration						[-5,800]		[-5,800]		
59	H-1		288		288		288				288
60	H-60		26,519		31,019		26,519				26,519
	HH-60G FLIR				[4,500]						
61	OTHER AIRCRAFT		50,954		55,754		50,954				50,954
	Fixed Aircrew Standardized Seat				[4,800]						
62	PREDATOR MODS		10,384		16,384		10,384		6,000		16,384
	Structured R&M Program				[6,000]				[6,000]		
	Other Modifications										
63	CLASSIFIED PROJECTS		23,227		23,227		23,227				23,227
64	SPECIAL PROJECTS										
	Aircraft Spares and Repair Parts										
65	SPARES/REPAIR PARTS		321,539		295,149		295,139		(26,390)		295,149
	CV-22 Spares				[-26,390]		[-26,400]		[-26,390]		

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	Aircraft Support Equipment and Facilities										
66	AIRCRAFT SUPPORT EQ. & FACILITIES		211,334		205,934		211,334				211,334
	Over budgeted for reprogramming equipment / electronic tester				[-5,400]						
	Post Production Support										
67	A-10										
68	B-2A		12,647		12,647		12,647				12,647
69	B-2A		38,612		38,612		38,612				38,612
70	B-1B		6,400		6,400		6,400				6,400
71	C-130		1,372		4,172		1,372				1,372
	MC-130P Weapon System Trainer Software Upgrade				[1,500]						
	MC-130H Simulator Visual Scene and Sensor Display Upgrade				[1,300]						
72	E-4										
73	F-15 POST PRODUCTION SUPPORT		7,409		7,409		7,409				7,409
74	F-16 POST PRODUCTION SUPPORT		14,542		14,542		14,542				14,542
75	INDUSTRIAL PREPAREDNESS		25,711		24,711		25,711				25,711
	Cost growth - rehabilitation / assessment				[-1,000]						
76	WAR CONSUMABLES		44,369		44,369		44,369				44,369

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
77	MISC PRODUCTION CHARGES		324,986		324,986		324,986				324,986
78	COMMON ECM EQUIPMENT		1,200		1,200		1,200				1,200
79	DARP		90,329		90,329		93,329		3,000		93,329
	U-2 SYERS P31 Spares						[3,000]		[3,000]		
999	CLASSIFIED PROGRAMS		27,620		27,620		27,620		(27,620)		
	AF-requested realignment of funds - APAF 30								[-27,620]		
	Total - Aircraft Procurement, Air Force		10,744,458		10,705,667		10,892,957		44,709		10,789,167

High altitude endurance unmanned aerial vehicle

The budget request included $33.5 million for advanced procurement of additional Global Hawk high altitude endurance unmanned aerial vehicles (HAE–UAVs).

The Senate bill and the House amendment would authorize the budget request.

The House Intelligence Authorization for Fiscal Year 2002 (H.R. 2883) would not authorize any of the requested funds.

The conferees agree to authorize the budget request.

The conferees are aware that much has been evolving in the Global Hawk HAE–UAV program in recent months. At the time of the budget request, the plan for these funds was to procure HAE–UAVs in the less capable Block 5 configuration, which contributed to the House recommendation. The accelerated program that is now underway would make these funds available for advanced procurement of the Block 10 configuration, which will provide the electrical power, cooling, and interfaces for sensor packages, which should meet the evolving Global Hawk requirement. These changes have addressed some of the concerns expressed in the House report (H. Rept. 107–219).

Another concern shared by the conferees is the fact that the requirements for this system are evolving at the very time that the program is being accelerated. The conferees would expect requirements documentation with completed mission area annexes to be the basis for future program decisions. The conferees want to ensure that existing intelligence, surveillance, and reconnaissance (ISR) assets, such as the U–2, continue to be operated and upgraded as necessary until such time that any new systems, like the Global Hawk HAE–UAV and its sensors, are fully tested and integrated with the required ground architecture and satisfy the operational mission requirements.

Finally, the conferees expect, before these advanced procurement funds are released, that the milestone decision authority approve this production in an acquisition decision memorandum that approves a coordinated and integrated acquisition strategy, taking into account the requirement, platform and sensor integration, ground architecture plan, and test plan for this spiral of the program.

Missile Procurement, Air Force—Overview

The budget request for fiscal year 2002 included an authorization of $3,233.5 million for Missile Procurement, Air Force in the Department of Defense.

The Senate bill would authorize $3,286.1 million.

The House amendment would authorize $3,226.3 million.

The conferees recommended an authorization of $3,222.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Missile Procurement, Air Force										
	Ballistic Missiles										
1	MISSILE REPLACEMENT EQ-BALLISTIC		25,124		25,124		25,124				25,124
	Other Missiles										
2	ADVANCED CRUISE MISSILE										
	Tactical										
3	JASSM	76	45,010	76	43,710	76	45,010			76	45,010
	Budget documents reflect program total of $43.6M				[-1,300]						
4	JOINT STANDOFF WEAPON	104	54,641	104	54,641	104	54,641			104	54,641
5	SIDEWINDER (AIM-9X)	138	38,923	138	38,923	138	38,923			138	38,923
6	AGM-130 POWERED GBU-15										
7	AMRAAM	190	104,701	190	104,701	190	104,701			190	104,701
	Industrial Facilities										
8	INDUSTRIAL FACILITIES		3,040		2,040		3,040				3,040
	Budget documents reflect $2.0M program requirement				[-1,000]						
	Missile Replacement Equipment-Other										
9	MISSILE REPLACEMENT EQ-OTHER										
	Modification of Inservice Missiles										
	Class IV										
10	ADVANCED CRUISE MISSILE		784		784		784				784

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11	SIDEWINDER (AIM-9X)										
12	MM III MODIFICATIONS		552,678		552,678		556,878				552,678
	Batteries for MM III Launch Facilities						[4,200]				
13	AGM-65D MAVERICK		966		966		966				966
14	AIR LAUNCH CRUISE MISSILE										
15	PEACEKEEPER (M-X)		5,146		5,146		17,346		12,200		17,346
	Purchase Equipment for Peacekeeper Retirement						[12,200]		[12,200]		
16	MODIFICATIONS UNDER $5.0M										
	Missile Spares and Repair Parts										
17	SPARES AND REPAIR PARTS		61,844		56,944		61,844				61,844
	LGM-118 crating equipment				[-4,900]						
	Other Support										
	Space Programs										
18	WIDEBAND GAPFILLER SATELLITES	2	377,509	2	377,509	2	377,509			2	377,509
19	WIDEBAND GAPFILLER SATELLITES (AP-CY)		13,447		13,447		46,047				13,447
	Exercise Unfunded Options to Buy 3 More Satellites						[32,600]				
20	SPACEBORNE EQUIP (COMSEC)		9,332		9,332		9,332				9,332
21	GLOBAL POSITIONING (SPACE)		177,719		177,719		177,719				177,719
22	GLOBAL POSITIONING (SPACE) (AP-CY)		23,760		23,760		23,760				23,760

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23	NUDET DETECTION SYSTEM						22,700		22,700		22,700
	Transfer NUDETS to Air Force Funding						[22,700]		[22,700]		
24	DEF METEOROLOGICAL SAT PROG(SPACE)		47,580		47,580		47,580				47,580
25	DEFENSE SUPPORT PROGRAM(SPACE)		112,456		112,456		112,456				112,456
26	DEFENSE SATELLITE COMM SYSTEM		27,004		27,004		27,004				27,004
27	TITAN SPACE BOOSTERS(SPACE)		385,298		385,298		385,298				385,298
28	EVOLVED EXPENDABLE LAUNCH VEHICLE	1	98,007	1	98,007	1	98,007			1	98,007
29	MEDIUM LAUNCH VEHICLE(SPACE)		42,355		42,355		42,355				42,355
30	SBIR HIGH (SPACE) (AP-CY)		93,752		93,752		93,752		(45,800)		47,952
	Defer - serious hardware & software design problems								[-45,800]		
	Special Programs										
31	CANCELED ACCOUNT										
32	SPECIAL PROGRAMS		803,946		803,946		784,846				803,946
33	SPECIAL UPDATE PROGRAMS		128,514		128,514		128,514				128,514
	Total - Missile Procurement, Air Force		3,233,536		3,226,336		3,286,136		(10,900)		3,222,636

Procurement of Ammunition, Air Force—Overview

The budget request for fiscal year 2002 included an authorization of $865.3 million for Procurement of Ammunition, Air Force in the Department of Defense.

The Senate bill would authorize $885.3 million.

The House amendment would authorize $871.3 million.

The conferees recommended an authorization of $881.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Procurement of Ammunition, Air Force										
	Rockets										
1	ROCKETS		29,580		29,580		49,580		15,000		44,580
	Hydra 70						[20,000]		[15,000]		
	Cartridges										
2	CARTRIDGES		122,907		122,907		122,907				122,907
	Bombs										
3	PRACTICE BOMBS		50,230		53,230		50,230		1,500		51,730
	BDU-56 Cast Ductile Iron				[3,000]				[1,500]		
4	GENERAL PURPOSE BOMBS		110,522		113,522		110,522				110,522
	MK-84 Cast Ductile Iron				[3,000]						
5	CAWCF CLOSURE COSTS		7,946		7,946		7,946				7,946
6	SENSOR FUZED WEAPON	300	109,521	300	109,521	300	109,521			300	109,521
7	JOINT DIRECT ATTACK MUNITION	8383	187,257	8383	187,257	8383	187,257			8383	187,257
8	WIND CORRECTED MUNITIONS DISPENSER	6838	111,853	6838	111,853	6838	111,853			6838	111,853
	Flare, IR MJU-7B										
9	CAD/PAD		18,170		18,170		18,170				18,170
10	EXPLOSIVE ORDINANCE DISPOSAL		1,421		1,421		1,421				1,421
11	INITIAL SPARES		2,727		2,727		2,727				2,727
12	MODIFICATIONS <5M		211		211		211				211

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
13	ITEMS LESS THAN $5,000,000		1,633		1,633		1,633				1,633
	Fuzes										
14	FLARES		108,965		108,965		108,965				108,965
15	JOINT PROGRAMMABLE FUSE(JPF)										
	Weapons										
16	SMALL ARMS		2,401		2,401		2,401				2,401
	Total - Procurement of Ammunition, Air Force		865,344		871,344		885,344		16,500		881,844

Other Procurement, Air Force—Overview

The budget request for fiscal year 2002 included an authorization of $8,159.5 million for Other Procurement, Air Force in the Department of Defense.

The Senate bill would authorize $8,081.7 million.

The House amendment would authorize $8,250.8 million.

The conferees recommended an authorization of $8,196.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Other Procurement, Air Force										
	Vehicular Equipment										
	Passenger Carrying Vehicles										
1	SEDAN, 4 DR 4X2	54	686	54	686	54	686			54	686
2	STATION WAGON, 4X2	8	124	8	124	8	124			8	124
3	BUSES	72	4,307	72	4,307	72	4,307			72	4,307
4	AMBULANCES	3	252	3	252	3	252			3	252
5	LAW ENFORCEMENT VEHICLE	79	1,531	79	1,531	79	1,531			79	1,531
6	ARMORED VEHICLE	3	684	3	684	3	684			3	684
	Cargo and Utility Vehicles										
7	TRUCK, CARGO-UTILITY, 3/4T, 4		5,733		5,733		5,733				5,733
8	TRUCK MULTI-STOP 1 TON 4X2		10,367		10,367		10,367				10,367
9	FAMILY MEDIUM TACTICAL VEHICLE										
10	HIGH MOBILITY VEHICLE (MYP)		6,390		6,390		6,390				6,390
11	CAP VEHICLES		785		785		785				785
12	ITEMS LESS THAN $5,000,000		34,320		34,320		34,320				34,320
	Special Purpose Vehicles										
13	HMMWV, ARMORED		1,000		1,000		1,000				1,000
14	TRACTOR, TOW, FLIGHTLINE		6,035		6,035		6,035				6,035
15	TRUCK HYDRANT FUEL		5,895		5,895		5,895				5,895

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16	ITEMS LESS THAN $5,000,000		19,818		19,818		19,818				19,818
	Fire Fighting Equipment										
17	TRUCK CRASH P-19										
18	ITEMS LESS THAN $5,000,000		5,029		5,029		5,029				5,029
	Material Handling Equipment										
19	TRUCK, F/L 10,000 LB		6,914		6,914		6,914				6,914
20	60K A/C LOADER	44	90,763	44	90,763	44	90,763			44	90,763
21	NEXT GENERATION SMALL LOADER	101	53,461	101	53,461	101	53,461			101	53,461
22	ITEMS LESS THAN $5,000,000		4,106		4,106		4,106				4,106
	Base Maintenance Support										
23	TRUCK, DUMP		2,839		2,839		2,839				2,839
24	RUNWAY SNOW REMOVAL AND CLEANING		12,484		12,484		12,484				12,484
25	MODIFICATIONS		3,360		3,360		3,360				3,360
26	ITEMS LESS THAN $5,000,000		11,943		11,943		11,943				11,943
	Canceled Account Adjustments										
27	CANCELED ACCOUNT ADJUSTMENTS										
	Electronics and Telecommunications										
	Comm Security Equipment (COMSEC)										
28	COMSEC EQUIPMENT		35,188		35,188		35,188				35,188
29	MODIFICATIONS (COMSEC)		468		468		468				468

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	Intelligence Programs										
30	INTELLIGENCE DATA HANDLING SYSTEM										
31	INTELLIGENCE TRAINING EQUIPMENT		1,237		1,237		1,237				1,237
32	INTELLIGENCE COMM EQUIPMENT		1,955		10,755		1,955		8,800		10,755
	Upgrades for Senior Scout, ANG										
	Data Management Processors				[820]				[800]		
	Buy & Install JTIDS Equipment				[3,600]				[3,600]		
	Upgrade 3rd Shelter to Common Configuration				[2,800]				[2,800]		
	Ground Data Reduction System				[1,600]				[1,600]		
	Unallocated				[-20]						
	Electronics Programs										
33	AIR TRAFFIC CTRL/LAND SYS (ATCALS)		4,698		5,198		4,698				4,698
	Tower Communications Upgrades, McEntire ANGB				[500]						
34	NATIONAL AIRSPACE SYSTEM		71,930		71,930		71,930				71,930
35	THEATER AIR CONTROL SYS IMPROVEMENT		15,057		30,057		15,057		15,000		30,057
	AN / TYQ-23 Modular Control Eqpt (MCE) Tech Insertion & Sustainment				[15,000]				[15,000]		
36	WEATHER OBSERVATION /FORECAST		33,766		33,766		33,766				33,766
37	STRATEGIC COMMAND AND CONTROL		21,066		21,066		21,066				21,066
38	CHEYENNE MOUNTAIN COMPLEX		30,642		30,642		30,642				30,642

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39	TAC SIGINT SUPPORT		976		976		976				976
40	DRUG INTERDICTION PROGRAM										
	Special Comm-Electronics Projects										
41	GENERAL INFORMATION TECHNOLOGY		56,817		66,817		56,817				56,817
	Spare Parts Production & Reprocurement System (SPARES)				[10,000]						
42	AF GLOBAL COMMAND & CONTROL SYSTEM		15,151		15,151		15,151				15,151
43	MOBILITY COMMAND AND CONTROL		8,879		8,879		8,879				8,879
44	AIR FORCE PHYSICAL SECURITY SYSTEM		62,313		62,313		62,313				62,313
45	COMBAT TRAINING RANGES		67,585		97,585		67,585				67,585
	Unmanned Threat Emitter (UMTE) Modernization				[30,000]						
46	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS		2,078		2,078		2,078				2,078
47	C3 COUNTERMEASURES		9,623		19,623		9,623				9,623
	Secure Terminal Equipment				[10,000]						
48	JOINT SURVEILLANCE SYSTEM										
49	BASE LEVEL DATA AUTO PROGRAM		12,895		12,895		12,895				12,895
50	THEATER BATTLE MGT C2 SYSTEM		47,291		47,291		47,291				47,291
	Air Force Communications										
51	INFORMATION TRANSMISSION SYSTEM										

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52	BASE INFORMATION INFRASTRUCTURE		154,097		154,097		182,797		9,000		163,097
	Fiber Optic Communications Upgrades						[28,700]		[9,000]		
53	USCENTCOM		10,867		10,867		10,867				10,867
54	DEFENSE MESSAGE SYSTEM (DMS)		13,336		13,336		13,336				13,336
	DISA Programs										
55	SPACE BASED IR SENSOR PROG SPACE		54,347		54,347		54,347				54,347
56	NAVSTAR GPS SPACE		4,003		4,003		4,003				4,003
57	DEFENSE METEOROLOGICAL SAT PROGRAM										
58	NUDET DETECTION SYS (NDS) SPACE		8,470		8,470		8,470				8,470
59	AF SATELLITE CONTROL NETWORK		29,678		29,678		29,678				29,678
60	SPACELIFT RANGE SYSTEM SPACE		132,764		132,764		150,364				132,764
	Range Safety Improvements						[17,600]				
61	MILSATCOM SPACE		21,367		21,367		21,367				21,367
62	SPACE MODS SPACE		31,915		31,915		35,515				31,915
	Transfer from PE 35910F (RDAF 186) - Camera Spares						[3,600]				
	Organization and Base										
63	TACTICAL C-E EQUIPMENT		95,096		95,096		95,096				95,096
64	COMBAT SURVIVOR EVADER LOCATE		2,222		2,222		2,222				2,222
65	RADIO EQUIPMENT		13,926		13,926		13,926				13,926
66	TV EQUIPMENT (AFRTV)		2,640		2,640		2,640				2,640

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67	CCTV/AUDIOVISUAL EQUIPMENT		3,275		3,275		3,275				3,275
68	BASE COMM INFRASTRUCTURE		76,903		76,903		76,903				76,903
69	SPARES AND REP PARTS		16		16		16				16
70	CAP COM & ELECT										
71	ITEMS LESS THAN $5,000,000		6,094		6,094		6,094				6,094
	Modifications										
72	COMM ELECT MODS		66,386		66,386		66,386				66,386
	Other Base Maintenance and Support Equipment										
	Test Equipment										
73	BASE/ALC CALIBRATION PACKAGE		11,974		11,974		11,974				11,974
74	PRIMARY STANDARDS LABORATORY		1,073		1,073		1,073				1,073
75	ITEMS LESS THAN $5,000,000		17,493		17,493		17,493				17,493
	Personal Safety and Rescue Equipment										
76	NIGHT VISION GOGGLES		3,330		3,330		7,330		2,000		5,330
77	ITEMS LESS THAN $5,000,000		7,680		11,680		7,680				7,680
	Clear Laser Eye Protection for Infrared (CLEPIR)				[4,000]						
	Depot Plant and Material Handling Equipment										
78	MECHANIZED MATERIAL HANDLING		14,361		22,361		14,361		5,000		19,361
	Supply Asset Tracking System (SATS)				[8,000]				[5,000]		
79	ITEMS LESS THAN $5,000,000		9,437		9,437		9,437				9,437

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	Electrical Equipment										
80	FLOODLIGHTS		6,946		6,946		6,946				6,946
81	ITEMS LESS THAN $5,000,000		6,061		6,061		6,061				6,061
	Base Support Equipment										
82	BASE PROCURED EQUIPMENT		11,957		16,957		11,957				11,957
	Combined Arms Training System, ANG				[5,000]						
83	MEDICAL/DENTAL EQUIPMENT		15,525		15,525		15,525				15,525
84	ENVIRONMENTAL PROJECTS		938		938		938				938
85	AIR BASE OPERABILITY		6,000		6,000		6,000				6,000
86	PHOTOGRAPHIC EQUIPMENT		5,805		5,805		5,805				5,805
87	PRODUCTIVITY ENHANCING CAPITAL INVESTMENTS		7,981		7,981		7,981				7,981
88	MOBILITY EQUIPMENT		27,581		27,581		27,581				27,581
89	AIR CONDITIONERS		7,058		7,058		7,058				7,058
90	ITEMS LESS THAN $5,000,000		25,876		25,876		25,876				25,876
	Special Support Projects										
91	INTELLIGENCE PRODUCTION ACTIVITIES		64,110		64,110		64,110				64,110
92	TECH SURV COUNTERMEASURES EQUIPMENT		4,236		4,236		4,236				4,236
93	DARP RC135		14,247		14,247		14,247				14,247
94	DARP, MRIGS		89,478		89,478		89,478				89,478

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95	SELECTED ACTIVITIES		6,070,259		6,070,259		5,938,559				6,070,259
96	SPECIAL UPDATE PROGRAM		161,157		161,157		161,157				161,157
97	DEFENSE SPACE RECONNAISSANCE		6,829		6,829		6,829				6,829
98	INDUSTRIAL PREPAREDNESS		1,134		1,134		1,134				1,134
99	MODIFICATIONS		209		209		209				209
100	FIRST DESTINATION TRANSPORTATION		11,822		11,822		11,822				11,822
	Spares and Repair Parts										
101	SPARES AND REPAIR PARTS		33,121		33,121		33,121				33,121
101a	Management Reform Initiatives								(3,300)		(3,300)
	Total - Other Procurement, Air Force		8,159,521		8,250,821		8,081,721		36,500		8,196,021

Procurement, Defense-Wide—Overview

The budget request for fiscal year 2002 included an authorization of $1,603.9 million for Procurement, Defense-Wide in the Department of Defense.

The Senate bill would authorize $1,596.7 million.

The House amendment would authorize $2,267.3 million.

The conferees recommended an authorization of $2,279.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Procurement, Defense-Wide										
	Major Equipment										
	Major Equipment, OSD/WHS										
1	MOTOR VEHICLES, WHS										
2	MAJOR EQUIPMENT, OSD		87,189		77,189		87,189				87,189
	Mentor-Protege Program				[-10,000]						
3	MAJOR EQUIPMENT, WHS		18,836		18,836		18,836				18,836
	Major Equipment, NSA										
4	DEFENSE CRYPTOLOGIC PROGRAM		[ ]								
5	CONSOLIDATED CRYPTOLOGIC PROGRAM		[ ]								
6	INFORMATION SYSTEMS SECURITY PROGRAM		[ ]								
7	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM		[ ]								
8	DEFENSE COUNTERDRUG INTELLIGENCE PROGRAM										
	Major Equipment, DISA										
9	MOBILE SATELLITE SYSTEM TECHNOLOGY										
10	INFORMATION SYSTEMS SECURITY		43,211		43,211		43,211				43,211
11	CONTINUITY OF OPERATIONS		3,288		3,288		3,288				3,288
12	DEFENSE MESSAGE SYSTEM		19,062		19,062		19,062				19,062

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
13	GLOBAL COMMAND AND CONTROL SYSTEM		3,550		3,550		3,550				3,550
14	GLOBAL COMBAT SUPPORT SYSTEM		1,843		1,843		1,843				1,843
15	STANDARD TACTICAL ENTRY POINT										
16	TELEPORTS		97,351		97,351		97,351				97,351
17	ITEMS LESS THAN $5M		29,580		29,580		29,580				29,580
18	DRUG INTERDICTION SUPPORT										
	Major Equipment, DIA										
19	INTELLIGENCE AND COMMUNICATIONS		[ ]				(5,500)				
20	UNDISTRIBUTED NFIP ADJUSTMENTS		[ ]								
21	HEADQUARTERS MANAGEMENT, DIA		[ ]								
	Major Equipment, DLA										
22	MAJOR EQUIPMENT		12,805		12,805		12,805				12,805
	Major Equipment, DCAA										
23	MAJOR EQUIPMENT ITEMS LESS THAN $5.0M		1,500		1,500		1,500				1,500
	Major Equipment, TJS										
24	MAJOR EQUIPMENT, TJS		35,380		35,380		35,380				35,380
	Ballistic Missile Defense Organization										
25	PATRIOT PAC-3			72	676,574			72	676,574	72	676,574
	Transfer from MPA				[676,574]				[676,574]		
26	NATIONAL MISSILE DEFENSE										

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
27	C4I										
28	NAVY AREA TBDM PROGRAM				6,983				6,983		6,983
	Transfer from WPN				[6,983]				[6,983]		
	Major Equipment, DHRA										
29	PERSONNEL ADMINISTRATION		7,352		7,352		7,352				7,352
	National Imagery and Mapping Agency										
30	MAJOR EQUIPMENT, NIMA		[ ]				(3,000)				
	Defense Threat Reduction Agency										
31	VEHICLES		145		145		145				145
32	OTHER MAJOR EQUIPMENT		24,480		24,480		24,480				24,480
	Defense Security Cooperation Agency										
33	OTHER MAJOR EQUIPMENT		200		200		200				200
	Major Equipment, AFIS										
34	MAJOR EQUIPMENT, AFIS		5,369		5,369		5,369				5,369
	Major Equipment, DODDE										
35	AUTOMATION/EDUCATIONAL SUPPORT AND LOGISTICS		1,576		1,576		1,576				1,576
	Major Equipment, DCMA										
36	MAJOR EQUIPMENT		31,413		31,413		31,413				31,413

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Special Operations Command										
	Aviation Programs										
37	SOF ROTARY WING UPGRADES		79,084		79,084		79,084				79,084
38	SOF TRAINING SYSTEMS										
39	MC-130H COMBAT TALON II		10,427		10,427		10,427				10,427
40	CV-22 SOF MODIFICATION		28,202						(28,202)		
	Reflect Delay of CV-22 Procurement				[-28,202]		[-28,202]		[-28,202]		
41	AC-130U GUNSHIP ACQUISITION		8,705		8,705		8,705				8,705
42	C-130 MODIFICATIONS		8,176		8,176		8,176				8,176
43	AIRCRAFT SUPPORT		1,763		1,763		1,763				1,763
	Shipbuilding										
44	ADVANCED SEAL DELIVERY SYSTEM		33,439		33,439		33,439				33,439
45	ADVANCED SEAL DELIVERY SYSTEM (AP-CY)		13,697		13,697		13,697				13,697
46	MK VIII MOD 1 - SEAL DELIVERY VEHICLE		504		504		504				504
47	SUBMARINE CONVERSION										
	Ammunition Programs										
48	SOF ORDNANCE REPLENISHMENT		31,415		31,415		31,415				31,415
49	CONVENTIONAL AMMO WORKING CAPITAL FUND		1,509		1,509		1,509				1,509
50	SOF ORDNANCE ACQUISITION		5,635		5,635		5,635				5,635

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Other Procurement Programs										
51	COMM EQUIPMENT & ELECTRONICS		41,404		41,404		55,804				41,404
	AN / PRC-148 SOF Radios						[14,400]				
52	SOF INTELLIGENCE SYSTEMS		8,133		13,133		8,133		2,500		10,633
	Portable Intelligence Collection & Relay Capability				[5,000]				[2,500]		
53	SOF SMALL ARMS & WEAPONS		6,936		6,936		10,636		2,500		9,436
	Advanced Lightweight Grenade Launcher						[2,500]		[2,500]		
	M4A1 Carbine Modification Kits						[1,200]				
54	MARITIME EQUIPMENT MODS		1,660		1,660		1,660				1,660
55	SOF COMBATANT CRAFT SYSTEMS		6,042		6,042		6,042				6,042
56	SPARES AND REPAIR PARTS		5,036		5,036		5,036				5,036
57	SOF MARITIME EQUIPMENT		2,975		2,975		2,975				2,975
58	DRUG INTERDICTION										
59	MISCELLANEOUS EQUIPMENT		8,111		8,111		8,111				8,111
60	SOF PLANNING AND REHEARSAL SYSTEM		1,448		1,448		1,448				1,448
61	SOF OPERATIONAL ENHANCEMENTS		102,571		102,571		102,571				102,571
62	PSYOP EQUIPMENT		2,780		2,780		2,780				2,780

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Chemical/Biological Defense										
63	INDIVIDUAL PROTECTION		114,327		114,327		118,727		4,400		118,727
	M291 Skin Decontamination Kits						[3,400]		[3,400]		
	M49 Chem-Bio Filters						[1,000]		[1,000]		
64	DECONTAMINATION		15,196		15,196		15,196				15,196
65	JOINT BIOLOGICAL DEFENSE PROGRAM		155,916		155,916		155,916				155,916
66	COLLECTIVE PROTECTION		38,940		51,940		45,940		13,000		51,940
	Chem-Bio Defense Collective Protection Shelters				[13,000]				[13,000]		
	Chem-Bio Protective Shelters						[7,000]				
67	CONTAMINATION AVOIDANCE		24,330		24,330		24,330				24,330
999	CLASSIFIED PROGRAMS		421,436		421,436		421,436				421,436
67a	Management Reform Initiatives								(2,200)		(2,200)
	Total - Procurement, Defense-Wide		1,603,927		2,267,282		1,596,725		675,555		2,279,482

Chemical Agents and Munitions Destruction, Defense—Overview

The budget request for fiscal year 2002 included an authorization of $1,153.6 million for Chemical Agents & Munitions Destruction, Army in the Department of Defense.

The Senate bill would authorize $1,153.6 million.

The House amendment would authorize $1,078.6 million.

The conferees recommended an authorization of $1,153.6 million for Chemical Agents & Munitions Destruction, Defense. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line No	Program	FY 2002 Budget Request Qty	FY 2002 Budget Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Chemical Agents & Munitions Destruction, Defense										
1	CHEM DEMILITARIZATION - RDTE				192,879		200,379		200,379		200,379
	Transfer from CAMD, A - Comply with 50 USC 1521				[192,879]		[200,379]		[200,379]		
2	CHEM DEMILITARIZATION - PROC				157,158		164,158		164,158		164,158
	Transfer from CAMD, A - Comply with 50 USC 1521				[157,158]		[164,158]		[164,158]		
3	CHEM DEMILITARIZATION - O&M				728,520		789,020		789,020		789,020
	Transfer from CAMD, A - Comply with 50 USC 1521				[728,520]		[789,020]		[789,020]		
	Total - Chemical Agents & Munitions Destruction, Defense				1,078,557		1,153,557		1,153,557		1,153,557

ITEMS OF SPECIAL INTEREST

Acquisition programs at the National Reconnaissance Office

The Senate report (S. Rept. 107–62) raised several concerns about acquisition programs at the National Imagery and Mapping Agency (NIMA). The report expressed concern that the requirements trade-off process for the future imagery architecture (FIA) may not have provided sufficient attention to all aspects of an end-to-end capability, focusing too narrowly on the collection aspects of the problem.

The Senate report insisted that the requirements trade-off process consider the complete picture, not just the more narrow question of the collection instrument. The report further directed the Secretary of Defense and the Director of Central Intelligence to ensure that the acquisition policies of the Office of the Secretary of Defense, the Community Management Staff, and the National Reconnaissance Office (NRO) be changed to prevent recurrences of these problems at the NIMA. The report stated that these policies should prevent NRO satellite programs from entering acquisition until the Joint Requirements Oversight Council (JROC) and Mission Requirements Board (MRB) have approved a set of requirements for end-to-end system performance (i.e., ground and space segments together), and cost and schedule estimates to meet those requirements have been prepared by the NRO and its mission partners or other appropriate organizations.

The report accompanying the House amendment (H. Rept. 107–194) expressed no similar sentiment.

The conferees agree that the requirements trade-off process should consider the entire end-to-end system, not just the collection instruments. NRO satellite programs should include an assessment of the costs and impacts to the mission partners before being approved to enter acquisition. The JROC and MRB should also have an approved set of requirements for end-to-end system performance, i.e., ground, communications and space segments together. Complete cost and schedule estimates to meet these requirements should be presented by the NRO and its mission partners or other appropriate organizations and presented to the Director of Central Intelligence, the Secretary of Defense, and Congress.

However, the conferees do not believe that this should be an absolute prohibition placed on all NRO systems. For example, there are technology demonstration activities and other non-major systems procurement where spending resources on fielding an end-to-end capability is neither required nor appropriate.

The conferees believe that there has been progress in this area, but that the Secretary of Defense and the DCI should further ensure major new acquisition programs that support national-level requirements and the Department of Defense customers have completed the appropriate level of documentation in a formal requirements process, and the cost and schedule estimates to meet these end-to-end requirements have been prepared, before such programs enter into acquisition.

Acquisition programs at the National Security Agency

The Senate report (S. Rept. 107–62) raised several concerns about acquisition programs at the National Security Agency (NSA). The report noted that the Director of the NSA has made progress in transforming the NSA. The report, however, expressed concern that more progress needs to be made in the NSA processes if the NSA is to achieve the capabilities that the nation will require.

The report identified a number of specific actions that the NSA would have to complete before December 1, 2001. Otherwise, the report would direct that the NSA modernization effort be designated a major defense acquisition program and milestone decision authority reside with the Under Secretary of Defense (Acquisition, Technology & Logistics).

In light of the problems identified in the Senate report, the report would direct that the Office of the Secretary of Defense (OSD) and the Community Management Staff (CMS) conduct a ''baselining'' of the NSA that parallels the successful and productive effort performed at the National Imagery and Mapping Agency in fiscal year 2001. There were a number of specific actions identified in the Senate report to help improve the situation at the NSA, including the following:

(1) The NSA must create a rational requirements process and produce a prioritized requirements baseline that is structured to support a spiral-development approach to major elements of the modernization program;

(2) The NSA must produce a rationalized, integrated schedule and requirements allocation for all the major elements of its modernization effort;

(3) The NSA must develop plans for turning over most or all of the systems integration job to a single industry team;

(4) The NSA must create a detailed plan to subordinate the interim Trailblazer program under the Objective Trailblazer program upon contract award;

(5) The NSA must produce a detailed audit of all the hundreds of ongoing development activities and programs within the Agency;

(6) The NSA must produce a detailed plan and schedule to establish a rigorous ''make-versus-buy'' decision process for all the NSA acquisition activities; and

(7) The NSA must produce a plan acceptable to the Department of Defense and the Director of Central Intelligence for enterprise-wide systems engineering.

The House report (H. Rept. 107–194) expressed no similar sentiments.

The conferees believe that the senior acquisition executive (SAE) and the NSA have made significant improvements in the acquisition process. For example, the SAE has initiated an orderly review process and has increased the percentage of competitive acquisitions.

However, much needed progress still remains to be achieved. The SAE is operating within a requirements and architecture vacuum, is not responsible for technology selection, has no control over correcting deficiencies in systems or software engineering disciplines, and appears to lack the authority to cancel or redirect troubled programs. The chief financial manager (CFM) is understaffed and has struggled to gain internal support to implement a cost accounting system that would enable the NSA to conduct an accurate financial baselining of all programs.

To its credit, the NSA has acknowledged that its major modernization programs were proceeding in isolation, and over the past several months, there has been an attempt to address the integration problem within the Signals Intelligence Directorate. However, such revelations must be accompanied by concrete plans for improvement.

The conferees agree with the need for the OSD and the CMS to enforce the baselining activities identified in the Senate report. In addition to the specific tasks identified above, the baselining effort should oversee and verify effective implementation of the CFM's plans for cost centers that will comprise the fiscal year 2003 budget request. The conferees further encourage the NSA to seek the advice of independent, outside experts to assist in guiding its selection of technologies under this baselining effort.

The conferees agree that, unless the OSD, the CMS and the NSA complete the baselining by December 1, 2002, the Congress will direct that the NSA's modernization effort be designated a major defense acquisition program, with milestone decision authority likely residing with the Under Secretary of Defense (Acquisition, Technology, and Logistics) until initial operational capability is achieved.

Airborne signals intelligence recapitalization and modernization

The conferees remain interested in sustaining and improving airborne reconnaissance platforms, sensors and payloads, and the architecture under which they operate. These systems provide theater and operational commanders with the bulk of real-time tactical imagery and signals intelligence (SIGINT).

The current fleet of reconnaissance platforms, consisting of the RC–135, the EP–3, and the U–2, is aging. In addition to the platforms under development, including the Aerial Common Sensor and the Global Hawk High Altitude Endurance Unmanned Aerial Vehicle (HAE–UAV), the conferees are aware of Army, Navy and Air Force initiatives to consider the replacement of their older reconnaissance platforms.

The conferees are also aware of the current status of collection systems used by the reconnaissance platforms, and are particularly concerned with SIGINT systems. The recent cancellation of the low-band subsystem (LBSS) portion of the Joint SIGINT Avionics Family (JSAF) program has necessitated a complete review of the way ahead for this vital capability. Although the development of the JSAF high-band subsystem has been more successful, without LBSS the SIGINT requirement will not have been fully met. Prior to establishment of the JSAF program, the individual services had disparate upgrade programs. Although technology sharing occurred, it was sporadic and uncoordinated.

The Department of Defense's approach must be coordinated and based on architectural standards. The conferees are pleased with the National Security Agency efforts to develop the Joint Airborne SIGINT Architecture and the associated maritime SIGINT architecture. The conferees believe the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence should develop an architectural plan to provide standards-based policy direction to the services, whose platform program offices can develop systems and, to the maximum extent possible, share developments. The conferees expect the plan to include: (1) a robust spiral development approach; and (2) adequate emphasis on fielding and modernizing the appropriate ground support infrastructure.

The conferees believe the time is right to begin the formal discussion of the recapitalization and modernization of the airborne signals intelligence platforms, systems, and architecture. The conferees are specifically not endorsing any option for recapitalization. In fact, with several options under consideration, the conferees believe the Department of Defense should conduct an analysis of alternatives to determine the most cost effective approach to this recapitalization and modernization. The conferees believe, in weighing the various options, consideration should be given to: (1) collaborative, network-centric operations that allow the various platforms to coordinate their various collection and analytical functions; (2) the ability to control unmanned aerial vehicles and their payloads; (3) a reach-back capability allowing analysts not on the platform

to operate systems; (4) software re-programmable systems to allow for rapid threat updates; and (5) the ability to share in system upgrades.

Arleigh Burke-class destroyer procurement

The conferees agree with the Navy assessment that the destroyer industrial base is at risk unless three destroyers are built each year or unless the destroyer shipbuilders attain significant other work beyond their historic level of the past 10 years. Therefore, the conferees agree that the Secretary of the Navy should include procurement of three Arleigh Burke-class destroyers in the fiscal year 2003 budget request to attain an economic rate of production and consider options for maintaining and transitioning the industrial base, including second tier suppliers, to future destroyer production.

Attack submarine force structure study

Section 123 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 required the Secretary of Defense to provide a report on the Navy's fleet of attack submarines. That provision required that the Secretary submit this report with the fiscal year 2002 budget request.

Although the amended budget request was submitted to Congress on June 27, 2001, the Secretary has not yet submitted the required report. The conferees urge the Secretary of Defense to submit the required report, which is intended to provide the Congress with the information required to review the plans for recapitalizing the attack submarine force structure.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 101–107)

The Senate bill contained provisions (secs. 101–107) that would authorize the recommended fiscal year 2002 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, Defense-Wide activities, Defense Inspector General, Chemical Demilitarization Program, and Defense Health Program.

The House amendment contained similar provisions.

The conference agreement includes these provisions.

Chemical agents and munitions destruction, Defense (sec. 106)

The Senate bill contained a provision (sec. 106) that would authorize the requested amount of $1.2 billion for the Office of the Secretary of Defense for destruction of chemical agents, weapons and materiel.

The House amendment contained a similar provision (sec. 106) that would authorize $1.1 billion for chemical demilitarization.

The House recedes with an amendment that would authorize the requested $1.2 billion for the Department of Defense for Chemical Agents and Munitions Destruction, Defense.

The conferees are disappointed that the Department of Defense requested funds for chemical demilitarization for fiscal year 2002 in an Army account, contrary to the requirements of law. Section 1521(f) of title 50, United States Code, requires that funds for this program shall not be included in the budget accounts for any military department. The conferees expect the Department of Defense to comply with the law in future budget requests for the chemical demilitarization program.

The conferees note that the Department of Defense has initiated a high-level review of the entire chemical demilitarization program and all its component elements. The conferees direct the Department to provide the congressional defense committees with the results and recommendations of this review, including an updated assessment required by section 141(a) of the National Defense Authorization Act for Fiscal Year 2000, as directed in the House report accompanying H.R. 2586 (H. Rept. 107–194), by March 1, 2002.

Subtitle B—Army Programs

Repeal of limitations on bunker defeat munitions program (sec. 111)

The House amendment contained a provision (sec. 112) to repeal section 115 of the National Defense Authorization Act for Fiscal Year 1995, which limits the acquisition of bunker defeat munitions.

The Senate bill contained no similar provision.

The Senate recedes.

Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources (sec. 112)

The Senate bill contained a provision (sec. 141) that would extend the pilot program for sales of manufactured articles and services from up to three Army industrial facilities enacted by section 141 of the National Defense Authorization Act for Fiscal Year 1998 through fiscal year 2002.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the authority for the pilot program through fiscal year 2002 but would limit the program to one facility. The conferees direct that the facility that has demonstrated the most success with the pilot program to date be selected as the facility to continue the pilot program.

Limitations on acquisition of interim armored vehicles and deployment of interim brigade combat teams (sec. 113)

The conferees agree to a provision that would amend section 113 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, which required the Secretary of the Army to submit a report on the process for developing the Objective Force in the transformation of the Army. The provision also required the Secretary of the Army to conduct a comparative cost and operational effectiveness evaluation of the interim armored vehicles (IAV) selected for the Interim Brigade Combat Team (IBCT) with the infantry troop-carrying medium armored vehicles currently in the Army inventory.

The provision further prohibited the obligation of funds for a third IBCT until: the comparative evaluation is carried out; the Secretary of Defense submits the results of the evaluation to the congressional defense committees; and the Secretary certifies that (1) he approves of the obligation of funds for that purpose and (2) the force structure resulting from the acquisition and subsequent operational capability of Interim Brigade Combat Teams will not diminish the combat power of the Army.

The Secretary of the Army has requested relief from the requirement for the comparative evaluation directed in this provision. The Secretary stated that the comparative evaluation would replicate the comparison accomplished during source selection, and duplicate more comprehensive testing already required by law.

Last year, the conferees concluded that the costs associated with the comparative evaluation were worth incurring for a better understanding of whether the differences in operational effectiveness, if any, justify the increased cost of new IAV procurement compared to using current inventory equipment.

While the conferees continue to believe that there is merit to the comparative evaluation, the conferees recommend a modification to section 113 that would grant the Secretary of Defense the authority to waive those portions of section 113 pertaining to the comparative evaluation, subject to certain certifications.

The conferees direct the Secretary of the Army to conduct an operational evaluation of the initial IBCT, to include deployment to the evaluation site and the execution of combat missions across the full spectrum of potential threats and operational scenarios. The plan for the operational evaluation must be approved by the Director of Operational Test and Evaluation, Department of Defense, prior to execution.

The Army is prohibited from acquiring interim armored vehicles for other than the first three brigades, and from deploying any IBCT, until 30 days after a report on the operational evaluation is forwarded to the Congress and the Secretary of Defense certifies to the Congress that the results of the evaluation indicate that the IBCT design is operationally effective and suitable.

The Secretary of Defense can waive the deployment prohibition if he determines it to be in the national security interests of the United States, and reports to Congress the reasons for the waiver.

The conferees expect the Army to develop and resource an experimentation program that will inform the design of the Objective Force, including a formal linkage of the Interim Brigade Combat Teams to that experimentation.

Subtitle C—Navy Programs

Virginia class submarine program (sec. 121)

The Senate bill contained a provision (sec. 121) that would modify section 123(b)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 by authorizing the Secretary of the Navy to enter into contracts for the procurement of material in economic order quantities, when cost savings are achievable, for up to seven Virginia-class submarines. This authority would apply to boats to be procured during the period from fiscal years 2003 through 2007.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Multiyear procurement authority for F/A–18E/F aircraft engines (sec. 122)

The Senate bill contained a provision (sec. 122) that would authorize the Secretary of the Navy to enter a multiyear contract for procurement of F/A–18E/F aircraft engines in accordance with section 2306b of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary to certify that each of the conditions listed in subsection (a) of section 2306b of title 10, United States Code, has been satisfied. The provision would also require that this multiyear procurement contract could not be entered into until 30 days after the aforementioned certification has been transmitted.

The Navy procures engines for F/A–18E/F aircraft directly from the engine contractor and provides the engines to the prime airframe contractor as government-furnished equipment. The Navy is currently procuring the F/A–18E/F airframe under a multiyear contract that covers the fiscal years from 2000 to 2004. The conferees understand that this provision would authorize a multiyear procurement contract that may not cover exactly the same time period as that for the airframe itself. The conferees believe that the Secretary of the Navy should, if he chooses to enter into a multiyear contract for these engines, consider synchronizing the

time periods of the contracts for these two items.

V–22 Osprey aircraft program (sec. 123)

The Senate bill contained a provision (sec. 123) that would keep the production rate of V–22 aircraft at the minimum sustaining rate, defined as the number for which funds are authorized to be appropriated in this Act, until the Secretary of Defense certifies to Congress that operational testing has successfully demonstrated certain effectiveness and suitability aspects not yet demonstrated.

The House amendment contained no similar provision.

The House recedes.

The conferees note that this provision is consistent with the recommendations of the report of the Panel to Review the V–22 Program, which was released in May 2001.

Report on status of V–22 Osprey aircraft before resumption of flight testing (sec. 124)

The Senate bill contained two provisions relating to reports that would be required before the V–22 could return to flight status.

One provision (sec. 124) would require the Secretary of Defense to notify Congress of the waiver, if any, of any item capability or other requirement specified in the V–22 Joint Operational Requirements Document, along with justification for any such waiver. The provision would require that any such notice be given at least 30 days before the V–22 resumes flight operations.

The second provision (sec. 215) would require the Under Secretary of Defense (Acquisition, Technology, and Logistics) to submit a report, 30 days before V–22 resumption of flight, that would include: (1) a description of any hydraulics and flight control software deficiencies and corrective actions; (2) actions to implement the recommendations of the Panel to Review the V–22 Program; and (3) an assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

The House amendment contained no similar provisions.

The House recedes with an amendment that would combine the reporting requirements into one provision, and would require the Secretary of Defense to submit the report no later than 30 days prior to V–22 resumption of flight.

Subtitle D—Air Force Programs

Multiyear procurement authority for C–17 aircraft (sec. 131)

The Senate bill contained a provision (sec. 131) that would authorize a multiyear procurement of up to 60 additional C–17 aircraft in accordance with section 2306b of title 10, United States Code.

The House amendment contained a similar provision (sec. 121) that would authorize a multiyear procurement of up to 60 additional C–17 aircraft after the Secretary of Defense certifies that such a procurement is in the interest of the Department of Defense.

The conferees agree to a provision that would authorize the Secretary of the Air Force to enter into a multiyear contract for procurement of up to 60 additional C–17 aircraft in accordance with section 2306b of title 10, United States Code, except that the contract could cover a period of up to six program years.

The provision would require that the Secretary certify that each of the conditions listed in subsection (a) of section 2306b of title 10, United States Code, has been satisfied. The provision would also require that this multiyear procurement contract could not be entered into until 30 days after the aforementioned certification has been transmitted.

LEGISLATIVE PROVISIONS NOT ADOPTED

Additional amount for Shipbuilding and Conversion, Navy

The House amendment contained a provision (sec. 108) that would authorize an increase of $57.1 million for a ship overhaul.

The Senate bill contained no similar provision.

The House recedes.

Destruction of existing stockpile of lethal chemical agents and munitions

The House amendment contained a provision (sec. 141) that would amend section 152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 50 U.S.C. 1521 note) to add to the requirements that must be satisfied before the Secretary of Defense may initiate destruction of the chemical munition stockpile stored at a chemical stockpile destruction site. The provision would require the Under Secretary of Defense (Acquisition, Technology, and Logistics) to convene independent oversight boards that would make a recommendation to the Under Secretary on whether the destruction of the chemical munitions stockpile should be initiated at a particular chemical stockpile destruction site. Finally, the provision would require that the Under Secretary, after considering a negative recommendation of a board, may not recommend commencing destruction of the chemical munitions stockpile at the site until 90 days after the Under Secretary notifies the Congress of his intent to recommend initiation of chemical munitions destruction operations.

The Senate bill contained no similar provision.

The House recedes.

Extension of multiyear contract for Family of Medium Tactical Vehicles

The House amendment contained a provision (sec. 111) that would give the Secretary of the Army discretionary authority to extend the existing multiyear procurement contract for the Family of Medium Tactical Vehicles for one additional year.

The Senate bill contained no similar provision.

The House recedes.

Procurement of additional M291 skin decontamination kits

The Senate bill contained a provision (sec. 142) that would authorize an increase of $2.4 million in the Defense-Wide procurement account for procurement of additional M291 skin decontamination kits.

The House amendment contained no similar provision.

The Senate recedes.

The Senate bill would separately authorize an additional increase of $1.0 million for procurement of M291 skin decontamination kits.

The conferees agree to authorize an increase of $3.4 million for procurement of M291 skin decontamination kits, as noted elsewhere in this report.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test, and Evaluation overview

The budget request for fiscal year 2002 included an authorization of $47,429.4 million for Research and Development for the Department of Defense.

The Senate bill would authorize $46,602.5 million.

The House amendment would authorize $47,424.9 million.

The conferees recommended an authorization of $46,460.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization
Title II -- RESEARCH, DEVELOPMENT, TEST & EVALUATION					
RDT&E, Army	6,693,920	6,749,025	6,901,670	(18,595)	6,675,325
RDT&E, Navy	11,123,389	10,863,274	11,134,806	(339,125)	10,784,264
RDT&E, Air Force	14,343,982	14,485,653	14,459,457	63,205	14,407,187
RDT&E, Defense-Wide	15,050,787	15,109,623	13,878,747	(678,147)	14,372,640
Developtmental Test & Evaluation, Defense	-	0	0	0	0
Operational Test & Evaluation	217,355	217,355	227,855	4,000	221,355
Defense Health Program	65,304	65,304	65,304	0	65,304
TOTAL RDT&E	**47,494,737**	**47,490,234**	**46,667,839**	**(968,662)**	**46,526,075**

Management reform initiatives

The conferees agree to reduce the research, development, test and evaluation accounts by $140.0 million to reflect savings from management reform initiatives, as discussed in Title VIII.

Research, Development, Test and Evaluation, Army—Overview

The budget request for fiscal year 2002 included an authorization of $6,693.9 million for Research, Development, Test and Evaluation, Army in the Department of Defense.

The Senate bill would authorize $6,901.7 million.

The House amendment would authorize $6,749.0 million.

The conferees recommended an authorization of $6,675.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY					
1	0601101A	In-House Laboratory Independent Research	14,815	14,815	14,815		14,815
2	0601102A	Defense Research Sciences	138,281	138,281	138,281		138,281
3	0601104A	University and Industry Research Centers	69,147	79,147	69,897	2,000	71,147
		Collaboration in Biotechnology Research		[10,000]		[2,000]	
		Lightweight Composite Materials			[750]		
4	0602104A	TRACTOR ROSE					
5	0602105A	Materials Technology	13,794	13,794	19,794	5,000	18,794
		Advanced Materials Processing Program			[4,000]	[3,500]	
		Composite Materials Technology			[2,000]	[1,500]	
6	0602120A	Sensors and Electronic Survivability	25,797	30,797	25,797	2,000	27,797
		Passive Millimeter-wave Imaging		[5,000]		[2,000]	
7	0602122A	TRACTOR HIP	7,741	7,741	7,741		7,741
8	0602211A	Aviation Technology	49,265	49,265	49,265		49,265
9	0602270A	EW Technology	17,449	17,449	17,449		17,449
10	0602303A	Missile Technology	40,112	65,112	49,612	11,750	51,862
		Low Cost, Fully Integrated GPS-IMU Guidance Development		[20,000]		[6,000]	
		Short Range Missile Defense with Optimized Radar Distribution (SWORD)		[5,000]			
		Compact Kinetic Energy Missile Inertial ((CKEM) -Future Missile Technology Integration)			[5,000]	[3,250]	
		CKEM Inertial Measurement Unit (IMU)			[2,000]		
		Enhanced Supersonic Combustion Ramjet (SCRAMJET) Mixing			[2,500]	[2,500]	
11	0602307A	Advanced Weapons Technology	19,043	19,043	19,043		19,043

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
12	0602308A	Modeling and Simulation Technology	20,579	20,579	20,579		20,579
13	0602601A	Combat Vehicle and Automotive Technology	82,441	82,441	102,441	15,000	97,441
		Combat Truck Initiative (COMBATT)			[20,000]	[15,000]	
14	0602618A	Ballistics Technology	61,502	61,502	61,502		61,502
15	0602622A	Chemical, Smoke and Equipment Defeating Technology	3,561	3,561	3,561		3,561
16	0602623A	Joint Service Small Arms Program	5,611	5,611	5,611		5,611
17	0602624A	Weapons and Munitions Technology	35,549	35,549	40,549	2,500	38,049
		Single Alloy Tungsten Penetrator			[5,000]	[2,500]	
18	0602705A	Electronics and Electronic Devices	27,819	36,819	31,319	2,000	29,819
		Advanced High Definition Display Technology		[4,000]			
		Hybrid Battery-fuel Cell & Other Fuel Cell Power Source Technology		[5,000]		[1,000]	
		Actuated Coolers for Portable Military Applications			[2,000]		
		Ground Vehicle Battery			[1,500]	[1,000]	
19	0602709A	Night Vision Technology	20,598	22,598	20,598		20,598
		Combustion-driven Self-powered Eye-safe Laser		[2,000]			
20	0602712A	Countermine Systems	16,689	16,689	16,689		16,689
21	0602716A	Human Factors Engineering Technology	16,466	27,266	16,466	5,500	21,966
		Emergency Team Coordination Program (Medteams)		[7,800]		[3,500]	
		Soldier-centered Design Tools for Army Transformation		[3,000]		[2,000]	
22	0602720A	Environmental Quality Technology	16,150	16,150	16,150		16,150
23	0602782A	Command, Control, Communications Technology	24,342	24,342	25,342		24,342
		Commercial Wireless Reliability Testbed			[1,000]		

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
24	0602783A	Computer and Software Technology	6,154	6,154	6,154		6,154
25	0602784A	Military Engineering Technology	42,850	45,850	45,850	2,000	44,850
		Brooks AFB Energy & Sustainability Lab		[3,000]			
		Geosciences and Atmospheric Research			[3,000]	[2,000]	
26	0602785A	Manpower/Personnel/Training Technology	16,315	16,315	16,315		16,315
27	0602786A	Warfighter Technology	27,061	30,061	27,061		27,061
		Combat Ready Food Safety for Improved Meals Ready-to-eat (MREs) Processing		[3,000]			
28	0602787A	Medical Technology	82,494	91,494	85,494	2,000	84,494
		Hemoglobin-based Oxygen Carrier		[7,000]		[2,000]	
		Metabolically Engineered Tissues for Trauma Care		[2,000]			
		Arthropod-borne Infectious Disease Control			[3,000]		
29	0602789A	ARMY Artificial Intelligence Technology					
30	0602805A	Dual Use Science and Technology	10,045	10,045	10,045		10,045
31	0603001A	Warfighter Advanced Technology	60,332	86,425	65,332	1,500	61,832
		Rapid Acquisition Program For Transformation (RAPFT)		[2,500]			
		Transfer from PE 23761A (RDA 160) -- RAPFT		[23,593]			
		Personal Warfighter Navigation - MEMS			[5,000]	[1,500]	
32	0603002A	Medical Advanced Technology	17,541	23,541	17,541	5,000	22,541
		Special Operations Medical Diagnostic System (SOMDS)		[1,000]			
		Volumetrically Controlled Manufacturing		[5,000]		[5,000]	

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
33	0603003A	Aviation Advanced Technology	44,843	35,843	47,843		44,843
		Reduction to Support Higher Transformation Priorities		[-9,000]			
		UAV Wideband Radio Frequency Network			[3,000]		
34	0603004A	Weapons and Munitions Advanced Technology	29,684	51,684	29,684	5,000	34,684
		Affordable, Large Caliber Training Ammunition		[5,000]			
		Trajectory Correctable Munition		[17,000]		[5,000]	
35	0603005A	Combat Vehicle and Automotive Advanced Technology	193,858	201,858	211,858	13,000	206,858
		Army Medium Brigade Composite Bridge		[9,000]			
		Conversion of Technical Manuals		[2,000]			
		National Automotive Center Standardized Exchange of Product Data (N-STEP)		[7,000]			
		Decrease		[-10,000]			
		Imp Matls & Powertrain Arch for 21st Century Truck (IMPACT)			[5,000]	[3,000]	
		Mobile Parts Hospital Technology (MPHT) Program			[8,000]	[6,000]	
		Networked STEP-Enabled Production			[5,000]		
		N-STEP				[4,000]	
36	0603006A	Command, Control, Communications Advanced Technology	31,865	31,865	31,865		31,865
37	0603007A	Manpower, Personnel and Training Advanced Technology	3,120	3,120	3,120		3,120
38	0603009A	TRACTOR HIKE	10,415	10,415	10,415		10,415
39	0603017A	TRACTOR RED					
40	0603020A	TRACTOR ROSE	9,293	9,293	9,293		9,293
41	0603105A	Military HIV Research	5,937	5,937	5,937		5,937
42	0603122A	TRACTOR HIP					

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
43	0603238A	Global Surveillance/Air Defense/Precision Strike Technology Demonstration	32,267	32,267	32,267		32,267
44	0603270A	EW Technology	13,868	13,868	13,868		13,868
45	0603313A	Missile and Rocket Advanced Technology	59,518	68,018	59,518	2,500	62,018
		Army Composites Manufacturing and Maintenance Program		[5,000]			
		Aerospace Applications of Volumetrically Controlled Manufacturing (VCM) Composites Technology		[3,500]		[2,500]	
46	0603322A	TRACTOR CAGE	3,312	3,312	3,312		3,312
47	0603606A	Landmine Warfare and Barrier Advanced Technology	23,062	23,062	23,062		23,062
48	0603607A	Joint Service Small Arms Program	5,828	5,828	5,828		5,828
49	0603654A	Line-Of-Sight Technology Demonstration	57,384	70,456	57,384		57,384
		Transfer from Missile Procurement, Army		[13,072]			
50	0603710A	Night Vision Advanced Technology	37,081	49,081	37,081	7,500	44,581
		Dual Use Helmet Mounted Infrared Sensor Technology		[3,000]		[2,500]	
		Digital Fusion of Image Intensification & Infrared Technology		[9,000]		[5,000]	
51	0603728A	Environmental Quality Technology Demonstrations	4,826	4,826	4,826		4,826
52	0603734A	Military Engineering Advanced Technology	4,747	4,747	4,747		4,747
53	0603772A	Advanced Tactical Computer Science and Sensor Technology	18,513	18,513	18,513		18,513

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
54	0603308A	Army Missile Defense Systems Integration (Dem/Val)	19,491	31,491	19,491	3,000	22,491
		Family of Systems Simulators (FOSSIM)		[3,000]			
		P3 Micro-power Devices for Missile Defense Applications		[3,000]		[1,000]	
		Super-cluster Distributed Memory Technology Demonstration		[4,000]		[1,000]	
		Thermionic Technology		[3,000]		[1,000]	
		Management Savings		[-1,000]			
55	0603619A	Landmine Warfare and Barrier - Adv Dev	21,651	21,651	21,651		21,651
56	0603639A	Tank and Medium Caliber Ammunition	32,986	45,000	38,986	3,000	35,986
		XM 1007 Anti-tank Round		[15,000]		[3,000]	
		Reduction to Support Higher Transformation Priorities		[-2,986]			
		Transfer from PE 23761A (RDA 160) -- XM 1028 cartridge			[6,000]		
57	0603653A	Advanced Tank Armament System (ATAS)	101,461	101,461	101,461		101,461
58	0603713A	Army Data Distribution System					
59	0603747A	Soldier Support and Survivability	17,482	14,000	17,482		17,482
		Reduction to Support Higher Transformation Priorities		[-3,482]			
60	0603766A	Tactical Electronic Surveillance System - Adv Dev	16,749	16,749	16,749		16,749
61	0603774A	Night Vision Systems Advanced Development	12,756	10,000	12,756		12,756
		Reduction to Support Higher Transformation Priorities		[-2,756]			

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
62	0603779A	Environmental Quality Technology Dem/Val	7,536	14,036	11,536	7,000	14,536
		Asbestos Removal Pilot Project		[2,000]		[1,000]	
		Porta Bella Environmental Technology		[7,000]		[2,000]	
		Decrease		[-2,500]			
		Plasma Energy Pyrolysis System (PEPS)			[3,000]	[3,000]	
		Managing Army Technology Environmental Enhancement Program			[1,000]	[1,000]	
63	0603782A	Warfighter Information Network-Tactical - (Dem/Val)	15,075	10,075	15,075		15,075
		Reduction to Support Higher Transformation Priorities		[-5,000]			
64	0603790A	NATO Research and Development	8,633	8,633	8,633		8,633
65	0603801A	Aviation - Adv Dev	9,105	19,105	9,105		9,105
		PRC-112 Survival Radio Improvements		[10,000]			
66	0603802A	Weapons and Munitions - Adv Dev	31,670	31,670	31,670		31,670
67	0603804A	Logistics and Engineer Equipment - Adv Dev	7,456	7,456	7,456		7,456
68	0603805A	Combat Service Support Control System Evaluation and Analysis	8,696	8,696	8,696		8,696
69	0603807A	Medical Systems - Adv Dev	15,506	18,506	15,506	1,000	16,506
		International Medical Program Global Satellite System (IMPGSS)		[3,000]		[1,000]	
70	0603850A	Integrated Broadcast Service (JMIP/DISTP)	1,985	1,985	1,985		1,985
71	0603851A	TRACTOR CAGE (Dem/Val)	3,718	3,718	3,718		3,718
72	0603854A	Artillery Systems - Dem/Val	447,949	447,949	447,949		447,949
		Crusader Technology for Weight & Production Cost Reduction		[17,900]			
		Management Savings		[-17,900]			
73	0603856A	SCAMP Block II Dem/Val	9,895	9,895	9,895		9,895

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
74	0603869A	MEADS Concepts - Dem/Val	73,645		73,645	(73,645)	
		Transfer to PE 63881C (RDDW 75)		[-73,645]		[-73,645]	
75	0604201A	Aircraft Avionics	57,474	57,474	57,474		57,474
76	0604220A	Armed, Deployable OH-58D	2,345	2,345	2,345		2,345
77	0604223A	Comanche	787,866	816,366	816,166	28,300	816,166
		Transfer from Missile Procurement, Army		[28,500]			
		Accelerate Development of Communications Suite			[28,300]		
		Transfer from MPA -- Accelerate Comms Suite Development				[28,300]	
78	0604270A	EW Development	57,010	66,010	57,010	4,000	61,010
		Upgrade Army test facilities to test AH-64D/ATIRCM/CMWS against multi-mode missile seekers		[9,000]		[4,000]	
79	0604280A	Joint Tactical Radio	80,449	80,449	80,449		80,449
80	0604321A	All Source Analysis System	42,166	45,666	42,166	1,500	43,666
		ASAS - Light Interoperability with Other Automated Battle Management Systems		[3,500]		[1,500]	
81	0604328A	TRACTOR CAGE	3,888	3,888	5,168		3,888
		Transfer from PE 23761A (RDA 160) -- Classified Program			[1,280]		
82	0604329A	Common Missile	16,731	16,731	16,731		16,731
83	0604601A	Infantry Support Weapons		5,000			
		XM 303 Semi-automatic Delivery System		[5,000]			
84	0604604A	Medium Tactical Vehicles	1,962	1,962	1,962		1,962
85	0604609A	Smoke, Obscurant and Target Defeating Sys-Eng Dev	7,920	7,920	7,920		7,920

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
86	0604611A	JAVELIN	492	5,694	5,692	5,200	5,692
		Transfer from Missile Procurement, Army		[5,202]			
		Software & Hardware Mods to Counteract Active Protection Systems			[5,200]		
		Transfer from MPA -- Mods to Counteract Active Protection Systems				[5,200]	
87	0604619A	Landmine Warfare	18,938	18,938	18,938		18,938
88	0604622A	Family of Heavy Tactical Vehicles			3,000	1,500	1,500
		Develop Movement Tracking System Interfaces with Other Systems			[3,000]	[1,500]	
89	0604633A	Air Traffic Control	2,197	2,197	2,197		2,197
90	0604641A	Tactical Unmanned Ground Vehicle (TUGV)					
91	0604642A	Light Tactical Wheeled Vehicles	2,523	2,523	2,523		2,523
92	0604645A	Armored Systems Modernization (ASM) - Eng Dev					
93	0604649A	Engineer Mobility Equipment Development	9,279	9,279	9,279		9,279
94	0604710A	Night Vision Systems - Eng Dev	24,201	24,201	28,361	2,000	26,201
		Develop Enhanced, Reduced-size Goggles			[2,000]	[2,000]	
		Transfer from PE 23761A (RDA 160) -- Digital Reconnaissance, Surveillance & Target Acquisition System (DRSTA)			[2,160]		
95	0604713A	Combat Feeding, Clothing, and Equipment	91,002	91,002	93,702		91,002
		Transfer from PE 23761A (RDA 160) -- Authorized Stockage List Mobility System (ASLMS)			[2,700]		
96	0604715A	Non-System Training Devices - Eng Dev	26,319	26,319	26,319		26,319
97	0604716A	Terrain Information - Eng Dev	8,840	8,840	8,840		8,840
98	0604726A	Integrated Meteorological Support System	1,911	1,911	1,911		1,911
99	0604738A	JSIMS Core Program	30,985	30,985	30,985		30,985

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
100	0604739A	Integrated Broadcast Service					
101	0604741A	Air Defense Command, Control and Intelligence - Eng Dev	18,233	18,233	18,233		18,233
102	0604742A	Constructive Simulation Systems Development	66,164	66,164	66,164		66,164
103	0604746A	Automatic Test Equipment Development	11,582	11,582	11,582		11,582
104	0604760A	Distributive Interactive Simulations (DIS) - Eng Dev	26,058	26,058	26,058		26,058
105	0604766A	Tactical Surveillance Systems - Eng Dev	68,205	68,205	68,205		68,205
106	0604768A	Brilliant Anti-Armor Submunition (BAT)	123,899	132,899	132,899	9,000	132,899
		Transfer from MPA 11 -- Additional ATACMS / BAT Development Testing		[9,000]	[9,000]	[9,000]	
107	0604770A	Joint Surveillance/Target Attack Radar System	8,093	8,093	8,093		8,093
108	0604778A	Positioning Systems Development (SPACE)					
109	0604780A	Combined Arms Tactical Trainer (CATT) Core	13,645	13,645	13,645		13,645
110	0604783A	Joint Network Management System	26,130	26,130	26,130		26,130
111	0604801A	Aviation - Eng Dev	2,263	4,763	2,263	2,500	4,763
		Cockpit Air Bag System (CABS) for CH-47 Upgrade Program		[2,500]		[2,500]	
112	0604802A	Weapons and Munitions - Eng Dev	7,046	10,546	7,046		7,046
		M240D Helicopter Door-mounted Machine Gun Testing & Certification		[3,500]			
113	0604804A	Logistics and Engineer Equipment - Eng Dev	30,673	30,673	32,873		30,673
		Transfer from PE 23761A (RDA 160) -- Unit Water Pod (CAMEL)			[1,200]		
		Transfer from PE 23761A (RDA 160) -- Load Handling System Compatible Water Tankrack (HIPPO)			[1,000]		
114	0604805A	Command, Control, Communications Systems - Eng Dev	122,644	137,644	122,644	10,000	132,644
		Applied Communications & Information Networking (ACIN) Program		[15,000]		[10,000]	

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
115	0604807A	Medical Materiel/Medical Biological Defense Equipment - Eng Dev	8,228	8,228	8,228		8,228
116	0604808A	Landmine Warfare/Barrier - Eng Dev	89,153	69,153	89,153	(20,000)	69,153
		Use Unobligated FY 01 Funds for FY 02 Program Requirements		[-20,000]		[-20,000]	
117	0604814A	Artillery Munitions - EMD	67,258	67,258	67,258		67,258
118	0604817A	Combat Identification	3,014	3,014	3,014		3,014
119	0604818A	Army Tactical Command & Control Hardware & Software	50,887	50,887	55,297		50,887
		Transfer from PE 23761A (RDA 160) -- Information Dissemination Management - Tactical (IDM - T)			[4,410]		
120	0604819A	LOSAT	21,596	21,596	21,596		21,596
121	0604820A	Radar Development	5,162	5,162	5,162		5,162
122	0604823A	Firefinder	26,956	26,956	26,956		26,956
123	0604854A	Artillery Systems - EMD	62,481	62,481	62,481		62,481
124	0604865A	Patriot PAC-3 Theater Missile Defense Acquisition - EMD	107,100		107,100	(107,100)	
		Transfer to PE 63881C (RDDW 75)		[-107,100]		[-107,100]	
125	0605013A	Information Technology Development	98,178	98,178	98,178		98,178
126	0604256A	Threat Simulator Development	16,011	16,011	16,011		16,011
127	0604258A	Target Systems Development	25,212	25,212	25,212		25,212
128	0604759A	Major T&E Investment	49,897	49,897	49,897		49,897
129	0605103A	Rand Arroyo Center	19,972	16,972	19,972	(3,000)	16,972
		Reduction to Support Higher Transformation Priorities		[-3,000]		[-3,000]	
130	0605301A	Army Kwajalein Atoll	150,071	150,071	150,071		150,071

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
131	0605326A	Concepts Experimentation Program	33,067	25,567	33,067	2,000	35,067
		MANPRINT Analysis		[2,500]		[2,000]	
		Reduction to Support Higher Transformation Priorities		[-10,000]			
132	0605502A	Small Business Innovative Research					
133	0605601A	Army Test Ranges and Facilities	114,411	114,411	114,411		114,411
134	0605602A	Army Technical Test Instrumentation and Targets	34,259	34,259	34,259		34,259
135	0605604A	Survivability/Lethality Analysis	27,794	32,794	27,794		27,794
		Silent Sentry Surveillance Test		[5,000]			
136	0605605A	DOD High Energy Laser Test Facility	14,570	34,570	14,570	10,000	24,570
		High Energy Laser - Low Aspect Target Tracking (HEL-LATT)		[10,000]			
		Tactical High Energy Laser (THEL)		[10,000]		[10,000]	
137	0605606A	Aircraft Certification	3,582	3,582	3,582		3,582
138	0605702A	Meteorological Support to RDT&E Activities	6,890	6,890	6,890		6,890
139	0605706A	Materiel Systems Analysis	8,884	8,884	8,884		8,884
140	0605709A	Exploitation of Foreign Items	3,525	3,525	3,525		3,525
141	0605712A	Support of Operational Testing	89,047	99,047	89,047	2,000	91,047
		Hybrid Track Technology		[10,000]		[2,000]	
142	0605716A	Army Evaluation Center	31,365	31,365	31,365		31,365
143	0605801A	Programwide Activities	69,096	60,096	87,896		69,096
		Reduction to Support Higher Transformation Priorities		[-9,000]			
		Accelerate Objective Force Task Force Integration			[18,800]		

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
144	0605803A	Technical Information Activities	33,749	28,749	33,749		33,749
		Reduction to Support Higher Transformation Priorities		[-5,000]			
145	0605805A	Munitions Standardization, Effectiveness and Safety	16,072	16,072	16,072		16,072
146	0605856A	Environmental Compliance					
147	0605857A	Environmental Quality Technology Mgmt Support	1,733	1,733	1,733		1,733
148	0605898A	Management Headquarters (Research and Development)	7,268	7,268	7,268		7,268
149	0909999A	Financing for Cancelled Account Adjustments					
150	0603778A	MLRS Product Improvement Program	111,389	111,389	111,389		111,389
151	0102419A	Aerostat Joint Project Office	30,408	32,408	30,408	1,000	31,408
		Lightweight, MEMS-based, X-Band Radar Antenna		[2,000]		[1,000]	
152	0203610A	Domestic Preparedness Against Weapons of Mass Destruction					
153	0203726A	Adv Field Artillery Tactical Data System	36,969	36,969	36,969		36,969
154	0203735A	Combat Vehicle Improvement Programs	195,602	203,602	215,602	20,000	215,602
		Transfer from Missile Procurement, Army		[20,000]			
		Reduction to Support Higher Transformation Priorities		[-12,000]			
		Accelerate Hybrid Electric Power System for IAV			[20,000]	[20,000]	
155	0203740A	Maneuver Control System	40,231	40,231	40,231		40,231
156	0203744A	Aircraft Modifications/Product Improvement Programs	143,631	138,631	165,131		143,631
		Reduction to Support Higher Transformation Priorities		[-5,000]			
		Buy Aerial Common Sensor Aircraft, Sensors & Risk Reduction for R&D Program			[21,500]		

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
157	0203752A	Aircraft Engine Component Improvement Program	13,017	21,017	23,017	10,000	23,017
		Full Authority Digital Engine Control (FADEC)		[8,000]	[8,000]	[8,000]	
		Liquid or Light-end Air (LOLA) Boost Pump			[2,000]	[2,000]	
158	0203758A	Digitization	29,302	31,302	29,302	2,000	31,302
		Full Scale Testing for Dismounted Situational Awareness System (DISM)		[2,000]		[2,000]	
159	0203759A	Force XXI Battle Command, Brigade and Below (FBCB2)	56,872	56,872	56,872		56,872
160	0203761A	Rapid Acq Program For Transformation	23,593		43		23,593
		Transfer to PE 63001A (RDA 31) -- Warfighter Advanced Technology		[-23,593]			
		Transfer to PE 63639A (RDA 56) -- XM 1028 cartridge			[-6,000]		
		Transfer to PE 64328A (RDA 81) -- Classified Program			[-1,280]		
		Transfer to PE 64710A (RDA 94) -- Digital Recon, Surveillance & Target Acq. System (DRSTA)			[-2,160]		
		Transfer to PE 64713A (RDA 95) -- Authorized Stockage List Mobility System (ASLMS)			[-2,700]		
		Transfer to PE 64804A (RDA 113) -- Unit Water Pod (CAMEL)			[-1,200]		
		Transfer to PE 64804A (RDA 113) -- Load Handling System Compatible Water Tankrack (HIPPO)			[-1,000]		
		Transfer to PE 64818A (RDA 119) -- Information Dissemination Management - Tactical (IDM - T)			[-4,410]		
		Transfer to PE 33141A (RDA 169) -- Future Finance System			[-1,000]		
		Transfer to OPA 104 -- Future Finance System			[-300]		
		Transfer to OPA 33 -- GPS in SINCGARS			[-3,500]		
161	0203801A	Missile/Air Defense Product Improvement Program	8,539	8,539	8,539		8,539

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
162	0203802A	Other Missile Product Improvement Programs	84,935	78,935	84,935		84,935
		Reduction to Support Higher Transformation Priorities		[-6,000]			
163	0203808A	TRACTOR CARD	6,551	11,551	6,551		6,551
		Transfer from Missile Procurement, Army		[5,000]			
164	0208010A	Joint Tactical Communications Program (TRI-TAC)	21,615	21,615	21,615		21,615
165	0208053A	Joint Tactical Ground System	5,221	5,221	5,221		5,221
166	0301359A	Special Army Program	5,072	5,072	10,072		5,072
167	0303028A	Security and Intelligence Activities	452	452	452		452
168	0303140A	Information Systems Security Program	8,261	8,261	9,261	1,000	9,261
		Information Operations Training (Functional Area 30)			[1,000]	[1,000]	
169	0303141A	Global Combat Support System	94,177	94,177	95,177		94,177
		Transfer from PE 23761A (RDA 160) -- Future Finance System			[1,000]		
170	0303142A	SATCOM Ground Environment (SPACE)	47,647	47,647	47,647		47,647
171	0303150A	WWMCCS/Global Command and Control System	13,501	13,501	13,501		13,501
172	0305114A	Traffic Control, Approach and Landing System-FY 1987 and Prior	785	785	785		785
173	0305204A	Tactical Unmanned Aerial Vehicles	38,210	18,210	44,210		38,210
		Reflect 6 Month to 1 Year Delay in Fielding of TUAV		[-20,000]			
		LIDAR Sensors			[5,000]		
		BAT / Hunter Experiment			[1,000]		

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
174	0305206A	Airborne Reconnaissance Systems	6,862	14,862	6,862	6,000	12,862
		Hyperspectral Long Wave Imager		[8,000]		[6,000]	
175	0305208A	Distributed Common Ground Systems (JMIP)	85,242	85,242	85,242		85,242
176	0708045A	End Item Industrial Preparedness Activities	45,697	35,697	45,697		45,697
		Reduction to Support Higher Transformation Priorities		[-10,000]			
177	1001018A	NATO Joint STARS	2,109	2,109	2,109		2,109
177a		Management Reform Initiatives				(21,100)	(21,100)
177b		General Reduction to RDT&E, Army				(10,000)	(10,000)
		General reduction to support Tactical High Energy Laser (THEL)				[-10,000]	
		Total, RDT&E Army	6,693,920	6,749,025	6,901,670	(18,595)	6,675,325

Army missile defense technology

To support critical missile defense technology activities, the conferees agree that of the funding authorized in the Army research and development account, certain amounts may be used for advanced technology activities as specified below:

(1) up to $1.9 million for the Short-range missile defense With Optimal Radar Distribution (SWORD) program in PE 62303A;

(2) up to $7.6 million for Patriot ground equipment upgrades and life extension efforts in PE 23801A;

(3) up to $3.8 million for the Aerostat Design and Manufacture (ADAM) program in PE 12419A; and

(4) up to $11.0 million for the Army Space and Missile Defense Battle Lab in PE 63308A.

Comanche

The budget request contained $787.9 million in PE 64223A for continued engineering and manufacturing development (EMD) of the RAH–66 Comanche reconnaissance attack helicopter.

The Senate bill would authorize an increase of $28.3 million for the development of a communications suite that is compatible with air and ground components in a joint environment.

The House amendment would authorize an increase of $28.5 million for a similar purpose.

The conferees agree to authorize an increase of $28.3 million in PE 64223A for this requirement.

The conferees believe the Comanche is a necessary and integral weapon system to the Army's transformation and have been supportive of this program in past fiscal years. The Army has stated that the Comanche is its top modernization program. However, the conferees note that there has been a $3.0 billion increase in research, development, test and evaluation (RDT&E) costs since fiscal year 1991. Despite these substantial cost increases, the program continues to be plagued by delays, which the conferees now understand could result in a full two-year delay of the currently scheduled initial operating capability (IOC) of December 2006 to December 2008. The conferees are disappointed to learn once again of the need to restructure and delay this program for at least a sixth time since fiscal year 1988, and the need to add approximately $1.5 billion to the program to complete EMD.

The conferees question the reliability of any new cost estimates and EMD program milestones, especially since the EMD contract was awarded only slightly over a year ago, in June 2000, and numerous changes in requirements have been made since then.

The conferees believe that as the aircraft continues in the EMD phase, an adequately funded and disciplined development program is absolutely essential to fielding this aircraft as part of the Army's Objective Force. Therefore, the conferees expect the Secretary of the Army, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, and its industry team, to present to Congress in the fiscal year 2003 budget request an accurate estimate of funds required to complete EMD and the new time line and plan for bringing the Comanche to IOC.

Rapid acquisition program for transformation

The budget request included $23.6 million in PE 23761A for the Rapid Acquisition Program for Transformation (RAPT).

The Senate bill would authorize $23.6 million for RAPT, but would transfer the funding from the RAPT program element to the program elements supporting the systems chosen by the Army for entry into the program for fiscal year 2002.

The House amendment would authorize $23.6 million for RAPT, but would transfer the funding from the RAPT program element to PE 63001A, Warfighter Advanced Technology.

The conferees agree to authorize $23.6 million in PE 23761A for RAPT or counter-terrorism initiatives and direct the Secretary of the Army to provide a detailed list of how these funds are executed.

Tactical high energy laser

The budget request included no funds for the Tactical High Energy Laser (THEL) program, a joint U.S.-Israeli development program to demonstrate the feasibility of defeating short-range rockets using directed energy.

The Senate bill would authorize $9.0 million of the funds available in PE 63882C to evaluate the development of a Mobile THEL (MTHEL) system.

The House amendment would authorize an increase of $10.0 million to PE 65605A for continuing work on THEL and exploring the option of a mobile version of THEL.

The conferees agree to authorize, from within the funds available in the Army research and development account, an increase of $10.0 million to PE 65605A for evaluating development of THEL as a mobile system.

Thermionics technology

The budget request included $19.5 million in PE 63308A for Army missile defense systems integration, but did not include funds for thermionics technology development.

The Senate bill would authorize, of the funds authorized in PE 63882C for the Midcourse Ground Defense System, $8.0 million for thermionics technology development.

The House amendment would authorize an increase of $3.0 million in PE 63308A for thermionics technology development.

The conferees agree to authorize an increase of $1.0 million in PE 63308A for thermionics technology development. Of the amounts authorized for Army research and development, an additional $7.0 million may be used for thermionics technology development.

Research, Development, Test and Evaluation, Navy—Overview

The budget request for fiscal year 2002 included an authorization of $11,123.4 million for Research, Development, Test and Evaluation, Navy in the Department of Defense.

The Senate bill would authorize $11,134.8 million.

The House amendment would authorize $10,863.3 million.

The conferees recommended an authorization of $10,784.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY					
1	0601152N	In-House Laboratory Independent Research	16,291	16,291	16,291		16,291
2	0601153N	Defense Research Sciences	389,829	389,829	398,829		389,829
		High frequency / high power wide bandgap semiconductor electronics technology (Fence--Non-add)		[5,000]		[5,000]	
		Southeast Atlantic Coastal Ocean Observing System (SEA-COOS)			[8,000]		
		Marine Mammal Low Frequency Sound Research			[1,000]		
3	0602111N	Air and Surface Launched Weapons Technology			44,092		
		Transfer from PE 62123N (RDN 7) -- Restore FY 01 PE Structure			[44,092]		
4	0602114N	Power Projection Applied Research	66,322	70,322	68,322		66,322
		Embedded Software Engineering Research Initiative		[4,000]			
		Integrated Biological & Chemical Warfare Defense Technology Platform			[2,000]		
5	0602121N	Ship, Submarine & Logistics Technology			56,064		
		Transfer from PE 62123N (RDN 7) -- Restore FY 01 PE Structure			[56,064]		
6	0602122N	Aircraft Technology					
7	0602123N	Force Protection Applied Research	117,072	117,372		250	117,322
		Submarine Electrical Power to Augment On-shore Power Grids		[300]		[250]	
		Restore Funding to FY 01 PE Structure			[-117,072]		
8	0602131M	Marine Corps Landing Force Technology	31,248	31,248	31,248		31,248
9	0602232N	Communications, Command and Control, Intelligence, Surveillance			5,000	5,000	5,000
		Fusion of Hyperspectral & Panchromatic Data			[5,000]	[5,000]	
10	0602233N	Human Systems Technology					

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
11	0602234N	Materials, Electronics and Computer Technology			14,278		
		Transfer from PE 62123N (RDN 7) -- Restore FY 01 PE Structure			[14,278]		
12	0602235N	Common Picture Applied Research	83,557	90,645	86,557	4,000	87,557
		Advanced High Definition Display Technology		[4,000]			
		Hybrid Fiber Optic Wireless Communication		[2,000]		[2,000]	
		SEADEEP Aircraft - Submarine Laser Communications		[3,000]			
		Reduction to Support Higher Transformation Priorities		[-4,912]			
		Advanced Personal Communicator			[3,000]	[2,000]	
13	0602236N	Warfighter Sustainment Applied Research	71,294	82,294	80,294	10,500	81,794
		COTS Carbon Fiber Qualification		[2,000]		[2,000]	
		Formable Aligned Carbon Thermo Sets (FACTS)		[4,000]			
		Detection & Identification of Human Pathogens		[2,000]			
		Knowledge-based Ship Systems Diagnosis & Repair		[3,000]		[2,000]	
		Biosensor Nanotechnology			[4,000]	[3,500]	
		Integrated Bioenvironmental Hazards Research Program			[3,000]	[2,000]	
		Modeling, Simulation, & Training Immersion Facility			[2,000]	[1,000]	
14	0602270N	Electronic Warfare Technology					

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
15	0602271N	RF Systems Applied Research	62,141	83,441	74,141	8,500	70,641
		Laser Welding and Cutting		[4,300]			
		Vacuum Electronics		[10,000]			
		High Brightness Electron Source Program			[2,500]	[2,000]	
		High Performance Wave Form Generator			[3,000]	[2,000]	
		Wide Bandgap Semiconductor Technology		[7,000]			
		High frequency / high power wide bandgap semiconductor electronics technology (Fence--Non-add)		[3,500]		[3,500]	
		Nanoscale Devices (Wide Bandgap Materials)			[1,000]	[1,000]	
		Nanoscience and Technology			[3,000]	[1,000]	
		Wide Bandgap Semiconductor Research Initiative			[2,500]		
		Wide Bandgap Semiconductor Development				[2,500]	
16	0602314N	Undersea Warfare Surveillance Technology			15,569		
		Transfer from PE 62747N (RDN 20) -- Restore FY 01 PE Structure			[15,569]		
17	0602315N	Mine Countermeasures, Mining and Special Warfare					
18	0602435N	Ocean Warfighting Environment Applied Research	50,738	50,738	50,738		50,738
19	0602633N	Undersea Warfare Weaponry Technology			63,579		
		Transfer from PE 62123N (RDN 7) -- Restore FY 01 PE Structure			[2,638]		
		Transfer from PE 62747N (RDN 20) -- Restore FY 01 PE Structure			[60,941]		
20	0602747N	Undersea Warfare Applied Research	76,510	86,510			76,510
		Non-acoustic Antisubmarine Warfare (NAASW)		[10,000]			
		Restore Funding to FY 01 PE Structure			[-76,510]		
21	0602782N	Mine and Expeditionary Warfare Applied Research	57,668	57,668	57,668		57,668

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
22	0602805N	Dual Use Science and Technology Program	10,000	2,000	10,000		10,000
		Reduction to Support Higher Transformation Priorities		[-8,000]			
23	0603114N	Power Projection Advanced Technology	76,410	94,410	76,410	18,000	94,410
		Affordable Weapon		[10,000]		[10,000]	
		DP-2 Thrust Vectoring System Concept Demonstration		[8,000]		[5,000]	
		High Energy Laser - Low Aspect Target Tracking (HEL-LATT)		[10,000]		[3,000]	
		Reduction to Support Higher Transformation Priorities		[-10,000]			
24	0603123N	Force Protection Advanced Technology	85,297	132,000		17,000	102,297
		Advanced Water Jet (AWJ-21) Propulsor		[6,000]		[2,000]	
		DC Homopolar Motor Program		[4,000]		[1,000]	
		Direct Ship Service Fuel Cell Technology Demonstrator		[7,000]		[1,000]	
		Electric Propulsion / Ship Power Systems Distributed Test Bed		[10,000]			
		Littoral Support Craft - Experimental (LSC-X)		[19,000]		[11,000]	
		LSC-X (Fence--Non-add)		[20,000]		[20,000]	
		SEAL s Mk V Patrol Craft Project M Modification		[6,000]		[2,000]	
		Reduction to Support Higher Transformation Priorities		[-5,297]			
		Restore Funding to FY 01 PE Structure			[-85,297]		
25	0603217N	Air Systems and Weapons Advanced Technology					
26	0603235N	Common Picture Advanced Technology	48,583	50,583	48,583		48,583
		Upgrade Extending the Littoral Battlespace ACTD Equipment		[2,000]			

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
27	0603236N	Warfighter Sustainment Advanced Technology	57,685	67,615	57,685	2,000	59,685
		Real Time Heart Rate Variability Technology		[8,930]			
		Naval Environmental Compliance Operations Monitoring System		[6,000]		[2,000]	
		Reduction to Support Higher Transformation Priorities		[-5,000]			
28	0603238N	Precision Strike and Air Defense Technology					
29	0603270N	Advanced Electronic Warfare Technology					
30	0603271N	RF Systems Advanced Technology	76,876	66,876	76,876		76,876
		Vacuum Electronics		[5,000]			
		Reduction to Support Higher Transformation Priorities		[-15,000]			
31	0603508N	Surface Ship & Submarine HM&E Advanced Technology			83,958	9,300	9,300
		Transfer from PE 63123N (RDN 24) -- Restore FY 01 PE Structure			[66,658]		
		Ship Service Fuel Cell Technology Verification and Training Program			[5,000]	[3,000]	
		DDG-51 Composite Twisted Rudder			[3,000]	[1,000]	
		Future Ship Systems Technology Demos			[2,000]		
		Laser Welding and Cutting			[4,300]	[4,300]	
		Modular Advance Composite Hull (MACH) Form			[3,000]	[1,000]	
32	0603640M	Marine Corps Advanced Technology Demonstration (ATD)	51,310	72,310	51,310		51,310
		Rapid Acquisition Program For Transformation (RAPFT)		[21,000]			
33	0603706N	Medical Development					
34	0603707N	Manpower, Personnel and Training Adv Tech Dev					
35	0603712N	Environmental Quality and Logistics Advanced Technology					
36	0603727N	Joint Experimentation	118,802	118,802	118,802		118,802

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
37	0603729N	Warfighter Protection Advanced Technology	17,678	21,678	17,678	2,000	19,678
		Organ Transfer Technology		[4,000]		[2,000]	
38	0603747N	Undersea Warfare Advanced Technology	56,303	66,303	56,303		56,303
		Non-acoustic Antisubmarine Warfare (NAASW)		[10,000]			
39	0603758N	Navy Warfighting Experiments and Demonstrations	43,277	85,277	43,277		43,277
		Rapid Acquisition Program For Transformation (RAPFT)		[42,000]			
40	0603782N	Mine and Expeditionary Warfare Advanced Technology	48,279	48,279	49,979	1,000	49,279
		Ocean Modeling for MCM & Expeditionary Warfare			[1,700]	[1,000]	
41	0603792N	Advanced Technology Transition			18,639		
		Transfer from PE 63123N (RDN 24) -- Restore FY 01 PE Structure			[18,639]		
42	0603794N	C3 Advanced Technology					
43	0603207N	Air/Ocean Tactical Applications	32,332	32,332	32,332		32,332
44	0603216N	Aviation Survivability	25,572	7,672	7,538		25,572
		Reduction to Support Higher Transformation Priorities		[-17,900]			
		Transfer to PE 64272N (RDN 90a) -- Budget Request Included TADIRCM in RDN 44 total in error			[-18,034]		
45	0603237N	Deployable Joint Command & Control	50,000		30,000	(30,000)	20,000
		Reduction to Support Higher Transformation Priorities		[-50,000]			
		Fund a More Reasonable Start-up Level for This New Activity			[-20,000]	[-30,000]	
46	0603254N	ASW Systems Development	12,922	17,922	12,922	2,000	14,922
		Project Bear Trap		[5,000]		[2,000]	
47	0603261N	Tactical Airborne Reconnaissance	1,934	1,934	1,934		1,934

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
48	0603382N	Advanced Combat Systems Technology	3,458		3,458		3,458
		Reduction to Support Higher Transformation Priorities		[-3,458]			
49	0603502N	Surface and Shallow Water Mine Countermeasures	135,284	147,284	135,284		135,284
		Surface Navy Integrated Undersea Tactical Technology		[12,000]			
50	0603506N	Surface Ship Torpedo Defense	4,818	9,818	4,818	1,000	5,818
		Accelerate Development & Fielding of SSTD Systems		[5,000]		[1,000]	
51	0603512N	Carrier Systems Development	165,150	165,150	165,150		165,150
52	0603513N	Shipboard System Component Development	288,382	263,382	288,382	(50,000)	238,382
		Reduction to Support Higher Transformation Priorities		[-25,000]		[-50,000]	
53	0603525N	PILOT FISH	99,600	99,600	99,600		99,600
54	0603527N	RETRACT LARCH	50,441	50,441	50,441		50,441
55	0603536N	RETRACT JUNIPER					
56	0603542N	Radiological Control	1,056	1,056	1,056		1,056
57	0603553N	Surface ASW	3,724	3,724	3,724		3,724
58	0603559N	SSGN Conversion	30,000	30,000	64,000	15,000	45,000
		Accelerate Design Effort to Convert 4 Boats			[34,000]	[15,000]	
59	0603561N	Advanced Submarine System Development	110,766	115,309	114,666	5,900	116,666
		Advanced Composite Sail Phase II		[15,000]			
		Submarine Composite Sail			[2,000]		
		Advanced Composite Sail				[4,000]	
		Electromechanical Actuator Development			[1,900]	[1,900]	
		Reduction to Support Higher Transformation Priorities		[-10,457]			

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
60	0603562N	Submarine Tactical Warfare Systems	5,405	5,405	5,405		5,405
61	0603563N	Ship Concept Advanced Design	1,949		1,949		1,949
		Reduction to Support Higher Transformation Priorities		[-1,949]			
62	0603564N	Ship Preliminary Design & Feasibility Studies	14,922	4,922	14,922		14,922
		Reduction to Support Higher Transformation Priorities		[-10,000]			
63	0603570N	Advanced Nuclear Power Systems	175,176	173,076	175,176		175,176
		Reduction to Support Higher Transformation Priorities		[-2,100]			
64	0603573N	Advanced Surface Machinery Systems	3,921	3,921	3,921		3,921
65	0603576N	CHALK EAGLE	35,313	35,313	35,313		35,313
66	0603582N	Combat System Integration	42,915	67,915	42,915	2,000	44,915
		Common Command & Decision (CC&D) System		[25,900]			
		Wideband Optically Multiplexed Beamforming Architecture (WOMBAT)		[4,000]		[2,000]	
		Reduction to Support Higher Transformation Priorities		[-4,900]			
67	0603609N	Conventional Munitions	22,299	22,299	22,299		22,299
68	0603611M	Marine Corps Assault Vehicles	263,066	240,000	263,066		263,066
		Reduction to Support Higher Transformation Priorities		[-23,066]			
69	0603635M	Marine Corps Ground Combat/Support System	25,957	40,957	31,957	4,500	30,457
		Lightweight 155mm Howitzer		[5,000]			
		Low Observable Signature Ejection Technology		[5,000]			
		Urban Operations Environmental Lab		[5,000]	[4,000]	[3,000]	
		Nanoparticles for Neutralization of Facility Threats (Weapon)			[2,000]	[1,500]	
70	0603654N	Joint Service Explosive Ordnance Development	12,918	12,918	12,918		12,918

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
71	0603658N	Cooperative Engagement	74,231	74,231	74,231		74,231
72	0603713N	Ocean Engineering Technology Development	16,077	16,077	16,077		16,077
73	0603721N	Environmental Protection	46,117	46,117	46,117		46,117
74	0603724N	Navy Energy Program	5,025	5,025	5,025		5,025
75	0603725N	Facilities Improvement	1,728	4,128	1,728		1,728
		Photovoltaic Energy Savings Initiative		[2,400]			
76	0603734N	CHALK CORAL	48,187	48,187	48,187		48,187
77	0603739N	Navy Logistic Productivity	11,735	23,235	11,735	4,000	15,735
		Compatible Processor Upgrade Program		[6,500]		[2,000]	
		Rapid Retargeting		[5,000]		[2,000]	
78	0603746N	RETRACT MAPLE	148,856	157,856	148,856		148,856
		Classified Program		[9,000]			
79	0603748N	LINK PLUMERIA	62,601	62,601	62,601		62,601
80	0603751N	RETRACT ELM	22,200	22,200	22,200		22,200
81	0603755N	Ship Self Defense - Dem/Val	8,353	8,353	8,353		8,353
82	0603764N	LINK EVERGREEN	26,151	26,151	26,151		26,151
83	0603787N	Special Processes	58,858	58,858	58,858		58,858
84	0603790N	NATO Research and Development	11,551	11,551	11,551		11,551
		VECTOR Study & Analysis (Fence--Non-add)		[1,000]			

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
85	0603795N	Land Attack Technology	130,993	176,193	111,510		130,993
		Advanced Land Attack Missile Program		[20,000]			
		Distributed Common Ground Station		[25,200]			
		Future Missile System			[15,000]		
		Land Attack Standard Missile (LASM)			[-34,483]		
86	0603800N	Joint Strike Fighter (JSF) - Dem/Val			30,000		
		Reflect Delay in Decision About Down-select of JSF Winning Team			[30,000]		
87	0603851M	Nonlethal Weapons - Dem/Val	34,008	24,008	34,008		34,008
		Reduction to Support Higher Transformation Priorities		[-10,000]			
88	0603857N	All Service Combat Identification Evaluation Team (ASCIET)	13,530	13,530	13,530		13,530
89	0603879N	Single Integrated Air Picture (SIAP) System Engineer (SE)	43,140	43,140	43,140		43,140
90	0603889N	Counterdrug RDT&E Projects					
90a	0604272N	Tactical Aircraft Directed InfraRed Countermeasure (TADIRCM)			18,034		
		Transfer from PE 63216N (RDN 44) -- Budget Request Included TADIRCM in RDN 44 total in error			[18,034]		
91	0604327N	Hard and Deeply Buried Target Defeat System (HDBTDS) Program					
92	0604707N	Space and Electronic Warfare (SEW) Architecture/Engineering Support	32,259	32,259	32,259		32,259
93	0603208N	Training System Aircraft					
94	0603662N	Foreign Counter-Intelligence (FCI) - RDT&E	[ ]			[ ]	
95	0604212N	Other Helo Development	64,392	66,392	64,392	2,000	66,392
		Sea Target Laser Aim Scoring System		[2,000]		[2,000]	
96	0604214N	AV-8B Aircraft - Eng Dev	32,897	32,897	32,897		32,897

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
97	0604215N	Standards Development	120,552	127,052	66,748	6,500	127,052
		Metrology Projects		[6,500]		[6,500]	
		Transfer to PE 65500N (RDN 156a) -- Budget Request Included MMA in RDN 97 total in error			[-53,804]		
98	0604216N	Multi-Mission Helicopter Upgrade Development	149,418	149,418	149,418		149,418
99	0604217N	S-3 Weapon System Improvement	428	428	428		428
100	0604218N	Air/Ocean Equipment Engineering	6,346	6,346	6,346		6,346
101	0604221N	P-3 Modernization Program	3,220	3,220	3,220		3,220
102	0604231N	Tactical Command System	64,832	64,832	64,832		64,832
103	0604234N	E-2C Radar Modernization Program	96,000	96,000	96,000		96,000
104	0604235N	Navy Area Missile Defense	388,496		388,496	(388,496)	
		Transfer to PE 63881C (RDDW 75)		[-388,496]		[-388,496]	
105	0604245N	H-1 Upgrades	170,068	170,068	170,068		170,068
106	0604261N	Acoustic Search Sensors	16,825	16,825	16,825		16,825
107	0604262N	V-22A	546,735	446,735	451,735	(100,000)	446,735
		Defer Building SOCOM CV-22 EMD Aircraft		[-100,000]	[-100,000]	[-100,000]	
		USD (AT&L) Review of Alternatives			[5,000]		
108	0604264N	Air Crew Systems Development	7,717	7,717	12,717	3,000	10,717
		Modular Helmet Development			[5,000]	[3,000]	
109	0604270N	EW Development	112,473	126,473	112,473	4,000	116,473
		Follow-on Support Jammer		[10,000]			
		Location of GPS Interferers (LOCO GPSI)		[4,000]		[4,000]	

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
110	0604300N	SC-21 Total Ship System Engineering	355,093	355,093	359,093	3,000	358,093
		Personnel Tracking & Locating System			[1,000]	[1,000]	
		Power Node Control Center (PNCC)			[3,000]	[2,000]	
111	0604307N	Surface Combatant Combat System Engineering	262,037	276,937	268,037	14,900	276,937
		Operational Readiness Test Systems Network		[6,000]		[6,000]	
		AEGIS Operational Readiness Training Systems (ORTS)			[6,000]		
		Peripheral Consolidation Program		[8,900]		[8,900]	
112	0604311N	LPD-17 Class Systems Integration	1,001	1,001	1,001		1,001
113	0604312N	Tri-Service Standoff Attack Missile	1,946	1,946	10,046	5,000	6,946
		Joint Air-to-Surface Standoff Missile (JASSM) Integration on F-18			[8,100]	[5,000]	
114	0604366N	Standard Missile Improvements	1,309	1,309	6,309	2,000	3,309
		Advanced Optical Correlator			[5,000]	[2,000]	
115	0604373N	Airborne MCM	52,041	52,041	52,041		52,041
116	0604503N	SSN-688 and Trident Modernization	43,706	68,706	57,006	13,300	57,006
		Multipurpose Processor		[25,000]			
		Improved Antenna Technology			[3,300]	[3,300]	
		Tactical Control Information Management			[10,000]		
		Multipurpose Processor / Advanced Processing Build for Tactical Information Systems Management				[10,000]	
117	0604504N	Air Control	12,821	12,821	12,821		12,821
118	0604507N	Enhanced Modular Signal Processor	1,013	1,013	1,013		1,013
119	0604512N	Shipboard Aviation Systems	16,375	21,375	16,375	3,500	19,875
		Aviation - Shipboard Information Technology Initiative		[5,000]		[3,500]	

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
120	0604518N	Combat Information Center Conversion	5,392	5,392	10,392	5,000	10,392
		Common Command & Decision (CC&D) Upgrade			[5,000]	[5,000]	
121	0604524N	Submarine Combat System					
122	0604528N	SWATH (Small Waterplane Area Twin Hull) Oceanographic Ship					
123	0604558N	New Design SSN	201,596	201,596	201,596		201,596
124	0604561N	SSN-21 Developments	5,770	5,770	5,770		5,770
125	0604562N	Submarine Tactical Warfare System	29,246	29,246	56,246	25,000	54,246
		Accelerate Combat Control System Consolidation			[27,000]	[25,000]	
126	0604567N	Ship Contract Design/ Live Fire T&E	130,388	130,388	130,388		130,388
		Titanium Watertight Door & Hatch Cover (Fence--Non-add)		[1,000]			
127	0604574N	Navy Tactical Computer Resources	3,836	3,836	3,836		3,836
128	0604601N	Mine Development					
129	0604603N	Unguided Conventional Air-Launched Weapons	12,890	12,890	12,890		12,890
130	0604610N	Lightweight Torpedo Development	10,310	10,310	10,310		10,310
131	0604618N	Joint Direct Attack Munition	56,285	56,285	56,285		56,285
132	0604654N	Joint Service Explosive Ordnance Development	8,123	8,123	8,123		8,123
133	0604703N	Personnel, Training, Simulation, and Human Factors	1,300	1,300	1,300		1,300
134	0604710N	Navy Energy Program	3,157	3,157	3,157		3,157
135	0604721N	Battle Group Passive Horizon Extension System	8,130	8,130	8,130		8,130
136	0604727N	Joint Standoff Weapon Systems	26,852	26,852	26,852		26,852
137	0604755N	Ship Self Defense - EMD	52,163	52,163	67,163	5,000	57,163
		Infrared Search & Track (IRST)			[15,000]	[5,000]	

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
138	0604756N	Ship Self Defense - Hard Kill	33,530	33,530	33,530		33,530
139	0604757N	Ship Self Defense - Soft Kill	41,670	41,670	45,670	2,000	43,670
		NULKA Decoy Developments			[4,000]	[2,000]	
140	0604771N	Medical Development	5,455	5,455	5,455		5,455
141	0604777N	Navigation/ID System	23,884	23,884	23,884		23,884
142	0604784N	Distributed Surveillance System	34,711	34,711	34,711		34,711
143	0604800N	Joint Strike Fighter (JSF) - EMD	767,259	767,259	613,659		767,259
		Reflect Delay in Decision About Down-select of JSF Winning Team			[-153,600]		
144	0604805N	Commercial Operations and Support Savings Initiative					
145	0604910N	Smart Card	896	896	896		896
146	0605013M	Information Technology Development	11,031	11,031	11,031		11,031
147	0605013N	Information Technology Development	49,333	49,333	54,333	3,500	52,833
		Human Resource Enterprise Strategy			[5,000]	[3,500]	
148	0605014N	Defense Integrated Military Human Resources System (DIMHRS) RDT&E	47,184	47,184	47,184		47,184
149	0605015N	Joint Counter-Intelligence Assessment Group (JCAG) - RDT&E	6,000	6,000	6,000		6,000
150	0508713N	Navy Standard Integrated Personnel System (NSIPS)	13,082	13,082	13,082		13,082
151	0604256N	Threat Simulator Development	30,110	30,110	30,110		30,110
152	0604258N	Target Systems Development	49,511	49,511	49,511		49,511
153	0604759N	Major T&E Investment	41,804	41,804	41,804		41,804
154	0605152N	Studies and Analysis Support - Navy	6,679	4,000	6,679	(2,679)	4,000
		Reduction to Support Higher Transformation Priorities		[-2,679]		[-2,679]	
155	0605154N	Center for Naval Analyses	44,891	44,891	44,891		44,891

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
156	0605155N	Fleet Tactical Development	2,912	2,912	2,912		2,912
156a	0605500N	Multi-Mission Maritime Aircraft (MMA)			53,804		
		Transfer from PE 64215N (RDN 97) -- Budget Request Included MMA in RDN 97 total in error			[53,804]		
157	0605502N	Small Business Innovative Research					
158	0605804N	Technical Information Services	951	12,951	6,951	2,500	3,451
		Commercialization of Advanced Technology		[6,000]			
		Supply Chain Best Practices		[6,000]	[6,000]	[2,500]	
159	0605853N	Management, Technical & International Support	21,628	18,628	21,628		21,628
		Reduction to Support Higher Transformation Priorities		[-3,000]			
160	0605856N	Strategic Technical Support	2,391	2,391	2,391		2,391
161	0605861N	RDT&E Science and Technology Management	54,825	54,825	54,825		54,825
162	0605862N	RDT&E Instrumentation Modernization	11,601	11,601	11,601		11,601
163	0605863N	RDT&E Ship and Aircraft Support	71,735	71,735	71,735		71,735
164	0605864N	Test and Evaluation Support	277,414	270,000	277,414		277,414
		Reduction to Support Higher Transformation Priorities		[-7,414]			
165	0605865N	Operational Test and Evaluation Capability	11,649	11,649	11,649		11,649
166	0605866N	Navy Space and Electronic Warfare (SEW) Support	3,433	3,433	3,433		3,433
167	0605867N	SEW Surveillance/Reconnaissance Support	12,693	12,693	12,693		12,693
168	0605873M	Marine Corps Program Wide Support	9,614	9,614	12,814	3,000	12,614
		Nanoparticle Responses to Chem Bio Threats			[3,200]	[3,000]	
169	0305885N	Tactical Cryptologic Activities	85,000	85,000	85,000		85,000
170	0909999N	Financing for Cancelled Account Adjustments					

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
171	0603660N	Advanced Development Projects	[ ]			[ ]	
172	0603661N	Retract Violet	[ ]			[ ]	
173	0603662N	Foreign Counter-Intelligence (FCI) - RDT&E	[ ]		2,000	[ ]	
174	0604227N	HARPOON Modifications					
175	0604805N	Commercial Operations and Support Savings Initiative					
176	0101221N	Strategic Sub & Weapons System Support	43,322	53,122	43,322	2,500	45,822
		Radiation-hardened Electronics Applications Programs (RHEAP)		[9,800]		[2,500]	
		Re-entry Systems Application Program (RSAP) (Fence--Non-add)			[2,000]	[2,000]	
177	0101224N	SSBN Security Technology Program	34,091	34,091	34,091		34,091
178	0101226N	Submarine Acoustic Warfare Development	996	996	996		996
179	0101402N	Navy Strategic Communications	4,205		4,205		4,205
		Reduction to Support Higher Transformation Priorities		[-4,205]			
180	0204136N	F/A-18 Squadrons	253,257	214,257	280,257		253,257
		Fuel Cell Second Source		[1,000]			
		Joint Helmet Mounted Cueing System (JHMCS) for F/A-18 & Other Aircraft		[10,000]			
		JHMCS for F/A-18C/D			[27,000]		
		JHMCS for F/A-18 Aircraft				[10,000]	
		Reduction to Support Higher Transformation Priorities		[-50,000]		[-10,000]	
181	0204152N	E-2 Squadrons	20,583	30,583	20,583		20,583
		E-2 / C-2 Eight-blade Composite Propeller		[10,000]			
182	0204163N	Fleet Telecommunications (Tactical)	21,136	10,236	21,136		21,136
		Reduction to Support Higher Transformation Priorities		[-10,900]			

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Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
183	0204229N	Tomahawk and Tomahawk Mission Planning Center (TMPC)	76,036	73,814	76,036		76,036
		Reduction to Support Higher Transformation Priorities		[-2,222]			
184	0204311N	Integrated Surveillance System	20,041	20,041	20,041		20,041
185	0204413N	Amphibious Tactical Support Units	24,387	24,387	24,387		24,387
		Expeditionary Warfare Testbed - Supporting Arms Technology Insertion		[10,000]			
		Reduction to Support Higher Transformation Priorities		[-10,000]			
186	0204571N	Consolidated Training Systems Development	22,407	22,407	22,407		22,407
187	0204575N	Electronic Warfare (EW) Readiness Support	7,659	5,359	7,659		7,659
		Decrease		[-2,300]			
188	0205601N	HARM Improvement	13,630	23,630	13,630	5,000	18,630
		Advanced Anti-radiation Guided Munition (AARGM)		[10,000]		[5,000]	
189	0205604N	Tactical Data Links	39,362	31,662	39,362		39,362
		Reduction to Support Higher Transformation Priorities		[-7,700]			
190	0205620N	Surface ASW Combat System Integration	28,119	24,219	28,119		28,119
		Reduction to Support Higher Transformation Priorities		[-3,900]			
191	0205632N	MK-48 ADCAP	17,130	27,130	22,130	5,000	22,130
		Torpedo Rapid COTS Insertion		[10,000]			
		Expand Advance Processing Build (APB) Process in MK-48 Upgrades			[5,000]		
		Torpedo Rapid COTS Insertion / APB Application for MK-48 Upgrades				[5,000]	
192	0205633N	Aviation Improvements	41,430	41,430	41,430		41,430
193	0205658N	Navy Science Assistance Program	4,945	4,945	4,945		4,945
194	0205667N	F-14 Upgrade					

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
195	0205675N	Operational Nuclear Power Systems	55,202	55,202	55,202		55,202
196	0206313M	Marine Corps Communications Systems	104,835	104,835	112,835	5,000	109,835
		Unit Operations Center (UOC) Development			[8,000]	[5,000]	
197	0206623M	Marine Corps Ground Combat/Supporting Arms Systems	43,935	43,935	43,935		43,935
198	0206624M	Marine Corps Combat Services Support	8,483	8,483	8,483		8,483
199	0207161N	Tactical AIM Missiles	16,402	16,402	16,402		16,402
200	0207163N	Advanced Medium Range Air-to-Air Missile (AMRAAM)	10,795	9,795	10,795		10,795
		Reduction to Support Higher Transformation Priorities		[-1,000]			
201	0301303N	Maritime Intelligence	[ ]			[ ]	
202	0301327N	Technical Reconnaissance and Surveillance	[ ]			[ ]	
203	0303109N	Satellite Communications (SPACE)	54,230	44,230	54,230		54,230
		Reduction to Support Higher Transformation Priorities		[-10,000]			
204	0303140N	Information Systems Security Program	20,942	45,942	20,942	1,000	21,942
		Navy's Intelligent Agent Security Module (IASM)		[25,000]		[1,000]	
205	0304111N	Special Activities	[ ]			[ ]	
206	0305160N	Navy Meteorological and Ocean Sensors-Space (METOC)	23,492	21,592	23,492		23,492
		Reduction to Support Higher Transformation Priorities		[-1,900]			
207	0305188N	Joint C4ISR Battle Center (JBC)	13,618		13,618		13,618
		Reduction to Support Higher Transformation Priorities		[-13,618]			
208	0305192N	Joint Military Intelligence Programs	7,179	7,179	7,179		7,179
209	0305204N	Tactical Unmanned Aerial Vehicles	66,349	66,349	77,349		66,349
		Increased Scope of R&D Effort & Risk Reduction Testing			[11,000]		

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
210	0305206N	Airborne Reconnaissance Systems	5,736	15,236	5,736	3,000	8,736
		Electro-optical Framing Reconnaissance		[9,500]		[3,000]	
211	0305207N	Manned Reconnaissance Systems	29,232	34,232	29,232	4,000	33,232
		Advanced Multiband Surveillance Systems		[5,000]		[4,000]	
212	0305208N	Distributed Common Ground Systems	4,467	5,467	4,467		4,467
		Upgrade Digital Imagery Workstation Suite (DIWS)		[1,000]			
213	0305927N	Naval Space Surveillance	4,237	4,237	4,237		4,237
214	0308601N	Modeling and Simulation Support	7,828	10,828	14,828	2,000	9,828
		SPAWAR Enhanced Modeling & Simulation Initiatives		[3,000]			
		Develop Better Modeling & Simulation Tools to Aid Interoperability			[7,000]		
		Enhanced Modeling & Simulation Initiatives				[2,000]	
215	0702207N	Depot Maintenance (Non-IF)	13,569	8,597	13,569		13,569
		Reduction to Support Higher Transformation Priorities		[-4,972]			
216	0708011N	Industrial Preparedness	70,605	70,605	70,605		70,605
217	0708730N	Maritime Technology (MARITECH)	20,065	20,065	20,065		20,065
999N		Classified Programs	885,347	885,347	885,347		885,347
217a		Management Reform Initiatives				(10,600)	(10,600)
		Total, RDT&E Navy	11,123,389	10,863,274	11,134,806	(339,125)	10,784,264

Follow-on support jamming aircraft

The budget request included $112.5 million in PE 64270N for electronic warfare development, but included no funds for pre-engineering and manufacturing development (EMD) risk reduction activities for a follow-on support jamming aircraft program to replace the EA–6B.

The House amendment would authorize an increase of $10.0 million for pre-EMD risk reduction activities for a follow-on support jamming aircraft program.

The Senate bill included no similar authorization.

The conferees agree to authorize no additional funds for a follow-on support jamming aircraft program.

The conferees recognize that the Department of Defense is scheduled to complete the Analysis of Alternatives (AoA) in December 2001 and believe that the Department will identify a need to replace the capability currently provided by the EA–6B fleet of electronic warfare aircraft. The conferees believe that the Department should move expeditiously to translate the results of that AoA into a plan that will avoid having the Nation presented with any gap in this important mission area.

Future destroyer program

The budget request included $288.4 million in PE 63513N and $355.1 million in PE 64300N for the DD–21 program.

The Senate bill would authorize the budget request.

The House amendment would authorize a decrease of $25.0 million in PE 63513N.

Subsequent to passage of both the Senate bill and the House amendment, the Navy announced intentions to restructure the DD–21 program to a family of surface combatants including a destroyer version, DD(X). However, the specifics of the proposed programs for development of the family of surface combatants were not available for the conferees to review.

Therefore, the conferees agree to authorize a decrease of $50.0 million in PE 63513N resulting from the delay in the down-select to a future destroyer detail design. The conferees will review the Navy's decision to restructure DD–21 when the Navy makes available details of the cancellation of the current request for proposals and the proposed replacement program.

Littoral support craft—experimental

The budget request included $85.3 million in PE 63123N for force protection advanced technology, including $20.0 million for development and demonstration of experimental craft for littoral support operations. The Office of Naval Research has proposed to conduct a phased program to develop and demonstrate an experimental littoral support craft demonstrator (LSC–X) that would build upon development and evaluation of operational concepts at the component and subsystem level and provide the basis for operational experiments on the contribution that such craft could make to naval operations in the littoral.

The House amendment would authorize a total of $39.0 million in PE 63123N for development and demonstration of an LSC–X, including an increase of $19.0 million for demonstration and development of an experimental craft for littoral support operations.

The Senate bill included no similar authorization. However, the Senate report accompanying S. 1438 (S. Rept. 107–62) identified at least six efforts that the Navy has underway to test key technologies for future ship programs. The Senate report also would encourage the Navy to focus ship design efforts on programs that will collect the type of information that will be needed to make decisions on future combatant ships, the future amphibious ship (LH(X)), the future joint command and control ship (JCC(X)), and the maritime prepositioning force ship of the future (MPF(F)), rather than duplicating efforts already underway.

The conferees agree to authorize a total of $31.0 million in PE 63123N, an increase of $11.0 million, to continue the ONR program for development and demonstration of the LSC–X.

The conferees direct that the Secretary of the Navy identify the set of experimental objectives that the LSC–X program is intended to explore, and the objective measures of effectiveness that will be used to determine whether those objectives have been achieved. The conferees also direct the Secretary to define the program plan, the schedule, and the funding requirements for development of LSC–X. The Secretary should provide all of this information to the congressional defense committees by March 31, 2002.

Research, Development, Test and Evaluation, Air Force—Overview

The budget request for fiscal year 2002 included an authorization of $14,344.0 million for Research, Development, Test and Evaluation, Air Force in the Department of Defense.

The Senate bill would authorize $14,459.5 million.

The House amendment would authorize $14,485.7 million.

The conferees recommended an authorization of $14,407.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE					
1	0601102F	Defense Research Sciences	220,869	220,869	220,869		220,869
2	0602102F	Materials	77,164	89,664	93,664	8,500	85,664
		UV Free Electron Laser		[5,500]	[2,500]	[2,500]	
		Special Aerospace Materials & Manufacturing Processes		[4,500]			
		Metals Affordability Initiative			[5,000]		
		Special Aerospace Materials				[3,500]	
		Thermal Management for Space Structures		[2,500]			
		Environmentally Sound Coatings			[1,500]		
		Titanium Matrix Composites			[7,500]	[2,500]	
3	0602201F	Aerospace Vehicle Technologies	97,465	97,465	97,465		97,465
4	0602202F	Human Effectiveness Applied Research	69,080	73,080	69,080		69,080
		Advanced High Definition Display Technology		[4,000]			
5	0602203F	Aerospace Propulsion	149,211	164,711	149,211	7,000	156,211
		Integrated High Payoff Rocket Propulsion Technology (IHPRPT)		[9,500]		[3,000]	
		Pulse Detonation Engine		[6,000]		[4,000]	
6	0602204F	Aerospace Sensors	84,149	70,049	84,149		84,149
		Reduction to Support Higher Transformation Priorities		[-14,100]			
7	0602269F	Hypersonic Technology Program					
8	0602601F	Space Technology	61,086	61,086	61,086		61,086
9	0602602F	Conventional Munitions	49,270	49,270	49,270		49,270

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
10	0602605F	Directed Energy Technology	36,678	30,978	36,678		36,678
		Reduction to Support Higher Transformation Priorities		[-5,700]			
11	0602702F	Command, Control and Communications	61,659	56,459	64,659		61,659
		Reduction to Support Higher Transformation Priorities		[-5,200]			
		Information Protection and Authentication			[3,000]		
12	0602805F	Dual Use Science and Technology Program	10,417	10,417	10,417		10,417
13	0603106F	Logistics Systems Technology					
14	0603112F	Advanced Materials for Weapon Systems	32,748	43,248	37,748	3,500	36,248
		Ceramic Matrix Composites for Engines		[2,000]			
		Materials Technologies for Aging Aircraft		[4,000]		[1,000]	
		Special Aerospace Materials & Manufacturing Processes		[4,500]			
		Advanced Aluminum Aerostructures			[5,000]	[2,500]	
15	0603202F	Aerospace Propulsion Subsystems Integration					
16	0603203F	Advanced Aerospace Sensors	55,809	60,809	55,809		55,809
		Advanced Aerospace Sensors		[5,000]			
17	0603205F	Flight Vehicle Technology					
18	0603211F	Aerospace Technology Dev/Demo	26,269	28,269	30,269	3,000	29,269
		Access-to-space Joint System Program Office		[2,000]			
		Fly-by-light Avionics for UCAV			[4,000]	[3,000]	
19	0603216F	Aerospace Propulsion and Power Technology	114,335	114,335	114,335		114,335
20	0603227F	Personnel, Training and Simulation Technology					
21	0603231F	Crew Systems and Personnel Protection Technology	32,356	32,356	32,356		32,356

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
22	0603245F	Flight Vehicle Technology Integration					
23	0603253F	Advanced Sensor Integration					
24	0603270F	Electronic Combat Technology	28,221	28,221	28,221		28,221
25	0603302F	Space and Missile Rocket Propulsion		19,100		2,000	2,000
		Air Force Research Laboratory (AFRL) Test Stands		[12,600]			
		Integrated High Payoff Rocket Propulsion Technology (IHPRPT)		[6,500]		[2,000]	
26	0603311F	Ballistic Missile Technology					
27	0603401F	Advanced Spacecraft Technology	54,528	69,528	54,528	2,000	56,528
		Low Cost Launch Technology (including Scorpius)		[15,000]		[2,000]	
28	0603410F	Space Systems Environmental Interactions Technology					
29	0603444F	Maui Space Surveillance System (MSSS)	6,484	6,484	6,484		6,484
30	0603601F	Conventional Weapons Technology	37,617	45,617	37,617	5,000	42,617
		Low Cost Autonomous Attack System (LOCAAS)		[8,000]		[5,000]	
31	0603605F	Advanced Weapons Technology	43,758	38,758	43,758		43,758
		Reduction to Support Higher Transformation Priorities		[-5,000]			
32	0603723F	Environmental Engineering Technology		3,000		3,000	3,000
		Texas Regional Institute for Environmental Studies (TRIES)		[3,000]		[3,000]	
33	0603726F	Aerospace Info Tech Sys Integration					
34	0603789F	C3I Advanced Development	32,644	32,644	32,644		32,644
35	0603876F	Space-Based Laser					

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
35a	0603XXXF	Warfighter Rapid Acquisition Process (WRAP) Rapid Transition Fund		74,200			
		Transfer from PE 23761F (RDAF 113)		[30,247]			
		Rapid Acquisition Program For Transformation (RAPFT)		[43,953]			
36	0603260F	Intelligence Advanced Development	4,482	4,482	4,482		4,482
37	0603319F	Airborne Laser Program					
38	0603421F	NAVSTAR Global Positioning System III	78,358	78,358	78,358		78,358
39	0603430F	Advanced EHF MILSATCOM (SPACE)	549,659	522,659	549,659		549,659
		Reduction to Support Higher Transformation Priorities		[-27,000]			
40	0603432F	Polar MILSATCOM (SPACE)	18,724	13,724	18,724		18,724
		Reduction to Support Higher Transformation Priorities		[-5,000]			
41	0603434F	National Polar-orbiting Operational Environmental Satellite Sys (Space) - D	157,394	157,394	157,394		157,394
42	0603438F	Space Control Technology	33,022	23,022	33,022		33,022
		Reduction to Support Higher Transformation Priorities		[-10,000]			
43	0603617F	Command, Control, and Communication Applications					
44	0603742F	Combat Identification Technology	11,523	11,523	11,523		11,523
45	0603790F	NATO Research and Development	5,616	5,616	5,616		5,616
46	0603800F	Joint Strike Fighter			30,000		
		Reflect Delay in Decision About Down-select of JSF Winning Team			[30,000]		
47	0603850F	Integrated Broadcast Service (Dem/Val)	20,529	17,529	20,529	(3,000)	17,529
		Reduction to Support Higher Transformation Priorities		[-3,000]		[-3,000]	
48	0603851F	Intercontinental Ballistic Missile - Dem/Val	44,484	44,484	44,484		44,484
49	0603854F	Wideband Gapfiller System RDT&E (Space)	96,670	96,670	96,670		96,670

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
50	0603856F	Air Force/National Program Cooperation (AFNPC)	4,433		4,433	(1,700)	2,733
		Reduction to Support Higher Transformation Priorities		[-4,433]		[-1,700]	
51	0603859F	Pollution Prevention (Dem/Val)	2,688		2,688		2,688
		Reduction to Support Higher Transformation Priorities		[-2,688]			
52	0603860F	Joint Precision Approach and Landing Systems - Dem/Val	9,554	14,554	9,554		9,554
		JPALS		[5,000]			
53	0604327F	Hard and Deeply Buried Target Defeat System (HDBTDS) Program					
54	0603840F	Global Broadcast Service (GBS)	34,544	34,544	34,544		34,544
55	0604012F	Joint Helmet Mounted Cueing System (JHMCS)	5,960	5,960	5,960		5,960
56	0604201F	Integrated Avionics Planning and Development					
57	0604222F	Nuclear Weapons Support	13,120	13,120	13,120		13,120
58	0604226F	B-1B	194,507	152,507	194,507		194,507
		Transfer to O & M, Air National Guard		[-42,000]			
59	0604227F	Distributed Mission Training (DMT)					
60	0604233F	Specialized Undergraduate Pilot Training	4,885	4,885	4,885		4,885
61	0604239F	F-22 EMD	865,464	865,464	865,464		865,464
62	0604240F	B-2 Advanced Technology Bomber	155,004	245,004	229,004	49,900	204,904
		Link-16 / Center Instrument Display / Inflight Replanning		[63,000]		[47,000]	
		Link 16 Improvements			[63,000]		
		EGBU-28		[27,000]			
		Hand-held Holographic Radar Gun			[2,900]	[2,900]	
		Correction of Other Shortfalls			[8,100]		

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
63	0604251F	Space-Based Radar EMD	50,000	50,000	50,000		50,000
64	0604270F	EW Development	41,267	54,567	54,567	13,300	54,567
		Precision Location & Identification (PLAID)		[13,300]	[13,300]	[13,300]	
65	0604328F	Extended Range Cruise Missile (ERCM)	40,235	40,235	40,235		40,235
66	0604329F	Small Diameter Bomb (SDB) (Dem/Val)	40,000	40,000	40,000		40,000
67	0604441F	Space Based Infrared System (SBIRS) High EMD	405,229	405,229	405,229		405,229
68	0604442F	Space Based Infrared System (SBIRS) Low EMD					
69	0604479F	Milstar LDR/MDR Satellite Communications (SPACE)	232,084	238,584	232,084	4,000	236,084
		Satellite Planning & Information Network (SPIN)		[6,500]		[4,000]	
70	0604600F	Munitions Dispenser Development					
71	0604602F	Armament/Ordnance Development	3,838	3,838	3,838		3,838
72	0604604F	Submunitions	4,809	4,809	4,809		4,809
73	0604617F	Agile Combat Support	6,674	6,674	7,674	1,000	7,674
		Integrated Medical Information Technology			[1,000]	[1,000]	
74	0604618F	Joint Direct Attack Munition	27,956	27,956	27,956		27,956
75	0604703F	Aeromedical/Chemical Defense Systems					
76	0604706F	Life Support Systems	4,586	4,586	12,586	5,000	9,586
		Panoramic Night Vision Goggle (PNVG) Development			[8,000]	[5,000]	
77	0604708F	Civil, Fire, Environmental, Shelter Engineering					
78	0604727F	Joint Standoff Weapons Systems					
79	0604735F	Combat Training Ranges	25,943	25,943	25,943		25,943
80	0604740F	Integrated Command & Control Applications (IC2A)	224	224	224		224

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
81	0604750F	Intelligence Equipment	1,323	1,323	1,323		1,323
82	0604754F	Tactical Data Link Infrastructure	17,648	17,648	17,648		17,648
83	0604762F	Common Low Observables Verification System (CLOVerS)	6,713	6,713	6,713		6,713
84	0604779F	Tactical Data Link Interoperability	5,677	5,677	5,677		5,677
85	0604800F	Joint Strike Fighter EMD	769,511	779,511	615,911		769,511
		Alternative Engine Program		[10,000]			
		Reflect Delay in Decision About Down-select of JSF Winning Team			[-153,600]		
86	0604805F	Commercial Operations and Support Savings Initiative					
87	0604851F	Intercontinental Ballistic Missile - EMD	81,086	81,086	81,086		81,086
88	0604853F	Evolved Expendable Launch Vehicle Program (SPACE) - EMD	320,321	320,321	320,321		320,321
		Composite Materials (Fence--Non-add)			[3,800]	[3,800]	
89	0605011F	RDT&E for Aging Aircraft	20,115	35,115	20,115	14,750	34,865
		Aging Landing Gear Life Extension		[15,000]		[14,750]	
90	0207249F	Precision Attack Systems Procurement	5,984	5,984	5,984		5,984
91	0305176F	Combat Survivor Evader Locator	11,486	11,486	11,486		11,486
92	0401318F	CV-22	10,008	10,008	10,008		10,008
93	0604256F	Threat Simulator Development	38,153	38,153	38,153		38,153
94	0604759F	Major T&E Investment	49,857	59,857	49,857	2,000	51,857
		Laser Induced Surface Improvement (LISI)		[6,000]		[2,000]	
		Propulsion Wind Tunnel (PWT) Upgrade		[4,000]			
95	0605101F	RAND Project Air Force	25,098	20,098	25,098	(3,000)	22,098
		Reduction to Support Higher Transformation Priorities		[-5,000]		[-3,000]	

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
96	0605306F	Ranch Hand II Epidemiology Study	10,950	10,950	10,950		10,950
97	0605502F	Small Business Innovation Research					
98	0605712F	Initial Operational Test & Evaluation	28,998	28,998	28,998		28,998
99	0605807F	Test and Evaluation Support	396,583	382,983	396,583		396,583
		Reduction to Support Higher Transformation Priorities		[-13,600]			
100	0605854F	Pollution Prevention					
101	0605860F	Rocket Systems Launch Program (SPACE)	8,538	19,538	8,538	3,000	11,538
		Missile Technology Demonstration (MTD)-3B		[11,000]		[3,000]	
102	0605864F	Space Test Program (STP)	50,523	55,523	50,523		50,523
		High Accuracy Network Demonstration System (HANDS)		[5,000]			
103	0804731F	General Skill Training	309	309	309		309
104	0909900F	Financing for Expired Account Adjustments					
105	0909980F	Judgment Fund Reimbursement	10,000		10,000		10,000
		Reduction to Support Higher Transformation Priorities		[-10,000]			
106	1001004F	International Activities	3,846	3,846	3,846		3,846
107	0101113F	B-52 Squadrons	66,874	66,874	66,874		66,874
108	0101120F	Advanced Cruise Missile	2,487	2,487	2,487		2,487
109	0101122F	Air-Launched Cruise Missile (ALCM)	6,841	6,841	6,841		6,841
110	0102325F	Atmospheric Early Warning System					
111	0102326F	Region/Sector Operation Control Center Modernization Program					
112	0102411F	North Atlantic Defense System					

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
113	0203761F	Warfighter Rapid Acquisition Process (WRAP) Rapid Transition Fund	30,247		30,247		30,247
		Transfer to PE 63XXXF (RDAF 35a)		[-30,247]			
114	0207027F	AC2ISR Center					
115	0207028F	Joint Expeditionary Force Experiment	64,005	34,605	64,005		64,005
		Reduction to Support Higher Transformation Priorities		[-29,400]			
116	0207131F	A-10 Squadrons	3,049	3,049	3,049		3,049
117	0207133F	F-16 Squadrons	110,797	80,797	110,797		110,797
		Reduction to Support Higher Transformation Priorities		[-30,000]			
118	0207134F	F-15E Squadrons	101,439	75,939	109,859	500	101,939
		Reduction to Support Higher Transformation Priorities		[-25,500]		[-5,000]	
		IFF Systems Integration & Testing			[8,420]	[5,500]	
119	0207136F	Manned Destructive Suppression	22,239	22,239	22,239		22,239
120	0207138F	F-22 Squadrons	16,092	992	16,092		16,092
		Reduction to Support Higher Transformation Priorities		[-15,100]			
121	0207141F	F-117A Squadrons	2,305	2,305	2,305		2,305
122	0207161F	Tactical AIM Missiles	5,771	5,771	5,771		5,771
123	0207163F	Advanced Medium Range Air-to-Air Missile (AMRAAM)	57,702	57,702	57,702		57,702
124	0207247F	AF TENCAP	10,811	13,811	10,811	2,000	12,811
		GPS - Jammer Detection & Location System (GPS-JLOC)		[3,000]		[2,000]	
125	0207248F	Special Evaluation Program	100,027	103,527	100,027		100,027
		Classified Adjustment		[3,500]			
126	0207253F	Compass Call	3,908	3,908	3,908		3,908

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
127	0207268F	Aircraft Engine Component Improvement Program	175,101	149,601	175,101	(8,500)	166,601
		Reduction to Support Higher Transformation Priorities		[-25,500]		[-8,500]	
128	0207277F	CSAF Innovation Program	1,961		1,961		1,961
		Reduction to Support Higher Transformation Priorities		[-1,961]			
129	0207320F	Sensor Fused Weapons					
130	0207325F	Joint Air-to-Surface Standoff Missile (JASSM)	79,197	79,197	79,197		79,197
131	0207410F	Aerospace Operations Center (AOC)	19,514	9,514	19,514		19,514
		Reduction to Support Higher Transformation Priorities		[-10,000]			
132	0207412F	Control and Reporting Center (CRC)	7,047	7,047	7,047		7,047
133	0207417F	Airborne Warning and Control System (AWACS)	39,787	39,787	39,787		39,787
134	0207423F	Advanced Communications Systems	9,324	9,324	9,324		9,324
135	0207424F	Evaluation and Analysis Program	204,467	204,467	204,467		204,467
136	0207433F	Advanced Program Technology	107,716	118,216	107,716		107,716
		Classified Adjustment		[10,500]			
137	0207438F	Theater Battle Management (TBM) C4I	37,331	37,331	37,331		37,331
138	0207581F	Joint Surveillance and Target Attack Radar System (Joint STARS)	147,859	246,859	159,359	11,500	159,359
		JSTARS Ocean Surveillance		[10,000]			
		Multi-platform Radar Technology Insertion Program (MP-RTIP)		[89,000]			
		Transfer from APAF 58 -- SATCOM Kit Development			[5,700]	[5,700]	
		Transfer from APAF 58 -- Global Air Traffic Management (GATM) - Radio Integration			[5,800]	[5,800]	
139	0207590F	Seek Eagle	17,833	17,833	17,833		17,833
140	0207591F	Advanced Program Evaluation	82,397	82,397	82,397		82,397

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
141	0207601F	USAF Modeling and Simulation	25,345	27,345	25,345	1,000	26,345
		; Synthetic Theater Operations Research Model (STORM)		[2,000]		[1,000]	
142	0207605F	Wargaming and Simulation Centers	5,033	5,033	5,033		5,033
143	0207701F	Full Combat Mission Training	3,763	3,763	3,763		3,763
144	0208006F	Mission Planning Systems	16,904	16,904	16,904		16,904
145	0208021F	Information Warfare Support	1,803	1,803	1,803		1,803
146	0208031F	War Reserve Materiel - Equipment/Secondary Items					
147	0208060F	Theater Missile Defenses					
148	0208160F	Technical Evaluation System	154,621	154,621	154,621		154,621
149	0208161F	Special Evaluation System	42,334	42,334	42,334		42,334
150	0301310F	National Air Intelligence Center	[ ]			[ ]	
151	0301314F	COBRA BALL	[ ]			[ ]	
152	0301315F	Missile and Space Technical Collection	[ ]			[ ]	
153	0301324F	FOREST GREEN	[ ]			[ ]	
154	0301357F	NUDET Detection System					
155	0301398F	Management Headquarters GDIP	[ ]			[ ]	
156	0302015F	E-4B National Airborne Operations Center (NAOC)	23,359	23,359	23,359		23,359
157	0303110F	Defense Satellite Communications System (SPACE)	3,895	3,895	3,895		3,895
158	0303112F	Air Force Communications (AIRCOM)	31,828	31,828	31,828		31,828
159	0303131F	Minimum Essential Emergency Communications Network (MEECN)	5,982	5,982	5,982		5,982
160	0303140F	Information Systems Security Program	7,936	7,936	12,936	3,000	10,936
		Cyber Security Research			[5,000]	[3,000]	

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
161	0303141F	Global Combat Support System	48,911	48,911	48,911		48,911
162	0303150F	Global Command and Control System	3,521	3,521	3,521		3,521
163	0303401F	Communications Security (COMSEC)	4,131	4,131	4,131		4,131
164	0303601F	MILSATCOM Terminals	41,763	41,763	41,763		41,763
165	0304111F	Special Activities	[ ]		58,900	[ ]	
166	0304311F	Selected Activities	79,208	79,208	79,208		79,208
167	0305099F	Global Air Traffic Management (GATM)	9,331	9,331	9,331		9,331
168	0305110F	Satellite Control Network (SPACE)	56,349	56,349	56,349		56,349
169	0305111F	Weather Service	11,452	11,452	11,452		11,452
170	0305114F	Air Traffic Control, Approach, and Landing System (ATCALS)	26,982	26,982	26,982		26,982
171	0305128F	Security and Investigative Activities	472	472	472		472
172	0305142F	Applied Technology and Integration	[ ]			[ ]	
173	0305144F	Titan Space Launch Vehicles (SPACE)	21,293	21,293	21,293		21,293
174	0305159F	Defense Reconnaissance Support Activities (SPACE)	46,578	46,578	46,578		46,578
175	0305160F	Defense Meteorological Satellite Program (SPACE)	12,259	12,259	12,259		12,259
176	0305164F	NAVSTAR Global Positioning System (User Equipment) (SPACE)	53,093	53,093	53,093		53,093
177	0305165F	NAVSTAR Global Positioning System (Space and Control Segments)	186,459	186,459	186,459		186,459
178	0305172F	Combined Advanced Applications	[ ]			[ ]	
179	0305182F	Spacelift Range System (SPACE)	65,097	65,097	83,097		65,097
		Range Safety Improvements			[18,000]		
180	0305202F	Dragon U-2 (JMIP)	32,804	32,804	36,804	3,000	35,804
		SYERS Polarimetric Sensor Upgrade			[4,000]	[3,000]	

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
181	0305205F	Endurance Unmanned Aerial Vehicles	190,237	190,237	206,237		190,237
		Global Hawk SIGINT Demonstration			[16,000]		
182	0305206F	Airborne Reconnaissance Systems	77,766	97,266	77,766	12,000	89,766
		Combat Sent Passive Airborne Ranging		[4,500]		[2,000]	
		Theater Airborne Reconnaissance Systems		[15,000]		[10,000]	
183	0305207F	Manned Reconnaissance Systems					
184	0305208F	Distributed Common Ground Systems	11,429	33,929	11,429	2,000	13,429
		Network-centric Collaborative Targeting (NCCT) Functionality in DCGS		[22,500]		[2,000]	
185	0305906F	NCMC - TW/AA System	15,797	15,797	15,797		15,797
186	0305910F	SPACETRACK (SPACE)	32,591	12,591	36,991		32,591
		Reduction to Support Higher Transformation Priorities		[-20,000]			
		Space Surveillance Modernization - Camera Augmentation			[8,000]		
		Transfer to OPAF 62 -- Camera Spares			[-3,600]		
187	0305911F	Defense Support Program (SPACE)	6,363	6,363	6,363		6,363
188	0305913F	NUDET Detection System (SPACE)	18,823	18,823	31,623	12,800	31,623
		Incorporate NUDET on First GPS Block IIF			[12,800]	[12,800]	
189	0305917F	Space Architect					
190	0308601F	Modeling and Simulation Support					
191	0308699F	Shared Early Warning (SEW)	3,697	3,697	3,697		3,697

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
192	0401115F	C-130 Airlift Squadron	80,533	80,533	80,533		80,533
193	0401119F	C-5 Airlift Squadrons	166,508	166,508	166,508		166,508
194	0401130F	C-17 Aircraft	110,619	110,619	110,619		110,619
195	0401134F	Large Aircraft IR Countermeasures (LAIRCM)	62,530	40,030	62,530		62,530
		Reduction to Support Higher Transformation Priorities		[-22,500]			
196	0401214F	Air Cargo Material Handling (463-L) (Non-IF)					
197	0401218F	KC-135s	5,416	5,416	2,371	(3,045)	2,371
		KC-135 Replacement Study			[-3,045]	[-3,045]	
198	0401219F	KC-10s	22,774	22,774	22,774		22,774
199	0404011F	Special Operations Forces					
200	0702207F	Depot Maintenance (Non-IF)	1,542	5,542	1,542		1,542
		Joint Service Metrology R&D Support		[4,000]			
201	0708011F	Industrial Preparedness	53,782	59,782	53,782		53,782
		Bipolar Wafer Cell Nickel metal Hydride Battery		[2,500]			
		Special Aerospace Materials & Manufacturing Processes		[3,500]			
202	0708026F	Productivity, Reliability, Availability, Maintain. Prog Ofc (PRAMPO)	20,689	20,689	20,689		20,689
203	0708071F	Joint Logistics Program - Ammunition Standard System	106	106	106		106
204	0708611F	Support Systems Development	24,221	24,221	24,221		24,221
205	0708612F	Computer Resources Support Improvement Program (CRSIP)	2,376	2,376	2,376		2,376
206	0901218F	Civilian Compensation Program	7,019	7,019	7,019		7,019
207	1001018F	NATO Joint STARS					

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
999F		Classified Programs	4,424,521	4,424,521	4,402,821	(22,700)	4,401,821
		Transfer NUDETS to Air Force Funding			[-22,700]	[-22,700]	
		Other			[1,000]		
207a		Management Reform Initiatives				(69,600)	(69,600)
			========	========	========	========	========
		Total, RDT&E Air Force	14,343,982	14,485,653	14,459,457	63,205	14,407,187

Joint Strike Fighter

The budget request included no funding for PE 63800N or PE 63800F for continuing demonstration and validation (DEMVAL) of the joint strike fighter (JSF). The budget request included $767.3 million for PE 64800N and $769.5 million for PE 64800F for initiating the engineering and manufacturing development (EMD) of the JSF.

The Senate bill would authorize an increase of $30.0 million for PE 63800N and an increase of $30.0 million for PE 63800F to continue JSF DEMVAL. The Senate bill would also authorize a decrease of $153.6 million for PE 64800N and a decrease of $153.6 million for PE 64800F. The Senate bill based these actions on a possible delay in the award of the EMD contract.

The House amendment would authorize the budget request for PE 64800N, and an increase of $10.0 million for PE 64800F for the JSF alternate engine program.

The conferees agree to authorize the budget request.

The conferees remain concerned about the technical risks associated with the JSF aircraft engine and expect the Department to develop and integrate the JSF alternate engine within the EMD program. The conferees believe that the Department should execute the alternate engine program with a goal of having that engine integrated into the JSF prior to full rate production.

The conferees are aware of the potential long-term impact to the military aircraft industrial base as a result of the recently completed source selection. Source selection talking points, released by the Department of Defense (DOD) at the announcement of the selection, stated: ''The JSF downselect may lead companies to reassess their strategic position and teaming arrangements. The expertise resident in the teams not selected today can still make a contribution to the JSF effort through revised industrial teaming arrangements. DoD will encourage teaming arrangements that make the most efficient use of the expertise in the industrial base to deliver the 'best value' product.''

The conferees direct the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit a report, with the submission of the fiscal year 2003 budget request, which details: (1) projections for the military aircraft industrial base, to include foreign military sales, between now and fiscal year 2015; and (2) actions taken by the DOD to encourage teaming arrangements in the JSF program that make the most efficient use of the expertise in the industrial base.

Low cost launch technologies

The budget request included $54.5 million in PE 63401F for advanced spacecraft technology, but included no funds for low cost launch technology.

The Senate bill would authorize, of the funds authorized in PE 63882C for the Midcourse Ground Defense System, $15.0 million for the Excalibur and Scorpius low cost launch concepts.

The House amendment would authorize $15.0 million in PE 63401F for low cost launch technologies, including Scorpius.

The conferees note that the Air Force has terminated the Excalibur project. The conferees agree to authorize an increase of $2.0 million in PE 63401F for low cost launch technologies, including Scorpius. Of the funds authorized in PE 63401F, an additional $13.0 million may be used for low cost launch technologies, including Scorpius.

Special aerospace materials and materials manufacturing processes

The budget request included $77.2 million for PE 62102F for applied research in materials, $32.7 million for PE 63112F for advanced development of advanced materials for weapons systems, and $53.8 million in PE 78011F for the Air Force's manufacturing technology program.

The House amendment would authorize increases of $4.5 million in PE 62102F, $4.5 million in PE63112F, and $3.5 million in PE 78011F to continue the program for development and demonstration of special aerospace materials and materials manufacturing processes.

The Senate bill would authorize an increase of $16.5 in PE 62102F, including $5.0 million for improvements in the manufacturing of speciality aerospace materials.

The conferees agree to an increase of $3.5 million in PE 62102F to continue the program for applied research and development in special aerospace materials and materials manufacturing processes.

The conferees note the continuing need of the military services for advances in speciality aerospace metals and metal alloys for aircraft and space vehicle structures, propulsion, components, and weapon systems. The conferees direct the Secretary of the Air Force, in coordination with the Secretary of the Navy, to assess the requirements for advanced aerospace metals and alloys and report to the congressional defense committees on the plan, including budget, schedule, and technology demonstrations, for meeting these requirements with the submission of the fiscal year 2004 budget request.

Research, Development, Test and Evaluation, Defense-Wide—Overview

The budget request for fiscal year 2002 included an authorization of $15,050.8 million for Research, Development, Test and Evaluation, Defense-Wide in the Department of Defense.

The Senate bill would authorize $13,878.7 million.

The House amendment would authorize $15,109.6 million.

The conferees recommended an authorization of $14,372.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE					
1	0601101D8Z	In-House Laboratory Independent Research	2,097	2,097	2,097		2,097
2	0601101E	Defense Research Sciences	121,003	121,003	121,003		121,003
3	0601103D8Z	University Research Initiatives	240,374	243,374	245,374	2,000	242,374
		Microelectromechanical Systems (MEMS) Sensors for Rolling Element Bearings		[3,000]		[2,000]	
		National Nanotechnology Initiative			[5,000]		
4	0601105D8Z	Force Health Protection	26,952	26,952	26,952		26,952
5	0601108D8Z	High Energy Laser Research Initiatives	11,877	11,877	11,877		11,877
6	0601111D8Z	Government/Industry Cosponsorship of University Research	3,421	3,421	3,421		3,421
7	0601114D8Z	Defense Experimental Program to Stimulate Competitive Research	9,901	9,901	9,901		9,901
8	0601384BP	Chemical and Biological Defense Program	39,066	41,066	39,066		39,066
		Chemical & Biological Agent Detection via Optical Computing		[2,000]			
9	0602110E	Next Generation Internet					
10	0602173C	Support Technologies - Applied Research					
11	0602227D8Z	Medical Free Electron Laser	14,660	19,660	14,660	3,000	17,660
		Medical free electron laser (MFEL)		[5,000]		[3,000]	
12	0602228D8Z	Historically Black Colleges and Universities (HBCU) Science	14,484	14,484	14,484		14,484
13	0602234D8Z	Lincoln Laboratory Research Program	21,969	21,969	21,969		21,969
14	0602301E	Computing Systems and Communications Technology	382,294	312,294	382,294	(2,000)	380,294
		Reduction to Support Higher Transformation Priorities		[-70,000]		[-2,000]	
15	0602302E	Embedded Software and Pervasive Computing	75,561	70,561	75,561		75,561
		Reduction to Support Higher Transformation Priorities		[-5,000]			

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
16	0602383E	Biological Warfare Defense	140,080	150,080	140,080	3,000	143,080
		Asymmetric Protocols for Biological Defense		[10,000]		[3,000]	
17	0602384BP	Chemical and Biological Defense Program	125,481	109,481	132,981	5,500	130,981
		Chem Bio Regenerative Air Filtration System		[4,000]	[2,000]	[1,000]	
		Mustard Gas Antidote			[1,000]		
		WMD Response Planning Models			[1,000]	[1,000]	
		Bioinformatics Program			[1,500]	[1,500]	
		Fluorescence-based Chem Bio Point Detectors			[2,000]	[2,000]	
		Reduction to Support Higher Transformation Priorities		[-20,000]			
18	0602702E	Tactical Technology	173,885	164,885	173,885	(6,000)	167,885
		Reduction to Support Higher Transformation Priorities		[-9,000]		[-6,000]	
19	0602708E	Integrated Command and Control Technology					
20	0602712E	Materials and Electronics Technology	358,254	349,754	364,754	2,750	361,004
		Detection and Destruction of CW - Nanotechnology			[1,500]	[1,000]	
		Fabrication of 3D Structures			[2,000]		
		Nanomaterials for Frequency Tunable Devices			[3,000]	[1,750]	
		Materials and Electronics Technology		[9,500]			
		Exoskeleton Project		[-4,000]			
		Reduction to Support Higher Transformation Priorities		[-14,000]			
		High frequency / high power wide bandgap semiconductor electronics technology (Fence--Non-add)		[41,000]		[41,000]	

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
21	0602715BR	Nuclear Sustainment & Counterproliferation Technologies	295,132	265,132	298,132	6,000	301,132
		Thermobaric Warhead Development		[5,000]		[4,000]	
		0.25/0.18 Micrometer Radiation Hardening Process			[3,000]	[2,000]	
		Reduction to Support Higher Transformation Priorities		[-35,000]			
22	0602787D8Z	Medical Technology	8,971	8,971	8,971		8,971
23	0602890D8Z	High Energy Laser Research	36,005	36,005	36,005		36,005
24	0305108K	Command and Control Research	2,086	2,086	2,086		2,086
25	0603002D8Z	Medical Advanced Technology	8,815	13,815	8,815		8,815
26	0603104D8Z	Explosives Demilitarization Technology		[5,000]			
		Tactical Missile Recycling	8,799	8,799	8,799		8,799
27	0603121D8Z	SO/LIC Advanced Development	42,243	52,243	67,243	16,500	58,743
28	0603122D8Z	Combating Terrorism Technology Support		[2,000]		[2,000]	
		Facial Recognition Technology			[3,000]	[1,000]	
		Aerogel Chem Bio Detectors			[7,000]	[3,500]	
		Blast Mitigation Testing			[2,000]	[2,000]	
		Device Pre-Detonation Technologies			[8,000]	[5,000]	
		Electrostatic Decontamination System		[8,000]	[5,000]	[3,000]	
		Standoff Detection of Explosives					
29	0603160BR	Counterproliferation Advanced Development Technologies	89,772	92,772	89,772		89,772
		Counterproliferation Analysis & Planning System (CAPS)		[3,000]			
		CAPS (Fence--Non-add)		[9,000]		[9,000]	
30	0603173C	Support Technologies - Advanced Technology Development					

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
31	0603174C	Space Based Laser (SBL)	112,890	112,890	112,890		112,890
32	0603175C	Ballistic Missile Defense Technology	19,178	19,178	19,178		19,178
33	0603225D8Z	Joint DoD-DoE Munitions Technology Development	7,716	7,716	7,716		7,716
34	0603232D8Z	Automatic Target Recognition	153,700	128,700	162,700	6,231	159,931
35	0603285E	Advanced Aerospace Systems		[-25,000]			
		Reduction to Support Higher Transformation Priorities			[9,000]	[6,231]	
		Accelerate Navy Version of UCAV	69,249	59,249	76,249	5,000	74,249
36	0603384BP	Chemical and Biological Defense Program - Advanced Development		[-10,000]			
		Reduction to Support Higher Transformation Priorities			[7,000]	[5,000]	
		Safeguard	11,019	21,019	13,019	2,000	13,019
37	0603704D8Z	Special Technical Support		[10,000]			
		Complex Systems Design			[2,000]	[2,000]	
		Complex Systems Design (MULTIVIEW)	52,474	52,474	52,474		52,474
38	0603711BR	Arms Control Technology	30,373	30,373	32,373	1,731	32,104
39	0603712S	Generic Logistics R&D Technology Demonstrations			[2,000]	[1,731]	
		Competitiveness Sustainment Initiative	69,376	39,376	69,376		69,376
40	0603716D8Z	Strategic Environmental Research Program		[-30,000]			
		Reduction to Support Higher Transformation Priorities	7,613	7,613	7,613		7,613
41	0603727D8Z	Joint Warfighting Program					
42	0603728D8Z	Agile Port Demonstration		5,000		2,500	2,500
43	0603738D8Z	Cooperative DoD/VA Medical Research		[5,000]		[2,500]	
		Implantable Cardioverter Defibrillator					

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
44	0603739E	Advanced Electronics Technologies	177,264	169,264	177,264		177,264
		Reduction to Support Higher Transformation Priorities		[-8,000]			
45	0603750D8Z	Advanced Concept Technology Demonstrations	148,917	128,917	148,917		148,917
		Reduction to Support Higher Transformation Priorities		[-20,000]			
46	0603755D8Z	High Performance Computing Modernization Program	188,376	168,376	188,376		188,376
		Reduction to Support Higher Transformation Priorities		[-20,000]			
47	0603760E	Command, Control and Communications Systems	117,451	117,451	117,451		117,451
48	0603762E	Sensor and Guidance Technology	203,095	199,095	203,095		203,095
		Reduction to Support Higher Transformation Priorities		[-4,000]			
49	0603763E	Marine Technology	41,497	41,497	41,497		41,497
50	0603764E	Land Warfare Technology	153,067	153,067	164,067		153,067
		Unmanned Ground Combat Vehicles (FCS)			[11,000]		
51	0603765E	Classified DARPA Programs	142,395	137,395	142,395		142,395
		Reduction to Support Higher Transformation Priorities		[-5,000]			
52	0603781D8Z	Software Engineering Institute	21,091	21,091	21,091		21,091
53	0603805S	Dual Use Application Programs					
54	0603826D8Z	Quick Reaction Projects	25,000	66,000	25,000		25,000
		Defense Innovative Technology Challenge Program		[40,000]			
		Quick Reaction Projects Increase		[1,000]			
55	0603832D8Z	Joint Wargaming Simulation Management Office	45,065	45,065	45,065		45,065
56	0603924D8Z	High Energy Laser Advanced Technology Program	16,005	16,005	16,005		16,005
57	0605160D8Z	Counterproliferation Support	1,781	1,781	1,781		1,781

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
58	0303132G	Global Grid Communications	[ ]			[ ]	
59	0603228D8Z	Physical Security Equipment	33,543	49,543	33,543	6,000	39,543
		: Backscatter Mobile Truck System		[16,000]		[6,000]	
60	0603709D8Z	Joint Robotics Program	11,302	11,302	11,302		11,302
61	0603714D8Z	Advanced Sensor Applications Program	15,780	15,780	15,780		15,780
62	0603736D8Z	CALS Initiative	1,614	1,614	1,614		1,614
63	0603851D8Z	Environmental Security Technical Certification Program	25,314	22,314	30,314		25,314
		Decrease		[-3,000]			
		UXO Remediation			[5,000]		
64	0603861C	Theater High-Altitude Area Defense System - TMD - Dem/Val					
65	0603868C	Navy Theater Wide Missile Defense System					
66	0603869C	Meads Concepts - Dem/Val					
67	0603870C	Boost Phase Intercept Theater Missile Defense Acquisition - Dem/Val					
68	0603871C	National Missile Defense - Dem/Val					
69	0603872C	Joint Theater Missile Defense - Dem/Val					
70	0603873C	Family of Systems Engineering and Integration (FoS E&I)					
71	0603874C	BMD Technical Operations					
72	0603875C	International Cooperative Programs					
73	0603876C	Threat and Countermeasures					

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
74	0603880C	Ballistic Missile Defense System Segment	779,584	754,584	575,584		779,584
		Systems Integration & Engineering		[-25,000]			
		BMDO-wide Systems Engineering & Architecture			[-33,000]		
		BMDO-wide Modeling & Simulation			[-49,000]		
		BMDO-wide Test Support			[-55,000]		
		Program-wide Test & Evaluation			[-67,000]		
		Atmospheric Intercept Technology (AIT) (Fence--Non-add)			[10,000]		
75	0603881C	Ballistic Missile Defense Terminal Defense Segment	988,180	1,577,421	840,242	622,241	1,610,421
		Transfer from PE 63869A (RDA 74) for MEADS Concepts		[73,645]		[73,645]	
		Transfer from PE 64865A (RDA 124) for Patriot PAC 3 Theater Missile Defense Acquisition		[107,100]		[107,100]	
		Transfer from PE 64235N (RDN 104) for Navy Area Missile Defense		[388,496]		[388,496]	
		Navy Area Missile Defense - Cost Overruns & Schedule Slips		[-10,000]			
		Ground-based Terminal					
		THAAD			[-210,000]		
		Arrow System Improvement Program (ASIP) Increase		[30,000]			
		Arrow			[76,000]		
		ASIP & Joint Interoperability Efforts				[53,000]	
		Sea-based Terminal					
		Program Operations			[-13,938]		

Title II - RDT and E

(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
76	0603882C	Ballistic Missile Defense Midcourse Defense Segment	3,940,534	3,765,534	3,263,534		3,940,534
		Ground-based Midcourse					
		Block 2006 Ground-based Midcourse System			[-240,000]		
		2004 Testbed Testing			[-90,000]		
		Sea-based Midcourse					
		Navy Theater-Wide					
		Interceptors for Contingency Deployment			[-100,000]		
		Concept Definition		[-30,000]	[-50,000]		
		Radar Risk Reduction Effort			[-87,000]		
		AEGIS LEAP Interceptor Testing			[-110,000]		
		Decrease Midcourse Defense Segment		[-145,000]			
		Thermionic Technology (Fence--Non-add)			[8,000]		
		Magdalena Ridge Observatory (Fence--Non-add)			[9,000]		
		Short Range Missile Defense - Optimal Radar Distribution (SWORD) (Fence--Non-add)			[1,900]		
		Tactical High Energy Laser (THEL) (Fence--Non-add)			[9,000]		
		Software Defined Radio (Fence--Non-add)			[5,000]		
		Patriot Ground Equipment (Fence--Non-add)			[7,600]		
		Aerostat Design & Manufacturing (ADAM) for CMD (Fence--Non-add)			[3,800]		
		SMDC Advanced Research Center (Fence--Non-add)			[8,000]		
		Space and Missile Defense Battlelab (Fence--Non-add)			[11,000]		
		Airborne IR Surv System (AIRS) (Fence--Non-add)			[8,000]		
		Excalibur/Scorpius Liquid Fueled Target (Fence--Non-add)			[15,000]		

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
		Bottom Anti-reflective Coatings (BARC) (Fence--Non-add)			[2,500]		
		Ultra-flat Planarization (Fence--Non-add)			[7,500]		
77	0603883C	Ballistic Missile Defense Boost Defense Segment	685,363	490,363	522,363		685,363
		Sea-based Boost Segment		[-25,000]	[-40,000]		
		Air-based Boost Segment					
		Airborne Laser					
		Long Lead Optics for Full Power ABL		[-10,000]			
		Long Lead Materials for Full Power ABL			[-10,000]		
		Spare Parts & Support Excess to FY 03 Test Program Needs			[-70,000]		
		Space-based Boost Segment					
		Space-based Laser		[-28,000]	[-28,000]		
		Space-based Kinetic Kill		[-10,000]	[-15,000]		
		Program Operations		[-2,000]			
		Decrease to Boost Defense Segment for Space-related Activities		[-120,000]			
78	0603884BP	Chemical and Biological Defense Program - Dem/Val	82,636	101,636	82,636	5,000	87,636
		Chemical & Biological Mass Spectrometer		[10,000]			
		Mobile Chemical Agent Detector (MCAD)		[9,000]		[5,000]	
79	0603884C	Ballistic Missile Defense Sensors	495,600	470,600	398,998		495,600
		Space Sensors					
		SBIRS-Low					
		Significant Program Growth		[-25,000]			
		Concept Definition Contract Extension			[-96,602]		

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
80	0603892D8Z	ASAT					
81	0603920D8Z	Humanitarian Demining	13,512	13,512	13,512		13,512
82	0603923D8Z	Coalition Warfare	12,943	9,943	12,943		12,943
		Reduction to Support Higher Transformation Priorities		[-3,000]			
83	0604722D8Z	Joint Service Education and Training Systems Development					
84	0901585C	Pentagon Reservation					
85	0604384BP	Chemical and Biological Defense Program - EMD	159,943	159,943	159,943		159,943
86	0604709D8Z	Joint Robotics Program - EMD	13,197	13,197	13,197		13,197
87	0604764K	Advanced IT Services Joint Program Office (AITS-JPO)	14,254	14,254	14,254		14,254
88	0604771D8Z	Joint Tactical Information Distribution System (JTIDS)	16,572	16,572	16,572		16,572
89	0604805D8Z	Commercial Operations and Support Savings Initiative					
90	0604861C	Theater High-Altitude Area Defense System - TMD - EMD					
91	0604865C	Patriot PAC-3 Theater Missile Defense Acquisition - EMD					
92	0604867C	Navy Area Theater Missile Defense - EMD					
93	0605013BL	Information Technology Development	2,469	2,469	2,469		2,469
94	0605013D8Z	Information Technology Development					
95	0605014S	Information Technology Development (DHRA)					
96	0605014SE	Information Technology Development					
97	0605015BL	Information Technology Development-Standard Procurement System (SPS)	9,747	9,747	9,747		9,747
98	0605016D8Z	Financial Management Modernization Program	100,000	100,000	100,000		100,000
99	0303129K	Defense Message System	11,423	11,423	11,423		11,423
100	0303140K	Information Systems Security Program	11,767	11,767	11,767		11,767

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
101	0303141K	Global Combat Support System	16,483	16,483	16,483		16,483
102	0305840K	Electronic Commerce	25,519	25,519	25,519		25,519
103	0603858D8Z	Unexploded Ordnance Detection and Clearance	1,165	1,165	1,165		1,165
104	0604943D8Z	Thermal Vicar	5,952	5,952	5,952		5,952
105	0605104D8Z	Technical Studies, Support and Analysis	33,805	31,805	31,405	(2,000)	31,805
		Joint Technology Applications Analysis Pilot Program		[1,000]		[1,000]	
		Reduction to Support Higher Transformation Priorities		[-3,000]		[-3,000]	
		Offset for M291 Skin Decontamination Kits			[-2,400]		
106	0605110BR	Critical Technology Support	3,313	3,313	3,313		3,313
107	0605114E	BLACK LIGHT	5,000	5,000	5,000		5,000
108	0605116D8Z	General Support to C3I	21,061	16,061	21,061		21,061
		Reduction to Support Higher Transformation Priorities		[-5,000]			
		Transfer from PE 65710D8Z (RDDW 119) (Fence--Non-add)			[8,000]		
109	0605117D8Z	Foreign Materiel Acquisition and Exploitation	31,951	31,951	31,951		31,951
110	0605123D8Z	Interagency Export License Automation	10,559	10,559	10,559		10,559
111	0605124D8Z	Defense Travel System	29,955	19,955	29,955		29,955
		Reduction to Support Higher Transformation Priorities		[-10,000]			
112	06051261	Joint Theater Air and Missile Defense Organization	26,865	26,865	26,865		26,865
113	0605128D8Z	Classified Program USD(P)					
114	0605130D8Z	Foreign Comparative Testing	30,907	30,907	30,907		30,907
115	0605160BR	Counterproliferation Support					
116	0605384BP	Chemical and Biological Defense Program	31,276	31,276	31,276		31,276

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
117	0605502D8Z	Small Business Innovative Research					
118	0605502E	Small Business Innovative Research					
119	0605710D8Z	Classified Programs - C3I	56,653	56,653	16,653		56,653
		Transfer to O&M, DW -- Information Assurance Scholarship Program			[-1,500]		
		Transfer to O&M, DW -- Other OSD Programs			[-30,500]		
		Transfer to PE 65116D8Z (RDDW 108) -- General Support to C3I			[-8,000]		
120	0605790D8Z	Small Business Innovation Research/Challenge Administration	2,068	2,068	2,068		2,068
121	0605798S	Defense Technology Analysis	5,109	5,109	5,109		5,109
122	0605801K	Defense Technical Information Services (DTIC)	44,228	44,228	44,228		44,228
123	0605803S	R&D in Support of DoD Enlistment, Testing and Evaluation					
124	0605803SE	R&D in Support of DoD Enlistment, Testing and Evaluation	8,834	8,834	8,834		8,834
125	0605804D8Z	Development Test and Evaluation	46,382	46,382	46,382		46,382
126	0605898E	Management Headquarters (Research and Development) DARPA	36,937	36,937	36,937		36,937
127	0901585C	Pentagon Reservation	6,571	6,571	6,571		6,571
128	0901598C	Management Headquarters-BMDO	27,758	27,758	27,758		27,758
129	0604805D8Z	Commercial Operations and Support Savings Initiative	10,805	17,000	10,805	15,000	25,805
		Reduction to Support Higher Transformation Priorities		[-10,805]			
		Aircraft Affordability Initiative (EW Digital PIP)		[17,000]		[15,000]	
130	0605127T	Partnership for Peace (PfP) Information Management System	1,922	1,922	1,922		1,922
131	0208045K	C4I Interoperability	41,389	41,389	41,389		41,389
132	0208052J	Joint Analytical Model Improvement Program	12,163	12,163	12,163		12,163
133	0300205R	Information Technology Systems	550	550	550		550

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
134	0301011G	Cryptologic Activities	[ ]		1,000	[ ]	
135	0301301L	General Defense Intelligence Program	[ ]		60,000	[ ]	
136	0301398L	Management Headquarters GDIP, DIA	[ ]			[ ]	
137	0302016K	National Military Command System-Wide Support	1,014	1,014	1,014		1,014
138	0302019K	Defense Info Infrastructure Engineering and Integration	6,544	6,544	6,544		6,544
139	0303126K	Long Haul Communications (DCS)	10,744	10,744	10,744		10,744
140	0303127K	Support of the National Communications System	4,968	4,968	4,968		4,968
141	0303131K	Minimum Essential Emergency Communications Network (MEECN)	6,988	6,988	6,988		6,988
142	0303140G	Information Systems Security Program	414,844	414,844	414,844		414,844
		Regional Pilot Program for Infrastructure Protection (Fence--Non-add)			[5,000]	[5,000]	
143	0303149J	C4I for the Warrior	9,622	9,622	9,622		9,622
144	0303149K	C4I for the Warrior					
145	0303153K	Joint Spectrum Center	8,849	8,849	8,849		8,849
146	0303610K	Teleport Program	14,371	14,371	14,371		14,371
147	0304210BB	Special Reconnaissance Capabilities (SRC) Program	4,422	4,422	4,422		4,422
148	0304345BQ	National Imagery and Mapping Program	[ ]		10,000	[ ]	
149	0305102BQ	Defense Imagery and Mapping Program	115,209	139,409	119,209	16,000	131,209
		Commercial Joint Mapping & Visualization Tool Kit		[15,000]		[3,000]	
		Geographic Synthetic Aperture Radar (GeoSAR) Airborne Mapping System		[9,200]		[9,000]	
		Broadcast-request Imagery Technology Development (BRITE)			[3,000]	[3,000]	
		Intelligence Spatial Technologies for Smart Maps			[1,000]	[1,000]	
150	0305127V	Foreign Counterintelligence Activities	664	664	664		664

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
151	0305146D8Z	Defense Joint Counterintelligence Program (JMIP)	5,977	5,977	5,977		5,977
152	0305190D8Z	C3I Intelligence Programs	10,552	10,552	10,552		10,552
153	0305191D8Z	Technology Development	40,000	40,000	35,000		40,000
		Transfer to PE 35889D8Z (RDDW 161a) -- Joint Electromagnetic Technology Program			[-5,000]		
154	0305202G	Dragon U-2 (JMIP)	4,019	4,019	4,019		4,019
155	0305206G	Airborne Reconnaissance Systems	16,515	16,515	16,515		16,515
156	0305207G	Manned Reconnaissance Systems	4,556	4,556	4,556		4,556
157	0305208BQ	Distributed Common Ground Systems	[ ]			[ ]	
158	0305208G	Distributed Common Ground Systems	[ ]			[ ]	
159	0305208L	Distributed Common Ground Systems	1,006	1,006	1,006		1,006
160	0305884L	Intelligence Planning and Review Activities	[ ]			[ ]	
161	0305885G	Tactical Cryptologic Activities	105,455	105,455	105,455		105,455
161a	0305889D8Z	Joint Electromagnetic Technology Program			5,000		
		Transfer from PE 35191D8Z (RDDW 153) -- Technology Development			[5,000]		
162	0305889G	Counterdrug Intelligence Support					
163	0708011S	Industrial Preparedness	17,544	17,544	17,544		17,544
164	0902298J	Management Headquarters (OJCS)	11,312	11,312	11,312		11,312
165	0902740J	Joint Simulation System					
166	1160279BB	Small Business Innovative Research/Small Bus Tech Transfer Pilot Prog					
167	1160401BB	Special Operations Technology Development					
168	1160402BB	Special Operations Advanced Technology Development					
169	1160404BB	Special Operations Tactical Systems Development					

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(Dollars in Thousands)

Line No.	Program Element	Program Title	FY2002 Request	House Authorized	Senate Authorized	Conference Agreement Change	Conference Agreement Authorized
170	1160405BB	Special Operations Intelligence Systems Development					
171	1160407BB	SOF Medical Technology Development					
172	1160408BB	SOF Operational Enhancements	85,109	85,109	85,109		85,109
173	1160444BB	SOF Acquisition	252,334	266,034	253,234	3,100	255,434
		Lightweight Counter-mortar Radar		[3,000]		[1,000]	
		Solid-state Synthetic Aperture Radar		[7,500]		[2,000]	
		Special Reconnaissance Tool Kit		[3,200]		[1,000]	
		CV-22 Development			[-1,900]	[-1,900]	
		Threat Warning & Situational Awareness (PRIVATEER)			[2,800]	[1,000]	
999D		Classified Programs	1,829,938	1,829,938	1,829,938		1,829,938
173a		Management Reform Initiatives				(38,700)	(38,700)
173b		General Reduction to Ballistic Missile Defense RDT&E Programs				(1,300,000)	(1,300,000)
		General reduction to support Combating Terrorism or Missile Defense RDT&E				[-1,300,000]	
173c		General Reduction to Ballistic Missile Defense RDT&E Programs				(53,000)	(53,000)
		General reduction to support Arrow				[-53,000]	
		Total, RDT&E Defense-Wide	15,050,787	15,109,623	13,878,747	(678,147)	14,372,640

Arrow missile defense system

The budget request included $65.7 million in PE 63881C for the Arrow ballistic missile defense system, a joint development program between the United States and Israel.

The Senate bill would authorize an increase of $76.0 million in PE 63881C for the Arrow System Improvement Program and for continued joint interoperability efforts.

The House amendment would authorize an increase of $30.0 million in PE 63881C for acceleration of the Arrow System Improvement Program.

The conferees agree to authorize, from within funds available to the Ballistic Missile Defense Organization, an increase of $53.0 million in PE 63881C to accelerate the Arrow System Improvement Program and to continue joint interoperability efforts for U.S. and Israeli missile defense systems.

Ballistic missile defense advanced technology

To support critical ballistic missile defense technology activities, the conferees agree that, of the funding authorized for the Ballistic Missile Defense Organization, certain amounts may be used for advanced technology activities as specified below:

(1) up to $9.0 million for the Magdalena Ridge Observatory in PE 63175C;

(2) up to $5.0 million for Phase III of the Software Defined Radio program in PE 63175C;

(3) up to $8.0 million for the Army Space and Missile Defense Command's Advanced Research Center (ARC) in PE 63880C;

(4) up to $8.0 million for the Airborne Infrared Surveillance System (AIRS) in PE 63175C;

(5) up to $2.5 million for Bottom Anti-Reflective Coatings (BARC) for circuit boards in PE 63175C;

(6) up to $7.5 million for ultra-flat planarization technology for integrated circuits in PE 63175C; and

(7) up to $10.0 million for the Atmospheric Interceptor Technology (AIT) program in PE 63175C.

Common database asset for biological security

The budget request included $125.5 million in PE 62384BP for applied research in chemical and biological defense.

The Senate bill would authorize an increase of $1.5 million to develop a database of biological pathogen information and bioinformatics tools to support development of medical biological countermeasures.

The House amendment included no similar authorization.

The conferees agree to authorize an increase of $1.5 million for the development of a common database asset to support development of medical biological countermeasures. The database would integrate genomic and other biological data about high-priority pathogens, underlying scientific research and bioinformatics tools, and would serve those agencies addressing threats to biological security.

ITEMS OF SPECIAL INTEREST

Navy research and development budget exhibits

The Senate report accompanying S. 1438 (S. Rept. 107–62) would require the Navy to comply with the research and development budget justification guidelines included in the Department of Defense (DOD) Financial Management Regulation (DOD 7000.14–R). Subsequent to the passage of the Senate bill, the Navy provided additional budget justification information to the congressional defense committees.

The conferees share the concern expressed in the Senate report regarding the reorganization of the Navy's science and technology program elements in the fiscal year 2002 budget justification material. The failure of the Navy to display explicitly the transition between the fiscal year 2001 program element structure and the new fiscal year 2002 structure detracted from the ability of the defense authorizing committees to exercise their oversight responsibilities.

The conferees also share the Senate's concern about the priority given to Fleet and Force operational and support issues in the Navy's science and technology program and direct the Secretary of the Navy to report to the congressional defense committees by March 31, 2002, on the measures being taken to address these issues.

The conferees direct the Secretary of the Navy and the Under Secretary of Defense (Comptroller) to ensure that the Navy's budget justification information accompanying the fiscal year 2003 budget request adequately describes the Navy's science and technology program and complies with the requirements of DOD 7000.14–R. The Under Secretary shall report to the congressional defense committees with submission of the budget request any deficiencies in the budget justification material and the estimated date by which those deficiencies will be resolved.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 201–202)

The Senate bill contained provisions (secs. 201–202) that would authorize the recommended fiscal year 2002 funding levels for all research, development, test, and evaluation accounts.

The House amendment contained similar provisions.

The conference agreement includes these provisions.

Supplemental authorization of appropriations for fiscal year 2001 for Research, Development, Test, and Evaluation Defense-Wide (sec. 203)

The Senate bill contained a provision (sec. 233) that would authorize an increase of $1.0 million in fiscal year 2001 for intelligent spatial technologies for smart maps.

The House amendment contained no similar provision.

The House recedes.

Subtitle B—Program Requirements, Restrictions, and Limitations

Naval surface fire support assessment (sec. 211)

The House amendment contained a provision (sec. 212) that would direct the Secretary of Defense to establish a competitive program for the development of an advanced land attack missile (ALAM) for the DD–21, and would designate $20.0 million in PE 63795N for that purpose. The provision would also require the Secretary to submit a report on the program plan, schedule and funding for the ALAM program.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to carry out an assessment of the requirements for naval surface fire support of ground forces operating in the littoral environment, including the role of an advanced fire support missile system for Navy combatant vessels. The amended provision would require that the Secretary submit a report on the results of that assessment by March 31, 2002.

Collaborative program for development of advanced radar systems (sec. 212)

The House amendment contained a provision (sec. 213) that would establish a cooperative research program to develop electronic materials for advanced radar applications.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would eliminate reference to specific dollar amounts for the programs. These dollar issues are treated in the funding tables in this report.

The conferees agree to a provision that would establish a cooperative research program to develop electronic materials for advanced radar applications. The conferees recognize the emerging importance of advanced electronic materials on future military systems, including advanced radar systems and other applications across services.

The provision would direct the Director of Defense Research and Engineering, the Secretary of the Navy, the Director of Defense Advanced Research Projects Agency (DARPA), and other appropriate services and agencies to enter into a collaborative agreement in order to coordinate ongoing efforts within this critical emerging technology area. The conferees believe that the agreement should focus on: (1) activities needed for technology development to extend the range and sensitivity of naval radars, including high frequency and high power wide band gap semiconductor materials and devices; and (2) acquisition systems to accelerate the deployment of the new technology.

The conferees expect the agreement to be constructed in a manner such that the Services and Agencies will increase financial investments to support necessary research, technology transition, and technology insertion activities. The conferees are concerned that, despite a recognition within the Navy of the importance of this emerging technology, the Office of Naval Research budget submission includes only very limited funding for wide band gap electronics research.

In addition, the conferees expect that any agreement will enable DARPA to maintain the flexibility to invest in a variety of research programs and directions associated with wide band gap technologies that will apply to numerous cross-service applications. This will preserve DARPA's role of developing revolutionary technologies and capabilities, while remaining relatively unconstrained from near-term requirements.

Repeal of limitations on total cost of engineering and manufacturing development for F–22 aircraft program (sec. 213)

The Senate bill contained a provision (sec. 211) that would repeal the cost limitation on the engineering and manufacturing development (EMD) phase for the F–22 aircraft program.

The House amendment contained a provision (sec. 214) that would have raised the cost limitation on the F–22 EMD program by $250.0 million.

The House recedes with an amendment that would clarify that the repeal of the cost limitation would apply only to the EMD phase of the program.

Joint biological defense program (sec. 214)

The Senate bill contained a provision (sec. 214) that would extend through fiscal year 2002 section 217 (a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 to define permissible obligations and identify reports to be provided to Congress concerning procurement of anthrax vaccine.

The House amendment contained no similar provision.

The House recedes.

Cooperative Department of Defense-Department of Veterans Affairs Medical Research Program (sec. 215)

The House amendment contained a provision (sec. 211) that would authorize funding for the cooperative Department of Defense/Department of Veterans Affairs medical research program.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to authorize $2.5 million in PE 63738D8Z for the cooperative Department of Defense/Department of Veterans Affairs medical research program for research on the efficacy of antiarrythmic drugs with implantable cardioverter defibrillators. The conferees direct the Secretary of Defense to transfer such amount no later than 30 days after the date of the enactment of this Act.

C–5 aircraft reliability enhancement and reengining program (sec. 216)

The Senate bill contained a provision (sec. 212) that would require the Secretary of the Air Force to ensure that engineering and manufacturing development (EMD) under the C–5 aircraft reliability enhancement and reengining program (RERP) includes kit development for an equal number of C–5A and C–5B aircraft. The Air Force program envisioned a total of four aircraft in the RERP EMD program.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary to include at least one aircraft from among the 74 C–5A aircraft in the C–5 RERP EMD program.

SUBTITLE C—BALLISTIC MISSILE DEFENSE

Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments (sec. 231)

The House amendment contained a provision (sec. 231) that would amend section 224 of title 10, United States Code, to change the term ''procurement'' to the term ''research, development, test and evaluation'' with respect to the display of budget amounts in budget requests for the Ballistic Missile Defense Organization (BMDO). The provision would also require the Secretary of Defense to establish criteria for the transfer of ballistic missile defense programs from the BMDO to the military departments and to submit these criteria to the congressional defense committees. Prior to the transfer of such a program, the Secretary would be required to notify Congress of his intent to make such a transfer and to certify that the program had met the criteria for transfer. The provision would permit such a transfer 60 days after Congress is notified.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that, for any transferred program, all appropriate conforming changes are made to proposed or projected funding allocations in the future years defense program. This will ensure that the funding is transferred with a program from the BMDO to a military department. The amendment would also require that, before a program is transferred, the roles and responsibilities are clearly defined for follow-on research, development, test and evaluation related to system improvement for that program.

The budget request proposed transferring the Patriot PAC–3 and the Medium Extended Air Defense System (MEADS) to the Army, and the Navy Area Defense system to the Navy. This provision would delay any such transfer until the requirements of the provision have been met. Consequently, the conferees agree to authorize funding for these ballistic missile defense programs within the BMDO accounts, and not with the military departments.

Program elements for Ballistic Missile Defense Organization (sec. 232)

The House amendment contained a provision (sec. 232) that would repeal section 223 of title 10, United States Code, which established program elements for ballistic missile defense (BMD) programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would revise the program elements for ballistic missile defense and require certain information and reviews concerning BMD activities.

The amendment would establish six new functional program elements and require that additional program elements be established for BMD programs entering into engineering and manufacturing development (EMD).

The amendment would require the Secretary of Defense to establish cost, schedule, testing and performance goals for BMD programs for the period covered by the future years defense program and to submit a statement of those goals to Congress each year.

The amendment would require the Secretary of Defense to submit to Congress each year an annual program plan for BMD programs that enter EMD or the equivalent phase, including a funding profile that displays estimated total funding and expenditures for significant procurement, construction and research and development, as well as a program schedule for significant procurement, construction, research and development, flight tests, and other significant test activities. Information included in annual budget justification documents need not be included in the plan.

The amendment would require that specified Department of Defense officials and elements review and comment on the development of goals and the annual program plan required in the provision.

The amendment would require the Director of the Ballistic Missile Defense Organization (BMDO) to develop a plan to ensure that each critical technology for a BMD program is demonstrated in an appropriate environment before entering operational service. The Director of Operational Test and Evaluation would review and comment on the plan.

The amendment would require, at the end of fiscal years 2002 and 2003, the Comptroller General of the United States to assess the extent to which the BMDO achieved the goals established by the Secretary of Defense for BMD programs, as required by the provision, and to report to Congress on the assessment.

The amendment would also require the Director of Operational Test and Evaluation to assess each year the adequacy and sufficiency of the BMDO test program for the preceding year, and to report to Congress on the assessment.

Ballistic missile defense budget justification

The President's budget proposed moving most ballistic missile defense programs into Research, Development, Test and Evaluation, Defense-Wide, and grouping them primarily into five large program elements.

The conferees are concerned that this year's budget justification documentation does not include the level of detail provided in past years for many of the projects within the new program elements. While supportive of the administration's intent to experiment with and test new technologies prior to committing to system development and acquisition, the conferees expect to receive appropriate levels of detailed funding, schedule, and test event information as required by annual budget justification reporting guidelines.

In addition to information provided for those programs that have entered engineering and manufacturing development, or an equivalent phase as described in the legislative provision, the Secretary of Defense shall ensure that each year's budget justification documents include the following information for programs and projects in earlier stages of research and development:

(1) funding appropriated in the previous year;

(2) the expected funding requirement for the next six years, by year; and

(3) detailed schedule including hardware and software deliveries, to the extent known, and planned decision points and test events, at least through completion of the planned testing and evaluation of the prototype or experiment.

This information shall be provided as part of the annual program plan report required by the provision, for programs and projects as identified above and any program or project identified as a matter of special interest, provided the information is not already included in budget justification materials accompanying the annual budget request.

Ballistic missile defense programs are among the most technologically challenging and complex in the Department of Defense. The exploration of leading edge technologies associated with missile defense programs often involves significant costs. Department of Defense directives and instructions (e.g., Department of Defense Instruction 5000.2) require the compilation of acquisition cost, life-cycle cost, and total ownership costs for defense projects and programs where available and approved. The conferees direct the Department of Defense to fully comply with the requirements of these DOD directives and instructions, including Department of Defense Instruction 5000.2.

Support of ballistic missile defense activities of the Department of Defense by the National Defense Laboratories of the Department of Energy (sec. 233)

The House amendment contained a provision (sec. 233) that would, at the discretion of the Director of the Ballistic Missile Defense Organization (BMDO), make available from funds authorized to be appropriated for the BMDO up to $25.0 million for research development and demonstration activities at the national laboratories of the Department of Energy National Nuclear Security Administration (NNSA) in support of the missions of the BMDO. The funds would be available subject to the provision of matching funds by the NNSA. Activities funded using this authority would be conducted under terms of the September 14, 2001 Memorandum of Understanding (MOU) between the Director of the BMDO and the Administrator of the National Nuclear Security Administration for use of the national laboratories by the BMDO.

The Senate bill contained no similar provision.

The Senate recedes.

The provision would authorize the Director of the BMDO to use funds available to BMDO, on a discretionary basis, to utilize the national laboratories of the NNSA under the terms and conditions of the MOU. The terms of this MOU require that jointly-funded work done pursuant to the MOU be mutually beneficial to the missions of the two Departments.

The conferees note that the NNSA laboratories do a substantial amount of work for the Department of Defense in their role as federally funded research and development centers on a Work for Others basis. The conferees do not intend for this provision in any way to affect the ability of the BMDO to contract with the NNSA laboratories to conduct work under the Work for Others program. On the contrary, the conferees urge the Director to look closely at the capabilities of the NNSA laboratories and to utilize these capabilities fully.

Missile defense testing initiative (sec. 234)

The House amendment contained a provision (sec. 234) that would establish certain guidelines and requirements for the ballistic missile defense testing program of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Construction of test bed facilities for missile defense system (sec. 235)

The House amendment contained a provision (sec. 235) that would authorize the Secretary of Defense to use up to $500.0 million of funds appropriated for research, development, test and evaluation for fiscal years after fiscal year 2001 that are available for the Ballistic Missile Defense Organization to carry out construction projects, including construction of facilities ''of general utility,'' to establish and operate the missile defense system test bed. The provision would also authorize the Secretary of Defense to use such funds to provide assistance to communities to meet increased needs for services or facilities resulting from construction or operation of the test bed, subject to certain conditions.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make clear that funds may be used for all construction projects necessary to establish and operate the test bed, but removes the reference to facilities ''of general utility.'' The conferees understand that this authorization would permit the construction of such facilities as a power generation plant, a heating plant and roads. The conferees believe that the term ''of general utility'' could have been construed to mean facilities not necessary for establishing or operating the test bed, which would be inconsistent with congressional intent.

The amendment would also limit the use of funds for community assistance to funds appropriated for fiscal year 2002. If the Secretary of Defense determines that additional authority is needed to use funds for community assistance, the conferees direct the Secretary to provide full and specific justification for such authority.

Subtitle D—Air Force Science and Technology for the 21st Century

Air Force science and technology for the 21st Century Act (sec. 251–252)

The House amendment contained two provisions (secs. 251 and 252) that establish a sense of Congress regarding the Air Force science and technology development planning process.

The Senate bill contained no similar provisions.

The Senate recedes.

Study and report on effectiveness of Air Force science and technology program changes (sec. 253)

The House amendment contained a provision (sec. 253) that would require the Air Force and the National Research Council to study how changes to the Air Force science and technology program implemented over the past two years affect the future capabilities of the Air Force.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees direct the Air Force to ensure that the National Research Council is provided sufficient resources to adequately conduct the study called for by the provision.

Subtitle E—Other Matters

Establishment of unmanned aerial vehicle joint operational test bed system (sec. 261)

The House amendment contained a provision (sec. 241) that would require the Commander in Chief, U.S. Joint Forces Command to establish a joint operational test bed (JOTB) system to evaluate and ensure joint interoperability of unmanned aerial vehicle (UAV) systems. The provision would also direct the Secretary of the Navy to transfer certain Predator UAVs and related equipment to the Joint Forces Command for use in the JOTB system.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would delete the requirement for the transfer, but ensure that the Commander-in-Chief, U.S. Joint Forces Command controls the priority for use of these predators and UAVs.

Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet (sec. 262)

The House amendment contained a provision (sec. 242) that would require the Chief of Naval Research to carry out a demonstration project to increase access to Navy facilities of small businesses and universities that are engaged in science and technology research beneficial to the fleet.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would ensure that the Secretary of the Navy has discretion over which Navy facilities to make available for the demonstration project and is able to charge an appropriate fee for the use of these facilities.

The conferees strongly encourage the Chief of Naval Research to reach out to small, high-technology companies and encourage them to participate in this demonstration program. As a part of this outreach effort, the conferees encourage the Chief of Naval Research to consider the use of third-party partners, where appropriate, to help create and maintain contacts and relationships with the high-technology communities.

Communication of safety concerns from operational test and evaluation officials to program managers (sec. 263)

The Senate bill contained a provision (sec. 232) that would amend section 139 of title 10, United States Code. The provision would add a subsection requiring the Director of Operational Test and Evaluation to ensure that any safety concerns found during the operational test and evaluation of a weapon system under a major defense acquisition program are communicated in a timely manner to the program manager responsible for the acquisition of that weapon system.

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Big Crow

The Senate bill contained a provision (sec. 216) that would authorize funding for the Big Crow program.

The House amendment contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $2.0 million in PE 65118D8Z for the Big Crow program for test and evaluation activities to support electronic warfare, space operations, and other missions.

C–5 aircraft modernization

The House amendment contained a provision (sec. 215) that would restore a reduction of $30.0 million in the amount requested in Research, Development, Test, and Evaluation, Air Force, for re-engining and avionics modernization programs for the C–5 aircraft.

The Senate bill contained no similar provision.

The House recedes.

The conferees agree to authorize the budget request.

Enhanced scramjet mixing

The Senate bill contained a provision (sec. 203) that would authorize funding for enhanced scramjet mixing.

The House amendment contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $2.5 million in PE 62303A for research in enhanced scramjet mixing.

Management responsibility for Navy mine countermeasures programs

The House amendment contained a provision (sec. 243) that would extend the time period during which the Secretary of Defense and the Chairman of the Joint Chiefs would have to provide an annual certification about the adequacy of the Navy's mine countermeasures programs. The provision would change the ending date of that requirement from fiscal year 2003 to fiscal year 2008.

The Senate bill contained no similar provision.

The House recedes.

Review of alternatives to the V–22 Osprey aircraft

The Senate bill contained a provision (sec. 213) that would require the Under Secretary of Defense (Acquisition, Technology, and Logistics) to conduct a review of Marine Corps and Special Operations Command requirements that are expected to be met by the V–22 Osprey aircraft in order to identify potential alternatives to the V–22 in the event that the V–22 program were to be terminated. The provision would also set aside $5.0 million that would be available to conduct this review.

The House amendment contained no similar provision.

The Senate recedes.

Special operations forces command, control, communications, computers, and intelligence systems threat warning and situational awareness program

The Senate bill contained a provision (sec. 204) that would authorize an increase of $2.8 in PE 116405BB for the special operations forces command, control, communications, computers, and intelligence (SOF C4I) systems threat warning and situational awareness (PRIVATEER) program.

The House amendment contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize an increase of $1.0 million in PE 116444BB for the special operations forces command, control, communications, computers, and intelligence (SOF C4I) systems threat warning and situational awareness (PRIVATEER) program, as noted elsewhere in this conference report.

Technology ''Challenge'' program

The House amendment contained a provision (sec. 244) that would establish a technology ''Challenge'' program for the acceleration of innovative technology in defense acquisition programs.

The Senate bill contained no similar provision.

The House recedes.

Technology transition initiative

The Senate bill contained a provision (sec. 231) that would establish a technology transition initiative within the Department of Defense.

The House amendment contained no similar provision.

The Senate recedes.

The conferees direct the Department of Defense to continue and expand efforts to accelerate the rapid transition of technologies into operational environments.

TITLE III—OPERATION AND MAINTENANCE

Overview

The budget request for fiscal year 2002 requested an authorization of $125,350.0 million for operation and maintenance programs and $2,458.4 million for working capital fund accounts for the Department of Defense for fiscal year 2002.

The Senate bill would authorize $125,386.3 million for operation and maintenance accounts and $2,408.1 million for working capital fund accounts.

The House amendment would authorize $124,025.0 million for operation and maintenance accounts and $2,359.7 million for working capital fund accounts.

The conferees recommend an authorization of $123,259.9 million for the operation and maintenance accounts and $1,656.4 million for the working capital fund accounts of the Department of Defense for fiscal year 2002. The conferees agree to a reduction of $295.6 million in the Defense Working Capital Fund to reflect lower fuel prices; and a reduction of $125.0 million to reflect adjustments in utility prices, to be allocated proportionately among the Army, Navy, Marine Corps, Air Force and Defense-Wide accounts. Unless noted explicitly in the statement of managers, all funding changes are made without prejudice.

The following table lists the amounts authorized to be appropriated for each program in the operation and maintenance accounts of the Department of Defense.

NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

Title III -- OPERATION AND MAINTENANCE	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization
Operation and Maintenance, Army	21,191,680	21,015,280	21,146,882	(538,439)	20,653,241
Operation and Maintenance, Navy	26,961,382	26,587,962	26,927,931	(500,083)	26,461,299
Operation and Maintenance, Marine Corps	2,892,314	2,898,114	2,911,339	(19,790)	2,872,524
Operation and Maintenance, Air Force	26,146,770	25,811,462	25,993,582	(548,003)	25,598,767
Operation and Maintenance, Defense-Wide	12,518,631	11,690,031	12,470,732	(569,045)	11,949,586
Operation and Maintenance, Army Reserve	1,787,246	1,814,246	1,803,146	36,900	1,824,146
Operation and Maintenance, Navy Reserve	1,003,690	1,003,690	1,000,369	(3,640)	1,000,050
Operation and Maintenance, Marine Corps Reserve	144,023	144,023	142,956	(1,170)	142,853
Operation and Maintenance, Air Force Reserve	2,029,866	2,017,866	2,029,866	0	2,029,866
Operation and Maintenance, Army National Guard	3,677,359	3,705,359	3,697,659	19,200	3,696,559
Operation and Maintenance, Air National Guard	3,867,361	3,967,361	4,037,161	100,000	3,967,361
Office of the Inspector General	150,221	152,021	149,221	(1,000)	149,221
US Court of Appeals, Armed Forces	9,096	9,096	9,096	0	9,096
Environmental Restoration, Army	389,800	389,800	389,800	0	389,800
Environmental Restoration, Navy	257,517	257,517	257,517	0	257,517
Environmental Restoration, Air Force	385,437	385,437	385,437	0	385,437
Environmental Restoration, Defense	23,492	23,492	23,492	0	23,492
Environmental Restoration, Formerly Used Defense Sites	190,255	190,255	230,255	40,000	230,255
General Reduction, Title III			(40,000)	0	0
Overseas Humanitarian, Disaster & Civic Aid	49,700	49,700	49,700	0	49,700
Drug Intrdiction & Counter-Drug Activities, Defense	820,381	820,381	860,381	0	820,381
Payment to Kaho'olawe Island Fund	25,000	25,000	60,000	15,000	40,000
Defense Health Program	17,565,750	17,570,750	17,546,750	5,000	17,570,750
Cooperative Threat Reduction	403,000	403,000	403,000	0	403,000
Overseas Contingency Operations Transfer Fund	2,844,226	2,844,226	2,844,226	0	2,844,226
Support for International Sporting Competitions	15,800	15,800	15,800	0	15,800

NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization
Utilities Adjustment				(125,000)	(125,000)
Restoration of Rocky Mountain Arsenal	0	0	0	0	0
Kaho'olawe Island Environmental Restoration	0	0	0	0	0
Disposal of DoD Real Property	0	0	0	0	0
Lease of DoD Real Property	0	0	0	0	0
National Science Center, Army	0	0	0	0	0
DoD Overseas Military Facility Investment Recovery	0	0	0	0	0
Defense Burdensharing - Allies/NATO	0	0	0	0	0
TOTAL OPERATION AND MAINTENANCE	**125,349,997**	**123,791,869**	**125,346,298**	**(2,090,070)**	**123,259,927**
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Fund, Army	170,000	170,000	170,000	0	170,000
Defense Working Capital Fund, Air Force	36,786	36,786	36,786	0	36,786
Defense Working Capital Fund, Defense Agencies	641,900	641,900	591,600	(295,590)	346,310
National Defense Sealift Fund	506,408	407,708	506,408	(98,700)	407,708
Defense Working Capital Fund, DECA	1,103,300	1,103,300	1,103,300	0	1,103,300
TOTAL REVOLVING AND MANAGEMENT FUNDS	**2,458,394**	**2,359,694**	**2,408,094**	**(394,290)**	**2,064,104**
TOTAL TITLE III	**127,808,391**	**126,151,563**	**127,754,392**	**(2,484,360)**	**125,324,031**

Title III - Operation & Maintenance

(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Operation and Maintenance, Army					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	LAND FORCES					
10	DIVISIONS	1,171,981	1,171,981	1,171,981	0	1,171,981
10a	ECWCS/MSS		0	10,000	4,000	4,000
10b	Objective Force Task Force		0	1,200	0	0
20	CORPS COMBAT FORCES	341,802	341,802	341,802	0	341,802
30	CORPS SUPPORT FORCES	315,109	315,109	315,109	0	315,109
40	ECHELON ABOVE CORPS SUPPORT FORCES	476,280	476,280	476,280	0	476,280
50	LAND FORCES OPERATIONS SUPPORT	997,837	997,837	997,837	0	997,837
	LAND FORCES READINESS					
60	FORCE READINESS OPERATIONS SUPPORT	1,132,933	1,132,933	1,132,933	0	1,132,933
60a	M-Gator		6,600	6,600	6,600	6,600
60b	Range Instrumentation		0	11,900	6,000	6,000
70	LAND FORCES SYSTEMS READINESS	467,197	467,197	467,197	0	467,197
80	LAND FORCES DEPOT MAINTENANCE	810,561	810,561	810,561	0	810,561
	LAND FORCES READINESS SUPPORT					
90	BASE OPERATIONS SUPPORT	2,799,321	2,799,321	2,799,321	0	2,799,321
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION (OP FORCES)	1,178,502	1,178,502	1,178,502	0	1,178,502
110	MANAGEMENT & OPERATIONAL HEADQUARTERS	234,907	234,907	234,907	0	234,907
120	UNIFIED COMMANDS	77,907	77,907	77,907	0	77,907
130	MISCELLANEOUS ACTIVITIES	264,215	264,215	264,215	0	264,215
	TOTAL, BUDGET ACTIVITY 1:	**10,268,552**	**10,275,152**	**10,298,252**	**16,600**	**10,285,152**

Title III - Operation & Maintenance

(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 02: MOBILIZATION					
	MOBILITY OPERATIONS					
140	STRATEGIC MOBILIZATION	385,289	385,289	385,289	0	385,289
150	ARMY PREPOSITIONED STOCKS	133,675	133,675	133,675	0	133,675
160	INDUSTRIAL PREPAREDNESS	46,442	46,442	46,442	0	46,442
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION (MOBILITY OPERATIONS)	16,478	16,478	16,478	0	16,478
	TOTAL, BUDGET ACTIVITY 2:	581,884	581,884	581,884	0	581,884
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING					
180	OFFICER ACQUISITION	79,842	79,842	79,842	0	79,842
190	RECRUIT TRAINING	17,265	17,265	17,265	0	17,265
200	ONE STATION UNIT TRAINING	20,485	20,485	20,485	0	20,485
210	SENIOR RESERVE OFFICERS' TRAINING CORPS	183,376	183,376	183,376	0	183,376
220	BASE OPERATIONS SUPPORT (ACCESSION TRAINING)	80,840	80,840	80,840	0	80,840
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION (ACCESSION TRAINING)	57,432	57,432	57,432	0	57,432
	BASIC SKILL/ADVANCE TRAINING					
240	SPECIALIZED SKILL TRAINING	261,446	261,446	261,446	0	261,446
250	FLIGHT TRAINING	403,105	403,105	403,105	0	403,105
260	PROFESSIONAL DEVELOPMENT EDUCATION	114,373	114,373	114,373	0	114,373
270	TRAINING SUPPORT	485,815	485,815	485,815	0	485,815
270a	New Organization Training Teams		0	2,280	0	0
270b	IBCT Battle Command Training Program		0	1,421	0	0

Title III - Operation & Maintenance

(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
280	BASE OPERATIONS SUPPORT (BASIC SKL/ADV TRAINING)	898,129	898,129	898,129	0	898,129
290	FACILITY SUSTAINMENT, RESTORATION & MODERNIZATION (BASIC SKL/ADV TRAINING)	401,885	401,885	401,885	0	401,885
	RECRUITING/OTHER TRAINING					
300	RECRUITING AND ADVERTISING	442,612	442,612	442,612	0	442,612
310	EXAMINING	78,260	78,260	78,260	0	78,260
320	OFF DUTY AND VOLUNTARY EDUCATION	142,515	142,515	142,515	0	142,515
330	CIVILIAN EDUCATION AND TRAINING	82,563	82,563	82,563	0	82,563
340	JUNIOR RESERVE OFFICERS' TRAINING CORPS	88,873	88,873	88,873	0	88,873
350	BASE OPERATIONS SUPPORT (RECRUIT/OTHER TRAINING)	259,491	259,491	259,491	0	259,491
	TOTAL, BUDGET ACTIVITY 3:	4,098,307	4,098,307	4,102,008	0	4,098,307
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	SECURITY PROGRAMS					
360	SECURITY PROGRAMS	479,506	479,506	479,506	0	479,506
	LOGISTICS OPERATIONS					
370	SERVICEWIDE TRANSPORTATION	517,218	496,218	517,218	-10,000	507,218
380	CENTRAL SUPPLY ACTIVITIES	454,682	454,682	454,682	0	454,682
390	LOGISTICS SUPPORT ACTIVITIES	570,911	570,911	570,911	0	570,911
390a	Corrosion Prevention		0	5,400	0	0
390b	Maintenance AIT/RFID		9,000	0	9,000	9,000
390c	Replacement Containers, Ft. Drum		1,000	0	1,000	1,000
390d	Electronic Maintenance & Point to Point Wiring		4,000	0	4,000	4,000
390e	Wage Grade Employees		4,360	0	0	0

Title III - Operation & Maintenance

(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
400	AMMUNITION MANAGEMENT	357,033	357,033	357,033	0	357,033
	SERVICEWIDE SUPPORT					
410	ADMINISTRATION	536,030	506,030	536,030	-30,000	506,030
420	SERVICEWIDE COMMUNICATIONS	532,013	519,413	532,013	-12,000	520,013
430	MANPOWER MANAGEMENT	160,159	153,759	160,159	-6,400	153,759
440	OTHER PERSONNEL SUPPORT	175,429	175,429	175,429	0	175,429
450	OTHER SERVICE SUPPORT	615,653	603,853	615,653	-9,000	606,653
460	ARMY CLAIMS	112,947	112,947	112,947	0	112,947
470	REAL ESTATE MANAGEMENT	51,431	51,431	51,431	0	51,431
480	BASE OPERATIONS SUPPORT (SERVICEWIDE SUPPORT)	1,167,160	1,147,960	1,167,160	0	1,167,160
490	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION (SERVICEWIDE SUPPORT)	277,609	277,609	277,609	0	277,609
	SUPPORT OF OTHER NATIONS					
500	INTERNATIONAL MILITARY HEADQUARTERS	180,812	133,812	180,812	0	180,812
510	MISC. SUPPORT OF OTHER NATIONS	54,344	54,344	54,344	0	54,344
520	EXPANSION OF NATO	0	0	0	0	0
	TOTAL, BUDGET ACTIVITY 4:	**6,242,937**	**6,113,297**	**6,248,337**	**-53,400**	**6,189,537**
	ARMY INSTALLATION SECURITY		0	77,700	0	0
	OVERSTATED CIVILIAN BUYOUT COSTS		0	-40,640	-26,240	-26,240
	CLASSIFIED PROGRAM		0	20,000	0	0
	CIVILIAN UNDEREXECUTION		0	-51,300	-17,545	-17,545
	FOREIGN CURRENCY FLUCTUATIONS		0	-89,359	-138,283	-138,283
	REDUCTION IN STRATEGIC SOURCING		-8,360	0	0	0
	INFORMATION TECHNOLOGY SYSTEM, ARMY		-20,000	0	-25,000	-25,000

Title III - Operation & Maintenance

(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	CONSULTANTS, ARMY		-25,000	0	0	0
	DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER		0	[650]	[650]	[650]
	MANAGEMENT REFORM INITIATIVES		0	0	-294,571	-294,571
	Total Operation and Maintenance, Army	**21,191,680**	**21,015,280**	**21,146,882**	**-538,439**	**20,653,241**
	Operation and Maintenance, Navy					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS					
10	MISSION AND OTHER FLIGHT OPERATIONS	3,206,849	3,206,849	3,206,849	0	3,206,849
20	FLEET AIR TRAINING	950,969	950,969	950,969	0	950,969
30	INTERMEDIATE MAINTENANCE	62,487	62,487	62,487	0	62,487
40	AIR OPERATIONS AND SAFETY SUPPORT	103,355	103,355	103,355	0	103,355
50	AIRCRAFT DEPOT MAINTENANCE	854,298	854,298	854,298	0	854,298
60	AIRCRAFT DEPOT OPERATIONS SUPPORT	54,194	54,194	54,194	0	54,194
	SHIP OPERATIONS					
70	MISSION AND OTHER SHIP OPERATIONS	2,315,172	2,315,172	2,315,172	0	2,315,172
80	SHIP OPERATIONAL SUPPORT AND TRAINING	545,279	545,279	545,279	0	545,279
90	INTERMEDIATE MAINTENANCE	387,282	387,282	387,282	0	387,282
100	SHIP DEPOT MAINTENANCE	2,917,829	2,917,829	2,993,229	0	2,917,829
110	SHIP DEPOT OPERATIONS SUPPORT	1,330,524	1,330,524	1,330,524	0	1,330,524
110a	Mk45 Overhauls		0	9,000	4,500	4,500
110b	Shipyard Apprentice Program		0	4,000	0	0
	COMBAT OPERATIONS/SUPPORT					

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
120	COMBAT COMMUNICATIONS	384,534	384,534	384,534	0	384,534
130	ELECTRONIC WARFARE	15,466	15,466	15,466	0	15,466
140	SPACE SYSTEMS & SURVEILLANCE	182,165	182,165	182,165	0	182,165
150	WARFARE TACTICS	163,864	163,864	163,864	0	163,864
160	OPERATIONAL METEOROLOGY & OCEANOGRAPHY	258,051	258,051	258,051	0	258,051
170	COMBAT SUPPORT FORCES	618,874	618,874	618,874	0	618,874
180	EQUIPMENT MAINTENANCE	173,381	173,381	173,381	0	173,381
190	DEPOT OPERATIONS SUPPORT	1,737	1,737	1,737	0	1,737
	WEAPONS SUPPORT					
200	CRUISE MISSILE	124,342	124,342	124,342	0	124,342
210	FLEET BALLISTIC MISSILE	812,743	812,743	812,743	0	812,743
220	IN SERVICE WEAPONS SYSTEMS SUPPORT	47,762	47,762	47,762	0	47,762
230	WEAPONS MAINTENANCE	396,836	396,836	396,836	0	396,836
	WORKING CAPITAL FUND SUPPORT					
240	NWCF SUPPORT	1,421	1,421	1,421	0	1,421
	BASE SUPPORT					
250	FACILITIES SUST, REST & MOD	1,019,891	1,019,891	1,019,891	0	1,019,891
260	BASE SUPPORT	2,572,092	2,572,092	2,572,092	0	2,572,092
	TOTAL, BUDGET ACTIVITY 1:	19,501,397	19,501,397	19,589,797	4,500	19,505,897
	BUDGET ACTIVITY 02: MOBILIZATION					
270	SHIP PREPOSITIONING AND SURGE	506,394	506,394	506,394	0	506,394
280	AIRCRAFT ACTIVATIONS/INACTIVATIONS	5,506	5,506	5,506	0	5,506
290	SHIP ACTIVATIONS/INACTIVATIONS	261,649	261,649	261,649	0	261,649
290a	SSBN Inactivation		0	-17,000	-17,000	-17,000

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
300	FLEET HOSPITAL PROGRAM	23,803	23,803	23,803	0	23,803
310	INDUSTRIAL READINESS	1,177	1,177	1,177	0	1,177
320	COAST GUARD SUPPORT	17,490	17,490	17,490	0	17,490
	TOTAL, BUDGET ACTIVITY 2:	**816,019**	**816,019**	**799,019**	**-17,000**	**799,019**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING					
330	OFFICER ACQUISITION	96,581	96,581	96,581	0	96,581
340	RECRUIT TRAINING	6,724	6,724	6,724	0	6,724
350	RESERVE OFFICERS TRAINING CORPS	79,526	79,526	79,526	0	79,526
	BASIC SKILLS AND ADVANCED TRAINING					
360	SPECIALIZED SKILL TRAINING	306,012	306,012	306,012	0	306,012
370	FLIGHT TRAINING	367,343	367,343	367,343	0	367,343
380	PROFESSIONAL DEVELOPMENT EDUCATION	111,404	111,404	111,404	0	111,404
380a	Aviation Depot Apprenticeship Program		2,000	0	2,000	2,000
390	TRAINING SUPPORT	192,931	192,931	192,931	0	192,931
	RECRUITING, AND OTHER TRAINING AND EDUCATION					
400	RECRUITING AND ADVERTISING	238,727	238,727	238,727	0	238,727
410	OFF DUTY AND VOLUNTARY EDUCATION	97,957	97,957	97,957	0	97,957
420	CIVILIAN EDUCATION AND TRAINING	59,745	59,745	59,745	0	59,745
430	JUNIOR ROTC	32,519	32,519	32,519	0	32,519
	BASE SUPPORT					
440	FACILITIES SUST, REST & MOD	195,939	195,939	195,939	0	195,939
450	BASE SUPPORT	365,425	365,425	365,425	0	365,425

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	TOTAL, BUDGET ACTIVITY 3:	2,150,833	2,152,833	2,150,833	2,000	2,152,833
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
460	ADMINISTRATION	692,748	652,748	692,748	-40,000	652,748
470	EXTERNAL RELATIONS	4,131	4,131	4,131	0	4,131
480	CIVILIAN MANPOWER & PERSONNEL MANAGEMENT	111,789	111,789	111,789	0	111,789
490	MILITARY MANPOWER & PERSONNEL MANAGEMENT	94,896	94,896	94,896	0	94,896
500	OTHER PERSONNEL SUPPORT	195,729	195,729	195,729	0	195,729
510	SERVICEWIDE COMMUNICATIONS	603,354	603,354	603,354	0	603,354
520	MEDICAL ACTIVITIES	0	0	0	0	0
530	SERVICEWIDE TRANSPORTATION	185,483	185,483	185,483	0	185,483
540	ENVIRONMENTAL PROGRAMS	0	0	0	0	0
550	PLANNING, ENGINEERING & DESIGN	343,754	337,154	343,754	-6,000	337,754
560	ACQUISITION AND PROGRAM MANAGEMENT	723,156	680,156	723,156	-43,000	680,156
570	AIR SYSTEMS SUPPORT	400,955	400,955	400,955	0	400,955
580	HULL, MECHANICAL & ELECTRICAL SUPPORT	52,908	52,908	52,908	0	52,908
590	COMBAT/WEAPONS SYSTEMS	40,850	40,850	40,850	0	40,850
600	SPACE & ELECTRONIC WARFARE SYSTEMS	54,639	54,639	54,639	0	54,639
610	SECURITY PROGRAMS	673,912	673,912	673,912	0	673,912
620	INTERNATIONAL HDQTRS & AGENCIES	9,994	9,994	9,994	0	9,994
630	FACILITIES SUST, REST & MOD	102,588	102,588	102,588	0	102,588
640	BASE SUPPORT	202,247	202,247	202,247	0	202,247
650	CANCELLED ACCOUNT	0	0	0	0	0
660	PROBLEM DISBURSEMENTS	0	0	0	0	0

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	TOTAL, BUDGET ACTIVITY 4:	4,493,133	4,405,533	4,495,133	-87,000	4,406,133
	NAVOCEANO SURF EAGLE		0	4,000	0	0
	HANDHELD EXPLOSIVE DETECTORS		0	6,000	3,000	3,000
	OVERSTATED CIVILIAN BUYOUT COSTS		0	-34,290	-22,140	-22,140
	CLASSIFIED PROGRAM		0	15,000	0	0
	CIVILIAN UNDEREXECUTION		0	-32,600	-11,149	-11,149
	FOREIGN CURRENCY FLUCTUATION		0	-15,445	-23,901	-23,901
	NAVY-MARINE CORPS INTRANET		-125,000	-49,516	-54,276	-54,276
	REDUCTION IN STRATEGIC SOURCING (A-76)		-53,560	0	-37,000	-37,000
	INFORMATION TECHNOLOGY CENTER		-35,000	0	0	0
	ENTERPRISE RESOURCE PLANNING		-33,000	0	0	0
	WAGE GRADE EMPLOYEES		3,560	0	0	0
	INFORMATION TECHNOLOGY SYSTEM, NAVY		-20,000	0	-25,000	-25,000
	CONSULTANTS, NAVY		-25,000	0	0	0
	CRITICAL INFRASTRUCTURE PROTECTION		0	[6,000]	[6,000]	[6,000]
	VETERANS AFFAIRS RENOVATIONS/GREAT LAKES		0	[2,000]	[2,000]	[2,000]
	UNITED THROUGH READING PROGRAM		180	0	180	180
	MANAGEMENT REFORM INITIATIVES		0	0	-232,297	-232,297
	Total Operation and Maintenance, Navy	**26,961,382**	**26,587,962**	**26,927,931**	**-500,083**	**26,461,299**
	Operation and Maintenance, Marine Corps					
	BUDGET ACTIVITY 01: OPERATING FORCES					
10	OPERATIONAL FORCES	459,739	459,739	459,739	0	459,739
10a	Initial Issue	0	0	15,000	7,300	7,300
20	FIELD LOGISTICS	257,952	257,952	257,952	0	257,952

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
30	DEPOT MAINTENANCE	107,849	107,849	122,249	0	107,849
40	BASE SUPPORT	842,631	842,631	842,631	0	842,631
50	FACILITIES SUST, REST & MOD	363,528	363,528	363,528	0	363,528
60	MARITIME PREPOSITIONING	83,506	83,506	83,506	0	83,506
70	NORWAY PREPOSITIONING	5,169	5,169	5,169	0	5,169
	TOTAL, BUDGET ACTIVITY 1:	2,120,374	2,120,374	2,149,774	7,300	2,127,674
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING					
80	RECRUIT TRAINING	11,053	11,053	11,053	0	11,053
90	OFFICER ACQUISITION	317	317	317	0	317
100	BASE SUPPORT	62,055	62,055	62,055	0	62,055
110	FACILITIES SUST, REST & MOD	22,285	22,285	22,285	0	22,285
	BASIC SKILLS AND ADVANCED TRAINING					
120	SPECIALIZED SKILLS TRAINING	32,280	32,280	32,280	0	32,280
130	FLIGHT TRAINING	170	170	170	0	170
140	PROFESSIONAL DEVELOPMENT EDUCATION	8,553	8,553	8,553	0	8,553
150	TRAINING SUPPORT	95,066	95,066	95,066	0	95,066
160	BASE SUPPORT	65,140	65,140	65,140	0	65,140
170	FACILITIES SUST, REST & MOD	28,078	28,078	28,078	0	28,078
	RECRUITING AND OTHER TRAINING EDUCATION					
180	RECRUITING AND ADVERTISING	109,012	109,012	109,012	0	109,012
190	OFF-DUTY AND VOLUNTARY EDUCATION	21,994	21,994	21,994	0	21,994
200	JUNIOR ROTC	12,808	12,808	12,808	0	12,808
210	BASE SUPPORT	12,209	12,209	12,209	0	12,209
220	FACILITIES SUST, REST & MOD	2,644	2,644	2,644	0	2,644

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	TOTAL, BUDGET ACTIVITY 3:	483,664	483,664	483,664	0	483,664
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
230	SPECIAL SUPPORT	209,125	209,125	209,125	0	209,125
240	SERVICEWIDE TRANSPORTATION	31,118	31,118	31,118	0	31,118
250	ADMINISTRATION	29,895	29,895	29,895	0	29,895
260	BASE SUPPORT	16,335	16,335	16,335	0	16,335
270	FACILITIES SUST, REST & MOD	1,803	1,803	1,803	0	1,803
280	CANCELLED ACCOUNT	0	0	0	0	0
	Full Spectrum Battle Equipment		6,800	0	6,800	6,800
	Reduction in Strategic Sourcing		-1,000	0	0	0
	TOTAL, BUDGET ACTIVITY 4:	288,276	294,076	288,276	6,800	295,076
	CIVILIAN UNDEREXECUTION		0	-3,600	-1,231	-1,231
	FOREIGN CURRENCY FLUCTUATION		0	-1,379	-2,134	-2,134
	NAVY-MARINE CORPS INTRANET		0	-5,396	-5,915	-5,915
	MANAGEMENT REFORM INITIATIVES		0	0	-24,610	-24,610
	Total Operation and Maintenance, Marine Corps	2,892,314	2,898,114	2,911,339	-19,790	2,872,524
	Operation and Maintenance, Air Force					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS					
10	PRIMARY COMBAT FORCES	3,247,230	3,247,230	3,247,230	0	3,247,230

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Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
20	PRIMARY COMBAT WEAPONS	325,948	325,948	325,948	0	325,948
30	COMBAT ENHANCEMENT FORCES	234,838	234,838	234,838	0	234,838
40	AIR OPERATIONS TRAINING	1,227,042	1,227,042	1,227,042	0	1,227,042
50	DEPOT MAINTENANCE	1,361,089	1,361,089	1,361,089	0	1,361,089
60	COMBAT COMMUNICATIONS	1,356,865	1,356,865	1,356,865	0	1,356,865
70	BASE SUPPORT	2,212,409	2,212,409	2,212,409	0	2,212,409
80	FACILITIES SUST, REST & MOD	835,329	835,329	835,329	0	835,329
	COMBAT RELATED OPERATIONS					
90	GLOBAL C3I AND EARLY WARNING	843,775	843,775	843,775	0	843,775
100	NAVIGATION/WEATHER SUPPORT	170,965	170,965	170,965	0	170,965
110	OTHER COMBAT OPERATIONS SUPPORT PROGRAMS	404,665	404,665	404,665	0	404,665
120	JCS EXERCISES	37,839	37,839	37,839	0	37,839
130	MANAGEMENT/OPERATIONAL HEADQUARTERS	174,580	174,580	174,580	0	174,580
140	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	228,775	228,775	228,775	0	228,775
	SPACE OPERATIONS					
150	LAUNCH FACILITIES	258,792	258,792	258,792	0	258,792
150a	Space Range Facilities		0	18,300	8,000	8,000
160	LAUNCH VEHICLES	147,510	147,510	147,510	0	147,510
170	SPACE CONTROL SYSTEMS	251,738	251,738	251,738	0	251,738
180	SATELLITE SYSTEMS	53,780	53,780	53,780	0	53,780
190	OTHER SPACE OPERATIONS	146,175	146,175	146,175	0	146,175
200	BASE SUPPORT	425,643	425,643	425,643	0	425,643
210	FACILITIES SUST, REST & MOD	131,643	131,643	131,643	0	131,643
	TOTAL, BUDGET ACTIVITY 1:	14,076,630	14,076,630	14,094,930	8,000	14,084,630

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Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 02: MOBILIZATION					
	MOBILITY OPERATIONS					
220	AIRLIFT OPERATIONS	2,056,383	2,056,383	2,056,383	0	2,056,383
230	AIRLIFT OPERATIONS C3I	37,706	37,706	37,706	0	37,706
240	MOBILIZATION PREPAREDNESS	169,421	169,421	169,421	0	169,421
250	DEPOT MAINTENANCE	296,014	296,014	296,014	0	296,014
260	PAYMENTS TO TRANSPORTATION BUSINESS AREA	473,243	473,243	473,243	0	473,243
270	BASE SUPPORT	487,654	487,654	487,654	0	487,654
280	FACILITIES SUST, REST & MOD	97,627	97,627	97,627	0	97,627
	TOTAL, BUDGET ACTIVITY 2:	3,618,048	3,618,048	3,618,048	0	3,618,048
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING					
290	OFFICER ACQUISITION	66,566	66,566	66,566	0	66,566
300	RECRUIT TRAINING	5,943	5,943	5,943	0	5,943
310	RESERVE OFFICER TRAINING CORPS (ROTC)	64,289	64,289	64,289	0	64,289
320	BASE SUPPORT (ACADEMIES ONLY)	70,412	70,412	70,412	0	70,412
330	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION (ACADEMIES ONLY)	60,434	60,434	60,434	0	60,434
	BASIC SKILLS AND ADVANCED TRAINING					
340	SPECIALIZED SKILL TRAINING	310,216	310,216	310,216	0	310,216
350	FLIGHT TRAINING	657,993	657,993	657,993	0	657,993
360	PROFESSIONAL DEVELOPMENT EDUCATION	115,049	115,049	115,049	0	115,049
370	TRAINING SUPPORT	83,778	83,778	83,778	0	83,778

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Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
380	DEPOT MAINTENANCE	14,748	14,748	14,748	0	14,748
390	BASE SUPPORT (OTHER TRAINING)	543,005	543,005	543,005	0	543,005
400	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION (OTHER TRAINING)	148,663	148,663	148,663	0	148,663
	RECRUITING, AND OTHER TRAINING AND EDUCATION					
410	RECRUITING AND ADVERTISING	139,189	139,189	139,189	0	139,189
420	EXAMINING	3,640	3,640	3,640	0	3,640
430	OFF DUTY AND VOLUNTARY EDUCATION	91,757	91,757	91,757	0	91,757
440	CIVILIAN EDUCATION AND TRAINING	82,238	82,238	82,238	0	82,238
450	JUNIOR ROTC	41,829	41,829	41,829	0	41,829
	TOTAL, BUDGET ACTIVITY 3:	2,499,749	2,499,749	2,499,749	0	2,499,749
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	LOGISTICS OPERATIONS					
460	LOGISTICS OPERATIONS	1,052,171	1,052,171	1,052,171	0	1,052,171
460a	Aging Propulsion System Life Extension		10,000	0	10,000	10,000
470	TECHNICAL SUPPORT ACTIVITIES	404,678	404,678	404,678	0	404,678
480	SERVICEWIDE TRANSPORTATION	249,055	208,055	249,055	-20,000	229,055
490	DEPOT MAINTENANCE	305,525	305,525	305,525	0	305,525
500	BASE SUPPORT	1,115,273	1,115,273	1,115,273	0	1,115,273
510	FACILITIES SUST, REST & MOD	239,442	239,442	239,442	0	239,442
	SERVICEWIDE ACTIVITIES					
520	ADMINISTRATION	213,767	160,767	213,767	-53,000	160,767

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Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
530	SERVICEWIDE COMMUNICATIONS	342,864	302,864	342,864	-8,000	334,864
540	PERSONNEL PROGRAMS	164,480	146,480	164,480	0	164,480
550	RESCUE AND RECOVERY SERVICES	72,375	72,375	72,375	0	72,375
560	ARMS CONTROL	34,742	34,742	34,742	0	34,742
570	OTHER SERVICEWIDE ACTIVITIES	602,561	591,161	602,561	-11,400	591,161
580	OTHER PERSONNEL SUPPORT	36,984	36,984	36,984	0	36,984
590	CIVIL AIR PATROL CORPORATION	18,303	18,303	22,803	0	18,303
600	BASE SUPPORT	233,256	233,256	233,256	0	233,256
610	FACILITIES SUST, REST & MOD	21,792	21,792	21,792	0	21,792
620	SECURITY PROGRAMS	824,906	761,998	824,906	0	824,906
630	INTERNATIONAL SUPPORT	20,169	12,169	20,169	0	20,169
	TOTAL, BUDGET ACTIVITY 4:	5,952,343	5,728,035	5,956,843	-82,400	5,869,943
	B-1B		0	-64,800	0	0
	OVERSTATED CIVILIAN BUYOUT COSTS		0	-30,480	-19,680	-19,680
	CLASSIFIED PROGRAM		0	-22,600	0	0
	LAFAYETTE ESCADRILLE		0	2,000	[2,000]	[2,000]
	CIVILIAN UNDEREXECUTION		0	-15,700	-5,369	-5,369
	FOREIGN CURRENCY FLUCTUATION		0	-24,408	-37,772	-37,772
	ACTIVE DUTY MILPERS UNDEREXECUTION		-75,000	0	-75,000	-75,000
	REDUCTION IN STRATEGIC SOURCING (A-76)		-8,320	0	0	0
	SCOT LIFE SUPPORT SYSTEM		6,000	0	6,000	6,000
	WAGE GRADE EMPLOYEES		4,320	0	0	0
	SPARES INFORMATION SYSTEM		7,000	0	7,000	7,000
	INFORMATION TECHNOLOGY SYSTEM, AIR FORCE		-20,000	0	-25,000	-25,000
	GENERAL REDUCTION		0	-20,000	0	0

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Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	CONSULTANTS, AIR FORCE		-25,000	0	0	0
	MANAGEMENT REFORM INITIATIVES		0	0	-323,782	-323,782
	Total Operation and Maintenance, Air Force	**26,146,770**	**25,811,462**	**25,993,582**	**-548,003**	**25,598,767**
	Operation and Maintenance, Defense-wide					
	BUDGET ACTIVITY 1: OPERATING FORCES					
10	JOINT CHIEFS OF STAFF	373,832	373,832	373,832	0	373,832
10a	CINCS COMBATING TERRORISM READINESS FUND		0	10,000	10,000	10,000
20	SPECIAL OPERATIONS COMMAND	1,404,797	1,404,797	1,404,797	0	1,404,797
20a	SPECIAL OPERATIONS COUNTER-TERRRORISM TRAINING		0	14,300	0	0
30	PROBLEM DISBURSEMENTS	0	0	0	0	0
	TOTAL, BUDGET ACTIVITY 1:	**1,778,629**	**1,778,629**	**1,802,929**	**10,000**	**1,788,629**
	BUDGET ACTIVITY 2: MOBILIZATION					
50	DEFENSE LOGISTICS AGENCY	44,691	44,691	44,691	0	44,691
	TOTAL, BUDGET ACTIVITY 2:	**44,691**	**44,691**	**44,691**	**0**	**44,691**
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING					
60	AMERICAN FORCES INFORMATION SERVICE	11,135	11,135	11,135	0	11,135
70	DEFENSE ACQUISITION UNIVERSITY	101,196	101,196	101,196	0	101,196
80	DEFENSE CONTRACT AUDIT AGENCY	3,833	3,833	3,833	0	3,833
90	DEFENSE FINANCE AND ACCOUNTING SERVICE	8,900	8,900	8,900	0	8,900
100	DEFENSE HUMAN RESOURCES ACTIVITY	86,190	86,190	86,190	0	86,190
110	DEFENSE SECURITY SERVICE	7,590	7,590	7,590	0	7,590
120	DEFENSE THREAT REDUCTION AGENCY	1,246	1,246	1,246	0	1,246
130	SPECIAL OPERATIONS COMMAND	53,573	53,573	53,573	0	53,573

Title III - Operation & Maintenance

(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	TOTAL, BUDGET ACTIVITY 3:	273,663	273,663	273,663	0	273,663
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		0			
140	AMERICAN FORCES INFORMATION SERVICE	96,637	96,637	96,637	0	96,637
150	CIVIL MILITARY PROGRAMS	94,596	94,596	94,596	0	94,596
160	CLASSIFIED PROGRAMS	4,718,802	4,718,802	4,666,002	0	4,718,802
170	DEFENSE CONTRACT AUDIT AGENCY	354,348	346,948	354,348	-5,000	349,348
180	DEFENSE CONTRACT MANAGEMENT AGENCY	948,932	942,032	948,932	-1,000	947,932
190	DEFENSE FINANCE AND ACCOUNTING SERVICE	1,492	1,492	1,492	0	1,492
200	DEFENSE HUMAN RESOURCES ACTIVITY	198,157	174,157	198,157	-24,000	174,157
210	DEFENSE INFORMATION SYSTEMS AGENCY	803,122	762,122	778,422	-11,500	791,622
220	DEFENSE LOGISTICS AGENCY	191,990	191,990	191,990	0	191,990
220a	Defense Wide, Other Logistics Programs		-3,500	0	0	0
220b	CTMA Depot level Activities		20,000	0	20,000	20,000
230	DEFENSE LEGAL SERVICES AGENCY	12,075	12,075	12,075	0	12,075
240	DEPT OF DEFENSE DEPENDENTS EDUCATION	1,465,814	1,465,814	1,465,814	0	1,465,814
250	DEFENSE POW/MISSING PERSONS OFFICE	15,211	15,211	15,211	0	15,211
250a	Travel for Families of Korean/Cold War Missing		1,000	0	1,000	1,000
260	DEFENSE SECURITY COOPERATION AGENCY	65,211	58,111	65,211	-6,000	59,211
270	DEFENSE SECURITY SERVICE	87,118	87,118	87,118	0	87,118
280	DEFENSE THREAT REDUCTION AGENCY	258,597	253,697	258,597	-4,000	254,597
290	OFFICE OF ECONOMIC ADJUSTMENT	16,972	16,972	16,972	0	16,972
300	OFFICE OF THE SECRETARY OF DEFENSE	437,141	417,741	437,141	0	437,141
300a	TRANSFER FROM PE65710D8Z		0	30,500	0	0
300b	INFORMATION ASSURANCE SCHOLARSHIPS-Transfer		0	1,500	0	0
300c	INFORMATION ASSURANCE SCHOLARSHIPS-Addition		0	3,500	3,500	3,500

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
300d	LEGACY RESOURCE MANAGEMENT PROGRAM		2,000	8,000	6,500	6,500
300e	WAGE GRADE EMPLOYEES		1,260	0	0	0
310	SPECIAL OPERATIONS COMMAND	46,891	46,891	46,891	0	46,891
320	SPECIAL ACTIVITIES	115,000	115,000	115,000	0	115,000
330	JOINT CHIEFS OF STAFF	169,340	159,840	169,340	0	169,340
340	WASHINGTON HEADQUARTERS SERVICES	324,202	280,202	306,102	-11,500	312,702
350	PROBLEM DISBURSEMENTS	0	0	0	0	0
	TOTAL, BUDGET ACTIVITY 4:	**10,421,648**	**10,278,208**	**10,369,548**	**-32,000**	**10,389,648**
	COMMERCIAL IMAGERY INITIATIVE		0	10,000	0	0
	IMPACT AID		31,000	35,000	31,000	31,000
	IMPACT AID - CHILDREN WITH DISABILITIES			5,000	5,000	5,000
	OVERSTATED CIVILIAN BUYOUT COSTS			-21,590	-13,940	-13,940
	CIVILIAN UNDEREXECUTION		0	-29,400	-10,055	-10,055
	FOREIGN CURRENCY FLUCTUATION		-104,800	-7,309	-11,310	-11,310
	REDUCTION IN STRATEGIC SOURCING		-5,260	0	0	0
	INFORMATION TECHNOLOGY SYSTEM		-20,000	0	-25,000	-25,000
	CONSULTANTS, DEFENSE-WIDE		-257,100	0	0	0
	AIR HANDLERS		0	[2,000]	[2,000]	[2,000]
	GENERAL REDUCTION		0	-11,800	0	0
	ELECTRONIC VOTING DEMONSTRATION PROJECT		2,000	0	2,000	2,000
	UNREALIZED SAVINGS		-330,000	0	-330,000	-330,000
	MANAGEMENT REFORM INITIATIVES		0	0	-194,740	-194,740
	CONSEQUENCE MANAGEMENT TRAINING		0	[5,000]	[5,000]	[5,000]
	Total O&M, Defense-Wide	**12,518,631**	**11,691,031**	**12,470,732**	**-569,045**	**11,949,586**

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Operation and Maintenance, Army Reserve					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	LAND FORCES					
10	DIVISION FORCES	14,382	14,382	14,382	0	14,382
10a	ECWCS/MSS		2,000	6,000	2,000	2,000
20	CORPS COMBAT FORCES	24,571	24,571	24,571	0	24,571
30	CORPS SUPPORT FORCES	232,891	232,891	232,891	0	232,891
40	ECHELON ABOVE CORPS FORCES	115,183	115,183	115,183	0	115,183
50	LAND FORCES OPERATIONS SUPPORT	364,700	364,700	364,700	0	364,700
	LAND FORCES READINESS					
60	FORCES READINESS OPERATIONS SUPPORT	139,280	139,280	139,280	0	139,280
60a	Controlled Humidity Preservation		25,000	0	25,000	25,000
70	LAND FORCES SYSTEM READINESS	60,481	60,481	60,481	0	60,481
80	DEPOT MAINTENANCE	60,719	60,719	60,719	0	60,719
	LAND FORCES READINESS SUPPORT					
90	BASE SUPPORT	406,137	406,137	406,137	0	406,137
100	FACILITIES SUST, REST & MOD	161,321	161,321	161,321	0	161,321
110	ADDITIONAL ACTIVITIES	2,536	2,536	2,536	0	2,536
	TOTAL, BUDGET ACTIVITY 1:	**1,582,201**	**1,609,201**	**1,588,201**	**27,000**	**1,609,201**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
120	ADMINISTRATION	39,256	39,256	39,256	0	39,256
130	SERVICEWIDE COMMUNICATIONS	30,865	30,865	30,865	0	30,865
140	PERS/FINANCIAL ADMIN (MANPOWER MNGMT)	44,201	44,201	44,201	0	44,201
150	RECRUITING AND ADVERTISING	90,723	90,723	90,723	0	90,723
	TOTAL, BUDGET ACTIVITY 4:	**205,045**	**205,045**	**205,045**	**0**	**205,045**
	LAND FORCES READINESS INFO OPS SUSTAIN		0	[5,000]	[5,000]	[5,000]
	FULL TIME SUPPORT		0	9,900	9,900	9,900
	Total Operation and Maintenance, Army Reserve	**1,787,246**	**1,814,246**	**1,803,146**	**36,900**	**1,824,146**
	Operation and Maintenance, Navy Reserve					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	RESERVE AIR OPERATIONS					
10	MISSION AND OTHER FLIGHT OPERATIONS	405,515	405,515	405,515	0	405,515
30	INTERMEDIATE MAINTENANCE	17,223	17,223	17,223	0	17,223
40	AIR OPERATION AND SAFETY SUPPORT	1,961	1,961	1,961	0	1,961
50	AIRCRAFT DEPOT MAINTENANCE	116,328	116,328	116,328	0	116,328
60	AIRCRAFT DEPOT OPERATIONS SUPPORT	324	324	324	0	324
	RESERVE SHIP OPERATIONS					
70	MISSION AND OTHER SHIP OPERATIONS	46,572	46,572	46,572	0	46,572
80	SHIP OPERATIONAL SUPPORT AND TRAINING	623	623	623	0	623
90	INTERMEDIATE MAINTENANCE	7,053	7,053	7,053	0	7,053
100	SHIP DEPOT MAINTENANCE	71,858	71,858	71,858	0	71,858
110	SHIP DEPOT OPERATIONS SUPPORT	2,652	2,652	2,652	0	2,652
	RESERVE COMBAT OPERATIONS SUPPORT					

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
120	COMBAT SUPPORT FORCES	37,579	37,579	37,579	0	37,579
	RESERVE WEAPONS SUPPORT					
130	WEAPONS MAINTENANCE	5,531	5,531	5,531	0	5,531
	BASE SUPPORT					
140	FACILITIES SUST, REST & MOD	51,102	51,102	51,102	0	51,102
150	BASE SUPPORT	148,046	148,046	148,046	0	148,046
	TOTAL, BUDGET ACTIVITY 1:	912,367	912,367	912,367	0	912,367
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
160	ADMINISTRATION	11,131	11,131	11,131	0	11,131
170	CIVILIAN MANPOWER & PERSONNEL	1,934	1,934	1,934	0	1,934
180	MILITARY MANPOWER & PERSONNEL	34,625	34,625	34,625	0	34,625
190	SERVICEWIDE COMMUNICATIONS	37,355	37,355	37,355	0	37,355
200	COMBAT/WEAPONS SYSTEM	5,606	5,606	5,606	0	5,606
210	OTHER SERVICEWIDE SUPPORT	672	672	672	0	672
	CANCELLED ACCOUNTS					
220	CANCELLED ACCOUNTS	0	0	0	0	0
	TOTAL, BUDGET ACTIVITY 4:	91,323	91,323	91,323	0	91,323
	NAVY-MARINE CORPS INTRANET		0	-3,321	-3,640	3,640
	Total Operation and Maintenance, Navy Reserve	1,003,690	1,003,690	1,000,369	-3,640	1,000,050

Title III - Operation & Maintenance

(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Operation and Maintenance, Marine Corps Reserve					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	MISSION FORCES					
10	OPERATING FORCES	50,898	50,898	50,898	0	50,898
20	DEPOT MAINTENANCE	7,784	7,784	7,784	0	7,784
30	BASE SUPPORT	25,610	25,610	25,610	0	25,610
40	TRAINING SUPPORT	18,144	18,144	18,144	0	18,144
50	FACILITIES SUST, REST & MOD	10,027	10,027	10,027	0	10,027
	TOTAL, BUDGET ACTIVITY 1:	**112,463**	**112,463**	**112,463**	**0**	**112,463**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
60	SPECIAL SUPPORT	8,596	8,596	8,596	0	8,596
70	SERVICEWIDE TRANSPORTATION	491	491	491	0	491
80	ADMINISTRATION	8,632	8,632	8,632	0	8,632
90	BASE SUPPORT	5,719	5,719	5,719	0	5,719
100	RECRUITING AND ADVERTISING	8,122	8,122	8,122	0	8,122
	TOTAL, BUDGET ACTIVITY 4:	**31,560**	**31,560**	**31,560**	**0**	**31,560**
	NAVY-MARINE CORPS INTRANET		0	-1,067	-1,170	-1,170
	Total Operation and Maint, Marine Corps Reserve	**144,023**	**144,023**	**142,956**	**-1,170**	**142,853**
	Operation and Maintenance, Air Force Reserve					

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS					
10	PRIMARY COMBAT FORCES	1,266,511	1,266,511	1,266,511	0	1,266,511
20	MISSION SUPPORT OPERATIONS	61,637	61,637	61,637	0	61,637
30	DEPOT MAINTENANCE	322,507	322,507	322,507	0	322,507
40	BASE SUPPORT	245,126	38,521	38,521	0	38,521
50	FACILITIES SUST, REST & MOD	38,521	245,126	245,126	0	245,126
	TOTAL, BUDGET ACTIVITY 1:	1,934,302	1,934,302	1,934,302	0	1,934,302
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
60	ADMINISTRATION	52,083	52,083	52,083	0	52,083
70	MILITARY MANPOWER AND PERSONNEL MNGMNT	11,848	11,848	11,848	0	11,848
80	RECRUITING AND ADVERTISING	24,466	24,466	24,466	0	24,466
90	OTHER PERSONNEL SUPPORT	6,547	6,547	6,547	0	6,547
100	AUDIOVISUAL	620	620	620	0	620
	TOTAL, BUDGET ACTIVITY 4:	95,564	95,564	95,564	0	95,564
	RESERVE MILITARY PERSONNEL UNDEREXECUTION SUPPORT		-12,000	0	0	0
	Total Operation and Maintenance, Air Force Reserve	2,029,866	2,017,866	2,029,866	0	2,029,866
	Operation and Maintenance, Army National Guard					

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 01: OPERATING FORCES					
	LAND FORCES					
10	DIVISIONS	472,117	472,117	472,117	0	472,117
10a	ECWCS/MSS		6,000	4,000	4,000	4,000
20	CORPS COMBAT FORCES	565,861	565,861	565,861	0	565,861
30	CORPS SUPPORT FORCES	280,054	280,054	280,054	0	280,054
40	ECHELON ABOVE CORPS FORCES	476,828	476,828	476,828	0	476,828
50	LAND FORCES OPERATIONS SUPPORT	22,333	22,333	22,333	0	22,333
	LAND FORCES READINESS					
60	FORCE READINESS OPERATIONS SUPPORT	19,354	19,354	19,354	0	19,354
60a	M Gator		0	3,100	0	0
70	LAND FORCES SYSTEMS READINESS	95,719	95,719	95,719	0	95,719
80	LAND FORCES DEPOT MAINTENANCE	193,414	193,414	193,414	0	193,414
	LAND FORCES READINESS SUPPORT					
90	BASE OPERATIONS SUPPORT	538,487	538,487	538,487	0	538,487
100	FACILITIES SUST, REST & MOD	351,768	351,768	351,768	0	351,768
110	MANAGEMENT & OPERATIONAL HEADQUARTERS	399,117	399,117	399,117	0	399,117
120	MISCELLANEOUS ACTIVITIES	38,415	38,415	38,415	0	38,415
	Special Training		2,000	0	2,000	2,000
	TOTAL, BUDGET ACTIVITY 1:	**3,453,467**	**3,461,467**	**3,460,567**	**6,000**	**3,459,467**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
130	STAFF MANAGEMENT	84,106	84,106	84,106	0	84,106
140	INFORMATION MANAGEMENT	21,070	21,070	21,070	0	21,070
150	PERSONNEL ADMINISTRATION	35,902	35,902	35,902	0	35,902
160	RECRUITING AND ADVERTISING	82,814	82,814	82,814	0	82,814
	TOTAL, BUDGET ACTIVITY 4:	**223,892**	**223,892**	**223,892**	**0**	**223,892**
	FULL TIME SUPPORT		0	13,200	13,200	13,200
	MILITARY TECHNICIANS (DUAL STATUS)		20,000	0	0	0
	Total Operation and Maintenance, Army National Guard	**3,677,359**	**3,705,359**	**3,697,659**	**19,200**	**3,696,559**
	Operation and Maintenance, Air National Guard					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS					
10	AIRCRAFT OPERATIONS	2,545,143	2,545,143	2,545,143	0	2,545,143
10a	B-1B		100,000	164,800	100,000	100,000
20	MISSION SUPPORT OPERATIONS	348,442	348,442	348,442	0	348,442
30	BASE SUPPORT	377,859	377,859	377,859	0	377,859
40	FACILITIES SUST, REST & MOD	92,092	92,092	92,092	0	92,092
50	DEPOT MAINTENANCE	490,912	490,912	490,912	0	490,912
	TOTAL, BUDGET ACTIVITY 1:	**3,854,448**	**3,954,448**	**4,019,248**	**100,000**	**3,954,448**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	SERVICEWIDE ACTIVITIES					

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
60	ADMINISTRATION	2,935	2,935	2,935	0	2,935
70	RECRUITING AND ADVERTISING	9,978	9,978	9,978	0	9,978
	TOTAL, BUDGET ACTIVITY 4:	**12,913**	**12,913**	**12,913**	**0**	**12,913**
	ECWCS/MSS		0	5,000	0	0
	Total Operation and Maintenance, Air National Guard	**3,867,361**	**3,967,361**	**4,037,161**	**100,000**	**3,967,361**
	TRANSFER ACCOUNTS					
10	ENVIRONMENTAL RESTORATION, ARMY	389,800	389,800	389,800	0	389,800
20	ENVIRONMENTAL RESTORATION, NAVY	257,517	257,517	257,517	0	257,517
30	ENVIRONMENTAL RESTORATION, AIR FORCE	385,437	385,437	385,437	0	385,437
40	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	23,492	23,492	23,492	0	23,492
50	ENV REST, FORMERLY USED DEFENSE SITES	190,255	190,255	230,255	40,000	230,255
60	DRUG INTERDICTION & CNTER-DRUG ACTIVITIES	820,381	820,381	860,381	0	820,381
70	OVERSEAS CONTINGENCIES	2,844,226	2,844,226	2,844,226	0	2,844,226
80	PENTAGON RENOVATION	0	0	0	0	0
	TOTAL, O&M, TRANSFER ACCOUNTS	**4,911,108**	**4,911,108**	**4,991,108**	**40,000**	**4,951,108**
	MISCELLANEOUS					
90	OFFICE OF THE INSPECTOR GENERAL	150,221	152,021	149,221	-1,000	149,221
100	RIFLE PRACTICE, ARMY	0	0	0	0	0
110	U.S. COURT OF APPEALS FOR THE ARMED FORCES	9,096	9,096	9,096	0	9,096
120	SUPPORT OF INTERNTL SPORTING COMPETITIONS	15,800	15,800	15,800	0	15,800
130	OVRSEAS HMNITRIAN, DISASTER & CIVIC AFFAIRS	49,700	49,700	49,700	0	49,700
140	PAYMENT TO KAHO'OLAWE ISLAND	25,000	25,000	60,000	15,000	40,000
150	EMERGENCY RESPONSE FUND, DEFENSE	0	0	0	0	0
160	DEFENSE HEALTH PROGRAM	17,565,750	17,565,750	17,546,750	0	17,570,750

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(Dollars in Thousands)

Line	Activity/Subactivity	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
160a	TVL EXPENSES FOR GRDIAN OF MINOR CHILD	0	5,000	[5000]	5,000	
170	FORMER SOVIET UNION THREAT REDUCTION	403,000	403,000	403,000	0	403,000
180	DEFENSE EXPORT LOAN GUARANTEE PROGRAM	0	0	0	0	0
190	QUALITY OF LIFE ENHANCEMENTS	0	0	0	0	0
	UTILITIES ADJUSTMENT		0	0	-125,000	-125,000
	GENERAL REDUCTION		0	-40,000	0	0
	TOTAL, MISCELLANEOUS	18,218,567	18,225,367	18,193,567	-106,000	18,112,567
	TOTAL OPERATION AND MAINTENANCE TITLE:	125,349,997	123,792,869	125,346,298	-2,090,070	123,259,927

Management reform initiatives

The conferees agree to reduce operations and maintenance accounts by $1.07 billion to reflect savings from management reform initiatives, as discussed in Title VIII.

Combating terrorism initiative

The budget request included $5.6 billion to continue improving the ability of U.S. forces to deter and defend against the growing terrorist threat.

The House amendment would authorize the requested amount.

The Senate bill would authorize the $5.6 billion request, but included an additional $217.2 million to further improve U.S. capabilities to combat terrorism. Of this increase, $108.0 million was added to operation and maintenance accounts. This included: $77.7 million to address force protection vulnerabilities on Army installations; $14.3 million for enhanced counterterrorism training for U.S. Special Operations Forces; $10.0 million for the combating terrorism readiness initiatives fund for combatant commands; and $6.0 million to purchase hand-held explosive detectors for seagoing Navy vessels.

The conferees note that many of the vulnerabilities to terrorist attacks have become high priorities for the Department of Defense. This is reflected in the fact that a significant portion of the additional funds included in the Senate bill have already been funded in the fiscal year 2001 emergency supplemental appropriations act. Specifically, the conferees understand that, as of the end of September 2001, the Army had received $257.0 million in supplemental funding for force protection improvements at its installations, and the Special Operations Command had received $151.0 million for combating terrorism, including immediate counterterrorism training needs. The conferees agree, therefore, to authorize an additional $10.0 million for the combatant commands' Combating Terrorism Readiness Initiatives Fund, and $3.0 million to purchase hand-held explosive detectors for the Navy.

Commercial imagery to support military requirements

The budget request included $30.0 million for purchasing commercial imagery products in support of national needs.

The Senate bill would authorize an increase of $10.0 million to establish prototype contracts that the National Imagery and Mapping Agency (NIMA) would use to establish stronger ties with the private sector to satisfy commercial satellite imagery needs. The Senate report (S. Rept. 107–62) indicated that NIMA officials have suggested that the NIMA might enter into prototype contracts with commercial remote sensing entities to provide commercial satellite imagery for the NIMA.

The conferees understand that, under such an approach, the NIMA would contract with one or more U.S. commercial satellite imagery providers to provide a portion of this imagery directly to a network of geospatial production companies, each of which supports NIMA customers with interests in a particular region.

The House amendment would approve the budget request.

The conferees believe that the United States should prioritize the use of commercial remote sensing as envisioned in Presidential Decision Directive–23. Moreover, the conferees believe that allocating certain satellite imagery requirements to the U.S. commercial remote sensing industry will allow the government to focus its own assets on more demanding intelligence requirements. The conferees continue to support using commercial satellite imagery and geospatial products and services to satisfy the non-time-critical low and medium resolution requirements of the Secretary of Defense, including the regional commanders in chief, and the intelligence community.

The conferees also understand that the administration is developing a commercial imagery strategy to support these requirements and endorses the development and implementation of such a strategy. The conferees believe, however, that the U.S. Government must become a reliable, long-term customer of commercial satellite imagery if the strategy is to be successful. The conferees recognize that there are budgetary and contracting issues, but do not believe these are beyond solution.

Therefore, the conferees direct the Secretary of Defense and the Director of Central Intelligence to plan and carry out a program to purchase a significant portion of their non-time-critical low and medium resolution satellite imagery requirements from the U.S. commercial remote sensing industry by 2005.

The conferees note that substantial resources relating to commercial imagery activities have been included in the Emergency Terrorism Response Supplemental Appropriations Act, 2001. Therefore, the conferees recommend no additional funding above the President's budget request for fiscal year 2002. The conferees expect that the NIMA and the administration will make appropriate use of these funds to implement this commercial imagery strategy.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 301–302)

The Senate bill contained provisions (secs. 301–302) that would authorize the recommended fiscal year 2002 funding levels for all operation and maintenance and working capital fund accounts.

The House amendment contained similar provisions (secs. 301–302).

The conference agreement includes these provisions.

Armed Forces Retirement Home (sec. 303)

The Senate bill contained a provision (sec. 303) that would authorize the appropriation of $71.4 million from the Armed Forces Retirement Home Trust Fund for fiscal year 2002 and $22.4 million for the development and construction of a blended use, multicare facility and acquisition of land at the Naval Home.

The House amendment contained a similar provision (sec. 303).

The House recedes with a clarifying amendment.

Transfer from National Defense Stockpile Transaction Fund (sec. 304)

The House amendment contained a provision (sec. 304) that would authorize the transfer of $150.0 million from the National Defense Stockpile Transaction Fund to operation and maintenance accounts of the Army, Navy and Air Force.

The Senate bill contained no similar provision.

The Senate recedes.

Funds for renovation of Department of Veterans Affairs facilities adjacent to Naval Training Center, Great Lakes, Illinois (sec. 305)

The Senate bill contained a provision (sec. 309) that would authorize the Secretary of the Navy to use up to $2.0 million to fund the renovation and relocation of Department of Veterans Affairs facilities in the proximity of the Naval Training Center, Great Lakes, Illinois. The provision would make the authorization contingent on the Secretary of Veterans Affairs and the Secretary of the Navy entering into an agreement to provide 48 acres of Department of Veterans Affairs property for the expansion of the Naval Training Center.

The House amendment contained no similar provision.

The House recedes.

Defense Language Institute Foreign Language Center expanded Arabic language program (sec. 306)

The Senate bill contained a provision (sec. 338) that would authorize $650,000 of the amounts available in the Operation and Maintenance, Army, account for an expanded Arabic language program at the Defense Language Institute.

The House amendment contained no similar provision.

The House recedes.

Subtitle B—Environmental Provisions

Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges) (sec. 311)

The House amendment contained a provision (sec. 311) that would require the Department of Defense to inventory sites that are known or suspected to contain abandoned military munitions.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would: (1) provide that the inventory requirement does not apply to operating storage and manufacturing facilities, operational ranges, or locations outside the United States; (2) clarify the definitions of military munitions, operational ranges, unexploded ordnance and other key terms; (3) require consultation with representatives of States and Tribes in the development of a protocol for site prioritization; (4) clarify that the prioritization of sites does not impair, alter or diminish the Department's obligations under federal or state law; and (5) extend the time period available for the Department to complete the inventory and prioritization of sites.

Establishment of new program element for remediation of unexploded ordnance, discarded military munitions, and munitions constituents (sec. 312)

The Senate bill contained a provision (sec. 311) that would require the Secretary of Defense to establish within each environmental restoration account established for the Department of Defense a sub-account for the remediation of unexploded ordnance and related constituents.

The House amendment contained no similar provision.

The House recedes with an amendment that would: (1) establish program elements, rather than sub-accounts, within each of the environmental restoration accounts; and (2) clarify that the accounts cover discarded munitions as well as unexploded ordnance and related constituents.

Assessment of environmental remediation of unexploded ordnance, discarded military munitions, and munitions constituents (sec. 313)

The Senate bill contained a provision (sec. 312) that would require the Department of Defense to conduct a comprehensive assessment and develop a plan for addressing unexploded ordnance, discarded munitions and related constituents on Department of Defense facilities and installations.

The House amendment contained no similar provision.

The House recedes with an amendment that would: (1) harmonize the terminology and scope of this provision with other provisions related to unexploded ordnance; and (2) delay from calendar year 2002 to calendar year 2003 the due date of the required report.

The conference report would require the Department of Defense to provide an interim report containing all available information in calendar year 2002.

Conformity of surety authority under environmental restoration program with surety authority under CERCLA (sec. 314)

The Senate bill contained a provision (sec. 316) that would eliminate the sunset date for the surety provisions in section 2701 of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes with a technical amendment to the title.

Elimination of annual report on contractor reimbursement for costs of environmental response actions (sec. 315)

The House amendment contained a provision (sec. 315) that would remove the requirement for the Department of Defense to report to Congress on contractor reimbursement for costs of environmental response actions for the top 20 defense contractors.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Pilot program for sale of air pollution emission reduction incentives (sec. 316)

The Senate bill contained a provision (sec. 314) that would extend through September 30, 2003, the authority for the Department of Defense to conduct a pilot program for the sale of air pollution emission reduction incentives.

The House amendment contained no similar provision.

The House recedes with an amendment requiring the Secretary of Defense to report to Congress on the use of the program.

Department of Defense energy efficiency program (sec. 317)

The Senate bill contained a provision (sec. 313) that would require the Secretary of Defense to carry out a program to significantly improve the energy efficiency of the Department of Defense over the next 10 years, and require the Department to report to Congress on progress in implementing that program.

The House amendment contained a provision (sec. 1050) expressing the sense of Congress that the Department should work to implement fuel efficiency reforms.

The House recedes with an amendment that would incorporate the sense of Congress into the provision and ensure that the reports to Congress include the same information in the same format as is already generated for executive branch purposes.

Procurement of alternative fueled and hybrid light duty trucks (sec. 318)

The Senate bill contained a provision (sec. 317) that would require the Secretary of Defense to purchase hybrid electric vehicles, to the extent that such vehicles are commercially available and meet the Department of Defense's requirements, for the Department of Defense fleet of light duty trucks that is not already subject to the requirement to purchase alternative fueled vehicles pursuant to the Energy Policy Act of 1992 (42 U.S.C. 13212).

The House amendment contained no similar provision.

The House recedes with an amendment that would expand the coverage of the provision to all types of hybrid vehicles, to ensure that hybrid vehicles other than hybrid-electric vehicles (such as hybrid hydrogen or fuel-cell vehicles) would also be eligible for purchase under the provision.

Reimbursement of Environmental Protection Agency for certain response costs in connection with Hooper Sands site, South Berwick, Maine (sec. 319)

The Senate bill contained a provision (sec. 315) that would authorize the Secretary of Defense to reimburse the Environmental Protection Agency (EPA) for environmental costs incurred by the EPA consistent with the January 2001 agreement between the Navy and the EPA.

The House amendment contained a similar provision (sec. 313).

The House recedes with a technical amendment.

River mitigation studies (sec. 320)

The House amendment contained a provision (sec. 314) that would authorize the Secretary of Defense to conduct mitigation studies in two locations and to work with federal, state, local and private entities to address problems that may be identified.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the studies and require that each study address the extent, if any, to which the Department of Defense (DOD) is responsible for any problems identified. The conference agreement does not authorize the use of DOD funds to address these problems. The conferees understand that any action would be conducted only under existing authority and in accordance with applicable procedures and requirements.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Commissary benefits for new members of the Ready Reserve (sec. 331)

The Senate bill contained a provision (sec. 662) that would grant new members of the Ready Reserve access to commissary stores.

The House amendment contained a similar provision (sec. 321).

The House recedes.

Reimbursement for use of commissary facilities by military departments for purposes other than commissary sales (sec. 332)

The Senate bill contained a provision (sec. 322) that would require service secretaries to reimburse the Defense Commissary Agency for a share of the depreciated value of a commissary facility when a military department uses, for non-commissary related purposes, a facility previously acquired, constructed, or improved with commissary surcharge funds.

The House amendment contained a similar provision (sec. 322).

The House recedes.

Public releases of commercially valuable information of commissary stores (sec. 333)

The Senate bill contained a provision (sec. 323) that would authorize the Secretary of Defense to limit release to the public of commercially valuable commissary store information and to use competitive contracting procedures to sell commissary sales data, customer demographic information, and information pertaining to commissary transactions and operations.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Rebate agreements with producers of foods provided under special supplemental food program (sec. 334)

The Senate bill contained a provision (sec. 321) that would authorize the Secretary of Defense to enter into annual contracts for rebates with producers of food products for the exclusive right to provide food in commissary stores as supplemental food for the Women, Infants, and Children (WIC) Overseas Program.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Civil recovery for nonappropriated fund instrumentality costs related to shoplifting (sec. 335)

The House amendment contained a provision (sec. 323) that would authorize the military exchanges to pursue federal debt collection remedies against shoplifters in the military exchange stores.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle D—Workforce and Depot Issues

Revision of authority to waive limitation on performance of depot-level maintenance (sec. 341)

The Senate bill contained a provision (sec. 335) that would elevate the current authority to waive limitations on performance of depot-level maintenance to the Secretary of Defense. The provision also required the Secretary to submit to the Congress a strategic plan on the operations of public depots.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the statutory requirement for a report. The conferees are aware, however, that the Air Force is developing a strategic plan for the future operation and use of the Air Logistics Centers. The conferees believe that such a plan is essential, and direct the Secretary of the Air Force to submit this plan to the Committees on Armed Services of the Senate and the House of Representatives not later than January 31, 2002.

Exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance (sec. 342)

The House amendment contained a provision (sec. 335) that would establish a five-year pilot program at three Air Force depots. The program would exclude work performed in a public depot under a public-private partnership from restrictions included in title 10, United States Code relating to private sector work.

The Senate bill contained a similar provision (sec. 332).

The House recedes with an amendment that would expand the program to all Centers of Industrial and Technical Excellence and set the program length at four years.

Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense (sec. 343)

The House amendment contained a provision (sec. 336) that would permit a private sector entity that has contracted with the public sector in a working capital-funded activity of the Department of Defense to file a claim if the public sector fails to comply with quality, schedule, or cost performance as required by the contract.

The Senate bill contained no similar provision.

The Senate recedes.

Revision of deadline for annual report on commercial and industrial activities (sec. 344)

The Senate bill contained a provision (sec. 1024) that would change the due date for the Commercial Activities Report to Congress, required by section 2461(g) of title 10, United States Code, from February 1 to June 30 of each year, as requested by the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

Pilot manpower reporting system in Department of the Army (sec. 345)

The House amendment contained a provision (sec. 333) that would require the Department of the Army to report annually on the size of its contractor workforce.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Army to provide to Congress an annual report describing the use of non-federal entities that provide services to the Department of the Army during fiscal years 2002 through 2004. The amendment would also clarify that the Secretary of the Army would be required to use existing data collection and reporting systems to compile this report, and would not be permitted to impose any new data requirements on non-federal entities.

The conferees note that a similar provision, applicable to all three military services, was included in section 343 of the National Defense Authorization Act for Fiscal Year 2000. The Navy and the Air Force complied with this provision without establishing any new data collection systems or imposing any new data requirements on contractors. The conferees expect the Army to implement the new provision in a similar manner, without establishing any new data collection systems or imposing any new data requirements on contractors.

Development of Army Workload and Performance System and Wholesale Logistics Modernization Program (sec. 346)

The House amendment contained a provision (sec. 334) that prohibited the Secretary of the Army from expanding the Wholesale Logistics Modernization Program (WLMP) beyond the original legacy systems until those legacy systems have been replaced.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that requires the Secretary of the Army to maintain the functionality and identity of the Army Workload and Performance System (AWPS) as the WLMP moves forward. The Secretary of Army will also ensure that the AWPS continues to be the standard Army-wide manpower system.

The amendment requires an annual report to the Congress on AWPS implementation. The report will be evaluated by the General Accounting Office.

Subtitle E—Defense Dependents Education

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 351)

The House amendment contained a provision (sec. 341) that would authorize $30.0 million for educational assistance to local education agencies where the standard for the minimum level of education within the state could not be maintained because of the large number of military connected students, and $1.0 million for payments to local education agencies to assist in adjusting to reductions in military dependent students resulting from the closure or realignment of military installations.

The Senate bill contained a similar provision (sec. 304) that would authorize $35.0 million for impact aid to local education agencies.

The Senate recedes.

Impact aid for children with severe disabilities (sec. 352)

The Senate bill contained a provision (sec. 305) that would authorize $5.0 million for continuation of the Department of Defense assistance program to local educational agencies that benefit dependents with severe disabilities.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Availability of auxiliary services of defense dependents' education system for dependents who are home school students (sec. 353)

The House amendment contained a provision (sec. 342) that would require the Department of Defense (DOD) to provide support for home schooled students who are otherwise eligible to attend DOD schools.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would remove participation in individual academic courses from the services available to dependents who are home schooled and add a requirement that the home schooled students must comply with the standards of conduct applicable to other students using or receiving the same auxiliary services.

Comptroller General study of adequacy of compensation provided for teachers in the Department of Defense overseas dependents' schools (sec. 354)

The Senate bill contained a provision (sec. 1122) that would require the Comptroller General to conduct a study and report on whether compensation for teachers in the defense dependents' education program is adequate for recruiting and retaining high quality teachers, and whether changes in the methodology for computing teacher pay are necessary.

The House amendment contained a similar provision (sec. 343) that would require the Secretary of Defense to conduct the study.

The House recedes with an amendment that would change the date to May 1, 2002, that the Comptroller General must report to Congress on the results of the study.

Subtitle F—Other Matters

Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans (sec. 361)

The House amendment contained a provision (sec. 351) that would permit the Secretary of Defense to make excess clothing, shoes, sleeping bags, and related non-lethal excess supplies available, without reimbursement, to the Secretary of Veterans Affairs for distribution to homeless veterans and programs assisting homeless veterans.

The Senate bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to ensure that adequate safeguards are in place to prevent procurement of those items and declaring them excess and available for distribution shortly after receipt.

Incremental implementation of Navy-Marine Corps Intranet contract (sec. 362)

The House amendment contained a provision (sec. 352) that permanently excluded the Marine Corps from the Navy-Marine Corps Intranet (NMCI) program, and extended exclusions for naval aviation depots and shipyards through fiscal year 2002.

The Senate bill contained a provision (sec. 334) that codified the Department of Defense's plan to rephase the implementation of the NMCI program, based on achievement of specified testing and performance milestones.

The House recedes with an amendment that more fully describes additional phase-in authority for the NMCI. The amendment allows the Secretary of the Navy to contract for an additional 100,000 work stations (the ''second increment''), pending joint approval by the Under Secretary of Defense (Acquisition, Technology, and Logistics) and the Department of Defense (DOD) Chief Information Officer (CIO). This approval is dependent on successful completion of a three-phase customer test and evaluation (known as CT&E3), as detailed in the Master Test Plan maintained by the NMCI contractor. Tests shall be conducted on a representative, statistically-significant sample population of NMCI work stations. The validity of the results will be independently evaluated and confirmed by the Institute for Defense Analyses.

The amendment permits the Secretary of the Navy to order a third increment of an additional 150,000 work stations, pending successful performance of at least 20,000 work stations operating on the NMCI network. Certification of this performance must be made by the Navy CIO to the Secretary of the Navy and the DOD CIO. The amendment further restricts the NMCI contractor from assuming responsibility for more than half of the work stations allowed to be ordered in the third increment until the Navy CIO certifies to the Secretary of the Navy and the DOD CIO that the work stations for the full headquarters at the Naval Air Systems Command (NAVAIR) are meeting applicable service-level agreements.

The amendment also requires the Secretary of the Navy to submit to Congress a report on the scope and status of testing and implementation of the NMCI network at the point at which the second and third increments of work stations are ordered. The same information shall be submitted when the performance requirements for NAVAIR headquarters have been met and authority for the NMCI contractor to assume responsibility for the remaining 75,000 seats in the third increment is granted. The conferees intend for these reports to be complete but succinct, and to the extent possible to draw upon information already reported within the Department of Defense.

The amendment also requires the General Accounting Office to conduct a study of the impact of NMCI implementation on the rate structure of naval shipyards and depots. Finally, the amendment requires the Secretary of the Navy to identify a single individual whose sole responsibility will be to direct and oversee the NMCI program.

The conferees are concerned that schedule delays have limited the amount of empirical information about the viability and performance of the NMCI. The slowdowns in the NMCI program have resulted in a difficult situation. Continuing the program requires additional orders of work stations, but so few work stations have been converted to the network that it is not yet clear whether the program will operate as intended. Despite some lingering concerns, the conferees have adopted a plan, based on continued demonstrations of successful testing and performance capabilities, that is intended to allow the program to move forward in a prudent manner. The conferees expect that the Navy, in a departure from past practice, will be fully and readily forthcoming with information about and explanations for any future delays or performance concerns. The conferees' designation of a single NMCI manager is intended to facilitate such communication with the Congress, which is of particular importance given the size and operational impact of the NMCI program.

Comptroller General Study and Report of National Guard Distributive Training Technology Project (sec. 363)

The Senate bill contained a provision (sec. 1027) that directed the Comptroller General to conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training

Technology Project (DTTP) and other Department of Defense, federal, state and private networks.

The purpose of the study was to identify existing capabilities and future networking requirements for operational support of disaster response, homeland defense, command and control of premobilization forces, training of military personnel, training of first responders and shared use of the DTTP networks by government and members of the networks. The Comptroller General was also directed to identify appropriate connections between DTTP networks and those networks at the federal and state level responsible for disaster response and to identify requirements for, impediments to, and means of improving connectivity between DTTP and the other networks. The Comptroller General was required to submit a report on the study to the Armed Services Committees of the Senate and the House of Representatives no more than 180 days after the date of enactment of the Act.

The House amendment contained no similar provision.

The House recedes with an amendment that clarifies the need for the Army National Guard to establish the current and future requirements associated with the DTTP. In order for the Comptroller General to conduct a proper review and analysis, the Army National Guard must first clearly articulate these requirements. Under the conference agreement the Comptroller General shall submit its report to the Armed Services Committees of the Senate and the House of Representatives within 270 days after the date of enactment of this Act.

Reauthorization of warranty claims recovery pilot program (sec. 364)

The Senate bill contained a provision (sec. 336) that would reauthorize a pilot program allowing the Secretary of Defense to use commercial services to improve the collection of Department of Defense claims for aircraft engine warranties.

The House amendment contained no similar provision.

The House recedes.

Evaluation of current demonstration programs to improve quality of personal property shipments of members (sec. 365)

The House amendment contained a provision (sec. 353) that would require the Department of Defense to complete all demonstration programs to improve the movement on household goods for members of the Armed Forces. The provision also required the Secretary of Defense to submit to the Congress an evaluation of these programs no later than August 31, 2002.

The Senate bill contained no similar provision.

The conferees understand that the Department of Defense has cancelled the remaining pilot program that would have been continued under the House provision. The conferees maintain that reengineering the household goods moving process continues to be an important quality of life initiative, and that termination of the Full Service Moving Project does not relieve the Department of Defense of its responsibilities to improve the moving process. The Senate therefore recedes with an amendment that would require the Secretary of Defense to complete an evaluation of all ongoing test programs for household goods moves. No later than March 31, 2002, the Secretary shall submit to the Congress a report on the findings of this evaluation, recommendations for policy improvements, and an estimate of associated costs.

Sense of Congress regarding security to be provided at 2002 Winter Olympic Games (sec. 366)

The House amendment contained a provision (sec. 355) that would express the sense of Congress that the Secretary of Defense should provide public safety support for the 2002 Winter Olympic Games in Salt Lake City, Utah.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment that notes the need for the certification of the Attorney General pursuant to section 2564(a) of title 10, United States Code.

LEGISLATIVE PROVISIONS NOT ADOPTED

Applicability of core logistics capability requirements to nuclear aircraft carriers

The House amendment contained a provision (sec. 332) that would exclude refueling of nuclear aircraft carriers, rather than all maintenance work on such ships, from the core logistics capabilities that the Department of Defense maintains.

The Senate bill contained no similar provision.

The House recedes.

Authorization of additional funds

The Senate bill contained a provision (sec. 308) that would authorize the use of $2.0 million of operation and maintenance funds for Defense-Wide accounts to refurbish and replace air handlers and related control systems at Air Force medical centers.

The House amendment contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize $2.0 million of the funds available for Operation and Maintenance, Defense-Wide, for Air Force air handlers.

Consequence management training

The Senate bill contained a provision (sec. 339) that would authorize the use of $5.0 million of operation and maintenance funds for Defense-Wide activities to provide training for members of the armed forces (including reserve component personnel) in managing the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

The House amendment contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize $5.0 million of the funds available for Operation and Maintenance, Defense-Wide, for consequence management training for both active and reserve component military personnel.

Critical infrastructure protection initiative of the Navy

The Senate bill contained a provision (sec. 340) that would authorize the use of $6.0 million of operation and maintenance funds for the Navy for the critical infrastructure protection initiative.

The House amendment contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize $6.0 million of the funds available for Operation and Maintenance, Navy, for the critical infrastructure protection initiative.

Environmental restoration, Formerly Used Defense Sites

The Senate bill contained a provision (sec. 307) that would increase the authorized funding for the environmental restoration of Formerly Used Defense Sites (FUDS) by $40.0 million.

The House amendment contained no similar provision.

The Senate recedes.

The conferees agree to increase funding for environmental restoration of FUDS by $40.0 million.

The conferees note that there are over 9,000 properties identified for inclusion in the FUDS program, hundreds of which could be categorized as former ranges. Historically, the FUDS program has experienced significant funding shortfalls, making it difficult to execute much needed remediation projects at these sites. In an effort to address this problem, Congress included additional funds for FUDS remediation in fiscal years 2000 and 2001. These funding increases merely helped to address some, not all of the funding shortfalls. The fiscal year 2002 budget request again failed to adequately address this funding problem.

The conferees direct the Secretary of Defense to comprehensively resolve this issue within the Department of Defense with a special emphasis on the Department of the Army. The conferees expect the Secretary of Defense to ensure that the fiscal year 2003 budget request reflects progress in this area. In addition, the conferees direct the Secretary of Defense to submit a report in conjunction with the fiscal year 2003 budget request that provides a future years plan for resolution of the FUDS funding shortfalls.

Expansion of entities eligible for loan, gift, and exchange of documents, historical artifacts, and obsolete combat materiel

The House amendment contained a provision (sec. 354) that would expand the list of entities eligible to receive certain materials from the Department of Defense.

The Senate bill contained no similar provision.

The House recedes. The text of the House provision is incorporated into a separate provision addressing Department of Defense gift authorities (sec. 1043).

Funding for land forces information operations sustainment

The Senate bill contained a provision (sec. 337) that would authorize the use of $5.0 million of operation and maintenance funds for the Army Reserve for information operations sustainment.

The House amendment contained no similar provision.

The Senate recedes on the provision.

The conferees agree to authorize $5.0 million of the funds available for Operation and Maintenance, Army Reserve, for information operations sustainment.

Improvements in instrumentation and targets at Army live-fire training ranges

The Senate bill contained a provision (sec. 306) that would increase funding for improvements in Army live-fire ranges by $11.9 million, offset by reductions in the fuel accounts of the Defense Working Capital Fund.

The House amendment contained no similar provision.

The Senate recedes on the provision, and the conferees agree to authorize additional funds.

Limitation on workforce reviews

The House amendment contained a provision (sec. 331) that would: (1) limit the number of workforce reviews that could be performed by the Department of Defense until certain conditions were met; and (2) prohibit the conversion of Department of Defense functions to private sector performance unless the cost savings from doing so would be at least 10 percent.

The Senate bill contained no similar provision.

The House recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The Senate bill contained a provision (sec. 401) that would authorize active duty end

strengths for fiscal year 2002, as shown below:

	2001 Authorization	Fiscal year—	
		2002 request	2002 recommendation
Army	480,000	480,000	480,000
Navy	372,642	376,000	376,000
Marine Corps	172,600	172,600	172,600
Air Force	357,000	358,800	358,800

The House amendment contained an identical provision (sec. 401).

The conference agreement includes this provision.

Revision in permanent end strength minimum levels (sec. 402)

The House amendment contained a provision (sec. 402) that would establish end strength floors for the active forces at the end strengths contained in the budget request.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Increase in senior enlisted active duty grade limit for Navy, Marine Corps, and Air Force (sec. 403)

The House amendment contained a provision (sec. 504) that would increase the limitation on the authorized daily average number of enlisted members serving on active duty within an armed force in the pay grade of E–8 from two percent to two and one half percent of the total number of enlisted members of that armed force on active duty on the first day of that fiscal year.

The Senate bill contained a similar provision (sec. 402).

The Senate recedes with a clarifying amendment.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The Senate bill contained a provision (sec. 411) that would authorize Selected Reserve end strengths for fiscal year 2002, as shown below:

	2001 authorization	Fiscal year—	
		2002 request	2002 recommendation
The Army National Guard of the United States	350,526	350,000	350,000
The Army Reserve	205,300	205,000	205,000
The Navy Reserve	88,900	87,000	87,000
The Marine Corps Reserve	39,558	39,558	39,558
The Air National Guard of the United States	108,022	108,400	108,400
The Air Force Reserve	74,358	74,700	74,700
The Coast Guard Reserve	8,000	8,000	8,000

The House amendment contained an identical provision (sec. 411).

The conference agreement includes this provision.

End strengths for reserves on active duty in support of the reserves (sec. 412)

The Senate bill contained a provision (sec. 412) that would authorize the full-time support end strengths for fiscal year 2002, as shown below:

	2001 authorization	Fiscal year—	
		2002 request	2002 recommendation
The Army National Guard of the United States	22,974	22,974	23,698
The Army Reserve	13,106	13,108	13,406
The Navy Reserve	14,649	14,811	14,811
The Marine Corps Reserve	2,261	2,261	2,261
The Air National Guard of the United States	11,170	11,591	11,591
The Air Force Reserve	1,336	1,437	1,437

The House amendment contained a similar provision (sec. 412).

The House recedes.

End strengths for military technicians (dual status) (sec. 413)

The Senate bill contained a provision (sec. 413) that would authorize the minimum level of dual status technician end strengths for fiscal year 2002, as shown below:

	2001 authorization	Fiscal year—	
		2002 request	2002 recommendation
The Army Reserve	5,921	5,999	6,249
The Army National Guard of the United States	23,128	23,128	23,615
The Air Force Reserve	9,785	9,818	9,818
The Air National Guard of the United States	22,247	22,422	22,422

The House amendment contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2002:

	2001 authorization	Fiscal year—	
		2002 request	2002 recommendation
The Army Reserve	5,921	5,999	5,999
The Army National Guard of the United States	23,128	23,128	23,128
The Air Force Reserve	9,785	9,818	9,818
The Air National Guard of the United States	22,247	22,422	22,422

The House recedes.

Fiscal year 2002 limitation on non-dual status technicians (sec. 414)

The House amendment contained a provision (sec. 414) that would establish the following limits on the numbers of non-dual status technicians as of September 30, 2002:

	2001 limit	Fiscal year—	
		2002 request	2002 recommendation
The Army Reserve	1,195	1,095	1,095
The Army National Guard of the United States	1,600	1,600	1,600
The Air Force Reserve	10	0	90
The Air National Guard of the United States	326	350	350

The Senate bill contained a similar provision (sec. 414). The Senate recedes.

Limitations on numbers of reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of reserve components (sec. 415)

The House amendment contained a provision (sec. 415) that would authorize new grade tables for all reserve components of the military departments to limit the number of officers and senior enlisted members serving on active duty or full-time National Guard Duty in the pay grades of 0–6, 0–5, 0–4, E–9, and E–8.

The Senate bill contained a similar provision (sec. 415).

The Senate recedes with a clarifying amendment.

Subtitle C—Other Matters Relating to Personnel Strengths

Administration of end strengths (sec. 421)

The House amendment contained a provision (sec. 421) that would authorize the Secretary of Defense to increase the active duty end strength of a military service up to two percent above the authorized end strengths for that service.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the President to waive any statutory end strength at the end of any fiscal year during which there is in effect a war or national emergency.

Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions (sec. 422)

The House amendment contained a provision (sec. 422) that would permit members of the reserve components on active duty and members on full-time National Guard duty to prepare for and perform funeral honors functions without counting against the active duty end strengths of the armed forces.

The Senate bill contained a similar provision (sec. 561).

The Senate recedes.

Subtitle D—Authorization of Appropriations

Authorization of appropriations for military personnel (sec. 431)

The Senate bill contained a provision (sec. 421) that would authorize a total of $82,396.9 million to be appropriated to the Department of Defense for military personnel.

The House amendment contained a provision (sec. 431) that would authorize $82,279.1 million to be appropriated to the Department of Defense for military personnel.

The House recedes with an amendment that would authorize $82,307.3 million to be appropriated to the Department of Defense for military personnel.

The conferees provide the following itemization of the increases and decreases from the budget request related to the military personnel accounts:

MILITARY PERSONNEL ACCOUNTS

[Additions in millions]

	Conference agreement
Officer Uniform Allowances	4.0
Authorize TLE for Officer First Duty Station	6.0
Increase TLE to $180 per day	39.0
Pet Quarantine Reimbursement	1.0
Additional Army Guard AGR End Strength	24.7
Additional Army Reserve AGR End Strength	8.3
Transferability of MGIB Benefits	30.0
DLA for Members w/Dependents at First Duty Station	36.0
Education Savings Bonds	20.0
	169.0

MILITARY PERSONNEL ACCOUNTS

[Reductions in millions]

	Conference agreement
Savings from Installment Payments for 15–year Career Status Bonus	30.0
Air Force End Strength and Grade Underexecution	129.0
Savings from DOD Proposals Not Enacted	10.0
	169.0

LEGISLATIVE PROVISIONS NOT ADOPTED

Increase in authorized strengths for Air Force officers on active duty in the grade of major

The House amendment contained a provision (sec. 423) that would authorize a seven percent increase in the maximum number of officers serving on active duty in the grade of major.

The Senate bill contained no similar provision.

The House recedes.

Strength and grade limitation accounting for reserve component members on active duty in support of a contingency operation

The Senate bill contained a provision (sec. 416) that would authorize the Secretary of Defense to increase the limit on active duty end strengths of members of the reserve components in pay grades E–8, E–9, 0–4, 0–5,

0–6, and general and flag officers by the number in those pay grades serving on active duty, with their consent, in support of a contingency operation.

The House amendment contained no similar provision.

The Senate recedes.

TITLE V—MILITARY PERSONNEL POLICY

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Officer Personnel Policy

Enhanced flexibility for management of senior general and flag officer positions (sec. 501)

The Senate bill contained a provision (sec. 501) that would increase the grade of the Vice Chief of the National Guard Bureau to lieutenant general, the grades of the heads of the Nurse Corps for the Army and the Air Force to major general and of the Navy to rear admiral (upper half), and the grade of the Chief of Army Veterinary Corps to brigadier general. The provision would also authorize one additional Marine general above the grade of major general and exclude an officer serving as the Senior Military Assistant to the Secretary of Defense in the grade of general or lieutenant general, or admiral or vice admiral, from the limit on officers serving in that grade for his or her service, and would repeal the limit on the number of officers on active duty in the grades of general or admiral.

The House amendment contained a provision (sec. 501) that would repeal the limit on the number of officers on active duty in the grades of general or admiral.

The House recedes with an amendment that would repeal the limit on the number of officers on active duty in the grades of general or admiral.

The conferees are concerned about the various proposals received each year for authorizing new general or flag officer positions, increasing the total number of general and flag officers, and exempting general and flag officers from current grade limits. The conferees are also aware that changes made as a result of the Defense Strategy Review and the Quadrennial Defense Review may result in changes in requirements for general and flag officers.

Rather than addressing individual proposals piecemeal, the conferees direct the Secretary of Defense, using current data and requirements, to conduct a comprehensive review, as delineated by section 1213 of the National Defense Authorization Act for Fiscal Year 1997, of the existing statutory reserve and active general and flag officer authorizations. The Secretary should report the results of the review to Congress no later than six months after the date of enactment of this Act, together with any recommendations for revisions to those authorizations.

Certifications of satisfactory performance for retirement of officers in grades above major general and rear admiral (sec. 502)

The Senate bill contained a provision (sec. 507) that would authorize the Secretary of Defense to delegate to the Under Secretary of Defense for Personnel and Readiness or the Deputy Under Secretary of Defense for Personnel and Readiness the authority to certify to the President and to Congress that certain officers have served satisfactorily in the grade of general, admiral, lieutenant general, or vice admiral before authorizing retirement in that grade. The provision would require the Secretary of Defense to act personally on cases where there is potentially adverse information that has not previously been reported to the Senate in connection with a previous appointment.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Review of actions of selection boards (sec. 503)

The Senate bill contained a provision (sec. 585) that would provide that service members or former service members challenging the results of selection boards or promotion boards are not entitled to relief in a judicial proceeding unless the matter was first considered by a special board or a special selection board, or the secretary concerned denied such consideration.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

The conferees do not intend, by this provision, to change the existing authority of the federal courts to determine the validity of any statute, regulation or policy relating to selection boards in any applicable form of action, including, when authorized by law or by the rules of the court, a class action.

Temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade) (sec. 504)

The Senate bill contained a provision (sec. 502) that would reduce the minimum time-in-grade for promotion of lieutenants and lieutenants (junior grade) from two years to 18 months.

The House amendment contained a similar provision (sec. 503).

The House recedes with an amendment that would limit this provision to officers with 18 months time-in-grade as first lieutenants and lieutenants (junior grade) before October 1, 2005.

Authority for promotion without selection board consideration for all fully qualified officers in grade of first lieutenant or lieutenant (junior grade) in the Navy (sec. 505)

The Senate bill contained a provision (sec. 503) that would authorize the promotion of officers on the active-duty list and on the reserve active-status list to captain in the Army, Air Force, or Marine Corps, or to the grade of lieutenant in the Navy without selection board action when the secretary concerned determines that all fully qualified officers eligible for consideration for promotion are needed in the next higher grade to accomplish mission objectives. The recommended provision would provide that an officer who is not promoted because the secretary concerned determines that the officer is not fully qualified for promotion would be treated as having failed of selection for promotion.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Authority to adjust date of rank of certain promotions delayed by reason of unusual circumstances (sec. 506)

The Senate bill contained a provision (sec. 504) that would authorize the service secretaries to adjust dates of rank of officers in grades 0–6 and below when the officers' promotions are delayed because of unusual circumstances causing an unintended delay in the processing or approval of a report of a selection board or promotion list.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Authority for limited extension of medical deferment of mandatory retirement or separation (sec. 507)

The House amendment contained a provision (sec. 505) that would authorize the secretaries of the military departments to extend for an additional 30 days the deferment of mandatory retirement or separation for medical reasons to provide a member additional time to prepare for retirement or separation.

The Senate bill contained a similar provision (sec. 505).

The Senate recedes.

Authority for limited extension on active duty of members subject to mandatory retirement or separation (sec. 508)

The House amendment contained a provision (sec. 506) that would authorize the secretaries of the military departments to extend for an additional 90 days the deferment of mandatory retirement or separation due to the implementation of stop loss authority to provide the military member additional time to prepare for retirement or separation.

The Senate bill contained a similar provision (sec. 508).

The Senate recedes with a clarifying amendment.

Exemption from certain administrative limitations for retired officers ordered to active duty as defense or service attachés (sec. 509)

The Senate bill contained a provision (sec. 506) that would exclude retired members recalled to active duty for service as defense or service attachés from the limitations on the number of retired members who can be recalled to active duty and from the time limit on the period of a recall to active duty.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

The Secretary of Defense has repeatedly sought additional exceptions to the limitations on retired members recalled to active duty. The conferees believe that the Secretary of Defense should have more flexibility to recall retired members without seeking legislative authority to do so. Accordingly, the conferees direct the Secretary of Defense to report, not later than March 31, 2002, to the Committees on Armed Services of the Senate and the House of Representatives on an appropriate limit on the number of retirees in pay grade 0–6 and below who could serve on active duty at any one time if the exceptions contained in sections 688(e)(2) and 690(b)(2) of title 10, United States Code, were eliminated.

Officer in charge of United States Navy Band (sec. 510)

The House amendment contained a provision (sec. 508) that would permit a Navy limited duty officer who holds the rank of at least lieutenant commander to be detailed to serve in the rank of captain while holding the position of officer in charge of the United States Navy Band.

The Senate bill contained a similar provision (sec. 509).

The Senate recedes with a clarifying amendment.

Subtitle B—Reserve Component Personnel Policy

Placement on active-duty list of certain reserve officers on active duty for a period of three years or less (sec. 511)

The House amendment contained a provision (sec. 511) that would require members recalled to active duty for three years or less to be placed on the active-duty list unless the service secretary specifies in the service member's orders that the member will be retained on the reserve active-status list.

The Senate bill contained a similar provision (sec. 512).

The Senate recedes.

Exception to baccalaureate degree requirement for appointment of reserve officers to grades above first lieutenant (sec. 512)

The Senate bill contained a provision (sec. 511) that would extend by three years, to

September 30, 2003, the authority of the Secretary of the Army to waive, on a case by case basis, the requirement for reserve officers commissioned through the Army Officer Candidate School to have been awarded a baccalaureate degree before being promoted to the grade of captain.

The House amendment contained a similar provision (sec. 513).

The House recedes with an amendment that would also authorize the Secretary of the Navy to waive, on a case by case basis, the requirement for a baccalaureate degree in the case of reserve officers whose original appointment as a reserve officer in the Marine Corps was through the Marine Corps meritorious commissioning program.

The conferees intend that the service secretaries grant waivers only to those officers who have demonstrated substantial progress toward achieving the goal of earning a baccalaureate degree.

Improved disability benefits for certain reserve component members (sec. 513)

The House amendment contained a provision (sec. 514) that would remove the requirement that reservists must be performing inactive-duty for training at a site that is outside normal commuting distance before being eligible for disability benefits and programs if they incur or aggravate an injury, illness, or disease in the line of duty when remaining overnight at training locations before or between inactive-duty training periods.

The Senate bill contained a similar provision (sec. 515).

The Senate recedes with a clarifying amendment.

Time-in-grade requirement for reserve component officers retired with a nonservice-connected disability (sec. 514)

The House amendment contained a provision (sec. 515) that would authorize retirement eligible reserve officers with non-service-connected physical disabilities that disqualify the officer from continued service to be retired in the highest grade held by the officer for six months, regardless of other time-in-grade requirements.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit application of this provision to members whose nonservice-connected disabilities are incurred in the line of duty.

Equal treatment of reserves and full-time active duty members for purposes of managing personnel deployments (sec. 515)

The Senate bill contained a provision (sec. 513) that would amend the definition of deployment for reservists to include performance of duty that makes it impossible or infeasible to spend off-duty time in the housing that the member usually occupies during off-duty time when on garrison duty.

The House amendment contained a similar provision (sec. 516).

The House recedes with a clarifying amendment.

Modification of physical examination requirements for members of the Individual Ready Reserve (sec. 516)

The Senate bill contained a provision (sec. 514) that would eliminate the requirement that members of the Individual Ready Reserve receive a physical examination every five years and would require a physical examination as necessary to determine the member's physical fitness for military duty or for promotion, attendance at an armed forces' school, or other action related to career progression.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Retirement of reserve members without requirement for formal application or request (sec. 517)

The Senate bill contained a provision (sec. 516) that would authorize the service secretaries to transfer to the Retired Reserve officers who are required to be removed from active status because of failure of selection for promotion, length of service or age, and warrant officers and enlisted members who are required to be discharged or removed from active status because of years of service or age, unless the member requests not to be transferred to the Retired Reserve.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Space-required travel by reserves on military aircraft (sec. 518)

The Senate bill contained a provision (sec. 517) that would correct an impairment to authorized travel with allowances for reservists performing annual training duty.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Payment of Federal Employee Health Benefit Program premiums for certain reservists called to active duty in support of contingency operations (sec. 519)

The House amendment contained a provision (sec. 588) that would authorize federal agencies to pay both the employee and government contributions to the Federal Employee Health Benefit Program for federal employees who are members of a reserve component who are called to active duty for more than 30 days in support of a contingency operation.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle C—Joint Specialty Officers and Joint Professional Military Education

Nominations and promotions for joint specialty officers (sec. 521)

The House amendment contained a provision (sec. 521) that would provide for the automatic nomination of any officer who, before or after the enactment of this provision, meets the statutory education and service requirements for nomination as a joint specialty officer (JSO).

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide that, during the three-year period following enactment, officers with a joint specialty are expected, as a group, to be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category.

The conferees intend that JSOs must remain highly qualified and competitive for promotion within their services. Following an assessment of recommendations made by an independent study of joint officer management and joint professional military education reforms, Congress will reassess the promotion standard.

Joint duty credit (sec. 522)

The House amendment contained a provision (sec. 522) that would prescribe standards and requirements for the Secretary of Defense to award joint duty credit to officers serving in temporary joint task force headquarters that are not engaged in combat or near combat operations.

The Senate bill contained no similar provision.

The Senate recedes.

Retroactive joint service credit for duty in certain joint task forces (sec. 523)

The House amendment contained a provision (sec. 523) that would authorize the Secretary of Defense, after a case-by-case review, to award joint service credit to an officer who served in the headquarters of a temporary joint task force employed by the United States during one or more of nine specific joint operations that began during the period August 1, 1992, and June 11, 1999.

The Senate bill contained no similar provision.

The Senate recedes.

Revision to annual report on joint officer management (sec. 524)

The House amendment contained a provision (sec. 524) that would change some annual reporting requirements to reflect the committee's recommended amendments to the joint officer management system.

The Senate bill contained no similar provision.

The Senate recedes.

Requirement for selection for joint specialty before promotion to general or flag officer grade (sec. 525)

The House amendment contained a provision (sec. 525) that would require that after September 20, 2007, officers promoted to brigadier general or rear admiral (lower half) must be selected as a joint specialty officer (JSO) prior to their promotion.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would permit waiver of the requirement that officers must be selected as a JSO as a condition for promotion to flag or general officer under certain circumstances.

The conferees note that the Goldwater-Nichols Defense Reorganization Act provided that both joint professional military education and completion of one full tour of joint duty, or, in certain circumstances, completion of two full tours of duty in a joint duty assignment, were required to qualify an officer as a JSO. In addition, the Goldwater-Nichols Act required not only that all future senior leaders of joint forces be joint specialty officers as a condition of assignment as commander of a unified or specified command, but also established that future Vice Chairmen of the Joint Chiefs of Staff would also come from the ranks of JSOs. However, as a precondition for promotion to brigadier general, or rear admiral (lower half) the Goldwater-Nichols Act established a less demanding standard, requiring only the completion of one ''full tour'' of joint duty, and not requiring Joint Professional Military Education (JPME). Fifteen years after the enactment of the Goldwater-Nichols Act, the conferees believe that it is appropriate to require that officers selected for general and flag officer rank should be drawn from the ranks of JSOs.

The conferees believe that persons promoted to flag and general officer should be held at least to the same standard as other officers qualifying as JSOs. The conferees also believe that it is not unreasonable to expect the services to include completion of JPME and a joint duty tour in the career paths of officers who are ultimately selected for promotion to general and flag officer rank. To that end, the conferees desire that the serving-in waiver be eliminated, if possible, through creative approaches to career management, such as extending mandatory retirement dates upon completion of JPME and/or designation as a JSO; and require that the independent study required elsewhere in this report specifically address the feasibility and implications of eliminating the serving-in waiver.

Independent study of joint officer management and joint professional military education reforms (sec. 526)

The House amendment contained a provision (sec. 526) that would require that the

Secretary of Defense commission an independent study of issues related to joint officer management, joint professional military education, and the roles of the Secretary and the Chairman of the Joint Chiefs of Staff in managing and educating joint officers.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require that the entity conducting the study submit a report on the study to Congress not later than one year after the date of enactment of this Act.

Professional development education (sec. 527)

The House amendment contained a provision (sec. 527) that would make the Secretary of Defense the executive agent for funding professional development education operations at the National Defense University beginning in fiscal year 2003.

The Senate bill contained no similar provision.

The Senate recedes.

Authority for National Defense University to enroll certain private sector civilians (sec. 528)

The House amendment contained a provision (sec. 528) that would permit up to 10 private sector employees of organizations relevant to national security to receive instruction at the National Defense University.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Continuation of reserve component professional military education test (sec. 529)

The House amendment contained a provision (sec. 529) that would require the Secretary of Defense to continue the concept validation test of the Joint Professional Military Education (JPME) course for reserve component officers in fiscal year 2002, and would authorize a broader pilot program in fiscal year 2003 for reserve component JPME, if the Secretary determines that the results of the concept validation test merit it.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle D—Military Education and Training

Defense Language Institute Foreign Language Center (sec. 531)

The House amendment contained a provision (sec. 531) that would authorize the commandant of the Defense Language Institute to award an associate of arts degree in a foreign language to graduates of the Institute's Foreign Language Center who meet the requirements for the degree.

The Senate bill contained a similar provision (sec. 534).

The Senate recedes.

Authority for the Marine Corps University to award degree of master of strategic studies (sec. 532)

The House amendment contained a provision (sec. 532) that would authorize the president of the Marine Corps University to confer the degree of master of strategic studies upon graduates of the Marine Corps War College who meet the requirements for that degree.

The Senate bill contained a similar provision (sec. 535).

The Senate recedes.

Foreign students attending the service academies (sec. 533)

The Senate bill contained a provision (sec. 536) that would authorize the service secretaries to permit 60 persons from foreign countries to attend the service's academy at any one time and would authorize the Secretary of Defense to waive, in whole or in part, the requirement for reimbursement of the cost of providing instruction to a foreign cadet or midshipman.

The conferees expect the Department of Defense to exercise its authority to waive reimbursement in a fiscally prudent manner, recognizing the extraordinary value of a service academy education. The Department should give full consideration to all the factors concerning the ability of the foreign country to provide partial or complete reimbursement. The conferees direct the Secretary of Defense to include in the justification materials submitted with the annual budget request an exhibit describing the number of waivers granted and the rationale for approving the waivers in each service.

The House amendment contained a similar provision (sec. 533).

The House recedes with a clarifying amendment.

Increase in maximum age for appointment as a cadet or midshipman in Senior Reserve Officers' Training Corps scholarship programs (sec. 534)

The House amendment contained a provision (sec. 534) that would increase the maximum allowable age for the Senior Reserve Officers' Training Corps scholarship program from age 27 on June 30 of the year in which the officer candidate is expected to be commissioned to age 35 on December 31 of the year in which the officer candidate is expected to be commissioned.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would increase the age to 31 years of age on December 31 of the year in which the officer candidate is expected to be commissioned.

Participation of regular enlisted members of the armed forces in Senior Reserve Officers' Training Corps program (sec. 535)

The Senate bill contained a provision (sec. 540) that would authorize active duty enlisted members to participate in the Senior Reserve Officers' Training Corps program.

The House amendment contained a similar provision (sec. 535).

The House recedes with a clarifying amendment.

Authority to modify the service obligation of certain ROTC cadets in military junior colleges receiving financial assistance (sec. 536)

The House amendment contained a provision (sec. 536) that would authorize the Secretary of the Army to permit military junior college cadets who sign future Guaranteed Reserve Forces Duty contracts to satisfy their service obligation through either active duty service or reserve service in a troop program unit.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Repeal of limitation on number of Junior Reserve Officers' Training Corps units (sec. 537)

The Senate bill contained a provision (sec. 532) that would repeal the limitation on the number of Junior Reserve Officers Training Corps units.

The House amendment contained an identical provision (sec. 538).

The conference agreement includes this provision.

Modification of nurse officer candidate accession program restriction on students attending educational institutions with Senior Reserve Officers' Training programs (sec. 538)

The House amendment contained a provision (sec. 537) that would remove the restriction on nurse officer candidates receiving financial assistance while training to be nurses at institutions with Reserve Officer Training Corps programs.

The Senate bill contained a similar provision (sec. 620).

The Senate recedes.

Reserve health professionals stipend program expansion (sec. 539)

The House amendment contained a provision (sec. 539) that would expand the stipend program for reserve health professionals by authorizing medical and dental school students to receive stipends and by authorizing continuing compensation for medical and dental school graduates participating in residency programs involving critical wartime specialties.

The Senate bill contained a similar provision (sec. 537).

The Senate recedes with a clarifying amendment.

Housing allowance for the chaplain for the Corps of Cadets at the United States Military Academy (sec. 540)

The House amendment contained a provision (sec. 540) that would authorize a housing allowance for the chaplain for the Corps of Cadets at the United States Military Academy.

The Senate bill contained a similar provision (sec. 1121).

The Senate recedes with a clarifying amendment.

Subtitle E—Recruiting and Accession Programs

18-month enlistment pilot program (sec. 541)

The House amendment contained a provision (sec. 589) that would authorize, during the period beginning on October 1, 2003 and ending on December 31, 2007, an 18–month enlistment pilot program to increase the participation of prior service persons in the Selected Reserve and increase the pool of participants in the Individual Ready Reserve.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize members who enlist under this program the option of reenlisting for continued service on active duty.

Improved benefits under the Army College First program (sec. 542)

The Senate bill contained a provision (sec. 531) that would modify the Army College First program by extending the period of delayed entry from two years to 30 months and increasing the monthly allowance to the higher of $250 or the amount of subsistence allowance for members of the Senior Reserve Officers' Training Corps.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment that would change the amount of the subsistence allowance to be the same as the amount of the subsistence allowance provided to members of the Senior Officers' Training Corps with the corresponding number of years of participation.

Correction and extension of certain Army recruiting pilot program authorities (sec. 543)

The Senate bill contained a provision (sec. 582) that would extend certain Army recruiting pilot programs and, for the pilot program involving contract recruiting initiatives, require replacement of Army Reserve recruiters and remove the requirement that contract recruiters operate under the military recruiter chain of command.

The House amendment contained no similar provision.

The House recedes.

Military recruiter access to secondary school students (sec. 544)

The House amendment contained a provision (sec. 584) that would specify that secondary schools shall provide directory information to recruiters in the same way that such information is provided to institutions of higher education when the student has indicated a desire or intent to enroll in that institution.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require local educational agencies receiving assistance under the Elementary and Secondary Education Act of 1965 to provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers and, upon request by military recruiters, access to secondary school student names, addresses, and telephone listings unless the parent or student has submitted a request that this information not be released without prior written parental consent.

Permanent authority for use of military recruiting funds for certain expenses at Department of Defense recruiting functions (sec. 545)

The House amendment contained a provision (sec. 583) that would make permanent the authority for the secretaries of the military departments to conduct social functions involving recruit candidates and recruits awaiting active duty entry, and other persons known to influence the career decisions of recruitment-age youth.

The Senate bill contained no similar provision.

The Senate recedes.

Report on health and disability benefits for preaccession training and education programs (sec. 546)

The Senate bill contained a provision (sec. 589) that would require the Secretary of Defense to conduct a review of and report on the health and disability benefits available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies.

The House amendment contained a similar provision (sec. 592).

The House recedes with an amendment that would require that the Secretary of Defense include in his report an analysis of health and disability benefits administered by the Department of Veterans Affairs and the Department of Labor available to persons injured in training or education.

Subtitle F—Decorations, Awards, and Posthumous Commissions

Authority for award of the Medal of Honor to Humbert R. Versace, Jon E. Swanson, and Ben L. Salomon for valor (sec. 551)

The Senate bill contained a provision (sec. 551) that would waive statutory time limits and authorize the President to award the Medal of Honor to Humbert R. Versace for valor during the Vietnam War.

The House amendment contained a similar provision (sec. 541).

The House recedes with an amendment that would also waive statutory time limits and authorize the President to award the Medal of Honor to Jon E. Swanson for valor during the Vietnam War and Ben L. Salomon for valor during World War II.

Review regarding award of Medal of Honor to certain Jewish American and Hispanic American war veterans (sec. 552)

The House amendment contained a provision (sec. 542) that would require the secretaries of the military departments to review the service records of certain Jewish and Hispanic veterans from World War II and later periods to determine if the award of the Medal of Honor is appropriate and would waive the statutory time limitations for award where the secretaries determine that service records support the award of Medals of Honor.

The Senate bill contained a similar provision requiring review of the service records of Jewish American war veterans (sec. 552).

The Senate recedes with a clarifying amendment.

Authority to issue duplicate Medals of Honor and to replace stolen military decorations (sec. 553)

The House amendment contained a provision (sec. 543) that would authorize the service secretaries to issue one duplicate Medal of Honor to recipients for display purposes, and a provision (sec. 544) that would clarify that the service secretaries are authorized to replace stolen decorations.

The Senate bill contained a similar provision (sec. 553).

The Senate recedes with an amendment that would combine the provisions.

Retroactive Medal of Honor special pension (sec. 554)

The Senate bill contained a provision (sec. 556) that would entitle Robert R. Ingram to retroactive payment of the Medal of Honor special pension.

The House amendment contained no similar provision.

The House recedes.

Waiver of time limitations for award of certain decorations to certain persons (sec. 555)

The Senate bill contained a provision (sec. 554) that would waive the statutory time limits for award of military decorations to certain individuals who have been recommended by the service secretaries for these awards.

The House amendment contained a similar provision (sec. 545).

The House recedes.

Sense of Congress on issuance of certain medals (sec. 556)

The Senate bill contained a provision (sec. 555) that would express the sense of the Senate that the Secretary of Defense should consider authorizing the issuance of the Korea Defense Service Medal to persons who served in the armed forces in or adjacent to the Republic of Korea between July 28, 1954, and a date determined by the Secretary.

The House amendment contained a provision (sec. 546) that would require the secretaries of the military departments to issue the Korea Defense Service Medal.

The House amendment also contained a provision (sec. 547) that would require the secretaries of the military departments to issue a Cold War Service Medal to persons who served honorably on active duty in the armed forces during the period beginning on September 2, 1945, and ending on December 26, 1991.

The House amendment also contained a provision (sec. 548) that would authorize participants in Operation Frequent Wind to return the award of the Armed Forces Expeditionary Medal and to receive the Vietnam Service Medal in its place.

The House recedes with an amendment that would consolidate these provisions to express the sense of the Congress that the Secretary of Defense should consider authorizing the award of the Korea Defense Service Medal, the Cold War Service Medal, and the Vietnam Service Medal to persons in the categories described above.

The conferees believe that the decision of whether or not to award campaign medals should be the prerogative of the Secretary of Defense.

Sense of Congress on development of a more comprehensive, uniform policy for the award of decorations to military and civilian personnel of the Department of Defense (sec. 557)

The House amendment contained a provision (sec. 549) that would commend the decision by the Department of Defense to create a new award, a medal for the defense of freedom, to be awarded to Department of Defense civilians who are killed or wounded as a result of hostile action.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Posthumous Army commission in the grade of captain in the Chaplains Corps to Ella E. Gibson for service as chaplain of the First Wisconsin Heavy Artillery Regiment during the Civil War (sec. 558)

The House amendment contained a provision (sec. 586) that would authorize and request the President to posthumously appoint Ella E. Gibson to the grade of captain for her service as a chaplain in the First Wisconsin Heavy Artillery Regiment during the Civil War.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle G—Funeral Honors Duty

Participation of military retirees in funeral honors details (sec. 561)

The Senate bill contained a provision (sec. 562) that would authorize military retirees to serve as members of funeral honors details.

The House amendment contained a similar provision (sec. 651).

The House recedes with a clarifying amendment.

Funeral honors duty performed by reserve and guard members to be treated as inactive-duty training for certain purposes (sec. 562)

The House amendment contained a provision (sec. 517) that would authorize reserve and National Guard members performing funeral honors duty the same rights, benefits, and protections that would be provided members performing inactive-duty training.

The Senate bill contained a similar provision (sec. 563).

The Senate recedes.

Use of military leave for funeral honors duty by reserve members and National Guardsmen (sec. 563)

The House amendment contained a provision (sec. 519) that would authorize federal employees who are members of the reserve components to use military leave to perform funeral honors duty.

The Senate bill contained a similar provision (sec. 564).

The Senate recedes.

Authority to provide appropriate articles of clothing as a civilian uniform for civilians participating in funeral honor details (sec. 564)

The House amendment contained a provision (sec. 593) that would require the secretary of a military department to provide, upon a showing of financial need, articles of clothing as a civilian uniform for civilians participating in funeral honor details for veterans.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the secretaries to provide the articles of clothing.

The conferees are aware of the challenges the services face in providing funeral honors

details for all veterans' funerals where a funeral honors detail is requested. The conferees encourage the services to work closely with and provide support to veterans organizations to increase their participation in funeral honors details.

Subtitle H—Military Spouses and Family Members

Improved financial and other assistance to military spouses for job training and education (sec. 571)

The House amendment contained a provision (sec. 561) that would require the Secretary of Defense to examine existing Department of Defense and other federal, state and non-governmental programs with the objective of improving retention of military personnel by increasing the employability of military spouses and helping those spouses gain access to financial and other assistance for training and education.

The Senate bill contained no similar provision.

The Senate recedes.

Persons authorized to be included in surveys of military families regarding federal programs (sec. 572)

The Senate bill contained a provision (sec. 581) that would authorize the Secretary of Defense to add family members of retirees and surviving spouses to those who may be surveyed to determine the effectiveness of federal programs relating to military families and the need for new programs.

The House amendment contained a similar provision (sec. 562).

The House recedes with a clarifying amendment.

Clarification of treatment of classified information concerning persons in a missing status (sec. 573)

The House amendment contained a provision (sec. 563) that would amend section 1506 of title 10, United States Code, to require the Secretary of Defense to maintain a separate file available for review by next-of-kin that would provide notice of the existence of classified information which may pertain to one or more missing persons.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II (sec. 574)

The House amendment contained a provision (sec. 564) that would authorize the Secretary of Defense to provide transportation for the next-of-kin of persons who are unaccounted for from the Korean War, the Cold War, the Vietnam War, and the Persian Gulf Conflict to an annual meeting concerning ongoing efforts to resolve the fate of their missing family member.

The Senate bill contained a similar provision (sec. 588).

The Senate recedes with a clarifying amendment.

Amendments to charter of Defense Task Force on Domestic Violence (sec. 575)

The House amendment contained a provision (sec. 565) that would extend the original three-year authorization of the Defense Task Force on Domestic Violence from October, 2002, to April 24, 2003 and authorize reimbursement to be paid to task force members who are not Department of Defense or federal civilian employees.

The Senate bill contained a similar provision (sec. 587).

The Senate recedes.

Subtitle I—Military Justice and Legal Assistance Matters

Blood alcohol content limit for the offense under the Uniform Code of Military Justice of drunken operation of a vehicle, aircraft, or vessel (sec. 581)

The Senate bill contained a provision (sec. 583) that would amend Article 111 of the Uniform Code of Military Justice (10 U.S.C. 911) to lower the blood alcohol concentration necessary to establish drunken operation of a motor vehicle, aircraft, or vessel from 0.1 to 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 per 210 liters of breath.

The House amendment contained no similar provision.

The House recedes with an amendment that would establish the blood alcohol content limit as the limit under the law of the state in which the conduct occurred. Where the military installation is in more than one state, the Secretary would select the blood alcohol limit of one of the states if the states have different limits.

Requirement that courts-martial consist of not less than 12 members in capital cases (sec. 582)

The House amendment contained a provision (sec. 571) that would amend chapter 47 of title 10, United States Code, to increase the minimum number of required court-martial members to 12 in cases in which the death penalty may be adjudged as a sentence.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make this provision effective for offenses committed after December 31, 2002.

The conferees understand that a similar proposal is currently being reviewed by the Joint Service Committee on Military Justice. The conferees expect the Secretary of Defense to provide any comments the Secretary may have on such a proposal to the Committees on Armed Services of the Senate and the House of Representatives no later than March 1, 2002.

Acceptance of voluntary legal assistance for the civil affairs of members and former members of the uniformed services and their dependents (sec. 583)

The Senate bill contained a provision (sec. 586) that would authorize the service secretaries to accept voluntary legal services. The recommended provision would treat a volunteer providing legal services the same as an attorney on the legal staff within the Department of Defense for defense of legal malpractice.

The House amendment contained a similar provision (sec. 574).

The House recedes.

Subtitle J—Other Matters

Congressional review period for change in ground combat exclusion policy (sec. 591)

The House amendment contained a provision (sec. 591) that would change to 60 days of continuous session of Congress the congressional notification period required of the Secretary of Defense before implementing revised policies concerning the assignment of women to ground combat units or positions.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the notification period to 30 days of continuous session of Congress.

Per diem allowance for lengthy or numerous deployments (sec. 592)

The House amendment contained a provision (sec. 590) that would expand the scope of the report by the Secretary of Defense on the management of individual member deployments and would require that high-deployment per diem be paid from operations and maintenance accounts.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that the Secretary of Defense, using the authority under section 991(d) of title 10, United States Code, recently suspended the requirement for general or flag officers to manage the deployment of certain members and the accumulation of deployment days by individual members. This suspension was justified, and, by delaying the actual payment of high-deployment per diem to individual members, provides additional time for the services to analyze its impact on personnel and assignment policies. To ensure a smooth transition upon termination of this suspension, the conferees urge the Secretary of Defense to afford the services sufficient time to initiate any necessary policy changes to optimize the efficient deployment of military personnel.

The conferees are pleased that effective tracking systems for individual tempo of operations are being developed in all the services and that a robust dialogue within the Department of Defense about the policy, based on facts, is in progress. The Commandant of the Marine Corps and the Chief of Naval Operations, in particular, have expressed concern about potential adverse impact on sailors and Marines who volunteer for extended sea duty and operational deployments. The Secretary's timely report on the administration of section 991 of title 10, United States Code, due on March 31, 2002, will be a key factor in determining the future course of the management of deployments of service members.

Clarification of disability severance pay computation (sec. 593)

The House amendment contained a provision (sec. 507) that would authorize disability severance pay to be computed based on the grade to which a member would be promoted regardless of the purpose of the physical examination that identifies the disqualifying physical disability.

The Senate bill contained no similar provision.

The Senate recedes.

Transportation or storage of privately owned vehicles on change of permanent station (sec. 594)

The Senate bill contained a provision (sec. 638) that would authorize advance payment of vehicle storage costs in commercial facilities and payment for shipping privately owned vehicles between permanent duty stations in the continental United States when it is more advantageous and cost effective for the government.

The House amendment contained similar provisions (sec. 581 and 582).

The House recedes with a clarifying amendment.

Repeal of requirement for final Comptroller General report relating to Army end strength allocations (sec. 595)

The House amendment contained a provision (sec. 585) that would repeal the requirement for the final report by the Comptroller General of the United States on the Total Army Analysis process.

The Senate bill contained no similar provision.

The Senate recedes.

Continued Department of Defense administration of National Guard Challenge Program and Department of Defense STARBASE Program (sec. 596)

The House amendment contained a provision (sec. 587) that, effective October 1, 2002, would eliminate the $62.5 million statutory

limit on Department of Defense spending for the National Guard Youth Challenge Program, and revise the Department of Defense cost share for each state's program from 60 percent to 75 percent.

The Senate bill contained a provision (sec. 1061) that would require the Secretary of Defense to conduct the National Guard Challenge Program and the STARBASE Program.

The House recedes with an amendment that would eliminate the $62.5 million statutory limit on Department of Defense spending for the National Guard Youth Challenge Program, and provide that the Secretary of Defense would remain the executive agent to carry out the National Guard Challenge Program and the STARBASE Program regardless of the source of funds for the programs or any transfer of jurisdiction over the programs within the Executive Branch.

The conferees believe that both the Challenge and STARBASE programs are being effectively administered by the Department of Defense, and do not mean to suggest by the recommended amendments that either program should be transferred from the DOD to another department of the Executive Branch. Furthermore, the conferees believe that to effect such a transfer would require amendments to current law. If such a transfer were to be proposed and subsequently approved by Congress, the conferees believe that the continuing involvement of the Secretary of Defense would be essential to the long-term effectiveness of both programs. The conferees intend to ensure that the Department of Defense remains closely involved in the conduct of both the STARBASE and Challenge programs.

Report on Defense Science Board recommendation on original appointments in regular grades for academy graduates and certain other new officers (sec. 597)

The House amendment contained a provision (sec. 502) that would require that graduates of the service academies, Reserve Officer Training Corps distinguished graduates, and distinguished graduates of other officer commissioning programs, such as officer candidate schools, be given an initial appointment as an officer in the Regular Army, Navy, Marine Corps and Air Force, as long as they meet the criteria for such appointment.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit, within six months of enactment of this Act, a report to the Committees on Armed Services of the Senate and the House of Representatives on the legislative and policy changes required to implement the recommendation of the Defense Science Board that all officers be given initial regular commissions.

Sense of Congress regarding the selection of officers for recommendation for appointment as Commander, United States Transportation Command (sec. 598)

The Senate bill contained a provision (sec. 903) that would have expressed the sense of Congress that the Secretary of Defense should give careful consideration to recommending an officer from the Army or Marine Corps to serve as Commander, U.S. Transportation Command.

The House amendment contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that, when deciding on the next officer to be recommended for appointment as Commander, U.S. Transportation Command, the Secretary of Defense should not rely upon one service which has traditionally provided officers to fill that position, but should select for such recommendation the best qualified officer of the Army, Navy, Air Force, or Marine Corps.

LEGISLATIVE PROVISIONS NOT ADOPTED

Acceptance of fellowships, scholarships, or grants for legal education of officers participating in the Funded Legal Education Program

The Senate bill contained a provision (sec. 533) that would authorize an officer attending law school under the Funded Legal Education Program to accept a scholarship from the law school or other entity.

The House amendment contained no similar provision.

The Senate recedes.

Codification of requirement for regulations for delivery of military personnel to civil authorities when charged with certain offenses

The House amendment contained a provision (sec. 573) that would codify the requirement for the Secretary of Defense to prescribe regulations to provide for the delivery of a member accused by a civil authority of parental kidnapping or a similar offense to the appropriate civil authority for trial.

The Senate bill contained no similar provision.

The House recedes.

Expanded application of reserve special selection board

The House amendment contained a provision (sec. 512) that would authorize the reserve special selection boards to consider officers from below the promotion zone who were either not considered for promotion because of administrative error, or were considered but not selected for promotion because of material error.

The Senate bill contained no similar provision.

The House recedes.

Members of the National Guard performing funeral honors duty while in non-federal status

The House amendment contained a provision (sec. 518) that would specify that National Guard members when serving on funeral honors details shall be considered members of the armed forces for the purpose of meeting requirements for the minimum number of service members and service affiliation on a funeral honors detail.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that section 1491(b)(2) of title 10, United States Code, requires that a funeral honors detail for a deceased veteran include at least two members of the armed forces, at least one of whom is a member of the veteran's armed force. Members of the Army National Guard of the United States and the Air National Guard of the United States are members of the armed forces even when performing in a state status. They can participate in a funeral honors detail in either a state or federal status, and should be considered as one of the required members of the armed forces.

One-year extension of expiration date for certain force management authorities

The House amendment contained a provision (sec. 509) that would extend through December 31, 2002, certain force drawdown transition authorities.

The Senate bill contained no similar provision.

The House recedes.

Preparation for, participation in, and conduct of athletic competitions by the National Guard and members of the National Guard

The House amendment contained a provision (sec. 520) that would authorize members and units of the National Guard to conduct and compete in qualifying athletic competitions and small arms competitions, and to use appropriated funds and National Guard facilities and equipment in connection with the conduct of or participation in these competitions.

The Senate bill contained no similar provision.

The House recedes.

Right of convicted accused to request sentencing by military judge

The House amendment contained a provision (sec. 572) that would permit an accused who had been convicted by a court-martial with service members to elect to have the sentencing phase of the trial conducted by the military judge sitting alone, rather than by the members.

The Senate bill contained no similar provision.

The House recedes.

The conferees are aware that this issue has been submitted to the Joint Service Committee on Military Justice for review. The conferees direct that the Secretary of Defense report the results of this review to the Committees on Armed Services of the Senate and the House of Representatives no later than March 1, 2002.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

ITEMS OF SPECIAL INTEREST

Personal and family financial management programs

The conferees are concerned that the secretaries of the military departments are not providing service members sufficient training on the management of personal and family finances, including matters relating to the purchase and financing of automobiles and the use of payday-lender services. The conferees are also concerned that when personal financial problems do occur, the secretaries are not providing adequate supervision to ensure that service members and their families regain financial security.

Accordingly, the conferees direct the secretaries of the military departments to conduct a comprehensive examination of the personal financial management programs operated within their respective departments. The examination shall include, at a minimum: an assessment of the severity and type of personal financial challenges confronting service members; the magnitude of personal debt accumulated by service members; the adequacy of training and assistance programs available to service members; and the merits of other programs recommended to meet the needs of service members.

The conferees further direct the Secretary of Defense to consolidate and review the examinations conducted by the secretaries of the military departments, identify the best practices from each examination, and assess the need to improve and standardize the programs operated by the secretaries of the military departments. The conferees direct the Secretary of Defense to report the findings of his review to the Committees on Armed Services of the Senate and the House of Representatives by March 31, 2002.

LEGISLATIVE PROVISIONS ADOPTED

SUBTITLE A—PAY AND ALLOWANCES

Increase in basic pay for fiscal year 2002 (sec. 601)

The Senate bill contained a provision (sec. 601) that would provide a targeted pay raise ranging from five percent to 10 percent, effective January 1, 2002.

The House amendment contained an identical provision (sec. 601).

The conference agreement includes this provision.

Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer (sec. 602)

The Senate bill contained a provision (sec. 602) that would authorize payment at the 0–1E, 0–2E or 0–3E rate to reserve component commissioned officers in the pay grade of 0–1, 0–2, or 0–3, who are not on active duty, but have accumulated the equivalent of four years of active duty as a warrant officer or enlisted member.

The House amendment contained a similar provision (sec. 602).

The House recedes with an amendment that would make this provision effective on the date of enactment of this Act.

Reserve component compensation for distributed learning activities performed as inactive-duty training (sec. 603)

The Senate bill contained a provision (sec. 603) that would authorize compensation for members in grades EB6 and below for distributed learning activities performed as inactive-duty training.

The House amendment contained no similar provision.

The House recedes with an amendment that would authorize compensation for members of the Selected Reserve upon successful completion of a course of instruction using electronic-based distributed learning technologies to accomplish training requirements related to unit readiness or mobilization.

Subsistence allowances (sec. 604)

The Senate bill contained provisions (sec. 604 and 606) that would define the baseline for determining future rates for basic allowance for subsistence and clarify that only members with dependents are entitled to payment of the supplemental subsistence allowance.

The House amendment contained a similar provision (sec. 603).

The House recedes with a clarifying amendment.

Eligibility for temporary housing allowance while in travel or leave status between permanent duty stations (sec. 605)

The House amendment contained a provision (sec. 604) that would require the secretaries of the military departments to pay members of the uniformed services in pay grades below E–4 (with less than 4 years of service) a temporary housing allowance while on travel or leave status between permanent duty stations.

The Senate bill contained a similar provision (sec. 631).

The Senate recedes with a clarifying amendment.

Uniform allowance for officers (sec. 606)

The House amendment contained a provision (sec. 605) that would clarify that an additional allowance of $200 for uniforms may be paid to an officer so long as any previous allowance received did not exceed $400.

The Senate bill contained a similar provision (sec. 607).

The Senate recedes.

Family separation allowance for members electing unaccompanied tour by reason of health limitations of dependents (sec. 607)

The House amendment contained a provision (sec. 606) that would require the secretaries of the military departments to pay family separation allowance to members of the uniformed services who elect to serve unaccompanied tours of duty because the movement of dependents of the member to the permanent duty station is denied for certified medical reasons.

The Senate bill contained a similar provision (sec. 636).

The Senate recedes with a clarifying amendment.

Subtitle B—Bonuses and Special Incentive Pays

One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)

The House amendment contained a provision (sec. 611) that would extend, until December 31, 2002, the authority to pay the special pay for critically short wartime health care specialists in the Selected Reserve, the Selected Reserve re-enlistment bonus, the Selected Reserve enlistment bonus, the special pay for enlisted members assigned to certain high priority units in the Selected Reserve, the Selected Reserve affiliation bonus, the Ready Reserve enlistment and re-enlistment bonus, and the prior service enlistment bonus, and would extend, until January 1, 2003, the authority for the repayment of education loans for certain health professionals who serve in the Selected Reserve.

The Senate bill contained a similar provision (sec. 611).

The Senate recedes.

One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists (sec. 612)

The House amendment contained a provision (sec. 612) that would extend the authority for the nurse officer candidate accession program, the accession bonus for registered nurses, and the incentive special pay for nurse anesthetists until December 31, 2002.

The Senate bill contained a similar provision (sec. 612).

The Senate recedes.

One-year extension of special pay and bonus authorities (sec. 613–614)

The Senate bill contained two provisions that would extend until December 31, 2002 certain bonus and special pay authorities. The first provision (sec. 613) would extend the authority for special pay for nuclear-qualified officers extending their period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus. The second provision (sec. 614) would extend the authority to pay the aviation officer retention bonus, the reenlistment bonus for active members, the bonus for enlistment for two or more years, and the retention bonus for members with critical skills.

The House amendment contained a similar provision (sec. 613).

The House recedes with a clarifying amendment.

Hazardous duty pay for members of maritime visit, board, search, and seizure teams (sec. 615)

The House amendment contained a provision (sec. 615) that would authorize members of the uniformed services to be paid hazardous duty incentive pay for duties involving regular participation as a member of a team conducting visit, board, search, and seizure aboard vessels in support of maritime interdiction operations.

The Senate bill contained a similar provision (sec. 615).

The Senate recedes with a clarifying amendment.

Eligibility for certain career continuation bonuses for early commitment to remain on active duty (sec. 616)

The Senate bill contained a provision (sec. 621) that would extend authority for payment of aviation career pay and surface warfare continuation pay to eligible officers who, when within one year of completing a service commitment, sign a written agreement to remain on active duty.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Secretarial discretion in prescribing submarine duty incentive pay rates (sec. 617)

The House amendment contained a provision (sec. 617) that would authorize the Secretary of the Navy to prescribe the amount of submarine duty incentive pay by grade and years of service within a maximum of $1,000 per month.

The Senate bill contained a similar provision (sec. 616).

The Senate recedes with a clarifying amendment.

Conforming accession bonus for dental officers authority with authorities for other special pay and bonuses (sec. 618)

The House amendment contained a provision (sec. 614) that would extend the authority to pay accession bonuses to dental officers until December 31, 2002.

The Senate bill contained no similar provision.

The Senate recedes.

Modification of eligibility requirements for Individual Ready Reserve bonus for reenlistment, enlistment, or extension of enlistment (sec. 619)

The Senate bill contained a provision (sec. 618) that would modify existing provisions to authorize payment of a bonus to individuals who possess a skill that is designated as critically short to meet wartime requirements and who agree to enlist, reenlist or voluntarily extend an enlistment in the Individual Ready Reserve.

The House amendment contained a similar provision (sec. 618).

The House recedes with a clarifying amendment.

Installment payment authority for 15-year career status bonus (sec. 620)

The House amendment contained a provision (sec. 619) that would authorize members of the uniformed services to elect to be paid the 15–year career status bonus in a lump sum or in annual installments.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Accession bonus for new officers in critical skills (sec. 621)

The House amendment contained a provision (sec. 620) that would authorize the service secretaries to pay an accession bonus of up to $100,000 to officer candidates who enter into written service agreements to accept commissions as officers.

The Senate bill contained a similar provision (sec. 619).

The Senate recedes with a clarifying amendment that would limit the maximum amount of the bonus to $60,000.

Education savings plan to encourage reenlistments and extensions of service in critical specialities (sec. 622)

The Senate bill contained a provision (sec. 661) that would authorize the Secretary of Defense to purchase U.S. savings bonds with a face value of up to $30,000 for military personnel who have completed specified periods of active duty and enter into a commitment to perform at least six additional years of active duty service in a specialty designated as critical by the Secretary.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Continuation of payment of special and incentive pay at unreduced rates during stop loss periods (sec. 623)

The conference agreement includes a provision that would authorize the service secretaries to permit service members involuntarily retained on active duty under stop

loss authority to continue to receive special and incentive pays at unreduced rates.

Retroactive authorization for imminent danger pay for service in connection with Operation Enduring Freedom (sec. 624)

The conference agreement includes a provision that would authorize the Secretary of Defense to provide for retroactive payment of imminent danger pay to service members who served in specified areas in connection with Operation Enduring Freedom for duty performed between September 19, 2001 and October 31, 2001.

Subtitle C—Travel and Transportation Allowances

Minimum per diem rate for travel and transportation allowance for travel performed upon a change of permanent station and certain other travel (sec. 631)

The House amendment contained a provision (sec. 631) that would equate per diem rates for military members for travel performed in connection with a change of permanent station and per diem rates for official travel within the continental United States of federal civilian employees and their dependents.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Eligibility for payment of subsistence expenses associated with occupancy of temporary lodging incident to reporting to first permanent duty station (sec. 632)

The House amendment contained a provision (sec. 632) that would authorize payment of subsistence expenses to officers making their first permanent change of station and would increase from $110 to $180 per day the maximum amount that may be paid to members of the uniformed services as reimbursement for temporary lodging and subsistence expenses incurred in the United States as a result of a permanent change of station.

The Senate bill contained a similar provision (sec. 632).

The Senate recedes with a clarifying amendment.

Reimbursement of members for mandatory pet quarantine fees for household pets (sec. 633)

The House amendment contained a provision (sec. 634) that would authorize an increase in the amount of reimbursement for pet quarantine fees from $275 to $675 per change of station.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would increase the amount to $550 per change of station.

Increased weight allowance for transportation of baggage and household effects for junior enlisted members (sec. 634)

The House amendment contained a provision (sec. 633) that would increase the maximum weight allowance for shipment of household effects for enlisted military members in grades E–4 and below.

The Senate bill contained no similar provision.

The Senate recedes.

Eligibility of additional members for dislocation allowance (sec. 635)

The Senate bill contained a provision (sec. 633) that would authorize payment of a dislocation allowance to a member when the member's dependents make an authorized move in connection with the member's move to the first duty station. The provision would also authorize payment of a single dislocation allowance to married service members, where both husband and wife are members without dependents, when both move to a new duty station and occupy government family quarters.

The House amendment contained similar provisions (sec. 635 and 636).

The House recedes with a clarifying amendment.

Partial dislocation allowance authorized for housing moves ordered for government convenience (sec. 636)

The House amendment contained a provision (sec. 637) that would authorize the service secretaries to pay a $500 partial dislocation allowance to members of the uniformed services who are ordered to occupy or vacate government family housing to permit privatization or renovation, or for another reason unrelated to changes in permanent station.

The Senate bill contained a similar provision (sec. 634).

The Senate recedes with an amendment that would make this provision effective for moves for which the order to move is issued on or after the date of enactment of this Act.

Allowances for travel performed in connection with members taking authorized leave between consecutive overseas tours (sec. 637)

The House amendment contained a provision (sec. 638) that would authorize the service secretaries to designate the locations to which members of the uniformed services may travel at government expense while on leave between consecutive overseas tours.

The Senate bill contained no similar provision.

The Senate recedes.

Travel and transportation allowances for family members to attend burial of a deceased member of the uniformed services (sec. 638)

The Senate bill contained a provision (sec. 635) that would authorize allowances for family members and others to attend burial ceremonies of deceased members of the uniformed forces who die while on active duty or inactive duty.

The House amendment contained no similar provision.

The House recedes with an amendment that would grandfather the benefit level authorized for surviving families of service members who died during the Vietnam era.

Funded student travel for foreign study under an education program approved by a United States school (sec. 639)

The Senate bill contained a provision (sec. 637) that would extend the authority to pay funded student travel to certain dependents of members who are stationed outside the continental United States.

The House amendment contained a similar provision (sec. 639).

The House recedes with a clarifying amendment.

Subtitle D—Retirement and Survivor Benefit Matters

Contingent authority for concurrent receipt of military retired pay and veterans' disability compensation and enhancement of special compensation authority (sec. 641)

The House amendment contained a provision (sec. 641) that would authorize members of the uniformed services who are qualified for retirement to receive Department of Veterans Affairs disability compensation without a reduction in retired pay if the President proposes and the Congress enacts legislation that would offset the ''PayGo''costs of this initiative.

The Senate bill contained a provision (sec. 651) that would authorize retired members of the armed forces who have a service-connected-disability to receive military retired pay concurrently with veterans' disability compensation.

The Senate recedes with an amendment that would: authorize payment of special compensation for retirees with service-connected-disabilities rated at 60 percent in fiscal year 2002; increase the amount of special compensation for retirees with disabilities rated at 80 percent or higher in fiscal year 2003; and increase the amount of special compensation for retirees with disabilities rated at 70 percent or higher in fiscal year 2005.

Survivor Benefit Plan annuities for surviving spouses of members who die while on active duty and not eligible for retirement (sec. 642)

The Senate bill contained a provision (sec. 652) that would authorize Survivor Benefit Plan (SPB) benefits for surviving spouses of service members who are not eligible for retirement and who die in the line of duty while on active duty.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

The conferees are concerned about the current inconsistent practice involving expedited approval of physical disability retirement when death of a service member is imminent and the service member is unable to elect SBP options. In many cases, the services authorize benefits greater than those chosen by most retirees who elect to participate in the Survivor Benefit Plan. The conferees direct the Secretary of Defense to issue regulations by July 1, 2002, governing imminent death retirements.

Subtitle E—Other Matters

Payment for unused leave in excess of 60 days accrued by members of reserve components on active duty for one year or less (sec. 651)

The Senate bill contained a provision (sec. 608) that would authorize payment for accrued leave in excess of the current limit of 60 days to certain members of the reserve components.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Additional authority to provide assistance for families of members of the armed forces (sec. 652)

The Senate bill contained two provisions regarding assistance to families of members of the armed forces. One provision (sec. 681) would authorize the Secretary of Defense to provide assistance to families of members of the armed forces serving on active duty during fiscal year 2002 in order to ensure that the children of such families obtain needed child care and youth services. Another provision (sec. 682) would authorize the Secretary of Defense to provide family education and support services to families of members of the armed services to the same extent that these services were provided during the Persian Gulf War.

The House amendment contained no similar provision.

The House recedes with an amendment that would combine these provisions.

The conferees' intent is to ensure that the Secretary of Defense has authority to provide the types of family support services provided during the Persian Gulf War.

The conferees recognize that families of deployed members may need expanded family support services, such as crisis intervention, family counseling, family support groups, respite care, and transportation assistance. The conferees encourage the Secretary to expand family support programs associated with military installations and to establish family support centers in other communities that have large populations of families of deployed members. In overseas areas, the Secretary is encouraged to take all reasonable precautions to ensure the safety of children during transportation to and

from Department of Defense schools. The conferees also encourage the Secretary to accelerate the completion and dissemination of the High Stress Parenting Materials currently under development through an agreement with the Department of Agriculture.

The conferees are particularly concerned that families of National Guard and Reserve members who are geographically separated from military installations have services comparable to those provided at active duty installations. These services should be available at rates comparable to rates paid by families using military child care and youth programs. Providing affordable child care and youth services to these families may require cooperative agreements between the military and other government or community-based organizations, as well as non-governmental organizations.

Authorization of transitional compensation and commissary and exchange benefits for dependents of commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration who are separated for dependent abuse (sec. 653)

The Senate bill contained a provision (sec. 663) that would authorize transitional benefits for the dependents of commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration separated for dependent abuse.

The House amendment contained no similar provision.

The House recedes.

Transfer of entitlement to educational assistance under Montgomery GI Bill by members of the Armed Forces with critical military skills (sec. 654)

The Senate bill contained a provision (sec. 539) that would authorize the service secretaries to permit certain service members with critical military skills to transfer up to 18 months of unused basic Montgomery GI Bill benefits to family members.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Career sea pay

The Senate bill contained a provision (sec. 617) that would ensure receipt of career sea pay by all military members, regardless of rank, pay grade, or accrued time in service, if they are assigned to qualifying sea duty.

The House amendment contained no similar provision.

The Senate recedes.

The conferees are pleased that the Navy has recently approved new enhanced sea pay rates and prescribed career sea pay to all sailors on sea duty, including those in pay grades EB–1, EB–2, and EB–3. The conferees expect advance notice of any change in policy that would exclude members of any pay grade from receiving career sea pay who are otherwise eligible.

Equal treatment of reservists performing inactive-duty training for receipt of aviation career incentive pay

The House amendment contained a provision (sec. 616) that would entitle qualified reserve aviators to be paid the full amount of monthly Aviation Career Incentive Pay in the same amount as paid to active duty aviators with the same number of years of aviation service.

The Senate bill contained no similar provision.

The House recedes.

Increase in basic allowance for housing in the United States

The Senate bill contained a provision (sec. 605) that would accelerate the current five-year plan to eliminate out-of-pocket housing expenses by two years, increasing the Basic Allowance for Housing so that, after September 30, 2002, it would not be less than the median cost of adequate housing for members in that grade and dependency status in that area.

The House amendment contained no similar provision.

The Senate recedes.

The conferees believe that service members should not be required to pay out-of-pocket a percentage of their housing costs when they are unable to live in government quarters. The conferees support the plan to eliminate these out-of-pocket expenses and strongly encourage the Secretary of Defense to accelerate this plan.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Tricare Program Improvements

Sub-acute and long-term care program reform (sec. 701)

The House amendment contained a provision (sec. 704) that would reform the Department of Defense Program for care provided in skilled nursing facilities or at home.

The Senate bill contained several similar provisions (sec. 701–705).

The Senate recedes with an amendment that would increase the limit of the government's share of the cost for certain covered benefits from $1000 to $2500 and require the use of public facilities in some circumstances.

Prosthetics and hearing aids (sec. 702)

The Senate bill contained a provision (sec. 706) that would authorize providing prosthetics and hearing aids to military dependents.

The House amendment contained no similar provision.

The House recedes.

Durable medical equipment (sec. 703)

The Senate bill contained a provision (sec. 707) that would expand the kinds of durable medical equipment that can be provided to military dependents.

The House amendment contained no similar provision.

The House recedes.

Rehabilitative therapy (sec. 704)

The Senate bill contained a provision (sec. 708) that would authorize providing rehabilitative therapy to military dependents to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician.

The House amendment contained no similar provision.

The House recedes.

Report on mental health benefits (sec. 705)

The Senate bill contained a provision (sec. 709) that would require the Secretary of Defense to conduct a study to determine the adequacy of the scope and availability of outpatient mental health benefits provided for members of the armed forces and covered beneficiaries under the TRICARE program.

The House amendment contained no similar provision.

The House recedes.

Clarification of eligibility for reimbursement of travel expenses of adult accompanying patient in travel for specialty care (sec. 706)

The Senate bill contained a provision (sec. 712) that would clarify the eligibility for coverage of travel expenses by a parent, guardian or family member while accompanying a covered beneficiary referred for specialty care to be received more than 100 miles from the location of primary care.

The House amendment contained a similar provision (sec. 705).

The House recedes.

TRICARE program limitations on payment rates for institutional health care providers and on balance billing by institutional and non-institutional health care providers (sec. 707)

The Senate bill contained a provision (sec. 713) that would reinforce and expedite reform of TRICARE payment methods. The recommended provision would expedite adoption of Medicare's prospective payments rates for nursing home care, outpatient services, and durable medical equipment.

The House amendment contained a similar provision (sec. 701).

The House recedes with an amendment that would make the effective date 90 days after the date of enactment.

Improvements in administration of the TRICARE program (sec. 708)

The House amendment contained a provision (sec. 703) that would authorize the Secretary of Defense to enter into new contracts for support of delivery of health care under TRICARE by providing flexibility in the choice of contract vehicle and to reduce the nine-month contract start-up time for certain managed care support contractors.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment that would authorize the flexibility in the choice for contract vehicle during the one-year period after the date of enactment of this Act.

The current legislative restrictions pertaining to health care contracting were the result of considerable review and oversight of the Defense Health Program by Congress. This provision will provide the Department of Defense the ability to employ the best contracting practices to improve TRICARE contracts. The conferees wish to allow for review of any proposed changes and careful evaluation prior to permanent modification of legislation pertaining to the program, given the significant impact on beneficiaries and potential cost implications. It is the conferees' intent that any new contacting practices employed by the Department under this provision ensure a smooth transition for beneficiaries and strengthen the integration of health care delivery.

Subtitle B—Senior Health Care

Clarifications and improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund (sec. 711)

The House amendment contained a provision (sec. 715) that would: authorize all uniformed services to participate in TRICARE for Life; clarify that funding for the accrual fund must come from funds available for the health care programs of the participating uniformed services; clarify that Military Treatment Facilities may receive payments from the accrual fund; and limit the Department of Defense's annual cost contribution to the accrual fund to an amount not to exceed expected payments from the fund in a given year.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize all uniformed services to participate in TRICARE for Life, clarify that funding for the accrual fund must come from funds available for the health care programs of the participating uniformed services, and clarify that Military Treatment Facilities may receive payments from the accrual fund.

Subtitle C—Studies and Reports

Comptroller General study of health care coverage of members of the reserve components of the Armed Forces and the National Guard (sec. 721)

The Senate bill contained a provision (sec. 715) that would require the Comptroller General of the United States to conduct a study

of the health care coverage of members of the Selected Reserve and to report on cost effective options for providing health care benefits to members of the Selected Reserve and their families.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Comptroller General study of adequacy and quality of health care provided to women under the Defense Health Program (sec. 722)

The Senate bill contained a provision (sec. 716) that would require the Comptroller General of the United States to conduct a study of the adequacy and quality of the health care provided to women under the Defense Health Program.

The House amendment contained no similar provision.

The House recedes with an amendment that would change the date to May 1, 2002, by which the Comptroller General must report the results of the study to Congress.

Repeal of obsolete report requirement (sec. 723)

The House amendment contained a provision (sec. 714) that would repeal a reporting requirement in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1074g note) by striking subsection 701(d).

The Senate bill contained no similar provision.

The Senate recedes.

Comptroller General report on requirement to provide screenings, physical examinations, and other care for certain members (sec. 724)

The Senate bill contained a provision (sec. 711) that would repeal the requirement to provide certain medical and dental services to members of the Selected Reserve of the Army scheduled for deployment within 75 days after mobilization.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to report on the advisability, need, and cost effectiveness of providing these services.

Subtitle D—Other Matters

Prohibition against requiring military retirees to receive health care solely through the Department of Defense (sec. 731)

The House amendment contained a provision (sec. 711) that would prohibit the Secretary of Defense from implementing a policy of forced choice enrollment by military retirees who are eligible for care in the health care facilities and programs of both the Department of Defense and the Department of Veterans Affairs.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Fees for trauma and other medical care provided to civilians (sec. 732)

The House amendment contained a provision (sec. 712) that would direct the Secretary of Defense to conduct a pilot program under which the Brooke Army Medical Center and the Wilford Hall Air Force Medical Center in San Antonio, Texas, may charge civilians, who are not covered TRICARE beneficiaries, fees representing the actual costs of trauma and other medical care provided.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to implement procedures throughout the military health care system to charge civilians who are not covered TRICARE beneficiaries, or their insurers, fees representing the costs of trauma and other medical care provided to those civilians.

Enhancement of medical product development (sec. 733)

The House amendment contained a provision (sec. 713) that would authorize the Secretary of Defense to waive the prohibition against the use of human subjects in research in order to advance research into the treatment of combat casualties.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the research project to directly benefit the subject and to comply with all other applicable laws and regulations.

The conferees intend that the Secretary of Defense would be authorized to waive the requirement for informed consent for research on human subjects only when: (1) the subjects are in a life threatening situation; (2) obtaining informed consent is not feasible; and (3) the research holds out the prospect of direct benefit to the health of the subject. Furthermore, the conferees intend that the research project and the waiver of informed consent must comply with all other statutes and implementing regulations governing human subjects' protection.

Pilot program providing for Department of Veterans Affairs support in the performance of separation physical examinations (sec. 734)

The Senate bill contained a provision (sec. 717) that would authorize the Secretary of Defense and the Secretary of Veterans Affairs to carry out a pilot program in which the Veterans Health Administration would conduct physical examinations of members separating from the uniformed services.

The House amendment contained no similar provision.

The House recedes.

The conferees are aware that the Department of Veterans Affairs is currently conducting a congressionally mandated pilot program for the performance of the physical examinations required in connection with the separation of members of the uniformed services, as well as other disability evaluations.

Several software tools have been developed and implemented and incorporated into the ongoing pilot program. These software tools have resulted in a more streamlined, efficient and accurate disability evaluation process. The software creates the information needed by the Department of Defense for the separating service member and concurrently provides the Department of Veterans Affairs with the information required to determine compensation benefits. This eliminates the need for a second exam and standardizes a ''one exam'' process while automatically providing the specific information required by the Department of Defense and the Department of Veterans Affairs on their own unique forms.

The conferees direct that, in order to insure consistency in both pilot programs, the Department of Veterans Affairs conduct the separation exams for the Department of Defense utilizing the software developed and implemented in the ongoing pilot program.

Modification of prohibition on requirement of nonavailability statement or preauthorization (sec. 735)

The Senate bill contained a provision (sec. 718) that would authorize the Secretary of Defense to waive the prohibition against requiring statements of nonavailability for authorized health care services, other than mental health services, if certain conditions are met and both beneficiary and congressional notification occurs, with a waiting period prior to implementation. The nonavailability requirement applies to those beneficiaries receiving care under TRICARE Standard.

The House amendment contained a similar provision (sec. 702).

The House recedes with a clarifying amendment that would preclude the Secretary of Defense from waiving the prohibition against requiring nonavailability statements for maternity care.

Transitional health care for members separated from active duty (sec. 736)

The Senate bill contained a provision (sec. 719) that would make permanent the authority for transitional health care benefits for members who are involuntarily separated from active duty, members of reserve components who are separated from active duty of more than 30 days in support of a contingency operation, and members separated from active duty when involuntarily retained on active duty under section 12305 of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes.

Two-year extension of health care management demonstration program (sec. 737)

The Senate bill contained a provision (sec. 714) that would extend, until December 31, 2003, the demonstration program of simulation modeling to improve health care delivery in the Defense Health Program authorized in section 733 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

The House amendment contained no similar provision.

The House recedes.

Joint DOD–VA pilot program for providing graduate medical education and training for physicians (sec. 738)

The Senate bill contained a provision (sec. 538) that would authorize the Secretary of Defense and the Secretary of Veterans Affairs to jointly carry out a pilot program of graduate medical education and training for medical personnel of the armed forces in Department of Veterans Affairs' medical centers.

The House amendment contained no similar provision.

The House recedes with an amendment that would include the authority to provide graduate medical education and training of physician employees of the Department of Veterans Affairs as part of the pilot program.

LEGISLATIVE PROVISIONS NOT ADOPTED

Effective date

The Senate bill contained a provision (sec. 710) that would make the TRICARE Benefits Modernization provisions effective on October 1, 2001.

The House amendment contained no similar provision.

The Senate recedes.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

ITEMS OF SPECIAL INTEREST

Management reform initiatives

The Secretary of Defense has testified that the Department of Defense (DOD) should be able to achieve five percent savings throughout the Department through management improvements. These savings goals are consistent with analysis presented in numerous governmental and advisory commission reports in past years. For example, in November 2000 the General Accounting Office (GAO) reported that ''[m]ost DOD contracting officers included in our review did not follow the General Services Administration's established procedures intended to ensure fair and reasonable prices when using the Federal

Supply Schedule.'' The GAO also found, in its January 2001 assessment of performance and accountability in the DOD, that ''a number of the Department's key business processes are inefficient and ineffective,'' including acquisition processes that are ''still too slow and costly'' and systems deficiencies that ''significantly contribute to improper payments.'' In addition, the DOD Inspector General, in an August 2001 report, stated that the DOD is ''not obtaining the benefits of sustained competition and reduced costs'' that are permitted under current law. The Business Executives for National Security (BENS) Tail-to-Tooth Commission also stated in its October 1997 report that ''billions continue to be wasted on inefficient business practices.'' Based on these and other reports, and the Secretary's commitment to improvements in this area, the conferees believe that the Department should be able to achieve significant savings in fiscal year 2002 through more efficient management; reform of business processes; improved processes for the procurement of property and services; and increased use of best business practices adopted from the private sector.

Titles I, II and III of the conference report include reductions totaling $1.3 billion, to be achieved through management reform initiatives. The conferees expect the Department of Defense to achieve these savings by implementing the requirements of Title VIII, and by pursuing other management efficiencies developed by the Department's Business Initiative Council. The conferees expect the Department to distribute these reductions across budget activities and programs within the relevant appropriations accounts, based on the dollar value of contracts within those budget activities and programs to which improvements may be appropriately applied.

LEGISLATIVE PROVISIONS ADOPTED

SUBTITLE A—PROCUREMENT MANAGEMENT AND ADMINISTRATION

Management of procurement of services (sec. 801)

The Senate bill contained a provision (sec. 801) that would improve the Department of Defense's management of the acquisition of services by requiring the Department to: (1) establish a management structure for purchases of services; (2) collect and analyze data on purchases of services; and (3) establish a program review process for major purchases of services.

The House amendment contained no similar provision.

The House recedes with an amendment that would: (1) ensure that the management structure for the procurement of services shall be comparable to the management structure already in place for the procurement of products; (2) clarify that officials designated to exercise responsibility for the management of the procurement of services may delegate their authority in accordance with criteria established by the Department; and (3) delete redundant requirements and streamline the reporting requirements in the provision.

Savings goals for procurements of services (sec. 802)

The Senate bill contained a provision (sec. 802) that would establish savings goals for the Department of Defense to achieve through the use of improved management practices for procurements of services, including performance-based services contracting; competition for task orders under services contracts; and program review, spending analyses, and other best practices commonly used in the commercial sector.

The House amendment contained no similar provision.

The House recedes with an amendment deleting the requirement for a report by the Comptroller General. The conferees note that this provision directs the Department to achieve savings through improved management practices. It is not intended to require the Department to reduce needed support services provided by contractors.

Competition requirement for purchase of services pursuant to multiple award contracts (sec. 803)

The Senate bill contained a provision (sec. 803) that would require that purchases of products and services in excess of $50,000 awarded under a multiple award contract shall be made on a competitive basis, subject to limited exceptions.

The House amendment contained no similar provision.

The House recedes with an amendment that would: (1) apply the competition requirement only to purchases of services; (2) raise the threshold for the competition requirement to $100,000; (3) require that notice to offerors include a description of the work to be performed and the basis on which the selection will be made; and (4) clarify the manner in which the provision would apply to purchases pursuant to the multiple award schedules administered by the Administrator for General Services (GSA schedules). Under the conference agreement, notice could be provided to fewer than all contractors under the GSA schedules, provided that: (1) notice is provided to as many contractors as practicable; and (2) offers are received from at least three qualified contractors or a contracting officer of the Department of Defense determines in writing that he or she was unable to identify additional qualified contractors despite making a reasonable effort to do so.

Reports on maturity of technology at initiation of Major Defense Acquisition Programs (sec. 804)

The Senate bill contained a provision (sec. 804) that would require that critical technologies be successfully demonstrated in a relevant environment before they may be incorporated into a major defense acquisition program.

The House amendment contained no similar provision.

The House recedes with an amendment that would substitute an annual report, in calendar years 2003 through 2006, on the compliance of the Department of Defense (DOD) with the technological maturity requirement established in DOD Instruction 5000.2. Paragraph 4.7.3.2.2.2 of that Instruction states in relevant part:

''Technology must have been demonstrated in a relevant environment . . . or, preferably, in an operational environment . . . to be considered mature enough to use for product development in systems integration. If technology is not mature, the DOD Component shall use alternative technology that is mature and that can meet the user's needs.''

The report required by the conference agreement would identify and explain any circumstance in which the DOD fails to comply with this requirement with regard to a Major Defense Acquisition Program.

Subtitle B—Use of Preferred Sources

Applicability of competition requirements to purchases from a required source (sec. 811)

The Senate bill contained a provision (sec. 821) that would require Federal Prison Industries (FPI) to compete for future Department of Defense contracts.

The House amendment contained no similar provision.

The House recedes. Under this provision, the Department of Defense, not Federal Prison Industries, will be responsible for determining whether Federal Prison Industries can best meet the Department's needs in terms of price, quality, and time of delivery. If the Department determines that the FPI product is not the best available in terms of price, quality, and time of delivery, the Department is directed to purchase the product on a competitive basis.

Extension of mentor-protege program (sec. 812)

The Senate bill contained a provision (sec. 823) that would codify the pilot mentor-protege program of the Department of Defense and authorize the program in permanent law.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the program for three years, through September 30, 2005.

Increase of assistance limitation regarding Procurement Technical Assistance Program (sec. 813)

The House amendment contained a provision (sec. 806) that would increase the assistance limitation for the Procurement Technical Assistance Program under section 2414 of title 10, United States Code from $300,000 to $600,000.

The Senate bill contained no similar provision.

The Senate recedes. The conferees believe that the Procurement Technical Assistance Program provides valuable support to both state-wide and local centers across the country. The conferees expect the Department of Defense to continue to implement the program in a broad-based manner that supports a variety of both state-wide and local centers.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Related Matters

Amendments to conform with administrative changes in acquisition phase and milestone terminology and to make related adjustments in certain requirements applicable at milestone transition points (sec. 821)

The Senate bill contained a provision (sec. 831) that would make a series of modifications to title 10, United States Code, and related statutes, to substitute references to the acquisition milestones established by revised Department of Defense Instruction 5000.2 for obsolete references currently contained in those statutes.

The House amendment contained a similar provision (sec. 801).

The House recedes with a technical amendment.

Follow-on production contracts for products developed pursuant to prototype projects (sec. 822)

The Senate bill contained a provision (sec. 805) that would authorize the Department of Defense to enter follow-on production contracts for a limited number of items developed pursuant to transactions (other than contracts, grants, or cooperative agreements) on a sole-source basis.

The House amendment contained no similar provision.

The House recedes.

One-year extension of program applying simplified procedures to certain commercial items (sec. 823)

The House amendment contained a provision (sec. 803) that would extend the test program authorized by section 4202 of the Clinger-Cohen Act of 1996 (Divisions D and E of Public Law 104–106; 110 Stat 654) until January 1, 2004.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would extend the program until January 1, 2003.

Acquisition workforce qualifications (sec. 824)

The Senate bill contained a provision (sec. 813) that would clarify the applicability of the acquisition workforce qualifications in section 1724 of title 10, United States Code and authorize the Secretary of Defense to establish a contracting workforce to deploy in support of contingency operations.

The House amendment contained a similar provision (sec. 802) that would also authorize the Secretary to establish a developmental workforce.

The Senate recedes with an amendment that would clarify that individuals serving in developmental positions may be separated from the civil service if, after a three-year probationary period, they do not meet the qualification requirements established in section 1724 for members of the acquisition workforce.

Report on implementation of recommendations of the Acquisition 2005 Task Force (sec. 825)

The Senate bill contained a provision (sec. 811) that would require the Secretary of Defense to report on the implementation of the recommendations of the Department of Defense Acquisition 2005 Task Force included in the report entitled ''Shaping the Civilian Acquisition Workforce of the Future.''

The House amendment contained no similar provision.

The House recedes.

Subtitle D—Other Matters

Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid (sec. 831)

The House amendment contained a series of provisions (sec. 811–819) that would require executive agencies to conduct a program to recover erroneously made payments.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would modify the recovery audit provisions to: (1) modify requirements for the disposition of recovered funds; (2) delete funding requirements for the management improvement program; and (3) delete a provision relating to liability for violation of privacy requirements.

Codification and modification of provision of law known as the ''Berry Amendment'' (sec. 832)

The House amendment contained a provision (sec. 805) that would codify the requirements of the ''Berry Amendment'' enacted as section 9005 of the Department of Defense Appropriations Act, 1993 (P.L. 102–396), and modify those requirements to: (1) require advance congressional notification of all waivers; (2) specifically include parachutes on the list of items covered; and (3) clarify that non-appropriated fund entities are not covered.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would codify the requirements of the ''Berry Amendment'' and clarify that non-appropriated fund entities are not covered. The conferees expect the Department to comply with a reasonable notification request from the Armed Services Committee of the Senate or the House of Representatives. The conferees also expect the Department to ensure that no United States manufacturer can provide the required item in a sufficient quality or quantity before granting a waiver.

Personal services contracts to be performed by individuals or organizations abroad (sec. 833)

The Senate bill contained a provision (sec. 1218) that would amend section 2669 of title 22, United States Code, to authorize the Secretary of State, upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency.

The House amendment contained a provision (sec. 804) that would authorize the Secretary of Defense to contract with individuals or organizations to perform services in countries with which the United States has no Status of Forces Agreement.

The House recedes.

Requirements regarding insensitive munitions (sec. 834)

The Senate bill contained a provision (sec. 833) that would require the Secretary of Defense to have a program ensuring that munitions are resistant to unplanned stimuli. The provision also required a report to Congress, submitted with the annual budget request. The report would identify all waivers, and the reasons for such decisions, granted under insensitive munitions regulations, as well as all funding for insensitive munitions programs in the current budget request.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify the requirement for the Secretary of Defense to ensure that munitions are made as insensitive as possible to unplanned stimuli. It limits the report on waivers granted under insensitive munitions regulations and on associated funding to three years, from fiscal year 2003–2005.

Inapplicability of limitation to small purchases of miniature or instrument ball or roller bearings under certain circumstances (sec. 835)

The Senate bill contained a provision (sec. 832) that would provide certain exceptions to the requirement in section 2534 of title 10, United States Code, to purchase ball and roller bearings from domestic sources.

The House amendment contained no similar provision.

The House recedes with an amendment that would authorize the Department of Defense (DOD) to make purchases of ball and roller bearings from other than domestic sources without obtaining a waiver under section 2534, provided that: (1) no such purchase exceeds the micropurchase threshold of $2,500; and (2) the cumulative total of such purchases does not exceed $200,000 in any fiscal year. The DOD would be required to keep track of such purchases to the extent necessary to ensure that it remains in compliance with the annual limitation.

Temporary emergency procurement authority to facilitate the defense against terrorism or biological or chemical attack (sec. 836)

The conference agreement includes a provision that would provide temporary emergency procurement authority to assist the Department of Defense in the defense against terrorism and biological or chemical attack. The provision would provide the following authorities in fiscal years 2002 and 2003: (1) an increase of the micro-purchase threshold to $15,000 for purchases of property and services that would facilitate the defense against terrorism or biological or chemical attack against the United States; (2) an increase of the simplified acquisition threshold to $250,000 (inside the United States) and to $500,000 (outside the United States) for contracts awarded in support of a contingency operation or a humanitarian or peacekeeping operation; and (3) authority to treat as commercial items any biotechnology goods and services purchased to facilitate the defense against terrorism or biological or chemical attack. In addition, the provision would require the Secretary of Defense to recommend any additional emergency procurement authority that the Secretary determines is necessary to support operations carried out to combat terrorism.

LEGISLATIVE PROVISIONS NOT ADOPTED

Consolidation of defense contracts

The Senate bill contained a provision (sec. 822) that would prohibit the consolidation of contract requirements in excess of $5.0 million absent a written determination that the benefits of the acquisition strategy, including the consolidated contract requirements, substantially exceed the benefits of alternative contracting approaches that would involve a lesser degree of consolidation.

The House amendment contained a provision (sec. 807) that would require the Secretary of Defense to track consolidations of contract requirements.

The conference report does not include either provision.

The conferees note that Section 15(p) of the Small Business Act (15 U.S.C. Section 644(p)) requires the Small Business Administration (SBA) to maintain certain data and provide certain reports regarding bundled contracts. This provision also states that the head of a contracting agency shall assist the SBA by providing ''procurement information collected through existing agency data collection sources.''

There is no requirement in Section 15(p) for the Secretary of Defense to modify existing data collection systems. The conferees direct the Secretary of Defense, when complying with this provision, to ensure that the Department of Defense does not modify existing data collection systems, create new data collection systems, or collect information not available in existing data collection systems to collect data on the consolidation or bundling of contract requirements.

HUBzone small business concerns

The Senate bill contained a provision (sec. 824) that would modify requirements relating to HUBZone small business concerns.

The House amendment contained no similar provision.

The Senate recedes.

Small business procurement competition

The Senate bill contained a provision (sec. 1068) that would address teaming arrangements among small businesses.

The House amendment contained no similar provision.

The Senate recedes.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

ITEMS OF SPECIAL INTEREST

Organizational changes to the Office of the Secretary of Defense

The conferees considered a number of legislative proposals made by the Secretary of Defense to change the organizational structure of the Office of the Secretary of Defense (OSD) to deal with terrorism, homeland defense, and intelligence matters.

While the conferees acknowledge the importance of aligning appropriate organizational resources to address these matters, the conferees decided not to act at this time because of the lack of specificity of the legislative requests and supporting materials, including the insufficient explanation as to how the proposed changes would fit into the existing statutory structure. The conferees believe that any further changes to the organizational structure of OSD must be made within the context of a unified and consistent framework addressing all elements within the Office.

To that end, the conferees urge the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive

plan that would address the following issues related to the organization of the office of the Secretary of Defense: the number and roles of the under secretaries; the appropriate uses of deputy under secretary and principal deputy under secretary positions; the appropriate number and uses of assistant secretaries and their relationship to other positions within the OSD; the consistency of the requirement for Senate confirmation across positions; and the most beneficial organizational structures for increasingly important functions such as combating terrorism, homeland security, and intelligence.

LEGISLATIVE PROVISIONS ADOPTED

SUBTITLE A—DUTIES AND FUNCTIONS OF DEPARTMENT OF DEFENSE OFFICERS

Deputy Under Secretary of Defense for Personnel and Readiness (sec. 901)

The Senate bill contained a provision (sec. 901) that would establish a new position requiring Senate confirmation within the Office of the Secretary of Defense (OSD) known as the Deputy Under Secretary of Defense for Personnel and Readiness. The provision would also reduce the number of assistant secretaries of defense from nine to eight.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the creation of a Deputy Under-Secretary for Personnel and Readiness will bring the number of deputy under secretaries within the OSD to nine, only four of which require Senate confirmation. Further, there is no consistent organizational approach to the responsibilities and authorities of deputy under secretaries, assistant secretaries, and directors of programmatic offices throughout the four under secretariats within the OSD. The conferees are concerned with this arrangement and have urged the Secretary of Defense elsewhere in this report to submit a comprehensive plan to the Committees on Armed Services of the Senate and the House of Representatives on the optimal organizational structure for the OSD.

Sense of Congress on functions of new Office of Force Transformation in the Office of the Secretary of Defense (sec. 902)

The House amendment contained a provision (sec. 902) that would express the sense of Congress that the Secretary of Defense should consider the establishment of an Office of Transformation within the Office of the Secretary of Defense to advise the Secretary on the various aspects of force transformation and would further express the sense of Congress that the Secretary should consider providing funding adequate for sponsoring selective prototyping efforts, wargames, and studies and analysis and for appropriate staffing, as recommended by the director of such an Office of Transformation.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that reflects the latest developments in the Department of Defense, including the decision by the Secretary of Defense to establish an Office of Transformation.

Suspension of reorganization of engineering and technical authority policy within the Naval Sea Systems Command pending report to congressional committees (sec. 903)

The Senate bill contained a provision (sec. 906) that would delay the implementation of a Naval Sea Systems Command (NAVSEA) reorganization of engineering and technical authority policy until 60 days after the Secretary of the Navy provides a report on the Navy's plans and justification for the proposed realignment.

The House amendment contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary of the Navy from granting final approval for the reorganization of engineering and technical authority policy within NAVSEA until 45 days after the Secretary submits to the congressional defense committees a report on the details of the reorganization.

Subtitle B—Space Activities

Space Activities (secs. 911–915)

The Senate bill contained a series of provisions (sec. 911–916) that would address concerns about the Department of Defense (DOD) management structure for space activities. The provisions would provide the Secretary of Defense discretionary authority to establish a new position of Under Secretary of Defense for Space, Intelligence and Information; would establish the duties of the position, including serving as the Director of the National Reconnaissance Office; and would require a report from the Secretary on the proposed organization of that office. Upon establishment of the new Under Secretary, the provisions would establish an additional Assistant Secretary of Defense and require that two of the total number of assistant secretaries would have as their principle duties supervision of activities relating to space, intelligence, and information. Both would report to the Under Secretary of Defense for Space, Intelligence, and Information. If the Secretary of Defense failed to exercise the authority to establish the new Under Secretary position, he would be required to submit a report describing the actions he had taken to address the problems in the management and organization of the Department of Defense for space activities that were identified by the Commission to Assess United States National Security Space Management and Organization (Space Commission). The provisions would also require the Comptroller General to assess the progress of the DOD in implementing the recommendations of the Space Commission; designate the Air Force as the executive agent for space; require the Secretary of Defense to designate space as a major force program; require that the officer commanding the Air Force Space Command have the grade of general; establish a separate space career field; and prohibit the commander of Air Force Space Command from serving simultaneously as the Commander-in-Chief, U.S. Space Command and the commander of the North American Air Defense Command.

The House amendment contained a series of similar provisions (secs. 1401–1408) that would provide discretionary authority for the Secretary of Defense to take the following actions: establish a new position of Under Secretary of Defense for Space Information and Intelligence; establish two new Assistant Secretaries of Defense to serve under the new Under Secretary of Defense; assign the Secretary of the Air Force to be the executive agent of the Department of Defense for planning and execution of space acquisition programs, projects and activities; establish a major force program for the space programs of the Department of Defense; and require that the officer serving as the commander of Air Force Space Command not serve simultaneously as the commander of the North American Air Defense Command or the Commander-in-Chief, U. S. Space Command. The House amendment also included provisions that: would provide discretionary authority to the Secretary of the Air Force to establish a separate space career field and to designate the Under Secretary of the Air Force as the acquisition executive of the Air Force for Department of Defense space programs; and would require an assessment by the Comptroller General of the actions taken by the Secretary of Defense to implement the recommendations contained in the report of the Commission to Assess United States National Security Space Management and Organization. The House amendment also included a provision to clarify that nothing in the foregoing provisions changed the responsibilities of the Director of Central Intelligence.

The conferees recognize that the importance of space programs, projects and activities in support of military activities continues to grow. In the interest of improving the efficiency and effectiveness of U.S. military operations, the conferees agree to a provision (sec. 912) that would require the Secretary of the Air Force to establish and implement policies and procedures to develop a space career field.

The conferees agree to a provision (sec. 913) that would require the Secretary of Defense to submit a report on steps taken to improve management, organization and oversight of space programs, space activities, and funding and personnel resources.

The conferees agree to a provision (sec. 911) that would require the Secretary of Defense to take appropriate actions to ensure that space development and acquisition programs are carried out through joint program offices and, to the maximum extent practicable, ensure that officers of the Army, Navy, Marine Corps, and Air Force are assigned to and hold leadership positions in such joint program offices. This section would also direct the Secretary to designate positions in the Office of the National Security Space Architect as joint duty assignments as appropriate.

The conferees have also included a provision (sec. 914) that requires the Comptroller General to assess the actions taken by the Secretary of Defense to implement the recommendations contained in the Space Commission report.

The conferees also express their view in section 902 that the best qualified officer from any service should be appointed as Commander-in-Chief, U.S. Space Command, and that the appointee be a four-star general or flag officer position.

Both the House and Senate provisions were motivated by a desire to encourage the implementation of the recommendations of the Space Commission, which concluded that the Department of Defense is not adequately organized or focused to meet U.S. national security space needs.

One of the central reforms recommended by the Space Commission was the establishment of a new Under Secretary of Defense for Space, Intelligence, and Information to provide high-level attention and guidance to space programs. This recommendation is not included in the provisions in this conference report primarily because the Secretary of Defense has indicated that he is in the process of implementing the recommendations of the Space Commission and that such a provision would interfere with his freedom to manage the DOD. The conferees, however, do not agree that these provisions would reduce the Secretary's freedom to manage the Department, as the provisions were intended to provide him additional flexibility. The conferees understand, however, that the Secretary has stated his intent not to exercise this authority if it is provided to him.

The conferees also note that the Secretary has stated his intent to designate the Secretary of the Air Force as the executive agent for DOD space programs. The conferees remain concerned that the continuing absence of a coherent, senior-level focus for space programs within the Office of the Secretary of Defense and the concentration of authority and resources for space programs in the Air Force may not be sufficient to resolve the space management and organizational challenges identified by the Space

Commission and may inadvertently be a source of new problems. The conferees will carefully review the reports required in sections 913 and 914 and will consider whether there is a need in the future for additional organization and management reforms.

Noting that the Space Commission also concluded that the depth of experience and technical expertise in space operations and technology has suffered over the past decade, the conferees believe establishing a space career field in the Air Force that includes development and operation of space systems and development of space doctrine and operational concepts is key to sustaining U.S. leadership in space. The Chief of Staff of the Air Force recently stated that ''space * * * is a separate culture * * * different than what airmen experience in the air * * * We have to respect that, and we have to grow and nurture that culture until it matures.''

The conferees are encouraged by the progress made by the Air Force in this direction to date, but believe that the detailed planning and implementation of a space career field must be carefully monitored. The conferees recognize that the commander of Air Force Space Command will be provided the resources and assigned responsibility to organize, train, and equip for Air Force space development, acquisition and operations. Furthermore, consistent with the implementation guidance issued by the Secretary of Defense on October 18, 2001, the conferees expect that the commander of Air Force Space Command will be assigned appropriate responsibility for managing the space career field.

The conferees further understand that the Secretary of Defense has stated his intent to establish a ''virtual major force program'' to provide better visibility and insight into DOD funding for space programs and activities. The conferees note that senior DOD officials have contended that establishing a major force program (MFP) for space programs might have serious unintended consequences, although no such consequences have ever been described. The conferees recognize, however, that a virtual MFPC—the designation of funding for space programs and activities without formally creating a space MFP—could represent a more flexible approach. Therefore, the conferees expect the virtual MFP for space to be included in the Future Years Defense Program submitted with the 2003 fiscal year budget request.

The conferees, in section 912 of this bill, provided sufficient flexibility in general officer limits to ensure that the commander of Air Force Space Command will serve in the grade of general. The conferees also believe that the officer in this position should not serve concurrently as commander of the North American Air Defense Command or as Commander-in-Chief, U.S. Space Command. The conferees understand that the Secretary intends to implement these Space Commission recommendations and will continue to monitor the Department's actions in these matters.

Subtitle C—Reports

Revised requirement for Chairman of the Joint Chiefs of Staff to advise Secretary of Defense on the assignment of roles and missions to the armed forces (sec. 921)

The House amendment contained a provision (sec. 904) that would repeal the requirement contained in section 153(b) of title 10, United States Code, for the Chairman of the Joint Chiefs of Staff to submit a review of the assignment of roles and missions of the armed forces to the Secretary of Defense every three years. The provision would also amend section 118 of title 10, United States Code, to require the Chairman to conduct such a review as part of the Quadrennial Defense Review (QDR) process and that the results of that review be included in the Chairman's assessment of the QDR that is submitted to Congress.

The Senate bill contained a similar provision (sec. 1023).

The Senate recedes with an amendment that also requires the Chairman of the Joint Chiefs of Staff to submit to Congress no later than one year after the date of the enactment of this Act a separate assessment of the assignment of roles and missions of the armed forces based upon the findings in the 2001 QDR issued by the Secretary of Defense on September 30, 2001.

Revised requirements for content of annual report on joint warfighting experimentation (sec. 922)

The Senate bill contained a provision (sec. 905) that would amend section 485 of title 10, United States Code, to clarify some of the contents of the annual joint warfighting report and require the inclusion of a specific assessment of whether there is a need for a major force program, or some other resource mechanism, for funding joint experimentation and for funding the rapid development and acquisition of uniquely joint warfighting technologies that have been empirically demonstrated through such experimentation.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Repeal of requirement for one of three remaining required reports on activities of Joint Requirements Oversight Council (sec. 923)

The House amendment contained a provision (sec. 905) that would repeal section 916 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 that requires the Chairman of the Joint Chiefs of Staff to submit a semi-annual report to the Committees on Armed Services of the Senate and House of Representatives on specific activities of the Joint Requirements Oversight Council through March 1, 2003.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that repeals the requirement for one of the three remaining reports and provides for the March 1, 2003 report to cover all of the preceding fiscal year.

Revised joint report on establishment of national collaborative information analysis capability (sec. 924)

The House amendment contained a provision (sec. 903) that would require the Secretary of Defense and the Director of Central Intelligence to submit a revised report assessing alternatives for the establishment of a national collaborative information analysis capability. The provision would direct that the revised report focus on only the range of architecture alternatives that would involve the participation of all federal agencies involved in the collection of intelligence.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require that the report identify legislative or regulatory changes that would be needed in order to implement the preferred architecture in the report.

The conferees note that the original provision in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 included direction that the architectures contemplated for the original report, and, by reference, this revised report, should be consistent with requirements of the Privacy Act of 1974, as amended.

Subtitle D—Other Matters

Conforming amendments relating to change of name of Military Airlift Command to Air Mobility Command (sec. 931)

The Senate bill contained a provision (sec. 907) that would change references in the United States Code to the former Military Airlift Command to refer to the command by its current designation as the Air Mobility Command.

The House amendment contained a similar provision (sec. 906).

The House recedes with an amendment that would clarify that the changes would be made to current references to the Military Airlift Command.

Organizational realignment for Navy Director for Expeditionary Warfare (sec. 932)

The House amendment contained a provision (sec. 907) that would amend section 5038(a) of title 10, United States Code, with respect to the specific office of the Deputy Chief of Naval Operations within which the Director for Expeditionary Warfare shall be located.

The Senate bill contained a similar provision (sec. 904).

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reductions in acquisition and support workforce

The Senate bill contained a provision (sec. 812) that would establish a moratorium on further cuts in the acquisition workforce for three years.

The House amendment contained a provision (sec. 901) that would mandate a reduction of 13,000 in the acquisition workforce in fiscal year 2002.

The conference agreement does not include either provision.

Responsibility of the Under Secretary of the Air Force for acquisition of space launch vehicles and space launch services

The Senate bill contained a provision (sec. 902) that would assign responsibility for the acquisition of space launch vehicles and space launch services for the Department of Defense and the National Reconnaissance Office (NRO) to the Under Secretary of the Air Force.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that the Air Force has managed and contracted for the acquisition of space launch vehicles and services for both the Air Force and the NRO. This arrangement has allowed the Air Force to achieve cost savings and efficiencies of scale for both organizations. The conferees continue to oppose proposals that would require the NRO to manage and contract for its own launch vehicles and services.

TITLE X—GENERAL PROVISIONS

Counter-Drug Activities

The budget request for drug interdiction and other counter-drug activities of the Department of Defense (DOD) for fiscal year 2002 totaled approximately $1.0 billion: $820.4 million in the central transfer account; $166.8 million in the operating budgets of the military services for authorized counter-drug operations; and $12.5 million in the military construction account for infrastructure improvements at the forward operating locations.

The conferees recommend the following fiscal year 2002 budget for the Department's central transfer account.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, CENTRAL TRANSFER ACCOUNT

[In millions of dollars; may not add due to rounding]

Fiscal Year 2002 Counter-drug Request	$820.381

Increases:	
National Guard Support	16.0
Operation Caper Focus	4.0
Southwest Border Fence	5.0
Decreases:	
AWACs Tactical Operations Support	2.5
Counter-drug Tanker Operations Support	1.0
E–2 Support	1.0
Peru Riverine Program	5.0
Tracker Aircraft	2.0
Research, Development, Test & Evaluation	4.0
Patrol Coastals	1.5
Tethered Aerostat Radar System	8.0
Fiscal Year 2002 Counter-drug Funding	820.381

National Guard counter-drug activities

The conferees agree to authorize an additional $16.0 million for the counter-drug activities of the National Guard, including National Guard State Plans and the National Guard Counter-drug Schools.

Operation Caper Focus

The conferees also agree to authorize an additional $4.0 million for Operation Caper Focus, an important initiative to disrupt narcotics trafficking in the Eastern Pacific. To the extent that assets become available, the conferees expect the Secretary of Defense to make them available for Operation Caper Focus.

Tethered Aerostat Radar System

The conferees direct that a higher priority be given to operational availability of the Tethered Aerostat Radar System than to its modernization.

ITEMS OF SPECIAL INTEREST

Automobile Safety Program

The conferees are concerned with the number of deaths and serious injuries to military service members and Department of Defense civilian employees due to automobile collisions and strongly support innovative safety programs designed to eliminate these accidents. The conferees understand that an automobile safety program recently conducted at Fort Polk, Louisiana is proving to be a sound and successful attempt at accident reduction. The conferees recommend that the Secretary of Defense consider an expansion of the program to assist in achieving the Department's safe driving goals.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Financial Matters

Transfer authority (sec. 1001)

The Senate bill contained a provision (sec. 1001) that would provide the reprogramming authority for the transfer of authorized funds made available in Division A of this Act.

The House amendment contained an identical provision.

The conference agreement includes this provision.

Incorporation of classified annex (sec. 1002)

The House amendment contained a provision (sec. 1002) that would incorporate the classified annex prepared by the Committee on Armed Services into this Act.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would provide that the classified annex prepared by the committee of conference be incorporated into this Act.

Authorization of supplemental appropriations for fiscal year 2001 (sec. 1003)

The Senate bill contained a provision (sec. 1003) that would authorize the supplemental appropriations enacted in the Supplemental Appropriations Act, 2001 (Public Law 107–20) which provided supplemental funding for Department of Defense programs including increased health care costs, operating expenses, and utility costs.

The House amendment contained no similar provision.

The House recedes.

United States contribution to NATO common-funded budgets in fiscal year 2002 (sec. 1004)

The Senate bill contained a provision (sec. 1004) that would authorize the U.S. contribution to NATO common-funded budgets for fiscal year 2002, including the use of unexpended balances. The resolution of ratification for the Protocol to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary and the Czech Republic contained a provision (section 3(2)(c)(ii)) requiring a specific authorization for U.S. payments to the common-funded budgets of NATO for each fiscal year, beginning in fiscal year 1989, that payments exceed the fiscal year 1998 total.

The House amendment contained no similar provision.

The House recedes.

Limitation on funds for Bosnia and Kosovo Peacekeeping Operations for fiscal year 2002 (sec. 1005)

The House amendment contained a provision (sec. 1003) that would limit the amount of funds authorized to be appropriated for incremental costs of the armed forces for peacekeeping operations in Bosnia and Kosovo in fiscal year 2002 to the amounts contained in the budget request: $1,315.6 million for Bosnia and $1,528.6 million for Kosovo. The provision would authorize the President to waive the limitation after submitting to Congress: (1) a written certification that the waiver is necessary in the national security interests of the United States and that the exercise of the waiver will not adversely affect the readiness of U.S. military forces; (2) a report setting forth the reasons for the waiver, to include a discussion of the impact of U.S. military involvement in Balkan peacekeeping operations on U.S. military readiness; and (3) a supplemental appropriations request for the Department of Defense for the additional fiscal year 2002 costs associated with U.S. military participation in or support for peacekeeping operations in Bosnia and Kosovo.

The Senate bill contained no similar provision.

The Senate recedes.

Maximum amount for National Foreign Intelligence Program (sec. 1006)

The conferees agree to include a provision that would establish a ceiling for authorization for the National Foreign Intelligence Program (NFIP) equal to the amounts requested by the President in the budget request for fiscal year 2002. The provision would allow this ceiling to be increased by any amounts provided for the NFIP in the Emergency Terrorism Response Supplemental Appropriations Act, 2001, and any fiscal year 2002 supplemental appropriations bills.

Clarification of applicability of interest penalties for late payment of interim payments due under contracts for services (sec. 1007)

The Senate bill contained a provision (sec. 1005) that would clarify the effective date of section 1010 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

The House amendment contained no similar provision.

The House recedes.

Reliability of Department of Defense financial statements (sec. 1008)

The Senate bill contained a provision (sec. 1006) that would direct the Department of Defense (DOD) to identify in advance financial statements that will be unreliable because of the Department's flawed finance and accounting systems, and to minimize the resources that are used to prepare and audit these statements.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that the Comptroller of the Department of Defense is authorized to make the determination which statements will be unreliable, and adjust the deadline for making such a determination.

Financial Management Modernization Executive Committee and financial feeder systems compliance process (sec. 1009)

The Senate bill contained a provision (sec. 1007) that would require the Department of Defense to establish an oversight council and a management process for implementing changes identified in the congressionally-mandated financial management improvement plans.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Authorization of funds for ballistic missile defense programs or combating terrorism programs of the Department of Defense (sec. 1010)

The Senate bill contained a provision (sec. 1009) that would authorize $1.3 billion, the amount by which the Senate bill reduced funding for ballistic missile defense programs, 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 of ballistic missile defense programs; and

(2) activities for combating terrorism.

The House amendment contained a comparable provision (sec. 1501) that would increase by $400.0 million the funding for the following activities to combat terrorism: intelligence programs, anti-terrorism initiatives, counter-terrorism initiatives, and consequence management activities. The provision included transfer authority and provided offsetting reductions of $265.0 million for ballistic missile defense activities, and $135.0 million for consulting services in the Defense-Wide operation and maintenance account.

The House amendment also contained a provision (sec. 1502) that would require that funds transferred under the authority of section 1501 be merged with and available for the same period of time as the appropriations to which transferred.

The House recedes with an amendment that would authorize the $1.3 billion 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 of ballistic missile defense programs of the Ballistic Missile Defense Organization; and

(2) activities of the Department of Defense for combating terrorism.

The amendment would also require the Secretary of Defense to report to the congressional defense committees on the allocation of the funds pursuant to the President's determination.

Subtitle B—Naval Vessels and Shipyards

Authority to transfer naval vessels to certain foreign countries (sec. 1011)

The Senate bill contained a provision (sec. 1216) that would transfer to various countries:

(1) on a grant basis, one *Oliver Hazard Perry*-class frigate and six *Knox*-class frigates; and

(2) on a sale basis, four *Kidd*-class destroyers and two *Oliver Hazard Perry*-class frigates.

The provision would direct that, to the maximum extent practicable, the President shall require, as a condition of transfer, that repair and refurbishment associated with the transfer be accomplished in a shipyard located in the United States.

The authority under this provision would expire at the end of the two-year period that begins on the date of enactment of the National Defense Authorization Act for Fiscal Year 2002.

The House amendment contained no similar provision.

The House recedes with an amendment that would provide authority for the President to waive lease payments for up to one year for vessel transfers that:

(1) would be converted, under the provisions of this Act, from a lease to a grant; and

(2) are among the grant transfers approved in this Act.

Sale of Glomar Explorer to the lessee (sec. 1012)

The Senate bill and the House amendment did not contain any provision relating to the current lease arrangement for the vessel Glomar Explorer.

The conferees agree to include a provision that would authorize the Secretary of the Navy, at his discretion, to sell the Glomar Explorer (AG–193) to the current lessee. Any such sale would have to be based on a price that represents a fair and reasonable amount, as determined by the Secretary.

Leasing of Navy ships for University National Oceanographic Laboratory System (sec. 1013)

The Senate bill contained a provision (sec. 1067) that would modify section 2667, title 10, United States Code to allow the Navy to renew the five-year leases for certain Navy research vessels without recompeting them, as long as the initial lease was awarded competitively.

The House amendment contained a similar provision (sec. 1047).

The conference agreement includes this provision.

Increase in limitations on administrative authority of the Navy to settle admiralty claims (sec. 1014)

The House amendment contained a provision (sec. 1004) that would increase the administrative authority of the Navy to settle admiralty claims.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle C—Counter-Drug Activities

Extension and restatement of authority to provide Department of Defense support for counter-drug activities of other governmental agencies (sec. 1021)

The Senate bill contained a provision (sec. 331) that would codify section 1004 of the National Defense Authorization Act for Fiscal Year 1991, as amended, in title 10, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that restates section 1004 but does not codify it, makes it effective during fiscal years 2002 through 2006, and makes several technical changes.

Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities (sec. 1022)

The House amendment contained a provision (sec. 1021) that would extend for an additional year the requirement in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 that the Secretary of Defense report to the congressional defense committees detailing the expenditure of funds in direct or indirect support of the counter-drug activities of foreign governments.

The Senate bill contained no similar provisions.

The Senate recedes.

Authority to transfer Tracker aircraft currently used by Armed Forces for counter-drug purposes (sec. 1023)

The House amendment contained a provision (sec. 1022) that would authorize the Secretary of Defense to transfer all Tracker aircraft in the inventory of the Department of Defense to the administrative jurisdiction and operational control of another federal agency. The provision also provided that any Tracker aircraft remaining in the inventory of the Department of Defense after September 30, 2002 may not be used by the armed forces for counter-drug purposes after that date.

The Senate bill contained no similar provision.

The Senate recedes.

Limitation on use of funds for operation of Tethered Aerostat Radar System pending submission of required report (sec. 1024)

The House amendment contained a provision (sec. 1023) that would authorize the Secretary of Defense to transfer to the administrative jurisdiction and operational control of another federal agency the Tethered Aerostat Radar System (TARS) currently used by the armed forces in counter-drug detection and monitoring. The provision also provided that if the TARS is not transferred by September 30, 2002, it may not be used by the armed forces for counter-drug purposes after that date.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that provides that not more than 50 percent of the funds available for fiscal year 2002 for operation of the TARS may be obligated or expended until such time as the Secretary of Defense submits to Congress the report on the status of the TARS required to be submitted by the Secretary, in consultation with the Secretary of the Treasury, by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The conferees direct that the report contain a new review of the requirements of the Department of Defense and the Department of the Treasury, including the U.S. Customs Service, and a new assessment of the value of the TARS in the conduct of counter-drug detection and monitoring and border security and air sovereignty operations in light of the changed circumstances in the aftermath of the September 11, 2001 terrorist attacks.

Subtitle D—Strategic Forces

Repeal of limitation on retirement or dismantlement of strategic nuclear delivery systems (sec. 1031)

The Senate bill contained a provision (sec. 1011) that would repeal section 1302 of the National Defense Authorization Act for Fiscal Year 1998, which prohibits the obligation or expenditure of funds to retire or prepare to retire certain strategic nuclear delivery systems until the START II Treaty enters into force.

The House amendment contained a similar provision (sec. 1043) that would amend section 1302 to allow the retirement of Peacekeeper Intercontinental Ballistic Missiles.

The House recedes.

Air Force bomber force structure (sec. 1032)

The Senate bill contained a provision (sec. 1012) that would prevent the Department of Defense from retiring or dismantling any of the 93 B–1B Lancer bombers in the Air National Guard, or from transferring or reassigning any of those aircraft, until 30 days after delivery of a series of reports to the Armed Services Committees of the Senate and House of Representatives, including: (1) the national security strategy; (2) the Quadrennial Defense Review; (3) a report detailing the analysis for any consolidation and force structure reduction, along with Department plans for the National Guard units currently flying B–1B bombers; and (4) the revised Nuclear Posture Review. The provision would also require the Comptroller General to conduct a study and submit a Government Accounting Office (GAO) report on the proposed consolidation and force structure reduction by January 31, 2002.

The House amendment contained a similar provision (sec. 1045) that would differ from the Senate position only in that the GAO report would not be due until 180 days after the Department's report of analysis of the consolidation and force structure reduction.

The conferees agree to a provision that would greatly streamline the reporting requirements. The provision would prevent the obligation of funds for retiring, dismantling, transferring, or reassigning any of the 93 B–1B bombers until 15 days after the Secretary of the Air Force submits a report that provides details of the proposed consolidation, force structure reduction, and plans for affected National Guard units. This provision is not intended in any way to prevent the initiation of planning activities for the execution of this plan.

Additional element for revised nuclear posture review (sec. 1033)

The Senate bill contained a provision (sec. 1013) that would amend section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 by adding a new element to the nuclear posture review. The new element would direct the Secretary of Defense to look at the possibility of deactivating or dealerting nuclear warheads or delivery systems.

The House amendment contained no similar provision.

The House recedes.

The conferees are aware that the concepts of dealerting and early deactivation of nuclear weapons and systems have been the subject of debate and discussion, and that there are a range of views with respect to these critical issues. By adding this additional requirement to the Nuclear Posture Review (NPR), the conferees wish to have the benefit of a careful and thorough review of these concepts in the broader context of the NPR. Inclusion of this additional element is not intended by the conferees to presuppose the outcome of this review.

Report on options for modernization and enhancement of missile wing helicopter support (sec. 1034)

The Senate bill contained a provision (sec. 1073) that would require the Secretary of Defense to submit a report, with submission of the fiscal year 2003 budget request, that would provide information on the Secretary's preferred option for furnishing helicopter support for the Air Force intercontinental ballistic missile wings. The provision included certain options that should be considered, allowed additional options to be considered, and included factors that should be considered in the review process.

The House amendment contained no similar provision.

The House recedes with an amendment that would specify that the report must be submitted not later than the date of the submission of the fiscal year 2003 budget request.

Subtitle E—Other Department of Defense Provisions

Secretary of Defense recommendation on need for Department of Defense review of proposed federal agency actions to consider possible impact on national defense (sec. 1041)

The House amendment contained a provision (sec. 312) that would require the Secretary of Defense to include a national security impact statement in each environmental impact statement or environmental assessment prepared in connection with a Department of Defense action.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit to the President the Secretary's recommendation as to whether there should be established within the Executive Branch a defense impact review process and to submit a copy of that recommendation to Congress. For the purposes of this section, a defense impact review process means a process that provides for review of certain proposed actions of other federal agencies to identify any reasonably foreseeable significant adverse impact of such a proposed action on national defense.

Department of Defense reports to Congress to be accompanied by electronic version upon request (sec. 1042)

The House amendment contained a provision (sec. 1031) that would require that the Department of Defense submit copies of reports to Congress in an electronic medium.

The Senate bill contained no similar provision.

The Senate recedes with an amendment providing that the Department must provide electronic reports only upon request.

Department of Defense gift authorities (sec. 1043)

The House amendment contained a provision (sec. 1041) that would clarify items that may be loaned or given under section 7545 of title 10, United States Code. The House amendment also contained a provision (sec. 354) addressing the entities to which such items may be loaned or given.

The Senate bill contained no similar provision.

The Senate recedes with an amendment combining the two provisions.

Acceleration of research, development, and production of medical countermeasures for defense against biological warfare agents (sec. 1044)

The Senate bill contained a provision (sec. 1025) that would authorize the Secretary of Defense, subject to the availability of authorized and appropriated funds for such purpose, to design, construct and operate on an installation of the Department of Defense a government-owned, contractor-operated (GOCO) vaccine production facility. The provision would also require the Secretary of Defense to develop a long-range plan for the production and acquisition of vaccines to defend against biological warfare agents, including an evaluation of vaccine production options, and to report to the congressional defense committees on that plan by February 1, 2002.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to carry out an accelerated program of research, development and production of medical countermeasures to defend against the highest threat biological warfare agents. In order to accomplish this objective, the conferees believe that the Department of Defense should invest in multiple new technologies for the prevention and treatment of anthrax and should take advantage of ideas and candidate technologies from the bio-tech industry. The conferees believe that the Department should consider the following approaches in this effort: understanding the germination process of anthrax spores and the means to inhibit this process; identifying the molecular behavior of the anthrax toxin and the means to intervene against it at the cellular level; investigating recombinant protein antigens and formulating new vaccines, including multivalent vaccines that may be effective against multiple strains of pathogens; investigating technologies to be used as an adjunct to antibiotic treatment that may be more effective in clearing pathogens from circulation; and determining potential means for optimizing and extending immunity in humans.

The amendment would also require a study by the National Research Council and the Institute of Medicine of the review and approval process for such medical countermeasures. Finally, the amendment would provide discretion for the Defense Department to use up to $10.0 million of available research and development funds for the accelerated program.

The conferees note the importance to the Department of Defense of producing and acquiring products needed to prevent or mitigate the physiological effects of exposure to biological warfare agents, including vaccines, decontamination capabilities and therapeutic treatments. The Department of Defense has made significant progress in this area, as indicated in the July 2001 Annual Report to Congress on the Department of Defense Chemical and Biological Defense Program.

However, the conferees believe that more needs to be done to ensure the development and acquisition of needed products, including the transition of developmental items through the review and approval process, particularly vaccines and drugs. The conferees urge the Department to expand its efforts to acquire new technologies and products to defend against biological warfare agents.

Chemical and biological protective equipment for military personnel and civilian employees of the Department of Defense (sec. 1045)

The Senate bill contained a provision (sec. 1069) that would require a report on the requirements of the Department of Defense regarding chemical and biological protective equipment for military personnel and civilian employees of the Department. The provision would also express the sense of Congress on possible sources of funding for such equipment.

The House amendment contained no similar provision.

The House recedes with an amendment that would include an assessment of an appropriate level of protection for civilian employees of the Department of Defense against chemical and biological attack, and would eliminate the proposed sense of Congress.

Sale of goods and services by Naval Magazine, Indian Island, Alaska (sec. 1046)

The Senate bill contained a provision (sec. 1070) that would allow the Secretary of the Navy to sell, on a reimbursable basis, goods and services from Naval Magazine, Indian Island, that are not available from other commercial sources.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Report on procedures and guidelines for embarkation of civilian guests on naval vessels for public affairs purposes (sec. 1047)

The Senate bill contained a provision (sec. 1072) that would require the Secretary of the Navy to submit a plan to Congress to ensure that the embarkation of civilian guests for the purpose of furthering public awareness of the Navy and its mission does not interfere with the operational readiness and safe operation of Navy vessels. The plan would cover a number of specific areas.

The House amendment contained no similar provision.

The House recedes with an amendment that requires the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and the House of Representatives setting forth the procedures and guidelines of the Navy for the embarkation of civilian guests on naval vessels for public affairs purposes and that modifies the specific areas to be covered in the report.

Technical and clerical amendments (sec. 1048)

The House amendment contained a provision (sec. 1046) making technical and clerical amendments to title 10, United States Code, and related statutes.

The Senate bill contained no similar provision.

The Senate recedes.

Termination of referendum requirement regarding continuation of military training on the island of Vieques, Puerto Rico, and imposition of additional conditions on closure of training range (sec. 1049)

The House amendment contained a provision (sec. 1042) that would repeal the provisions contained in Title XV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 that would require a referendum on the continuation of military training on Vieques and authorize additional economic assistance for Vieques in the event continued training was approved by such referendum. The House amendment would specify that the Secretary of the Navy could close the Vieques range only if the Chief of Naval Operations and the Commandant of the Marine Corps jointly certified that an alternative training facility was available that provided an equivalent or superior level of training at a single location.

The House amendment would also revise the provisions of that Act transferring jurisdiction of the training range and other lands on the eastern end of Vieques to the Secretary of the Interior if training operations on Vieques were terminated, and would instead require that the land be retained by the Secretary of the Navy.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would give the Secretary of the Navy the authority to close the Vieques Naval Training Range if the Secretary certifies to the President and Congress that an alternative training facility or facilities that provide equivalent or superior training exist and are available. The Secretary's certification would take into account the views and recommendations of the Chief of Naval Operations and the Commandant of the Marine Corps. If the Secretary terminates training operations on Vieques, the lands on the eastern end of the island would be transferred to the jurisdiction of the Secretary of the Interior.

The conferees note the views of the administration on this matter, as stated in a letter from the Deputy Secretary of Defense on November 29, 2001:

Consistent with the commitments made by both the President and Secretary England, the Navy remains committed to identifying a suitable alternative and is planning to discontinue training operations on the island of Vieques in May of 2003, contingent upon the identification and establishment of a suitable alternative. However, until a suitable

alternative is established, Vieques remains an important element in the training of our forces deploying to fight the war.

Subtitle F—Other Matters

Assistance for firefighters (sec. 1061)

The Senate bill contained a provision (sec. 1071) that would increase the authorization of appropriations for federal grants to state or local firefighters in section 33 of the Federal Fire Prevention and Control Act of 1974, as added by title XVII of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, from $300.0 million to $600.0 million in fiscal year 2002, and would extend and increase the authorizations to $800.0 million in fiscal year 2003 and $1.0 billion in fiscal year 2004.

The House amendment contained a provision (sec. 1049) that would name the program after the late Floyd D. Spence and would state the sense of Congress that the grant program should be reauthorized at increased funding levels.

The House recedes with an amendment that would increase the authorization of appropriations for these grants to $900.0 million per year for fiscal years 2002, 2003 and 2004, clarify that grants under this program would be available for training and equipment to respond to terrorism or the use of weapons of mass destruction, and specify that up to three percent of the funds authorized for these grants could be used for administration of the grant program by the Federal Emergency Management Agency.

Extension of times for Commission on the Future of the United States Aerospace Industry to report and to terminate (sec. 1062)

The Senate bill contained a provision (sec. 1026) that would ensure that the Commission on the Future of the United States Aerospace Industry has a full year to carry out its work and to allow the commission 60 rather than 30 days to archive documents and complete other activities after the submission of its final report.

The House amendment contained a similar provision (sec. 1054).

The Senate recedes with a technical amendment.

Appropriations to Radiation Exposure Compensation Trust Fund (sec. 1063)

The Senate bill contained a provision (sec. 1066) that would amend the Radiation Exposure Compensation Act to make mandatory appropriations for fiscal years 2002 through 2011.

The House amendment contained no similar provision.

The House recedes.

Waiver of vehicle weight limits during periods of national emergency (sec. 1064)

The Senate bill contained a provision (sec. 1076) that would authorize the Secretary of Transportation, in consultation with the Secretary of Defense, to waive certain vehicle weight limits on specified portions of the Interstate highway system during a period of national emergency.

The House amendment contained no similar provision.

The House recedes.

Repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France (sec. 1065)

The Senate bill contained a provision (sec. 333) that would authorize the Secretary of the Air Force to make a grant to the Lafayette Escadrille Memorial Foundation, Inc. of up to $2.0 million for repair, restoration, and preservation of the Lafayette Escadrille Memorial.

The House amendment contained a similar provision (sec. 1048) that contained findings regarding the volunteer aviators who fought with the Lafayette Escadrille during World War I and the state of the memorial, and that would express the sense of Congress that funds should be provided to restore the memorial.

The House recedes with an amendment that would authorize the Secretary of the Air Force to make the grant after he submits a report on the contributions to the restoration made by the government of France. The conferees also agree to require an annual report on the use of the grant funds, to require that the Foundation make their records available for audit by the Air Force and the General Accounting Office, and to require an engineering analysis of and report on the cost of fully restoring the memorial. The additional cost of the engineering analysis is not intended to reduce the amount of the grant to the Foundation. The cost of both the grant and the engineering analysis would be funded from the operation and maintenance account of the Air Force.

The conferees do not intend this provision to establish a precedent for federal funding of privately operated memorials.

LEGISLATIVE PROVISIONS NOT ADOPTED

Action to promote national defense features program

The House amendment contained a provision (sec. 1053) that would direct the Secretary of Defense to certify to the Federal Maritime Commission restrictive trade practices for cases in which vessels built, or to be built, under the National Defense Features (NDF) program are involved.

The Senate bill contained no similar provision.

The House recedes.

The conferees agree the NDF program has the potential to provide incentive for construction of commercial ships in the U.S.

The strategic sealift NDF program provides compensation for commercial ships that have Defense Department unique alterations required for carrying defense cargo. The program was intended to reduce the requirement for government-owned ships by supplementing them, when required, with commercial shipping capable of carrying Defense Department unique cargo such as tanks, heavy vehicles, and ammunition.

The NDF program can only be successful if commercial ship owners decide to build ships in U.S. shipyards based on the potential for successful operations when not involved in defense department operations.

Although it is not the responsibility of the Secretary of Defense to monitor commercial shipping trade issues, it is within the purview of the Secretary to assess and report to Congress on the Defense Department's ability to provide the required strategic sealift.

Thus, the Secretary is directed to notify Congress when he determines that a strategic sealift deficiency exists, and measures to correct such a deficiency are not being undertaken because of the unwillingness of commercial ship owners to participate in the NDF program.

Assignment of members to assist border patrol and control

The House amendment contained a provision (sec. 1024) that would authorize the use of military personnel to assist the Immigration and Naturalization Service and the Customs Service in preventing the entry of terrorists, drug traffickers, weapons of mass destruction, illegal narcotics and related items into the United States.

The Senate bill contained no similar provision.

The House recedes.

In the wake of the events of September 11, the conferees believe that a full review of the strategy, roles and responsibilities of the Department of Defense in combating terrorism is warranted. Therefore, the conferees direct elsewhere in this report that the Secretary of Defense conduct a study of the appropriate role of the Department with respect to homeland security and report to Congress on such matters.

Authority to pay gratuity to members of the armed forces and civilian employees of the United States for slave labor performed for Japan during World War II

The Senate bill contained a provision (sec. 1064) that would authorize the Secretary of Veterans Affairs to pay a $20,000 gratuity to a veteran or civilian internee who: (1) served in or with United States combat forces during World War II; (2) was captured and held as a prisoner of war by Japan; and (3) was required to perform slave labor for Japan.

The House amendment contained no similar provision.

The Senate recedes.

Contingent authorization of appropriations

The Senate bill contained a title (title XIII) making the authorization of certain funds contingent upon future action by the Congress.

The House amendment contained no similar provision.

The Senate recedes.

Demilitarization of significant military equipment

The Senate bill contained a provision (sec. 1062) that would provide authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense (DOD).

The House amendment contained no similar provision.

The Senate recedes.

Information and recommendations on congressional reporting requirements applicable to the Department of Defense

The Senate bill contained a provision (sec. 1021) that would require the Secretary of Defense to identify recurring reporting requirements in the Department of Defense (DOD) that the Secretary believes to be unnecessary.

The House amendment contained no similar provision.

The Senate recedes.

Reductions in authorizations of appropriations for Department of Defense for management efficiencies

The Senate bill contained a provision (sec. 1002) that would have reduced the amounts authorized to be appropriated to the Department of Defense for fiscal year 2002 by $1.6 billion to reflect savings to be achieved through the implementation of the provisions of title VIII of the Senate bill and other management efficiencies.

The House amendment contained no similar provision.

The Senate recedes.

The conferees agreed to reductions of $1.3 billion for management reform initiatives. These reductions are included in titles I, II and III of this Act.

Release of restriction on use of certain vessels previously authorized to be sold

The Senate bill contained a provision (sec. 1220) that would relax certain restrictions placed on the sale of two vessels authorized by section 3603(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

The House amendment contained no similar provision.

The Senate recedes.

Revision in types of excess naval vessels for which approval by law is required for disposal to foreign nations

The House amendment contained a provision (sec. 1011) that would amend subsection

(a) of section 7307 of title 10 to change the requirement for specific congressional approval of disposal of vessels to foreign nations from ''naval vessels'' to ''combatant naval vessels.''

The Senate bill contained no similar provision.

The House recedes.

Revision of annual report to Congress on National Guard and reserve component equipment

The House amendment contained a provision (sec. 1033) that would revise the annual report to Congress on National Guard and reserve component equipment.

The Senate bill contained no similar provision.

The House recedes.

Sense of the Senate that the Secretary of the Treasury should immediately issue savings bonds, to be designated as ''Unity Bonds''

The Senate bill contained a provision (sec. 1074) that would express the sense of the Senate that the Secretary of the Treasury should immediately issue savings bonds, to be designated as ''Unity Bonds,'' in response to the terrorist attacks against the United States on September 11, 2001.

The House amendment contained no similar provision.

The Senate recedes.

The decision not to include this provision in this conference report does not reflect any change in the strong support for the issuance of savings bonds in both Houses of Congress, as expressed by the Senate when it approved this provision and by the House of Representatives when it approved H.R. 2899, the ''Freedom Bonds Act of 2001''.

Transfer of Vietnam-era F–4 to non-profit museum

The House amendment contained a provision (sec. 1044) that would authorize the Secretary of the Air Force to convey a surplus F–4 aircraft to the National Aviation Museum and Foundation of Oklahoma.

The Senate bill contained no similar provision.

The House recedes.

TITLE XI—CIVILIAN PERSONNEL

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Department of Defense Civilian Personnel

Personnel pay and qualifications authority for Department of Defense Pentagon Reservation civilian law enforcement and security force (sec. 1101)

The Senate bill contained a provision (sec. 1075) that would authorize the Secretary of Defense to establish pay rates for Pentagon civilian law enforcement and security personnel that are comparable to other federal law enforcement and security organizations within the vicinity of the Pentagon.

The House amendment contained no similar provision.

The House recedes.

Pilot program for payment of retraining expenses (sec. 1102)

The House amendment contained a provision (sec. 1102) that would authorize the Department of Defense (DOD) to establish a pilot program to pay retraining expenses for DOD employees scheduled for involuntary separation.

The Senate bill contained a similar provision (sec. 1123).

The Senate recedes with a clarifying amendment.

Authority of civilian employees to act as notaries (sec. 1103)

The Senate bill contained a provision (sec. 584) that would clarify the authority of civilian attorneys in military legal assistance offices and certain civilian employees to perform notarial acts.

The House amendment contained a similar provision (sec. 1109).

The House recedes.

Authority to appoint certain health care professionals in the excepted service (sec. 1104)

The Senate bill contained a provision (sec. 1125) that would authorize the Secretary of Defense to exempt certain health care professionals from examination for appointment in the competitive civil service.

The House amendment contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to appoint certain health care professionals in the excepted service without regard to certain provisions of chapter 33 of title 5, United States Code regarding examination, certification, and appointment in the civil service.

Subtitle B—Civilian Personnel Management Generally

Authority to provide hostile fire pay (sec. 1111)

The Senate bill contained a provision (sec. 622) that would authorize hostile fire or imminent danger pay for civilians.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment that removes limitations to duty in the United States and duty in specified areas of the Pentagon.

Payment of expenses to obtain professional credentials (sec. 1112)

The House amendment contained a provision (sec. 1103) that would authorize federal agencies to pay for employee credentials, professional licenses, and professional certification.

The Senate bill contained a similar provision (sec. 1126).

The Senate recedes.

Parity in establishment of wage schedules and rates for prevailing rate employees (sec. 1113)

The House amendment contained a provision (sec. 1110) that would require the Department of Defense, when establishing wage schedules and rates for prevailing wage employees, to consider rates paid for comparable positions in private industry in the nearest wage area that is most similar to the wage area for which wage rates are being established when there are insufficient positions in the local industry upon which to establish wage schedules and rates.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment that would make this provision effective on the first normal effective date of the applicable wage survey adjustment occurring after the enactment of this Act.

Modification of limitation on premium pay (sec. 1114)

The House amendment contained a provision (sec. 1107) that would amend section 5547 of title 5, United States Code, to change the period used for limiting the amount of overtime pay an employee may earn from a biweekly to an annual basis, permitting more flexibility in scheduling overtime across the Federal Government.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would give heads of agencies discretionary authority to use the calendar year as the period for limiting the amount of overtime pay for employees performing work that is critical to the mission of the agency.

Participation of personnel in technical standards development activities (sec. 1115)

The Senate bill contained a provision (sec. 1124) that would authorize the use of appropriated funds for Department of Defense personnel to participate in meetings to set technical standards for products, manufacturing processes, and management practices.

The House amendment contained no similar provision.

The House recedes.

Retention of travel promotional items (sec. 1116)

The Senate bill contained a provision (sec. 1065) that would authorize federal employees of the Executive Branch, members of the foreign service, military members, and their family members to retain for personal use promotional items received as a result of using travel or transportation services paid for by the Executive Branch.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the benefit to employees of the Judicial Branch and certain employees of the Legislative Branch.

Applicability of certain laws to certain individuals assigned to work in the Federal Government (sec. 1117)

The House amendment contained a provision (sec. 1106) that would clarify that state and local government officials detailed to work in federal agencies are subject to the same standards of official conduct that apply to other federal employees.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Subtitle C—Intelligence Civilian Personnel

Authority to increase maximum number of positions in the Defense Intelligence Senior Executive Service (sec. 1121)

The Senate bill contained a provision (sec. 1101) that would authorize the Secretary of Defense to increase the number of Defense Intelligence Senior Executive Service positions by the number of Senior Intelligence Service positions eliminated from the Central Intelligence Agency.

The House amendment contained no similar provision.

The House recedes with an amendment that would increase the maximum number of positions in the Defense Intelligence Senior Executive Service from 517 to 544.

The conferees intend that the increase of 27 Defense Intelligence Senior Executive Service positions is to meet the increased senior level requirements of the National Imagery and Mapping Agency (NIMA) resulting from the transfer of responsibilities from the Central Intelligence Agency to NIMA.

Subtitle D—Matters Relating to Retirement

Improved portability of retirement coverage for employees moving between civil service employment and employment by nonappropriated fund instrumentalities (sec. 1131)

The Senate bill contained a provision (sec. 1112) that would remove the requirement that employees who transfer between nonappropriated and appropriated fund employment systems have five or more years of service in a system to elect to continue in the Civil Service Retirement System, Federal Employees Retirement System, or Nonappropriated Fund Retirement System, as applicable.

The House amendment contained a similar provision (sec. 1104).

The House recedes.

Federal employment retirement credit for nonappropriated fund instrumentality service (sec. 1132)

The Senate bill contained a provision (sec. 1111) that would authorize federal employees the opportunity to elect to receive either Civil Service Retirement System or Federal

Employees Retirement System credit for prior nonappropriated fund service.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Modification of limitations on exercise of voluntary separation incentive pay authority and voluntary early retirement authority (sec. 1133)

The Senate bill contained a provision (sec. 1113) that would authorize the Secretary of Defense, during fiscal year 2003, to use voluntary separation incentives and voluntary early retirement authority for workforce restructuring to meet mission needs, achieve strength reductions, correct skill imbalances or reduce the number of high-grade, managerial, or supervisory positions.

The House amendment contained no similar provision.

The House recedes with an amendment that would establish a limit of 2000 employees in fiscal year 2002 and 6000 employees in fiscal year 2003 who could be separated under this provision, and would provide that this provision may be superceded by another provision of law taking effect after the effective date of this Act.

LEGISLATIVE PROVISIONS NOT ADOPTED

Continued applicability of certain civil service protections for employees integrated into the National Imagery and Mapping Agency from the Defense Mapping Agency

The Senate bill contained a provision (sec. 1102) that would clarify that former Defense Mapping Agency personnel transferred into the National Imagery and Mapping Agency pursuant to the National Defense Authorization Act for Fiscal Year 1997 retain certain civil service protections for as long as they remain Department of Defense employees employed without a break in service in the National Imagery and Mapping Agency.

The House amendment contained no similar provision.

The Senate recedes.

Removal of requirement that granting civil service compensatory time be based on amount of irregular or occasional overtime work

The House amendment contained a provision (sec. 1105) that would repeal the requirement that compensatory time only be granted to federal employees if the overtime performed is irregular or occasional.

The Senate bill contained no similar provision.

The House recedes.

Undergraduate training program for employees of the National Imagery and Mapping Agency

The House amendment contained a provision (sec. 1101) that would authorize the National Imagery and Mapping Agency to establish an undergraduate training program to recruit employees with critical skills.

The Senate bill contained no similar provision.

The House recedes.

Use of common occupational and health standards as a basis for differential payments made as a consequence of exposure to asbestos

The House amendment contained a provision (sec. 1108) that would establish a common standard for payment of hazardous duty differential pay for reason of exposure to asbestos for prevailing rate and general schedule federal employees.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to coordinate with interested parties to develop an appropriate standard for exposure to asbestos for prevailing rate and general schedule federal employees, taking into account the nature of the work and the increased likelihood of exposure to asbestos of prevailing rate and general schedule federal employees.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Matters Related to Arms Control and Monitoring

Clarification of authority to furnish nuclear test monitoring equipment to foreign governments (sec. 1201)

The Senate bill contained a provision (sec. 1214) that would amend section 1203 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 to clarify that the Department of Defense has the authority to transfer title of existing nuclear test monitoring equipment to foreign host nation governments, and to inspect and maintain such equipment to ensure that it continues to provide the data needed to satisfy United States nuclear test monitoring requirements. The provision would also redesignate the existing authority as section 2565 of title 10, United States Code.

The House amendment contained a similar provision.

The House recedes with a technical amendment.

Limitation on funding for Joint Data Exchange Center in Moscow (sec. 1202)

The House amendment contained a provision (sec. 1204) that would prohibit the Secretary of Defense from obligating or expending any fiscal year 2002 funds for the Joint Data Exchange Center (JDEC) in Moscow until 30 days after the Secretary of Defense submits to the congressional defense committees an agreement between the United States and Russia to share the costs of the JDEC and to exempt U.S. government personnel from liability under Russian laws for activities associated with the JDEC.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit 50 percent of the funds available for the JDEC from being obligated or expended until the agreement is submitted to the congressional defense committees.

The conferees believe that the JDEC is an important element of the increased cooperation between the United States and Russia and urge the Secretary to complete the necessary negotiations as quickly as possible.

Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities (sec. 1203)

The House amendment contained a provision (sec. 1205) that would extend the authority under section 1505 of the Weapons of Mass Destruction Act of 1992 (section 5859a of title 22, United States Code) for the Department of Defense to expend up to $15.0 million in fiscal year 2002 in support of United Nations-sponsored inspection and monitoring efforts in Iraq. The provision would also change the requirement for quarterly reports by the Department of Defense to an annual report.

The Senate bill contained a provision (sec. 1211) that would similarly extend the authority to expend $15.0 million in support of the United Nations-sponsored inspection and monitoring effort but did not change the requirement for quarterly reports.

The House recedes.

Authority for employees of Federal Government contractors to accompany chemical weapons inspection teams at government-owned facilities (sec. 1204)

The Senate bill contained a provision (sec. 1215) that would amend section 303(b)(2) and section 304(c) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6723(b)(2) and 6724(c)) to permit Federal Government contractor personnel to participate in inspections of United States Government-owned facilities conducted under that Act if led by a Federal Government employee.

The House amendment contained a similar provision.

The Senate recedes with a technical amendment.

Plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union (sec. 1205)

The House amendment contained a provision (sec. 1051) that would direct the President to submit to Congress a plan for cooperation with Russia to dispose of excess nuclear materials and nuclear weapons, and to prevent the outflow of Russian scientific expertise in the area of weapons of mass destruction. The provision included specific plan elements and required the President to consult with Russia and Congress in developing the plan.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

The amendment expands the scope of the plan to include the other states of the former Soviet Union and adds the requirement that the plan include programs to assist Russia in downsizing its nuclear weapons research and production complex. In addition, the amendment requires the President to consider establishing an interagency committee to coordinate and monitor the nonproliferation efforts of the United States, to recommend policy and budget options for the U.S. nonproliferation program, and to encourage increased coordination with and greater participation of international partners, including efforts to increase international contributions for such programs.

The conferees note that the administration has been reviewing the current nonproliferation programs. The conferees urge the administration to bring this review to a close, decide on a path forward for these important programs, and implement a coordinated government-wide nonproliferation strategy as soon as possible. As President Bush stated in his November 13, 2001 joint statement with Russian President Putin: ''Our highest priority is to keep terrorists from acquiring weapons of mass destruction. Today we agreed that Russian and American experts will work together to share information and expertise to counter the threat from bioterrorism. We agreed that it is urgent that we improve the physical protection and accounting on nuclear materials and prevent illicit nuclear trafficking.''

Subtitle B—Matters Relating to Allies and Friendly Foreign Nations

Acquisition of logistical support for security forces (sec. 1211)

The House amendment contained a provision (sec. 1202) that would amend the Multinational Force and Observers (MFO) Participation Resolution (Public Law 97–132) to authorize the President to approve contracting out the logistical and aviation support for the MFO mission currently performed by U.S. soldiers. The provision would also provide that U.S. sponsored contract support could be provided to the MFO mission without reimbursement if the President determines that such action enhances or supports the national security of the United States.

The Senate bill contained an identical provision (sec. 1217).

The conference agreement includes this provision.

Extension of authority for international cooperative research and development projects (sec. 1212)

The Senate bill contained a provision (sec 1212) that would amend section 2350 of title 10, United States Code, to expand the entities, to include friendly foreign countries, with which the Department of Defense is authorized to enter into cooperative research and development agreements.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment and an amendment that requires the Secretary of Defense to submit a report to Congress 30 days prior to implementation of any proposed memorandum of understanding (or other formal agreement) for cooperative research and development with a country that is not a NATO member nation or a major non-NATO ally.

Cooperative agreements with foreign countries and international organizations for reciprocal use of test facilities (sec. 1213)

The Senate bill contained a provision (sec. 1213) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to enter into a memorandum of understanding with a foreign country or international organization to provide for the testing, on a reciprocal basis, of defense equipment. The provision would require the charging of direct costs and would authorize the charging of indirect costs, but only to the extent specified in the memorandum or other agreement.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress on allied defense burdensharing (sec. 1214)

The Senate bill contained a provision (sec. 1219) that would express the sense of the Senate that the efforts of the President to increase burdensharing by allied and friendly nations deserve strong support. The provision also expressed the sense of the Senate that host nation support agreements with those nations in which U.S. military personnel are permanently assigned should be negotiated consistent with section 1221(a)(1) of the National Defense Authorization Act for Fiscal Year 1998, which sets forth a goal of obtaining financial contributions from such host nations that amount to 75 percent of the nonpersonnel costs.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment and an amendment that makes the provision a sense of Congress.

Subtitle C—Reports

Report on significant sales and transfers of military hardware, expertise, and technology to the People's Republic of China (sec. 1221)

The House amendment contained a provision (sec. 1203) that would amend section 1202 of the National Defense Authorization Act for Fiscal Year 2000. This amendment would require the Secretary of Defense to submit, as part of the existing report requirement, a one-time report to the Congress no later than March 1, 2002 on the transfer of equipment, expertise, and technology from the former Soviet states to the People's Republic of China.

The Senate bill contained no such provision.

The Senate recedes with an amendment that would require the Secretary of Defense to report to Congress on significant transfers of equipment, expertise and technology to the People's Republic of China. The amendment would remove the reference to the former states of the Soviet Union, and modifies the reporting requirement.

Repeal of requirement for reporting to Congress on military deployments to Haiti (sec. 1222)

The House amendment contained a provision (sec. 1206) that would repeal the report required by section 1232 of the National Defense Authorization Act for Fiscal Year 2000 concerning military deployments to Haiti.

The Senate bill contained no similar provision.

The Senate recedes.

Report by Comptroller General on provision of defense articles, services, and military education and training to foreign countries and international organizations (sec. 1223)

The House amendment contained a provision (sec. 1207) that would require the Comptroller General of the United States to study the benefits, costs, and readiness impact to the U.S. Armed Forces with regard to defense articles, services, or military education and training provided under the authority of the Foreign Assistance Act of 1961 (Public Law 87–195 as amended) or any similar provision of law. The provision would require the Comptroller General to submit to Congress an interim report no later than April 15, 2002, and a final report by August 1, 2002, on the findings of the study.

The Senate bill contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation on number of military personnel in Colombia

The House amendment contained a provision (sec. 1208) that would limit to 500 the number of U.S. military personnel authorized to be on duty in the Republic of Colombia at any time. The limit would not apply to military personnel deployed to Colombia for the purpose of rescuing or retrieving U.S. Government personnel, military personnel attached to the U.S. Embassy, military personnel engaged in relief operations, or nonoperational transient military personnel.

The Senate bill contained no similar provision.

The House recedes.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

LEGISLATIVE PROVISIONS ADOPTED

Specification of Cooperative Threat Reduction programs and funds (sec. 1301)

The Senate bill contained a provision (sec. 1201) that would define the Cooperative Threat Reduction (CTR) program, define the CTR funds as those authorized to be appropriated in section 301 of this conference report, and authorize the CTR funds to be available for obligation for three fiscal years.

The House amendment contained an identical provision (sec. 1301).

The conference agreement includes this provision.

Funding allocations (sec. 1302)

The Senate bill contained a provision (sec. 1202) that would authorize $403.0 million, the amount included in the budget request, for the Cooperative Threat Reduction (CTR) programs. The provision would also establish the funding levels for each of the program elements in the CTR program and provide limited authority to vary the amounts for specific program elements.

The House amendment contained a similar provision (sec. 1302).

The Senate recedes with a technical amendment.

The conferees include a provision that would authorize $403.0 million for the CTR programs, specify the funding levels for the component parts of the program, and provide limited authority to vary the amounts for specific program elements. The provision combines the amounts provided for chemical weapons destruction activity in Russia into a single category. The conferees have excluded nuclear weapons transportation security from the funding limitation. The provision would also remove the funding limitation for nuclear weapons transportation security contained in section 1302 (c)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Limitation on use of funds until submission of reports (sec. 1303)

The House amendment contained a provision (sec. 1303) that would prohibit the obligation or expenditure of fiscal year 2002 Cooperative Threat Reduction (CTR) program funds until 30 days after submission of the reports required by section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit the Secretary of Defense from spending more than 50 percent of the funds available for the CTR program for fiscal year 2002 until the Secretary submits the reports required by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Requirement to consider use of revenue generated by activities carried out under Cooperative Threat Reduction programs (sec. 1304)

The House amendment contained a provision (sec. 1304) that would require the Secretary of Defense to submit a report describing plans to monitor the use of revenue generated by Cooperative Threat Reduction (CTR) program activities in Russia and Ukraine.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to consider the revenue generated by CTR program-related activities in Russia when carrying out the CTR program.

Prohibition against use of funds for second wing of fissile material storage facility (sec. 1305)

The House amendment contained a provision (sec. 1305) that would prohibit the use of all Cooperative Threat Reduction (CTR) program funds for construction of a second wing for the fissile material storage facility in Mayak, Russia. The provision would also cap the amount of funds spent on the first wing of the facility at $412.6 million.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit fiscal year 2002 CTR funds, and CTR funds previously authorized and appropriated, from being used to construct a second wing of the storage facility for fissile material storage in Mayak, Russia. The conferees believe that if the Department of Defense should decide in the future that a second wing of the facility is needed, the Secretary should specifically request funds for this purpose. The provisions would also clarify that the spending cap on the Mayak facility would not apply to any expenditures related to security.

Prohibition against use of funds for certain construction activities (sec. 1306)

The House amendment contained a provision (sec. 1306) that would prohibit the use of Cooperative Threat Reduction (CTR) program funds from being used for construction or refurbishment of fossil fuel energy plants in Russia.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit the use of fiscal year

2002 funds from being used for construction activities associated with the program with the Russian government to eliminate the production of weapons grade plutonium. The conferees direct the Secretary of Defense to use the funds authorized in section 1302 to identify a workable cooperative program and plan that would allow these reactors to be shut down or to stop producing plutonium as quickly and as inexpensively as possible. The plan should include specific milestones and budgetary information for all construction, manufacturing, and operational costs associated with the plan. In formulating the approach, the Secretary should take into consideration the ability of the Russian government and the international community to contribute to this effort. The conferees continue to support the goal of eliminating plutonium production and urge the Secretary to request funds in the future for this effort to support an agreed-upon program plan. The conferees note that this program has been delayed by the lack of an agreed-upon program plan for several years.

Reports on activities and assistance under Cooperative Threat Reduction programs (sec. 1307)

The House amendment contained a provision (sec. 1307) that would amend section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 to modify the report on activities and assistance under Cooperative Threat Reduction (CTR) programs.

The Senate bill contained no similar provision.

The Senate recedes.

Chemical weapons destruction (sec. 1308)

The Senate bill contained a provision (sec. 1203) that would amend section 1305 of the National Defense Authorization Act for Fiscal Year 2000 to establish a certification process by the Secretary of Defense that must be completed before any funds could be spent for construction of a chemical weapons destruction facility at Shchuch'ye, Russia. The provision would also provide authority for the President to waive the prerequisite dealing with information provided by Russia about its stockpile of chemical munitions. The provision also required a commitment on the part of others to assist with the costs related to the facility.

The House amendment contained a similar provision (sec. 1309) that would require preconditions but did not provide authority to waive the one prerequisite and did not contain the requirement for a commitment by others to assist with the costs.

The Senate recedes with an amendment that would include the requirement on cost contributions by others and would clarify the requirements of the certification with respect to the Russian disclosure of its chemical weapons. This clarification will allow the certification to be made as soon as the United States assesses that the disclosure by Russia is accurate. The conferees believe that the certification, as clarified, can be made promptly, and thus believe that the waiver authority is not required. The conferees support this important program and urge the Secretary to implement this program as soon as possible.

Additional matter in annual report on activities and assistance under Cooperative Threat Reduction programs (sec. 1309)

The Senate bill contained a provision (sec. 1205) that would amend the annual report to include a new section describing the amount of the annual commitment from the international community and from Russia for the chemical weapons destruction facility at Shchuch'ye.

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on responsibility for carrying out Cooperative Threat Reduction programs

The House amendment contained a provision (sec. 1308) that would require the Secretary of Defense to submit a report containing an assessment of Cooperative Threat Reduction (CTR) projects currently under the auspices of the Department of Defense (DOD) and describing options for transferring responsibility for CTR projects to other agencies, as appropriate.

The Senate bill contained a related provision (sec. 1204) that would require the CTR program to continue to be financed, managed, and implemented by the DOD.

The House recedes and the Senate recedes.

The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (NDAA) directed the Secretary to submit a report similar to that requested in the House provision. The Secretary has not submitted this report, which was due in January, 2001. The conferees are aware that the report is complete. The conferees urge the Secretary to submit the required report and other required reports on the CTR program, which are also late, as quickly as possible. The conferees note that in spite of statutory changes made in the NDAA to the reporting requirements to accommodate DOD concerns, the DOD still has not submitted the reports required by law.

TITLE XIV—ARMED FORCES RETIREMENT HOME

LEGISLATIVE PROVISIONS ADOPTED

Amendment of Armed Forces Retirement Home Act of 1991 (sec. 1401)

The Senate bill contained a provision (sec. 1041) that would revise the Armed Forces Retirement Home Act of 1991 to implement changes resulting from a Department of Defense review of the management structure of the Armed Forces Retirement Home.

The House amendment contained no similar provision.

The House recedes.

The conferees note that the organizational and operational changes reflected in Title XIV reflect the collective judgment and recommendations of the Assistant Secretary of Defense (Force Management Policy), the Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, the Vice Chief of Staff of the Air Force, and the Assistant Commandant of the Marine Corps. The conferees compliment the determined efforts of all involved in reaching a consensus on initiatives to be taken. The commitment of the Department of Defense and the services to the operational efficiency and fiscal well-being of the Armed Forces Retirement Homes is an essential precondition for success.

The conferees anticipate that the legislative changes in Title XIV will be complemented by additional departmental and service initiatives (e.g., implementation of a fifty cent increase in the active duty military payroll deduction and recapitalization of facilities). To this end, the conferees urge the Committees on Armed Services of the Senate and the House of Representatives to provide maximum opportunities during the second session of the 107th Congress for interested individuals and groups to provide information and recommendations for additional improvements needed in the management and organization of the Armed Forces Retirement Homes.

Definitions (sec. 1402)

The Senate bill contained a provision (sec. 1042) that would define the terms Retirement Home, Local Board, Armed Forces Retirement Home Trust Fund, and Fund.

The House amendment contained no similar provision.

The House recedes.

Revision of authority establishing the Armed Forces Retirement Home (sec. 1403)

The Senate bill contained a provision (sec. 1043) that would establish the Armed Forces Retirement Home as an independent establishment of the Executive Branch to provide residences and related services for certain retired and former members of the armed forces.

The House amendment contained no similar provision.

The House recedes.

Chief Operating Officer (sec. 1404)

The Senate bill contained a provision (sec. 1044) that would authorize the Secretary of Defense to appoint a Chief Operating Officer for the Retirement Home who would be responsible for the overall direction, operation, and management of the Armed Forces Retirement Home and who would report to the Secretary of Defense.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Residents of Retirement Home (sec. 1405)

The Senate bill contained a provision (sec. 1045) that would repeal the requirement for a resident to reapply for acceptance as a resident when absent from the home for more than 45 consecutive days and establish fees to be paid by residents.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Local boards of trustees (sec. 1406)

The Senate bill contained a provision (sec. 1046) that would require the Secretary of Defense to appoint a local board of trustees for each facility of the Armed Forces Retirement Home to serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Directors, Deputy Directors, Associate Directors, and staff of facilities (sec. 1407)

The Senate bill contained a provision (sec. 1047) that would require the Secretary of Defense to appoint a Director and a Deputy Director for each facility of the Armed Forces Retirement Home.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment that would also require appointment of an Associate Director to serve as an ombudsman for the residents and to perform other duties assigned by the Director.

Disposition of effects of deceased persons and unclaimed property (sec. 1408)

The Senate bill contained a provision (sec. 1048) that would authorize the Director of a facility of the Armed Forces Retirement Home to designate an attorney who is a full-time officer or employee of the United States or a member of the armed forces on active duty to serve as attorney or agent for the facility in certain probate proceedings.

The House amendment contained no similar provision.

The House recedes.

Transitional provisions (sec. 1409)

The Senate bill contained a transitional provision (sec. 1049) that would authorize the Armed Forces Retirement Home Board to continue to serve and perform the duties of the Chief Operating Officer until the Secretary of Defense appoints the first Chief Operating Officer, and for the temporary continuation of the Director of the Armed

Forces Retirement Home—Washington and the incumbent Deputy Directors.

The House amendment contained no similar provision.

The House recedes.

Conforming and clerical amendments and repeals of obsolete provisions (sec. 1410)

The Senate bill contained a provision (sec. 1050) that would make conforming technical amendments to title 24, United States Code.

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Amendments of other laws

The Senate bill contained a provision (sec. 1051) that would amend section 4301(2) of title 5, United States Code, to exclude the Chief Operating Officer and the Deputy Directors of the Armed Forces Retirement Home from the definition of employee for purposes of performance appraisals under chapter 43 of title 5, United States Code.

The House amendment contained no similar provision.

The Senate recedes.

TITLE XV—ACTIVITIES RELATING TO COMBATING TERRORISM

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Increased Funding for Combating Terrorism

Authorization of emergency appropriations under the 2001 Emergency Supplemental Appropriations Act for Recovering From and Response to Terrorist Attacks on the United States (secs. 1501–1506)

The Senate bill contained a provision (sec. 1010) that would authorize the supplemental appropriations for the Department of Defense enacted in the Emergency Terrorist Response Supplemental Appropriations Act, 2001 (Public Law 107–38), which provided supplemental funding for Department of Defense programs in response to terrorist attacks against the United States. The Senate bill would also require quarterly reports by the Secretary of Defense to the Committees on Armed Services of the Senate and the House of Representatives on the use of funds made available to the Department of Defense, as well as reports on the allocation of funds under that Act that are made available to the Department of Defense subject to the 15-day notification requirement.

The House amendment contained no similar provision.

The House recedes with an amendment that would: authorize supplemental appropriations for the Department of Defense and the national security activities of the Department of Energy, including the National Nuclear Security Administration, for combating terrorism for fiscal year 2001 and 2002, including the use of such appropriations to carry out military construction projects; and clarify the reporting requirement. The conferees expect the information provided by the Department of Defense and the Department of Energy on the use of funds appropriated in this supplemental, regardless of whether the funds were available immediately, subject to 15-day notification, or required subsequent appropriation by Congress, to be consistent with the level of detail provided for previous supplementals, including a description of the accounts and programs for which the funds were used for each service.

SUBTITLE B—POLICY MATTERS RELATING TO COMBATING TERRORISM

Study and report on the role of the Department of Defense with respect to homeland security (sec. 1511)

The Senate bill contained a provision (sec. 1022) that directed the Secretary of Defense to submit a report to Congress on the Department of Defense (DOD) policies, plans and procedures for combating terrorism. The intent of the provision was to achieve a clear description of the structure, strategy, roles, relationships and responsibilities of the various DOD entities with responsibilities relating to combating terrorism. The report was to serve as the means for the single designated civilian in the DOD to address the various issues pertaining to combating terrorism.

The House amendment contained four provisions related to the Department's role in homeland security or combating terrorism. One provision (sec. 1032) required the Secretary of Defense to submit to Congress a report on the appropriate role of the DOD in homeland security matters. A second House provision (sec. 1511) required the Secretary of Defense to submit to Congress and the President a report containing an assessment of the Department's ability to provide support for the consequence management activities of other federal, state, and local agencies, taking into account the terrorist attacks on the United States on September 11, 2001. A third House provision (sec. 1512) directed the Secretary of Defense to report on the ability of the DOD to protect the United States from airborne threats, including those originating from within U.S. borders. A fourth House provision (sec. 1514) directed the Secretary of Defense to seek an agreement with the Directors of the Federal Bureau of Investigation and Federal Emergency Management Agency that clarifies the roles and missions of the DOD Weapons of Mass Destruction-Civil Support Teams (WMD-CSTs) relative to those agencies in crisis response and consequence management efforts.

The conferees agreed to merge the four House amendment provisions into the Senate bill provision. The conferees direct the Secretary of Defense to conduct a study on the appropriate role for the Department of Defense with respect to homeland security. The study would include a description of the plans, policies, and procedures of the Department of Defense for combating terrorism. It would also identify how the DOD will interact with the Office of Homeland Security, and how intelligence-sharing efforts of the Department will be coordinated relative to other federal, state and local entities. In addition, the report would address the ability of the DOD to protect the United States from airborne attacks, and the manner in which the WMD–CSTs interact with lead federal agencies during crisis response or consequence management situations. The report will also discuss improvements that could be made to enhance homeland security and recommended actions and programs aimed at addressing vulnerabilities.

Combating Terrorism Readiness Initiatives Fund for combatant commands (sec. 1512)

The Senate bill contained a provision (sec. 1008) that would codify in title 10, United States Code, the authority and specific activities to be funded under the Combating Terrorism Readiness Initiative Fund.

The House amendment contained no similar provision.

The House recedes.

Conveyances of equipment and related materials loaned to state and local governments as assistance for emergency response to a use or threatened use of a weapon of mass destruction (sec. 1513)

The Senate bill contained a provision (sec. 1063) that would require the Department of Defense (DOD) to transfer to state and local authorities training equipment it has loaned to them as part of the Domestic Preparedness Program, which was established in accordance with the Defense Against Weapons of Mass Destruction Act of 1996 (otherwise known as the Nunn-Lugar-Domenici Act) (Title XIV of the National Defense Authorization Act for Fiscal Year 1997).

The equipment was purchased by the Department on behalf of cities participating in the Domestic Preparedness Program. That equipment has been permanently retained and maintained on loan due to the legal prohibition against transferring DOD property directly to non-Federal Government agencies. As a result, the Department has been required to inventory, and to hold some liability for, this equipment. In addition, local authorities have incurred the additional task of maintaining records to DOD standards. This one-time transfer was intended to eliminate the financial cost, labor and liabilities associated with this equipment so long as it remains DOD property.

The House amendment contained no similar provision.

The House recedes.

The conferees agree that this is a one-time transfer and will not set any precedent.

Two-year extension of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (sec. 1514)

The House amendment contained a provision (sec. 1052) that would amend section 1405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 to extend the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (WMD) by two additional years. The life of the panel would thereby be extended until 2003.

The Senate bill contained no such provision.

The Senate recedes with an amendment to provide compensation to the members of the panel for the days that they serve from the enactment of this Act until they complete their work in 2003.

The conferees recognize that the panel can continue to provide valuable assessments and recommendations to the Federal Government in its efforts to improve federal homeland security efforts. The conferees expect that the panel will study not only WMD, but also conventional and cyber terrorist threats.

LEGISLATIVE PROVISIONS NOT ADOPTED

Establishment of combating terrorism as a national security mission

The House amendment contained a provision (sec. 1513) that would amend section 108(b)(2) of the National Security Act of 1947 to establish that acts of terrorism are included in the term ''aggression.''

The Senate bill contained no similar provision.

The House recedes.

The conferees note that there is general agreement that acts of terrorism are included in the term ''aggression.''

TITLE XVI—UNIFORMED SERVICES VOTING

LEGISLATIVE PROVISIONS ADOPTED

Sense of Congress regarding the importance of voting (sec. 1601)

The Senate bill contained a provision (sec. 571) that would express the sense of the Senate that each administrator of a federal, state, or local election should be aware of the importance of the ability of each uniformed services voter to exercise the right to vote; that the administrators should perform their duties with the intent to ensure that each uniformed services voter receives the utmost consideration and cooperation when voting; that each valid ballot cast by such a voter is duly counted; and that all eligible American voters should have an equal opportunity to cast a vote and to have that vote counted.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment that would express a sense of the Congress.

Voting assistance programs (sec. 1602)

The Senate bill contained a provision (sec. 578) that would require the Secretary of Defense to promulgate regulations to ensure that each service complies with directives implementing the Federal Voting Assistance Program (FVAP) and require the Inspector General of each service to conduct an annual review of compliance with the FVAP and report the results to the Department of Defense Inspector General, who would report annually to Congress.

The House amendment contained a similar provision (sec. 551) that would also establish certain requirements for voting assistance officers, and require polling of units and ships at sea regarding the availability of voting materials prior to congressional elections.

The House recedes with an amendment that would combine elements of the two provisions.

Guarantee of residency for military personnel (sec. 1603)

The Senate bill contained a provision (sec. 573) that would provide that for purposes of voting in any federal, state or local election, a person absent from a state pursuant to military orders would not, solely by reason of that absence, be deemed to have: (1) lost a residence or domicile in that state; (2) acquired a residence or domicile in another state; or (3) become a resident in or of any other state.

The House amendment contained no similar provision.

The House recedes.

Electronic voting demonstration project (sec. 1604)

The Senate bill contained a provision (sec. 577) that would require the Department of Defense to conduct an electronic voting demonstration for absent military voters in the November, 2002, federal elections.

The House amendment contained a similar provision (sec. 552).

The House recedes with a clarifying amendment.

The conferees are aware of the Department's concern about having sufficient lead time to prepare for a meaningful demonstration project in 2002. The conferees encourage the Department to consider use of commercially available, off-the-shelf, electronic voting products to expedite preparation for the 2002 demonstration.

Governors' reports on implementation of recommendations for changes in state law made under Federal Voting Assistance Program (sec. 1605)

The Senate bill contained a provision (sec. 580) that would require the chief executive officer of a state to report on the implementation of a uniformed services voting assistance legislative recommendation within 90 days of receipt of that recommendation.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters (sec. 1606)

The Senate bill contained a provision (sec. 575) that would require states to accept and process the official postcard form as a simultaneous absentee voter register application and absentee ballot application. The Senate bill also contained a provision (sec. 576) that would require states to accept and process a single absentee ballot application from an absent uniformed services voter or overseas voter for all general, special, primary, and runoff federal elections occurring during a year if the application is received not less than 30 days before the first federal election occurring that year.

The House amendment contained no similar provision.

The House recedes with an amendment that would combine the two provisions and require states to provide absentee ballots for each subsequent federal election during a year only if the voter requests that the application be considered an application for each subsequent federal election.

Use of certain Department of Defense facilities as polling places (sec. 1607)

The House amendment contained a provision (sec. 2813) that would authorize the service secretaries to make buildings located on military installations and reserve component facilities available for use as polling places for federal, state, and local elections.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would permit use of Department of Defense facilities as polling places if the facilities were designated as of December 31, 2000, or have been used since January 1, 1996, as official polling places, unless local security conditions preclude such use.

LEGISLATIVE PROVISIONS NOT ADOPTED

Extension of registration and balloting rights for absent uniformed services voters to state and local elections

The Senate bill contained a provision (sec. 574) that would require states to permit uniformed services voters to use absentee procedures to register and vote in state and local elections.

The House amendment contained no similar provision.

The Senate recedes.

Maximization of access of recently separated uniformed service voters to the polls

The Senate bill contained a provision (sec. 579) that would require states to accept absentee registration applications by military personnel before they separate from the military and that would allow them, after they leave the military, to vote in any election for which they are properly registered.

The House amendment contained no similar provision.

The Senate recedes.

Standard for invalidation of ballots cast by absent uniformed services voters in federal elections

The Senate bill contained a provision (sec. 572) that would prescribe standards for invalidation of ballots cast by absent uniformed services voters in federal elections.

The House amendment contained no similar provision.

The Senate recedes.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Overview

The budget request for fiscal year 2002 requested authorization of appropriations of $9,971.3 million for the military construction and family housing construction and operation accounts of the Department of Defense.

The Senate bill would authorize $10,430.5 million for military construction and family housing.

The House amendment would authorize $10,324.7 million for these accounts.

The conferees recommend authorization of appropriations of $10,681.3 million for the military construction and family housing accounts of the Department of Defense for fiscal year 2002. Including the impact of reductions in the authorization of appropriations for military construction for prior years made in this Act, and of the rescission of military construction appropriations for prior years for foreign currency savings and for a Forward Operating Location in Aruba contained in the Military Construction Appropriations Act, 2002 (Public Law 107–64), the conference agreement is consistent with a budget authority level of $10,500.0 million for military construction and family housing.

The following tables list the amounts authorized to be appropriated for the military construction and family housing accounts, and for each military construction and family housing project.

Summary of
NATIONAL DEFENSE AUTHORIZATION FOR FY 2002
(In Thousands of Dollars)

	Authorization Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Military Construction					
Military Construction, Army	1,760,541	1,686,601	1,635,341	(17,381)	1,743,160
Military Construction, Navy	1,071,408	1,159,654	1,146,948	53,459	1,124,867
Military Construction, Air Force	1,068,250	1,171,504	1,176,289	109,454	1,177,704
Military Construction, Defense-Wide	694,558	838,957	859,744	107,925	802,483
Military Construction, Army National Guard	267,389	301,915	360,240	125,864	393,253
Military Construction, Air National Guard	149,072	197,472	232,232	104,780	253,852
Military Construction, Army Reserve	111,404	173,017	111,404	57,565	168,969
Military Construction, Naval/MC Reserve	33,641	53,291	33,641	19,255	52,896
Military Construction, Air Force Reserve	53,732	79,132	53,732	19,300	73,032
Base Realignment and Closure IV	532,200	532,200	592,200	100,513	632,713
NATO Security Investment Program	162,600	162,600	162,600	-	162,600
Total Military Construction	5,904,795	6,359,343	6,364,371	680,734	6,585,529
Family Housing					
Family Housing Construction, Army	291,542	294,042	313,852	21,200	312,742
Family Housing Operations & Debt, Army	1,108,991	1,027,315	1,108,991	(19,418)	1,089,573
Family Housing Construction, Navy	304,400	333,180	312,591	27,380	331,780
Family Housing Operations & Debt, Navy	918,095	900,171	918,095	(8,000)	910,095
Family Housing Construction, Air Force	518,237	536,237	542,381	32,466	550,703
Family Housing Operations & Debt, Air Force	869,121	818,293	869,121	(24,406)	844,715
Family Housing Construction, Defense-Wide	250	250	250	-	250
Family Housing Operations & Debt, Defense	43,762	43,762	43,762	-	43,762
Family Housing Improvement Fund	2,000	2,000	2,000	-	2,000
Homeowners Assistance Fund	10,119	10,119	10,119	-	10,119
Total Family Housing	4,066,517	3,965,369	4,121,162	29,222	4,095,739
Total FY2002 Authorization	9,971,312	10,324,712	10,485,533	709,956	10,681,268
Recission: Foreign Currency (PL 107-64)				(60,000)	(60,000)
Prior Year Savings: NMD (sec. 2404)			(55,000)	(55,030)	(55,030)
Prior Year Savings: Classified (sec. 2106)				(36,400)	(36,400)
Prior Year Savings: Navy P&D (sec. 2205)				(19,588)	(19,588)
Recission: Aruba FOL (PL 107-64)				(10,250)	(10,250)
Total Budget Authority Implication	9,971,312	10,324,712	10,430,533	528,688	10,500,000

Fiscal Year 2002 Authorization of Appropriations for Military Construction

(Dollars in Thousands)

Location	Service/Agency/Program	Installation	Project Title	FY2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Alabama	Army	Anniston AD	Component Maintenance Fac	2,300	2,300	2,300		2,300
Alabama	Army	Anniston AD	Rebuild Shop And Fac	2,850	2,850	2,850		2,850
Alabama	Army	Fort Rucker	Comanche Simulator Training Fac	11,400	11,400	11,400		11,400
Alabama	Army	Fort Rucker	Aircrafts Parts Warehouse		6,800		6,800	6,800
Alabama	Army	Redstone Arsenal	Dining Fac	7,300	7,200	7,200		7,200
Alabama	Army	Redstone Arsenal	Patriot Unit training Equipment Site		8,700			-
Alabama	Army	Redstone Arsenal	Ammunition Surveillance Fac				2,700	2,700
Alabama	Air Force	Maxwell AFB	Add/Alter SOS Academic Fac	9,000	9,000	9,000		9,000
Alabama	Air Force	Maxwell AFB	Replace OTS Dormitory (120 Rm)	11,800	11,800	11,800		11,800
Alabama	Air Force	Maxwell AFB	Squadron Officer School Dormitory	13,600	13,600	13,600		13,600
Alabama	Army National Guard	Huntsville	Unit Training Equipment Site (UTES)	7,498	7,498	7,498		7,498
Alabama	Army National Guard	Mobile	Readiness Center, Addition And Alteration	5,333	5,333	5,333		5,333
Alabama	Air National Guard	Dothan AGS	280th Combat Comm Sqd Complex		-	11,000	11,000	11,000
Alabama	Air Force Reserve	Maxwell AFB	Replace Fuel Cell Maintenance Fac	7,300	7,300	7,300		7,300
Alabama	Air Force Reserve	Maxwell AFB	Replace Maintenance Hangar	9,900	9,900	9,900		9,900
Alaska	Army	Fort Richardson	Barracks Complex D Street (Ph I)	45,000	45,000	45,000		45,000
Alaska	Army	Fort Richardson	MOUT College Training Fac		-	18,000	18,000	18,000
Alaska	Army	Fort Wainwright	Assembly Building	4,200	4,200	4,200		4,200
Alaska	Army	Fort Wainwright	Power Plant Cooling Tower	23,000	23,000	23,000		23,000
Alaska	Air Force	Eareckson AFB	Upgrade Wastewater System	4,600	4,600	4,600		4,600
Alaska	Air Force	Elmendorf AFB	Add/Alter Aircraft Fuel System Maintenance Hangar	12,200	12,200	12,200		12,200
Alaska	Air Force	Elmendorf AFB	Dormitory	20,000	20,000	20,000		20,000
Alaska	DLA	Eielson AFB	Replace Bulk Fuel Storage Tanks	8,800	8,800	8,800		8,800
Alaska	TMA	Fort Wainwright	Hospital Replacement (Ph III)	18,500	18,500		(18,500)	-
Alaska	Army National Guard	Juneau	Readiness Center		-	7,568	7,568	7,568
Alaska	Air National Guard	Elmendorf AFB	Upgrade 206th Combat Comm Facilities	5,000	5,000	5,000		5,000
Arizona	Army	Fort Huachuca	Effluent Reuse System	6,100	6,100	6,100		6,100
Arizona	Army	Yuma Proving Ground	Range Improvements		3,100		3,100	3,100
Arizona	Navy	MCAS Yuma	Air Traffic Control Tower	6,750	6,750	6,750		6,750
Arizona	Navy	MCAS Yuma	Land Acquisition	8,660	8,660	8,660		8,660
Arizona	Navy	MCAS Yuma	Station Ordnance Area	7,160	7,160	7,160		7,160
Arizona	Air Force	Davis Monthan AFB	Dormitory	8,700	8,700	8,700		8,700
Arizona	Air Force	Davis Monthan AFB	Replace Aircraft Reclamation/Parts Process Complex	8,600	8,600	8,600		8,600
Arizona	Air Force	Davis-Monthan AFB	Child Development Center		6,200		6,200	6,200
Arizona	Air Force	Luke AFB	Add/Alter Child Development Center		4,500		4,500	4,500

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Arizona	Army National Guard	Marana	Aviation Maintenance Hangar	14,358	14,358	14,358		14,358
Arizona	Army National Guard	Papago Park Mill Reservation	Aviation Armory Addition		1,104			-
Arizona	Army Reserve	Mesa	USAR Center/Organizational Maint Shop	10,900	10,900	10,900		10,900
Arizona	Air Force Reserve	Luke AFB	Add/Alter Squadron Operations Build 976		1,400		1,400	1,400
Arkansas	Army	Pine Bluff Arsenal	Ammunition Demilitarization Fac (Ph VI)	26,000	-	-	(26,000)	-
Arkansas	Air Force	Little Rock AFB	C-130J Flight Simulator Fac	10,600	10,600	10,600		10,600
Arkansas	Air Force	Little Rock AFB	Base Fire Station		-	7,500	7,500	7,500
Arkansas	Chem/Demil	Pine Bluff Arsenal	Ammunition Demilitarization Fac (Ph VI)		26,000	26,000	26,000	26,000
Arkansas	Army Reserve	Conway	Reserve Center/Organizational Maint Shop		5,625		5,625	5,625
California	Army	Defense Language Institute	Barracks		5,900		5,900	5,900
California	Army	Fort Irwin	Maneuver Area Training Equipment Site		23,000		23,000	23,000
California	Navy	MAGTF TC Twentynine Palms	Academic Instruction Bldg	9,860	9,860	9,860		9,860
California	Navy	MAGTF TC Twentynine Palms	Ammunition Storage Facilities	9,540	9,540	9,540		9,540
California	Navy	MAGTF TC Twentynine Palms	BEQ	29,675	29,675	29,675		29,675
California	Navy	MAGTF TC Twentynine Palms	Enlisted Dining Fac	11,930	11,930	11,930		11,930
California	Navy	MAGTF TC Twentynine Palms	Reserve Support Facilities	8,760	8,760	8,760		8,760
California	Navy	MAGTF TC Twentynine Palms	Vehicle Wash Station	5,360	5,360	5,360		5,360
California	Navy	MCAS Camp Pendleton	Aircraft Hangar Improvement	4,470	4,470	4,470		4,470
California	Navy	MCAS Camp Miramar	Missile Magazine		3,680			-
California	Navy	MCB Camp Pendleton	BEQ	21,600	21,600	21,600		21,600
California	Navy	MCB Camp Pendleton	BEQ Marine E1/E4	21,200	21,200	21,200		21,200
California	Navy	MCB Camp Pendleton	Boat Maintenance Fac	11,980	11,980	11,980		11,980
California	Navy	MCB Camp Pendleton	Helo Outlying Landing Field	3,910	3,910	3,910		3,910
California	Navy	MCB Camp Pendleton	Indoor Physical Fitness Fac	13,460	13,460	13,460		13,460
California	Navy	MCB Camp Pendleton	Iron/Manganese Plant (Ph II)	11,180	11,180	11,180		11,180
California	Navy	MCB Camp Pendleton	Regimental Maintenance Complex	13,160	13,160	13,160		13,160
California	Navy	NAB Coronado	Training Fac	8,610	8,610	8,610		8,610
California	Navy	NAF El Centro	Transient Student BEQ	23,520	23,520	23,520		23,520
California	Navy	NAS Lemoore	BEQ	10,010	10,010	10,010		10,010
California	Navy	Island	Supply Pier	13,730	13,730	13,730		13,730
California	Navy	NAWC China Lake	Combined Propulsion and Explosives Lab I		10,100		10,100	10,100
California	Navy	NCTC Port Hueneme	Auto Vehicle Maintenance Noncombat	3,780	3,780	3,780		3,780
California	Navy	NCBC Port Hueneme	Port Improvements	12,400	12,400	12,400		12,400
California	Navy	NS San Diego	BEQ	47,240	47,240	47,240		47,240
California	Navy	NS San Diego	Replace Pier 10/11 (Incr I)	17,500	17,500	17,500		17,500

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California	Air Force	Edwards AFB	ADAL Terminal Area Control Fac	4,600	4,600	4,600		4,600
California	Air Force	Edwards AFB	Consolidated Support Fac	11,700	11,700	11,700		11,700
California	Air Force	Edwards AFB	Base Operations Fac		5,000			-
California	Air Force	Los Angeles AFB	Consolidated Base Support Complex	23,000	23,000	23,000		23,000
California	Air Force	Travis AFB	Replace Support Fac	6,800	6,800	6,800		6,800
California	Air Force	Travis AFB	C-5 Squadron Operations		-	9,600		-
California	Air Force	Travis AFB	Radar Approach Control Center		3,300		3,300	3,300
California	Air Force	Vandenberg AFB	Missile Transport Bridge	11,800	11,800	11,800		11,800
California	Air Force	Beale AFB	Communications Operations Center		7,900		7,900	7,900
California	DLA	Def Dist Dep Tracy	Replace General Purpose Warehouse	30,000	30,000	30,000		30,000
California	SOCOM	NS San Diego	SOF Seal Team Five Building	13,650	13,650	13,650		13,650
California	TMA	MCB Camp Pendleton	FHOTC Support Facilities	3,150	3,150	3,150		3,150
California	TMA	MCB Camp Pendleton	Medical/Dental Clinic Replacement (Horno)	4,300	4,300	4,300		4,300
California	TMA	MCB Camp Pendleton	Medical/Dental Clinic Replacement (Las Flores)	3,800	3,800	3,800		3,800
California	TMA	MCB Camp Pendleton	Medical/Dental Clinic Replacement (Las Pulgas)	4,050	4,050	4,050		4,050
California	TMA	NAVHOSP Twentynine Palms	Hospital LDRP Conversion	1,600	1,600	1,600		1,600
California	Army National Guard	Fort Irwin	Maneuver Area Training Equipment Site	21,953	21,953	21,953		21,953
California	Army National Guard	Lancaster	Readiness Center (ADRS)	4,530	4,530	4,530		4,530
California	Army National Guard	Azuza	Readiness Center (ADRS)		-	15,281	14,011	14,011
California	Navy Reserve	NSWSES Port Hueneme	Vehicle Maintenance Fac	1,000	1,000	1,000		1,000
California	Air Force Reserve	March AFB	Fire/Crash Rescue Station		7,200		7,200	7,200
Colorado	Army	Fort Carson	Barracks Complex - Nelson Blvd (Ph I)	25,000	25,000	25,000		25,000
Colorado	Army	Pueblo Depot Activity	Ammunition Demilitarization Fac (Ph III)	11,000	-	-	(11,000)	-
Colorado	Air Force	Air Force Academy	ADAL Athletic Facilities (Ph II)	11,400	11,400	11,400		11,400
Colorado	Air Force	Air Force Academy	Install Air Conditioning - Enlisted Dorm	1,300	1,300	1,300		1,300
Colorado	Air Force	Air Force Academy	Replace Control Tower	6,400	6,400	6,400		6,400
Colorado	Air Force	Air Force Academy	Upgrade Potable Water System - Cadet Area	6,400	6,400	6,400		6,400
Colorado	Air Force	Buckley AFB	Dormitory	11,200	11,200	11,200		11,200
Colorado	Air Force	Buckley AFB	Fitness Center	12,000	12,000	12,000		12,000
Colorado	Air Force	Schriever AFB	SBIRS Mission Control Station Backup	19,000	19,000	19,000		19,000
Colorado	Air Force	Schriever AFB	Secure Area Logistics Fac		11,400		11,400	11,400
Colorado	ChemDemil	Pueblo Depot Activity	Ammunition Demilitarization Fac (Ph III)		11,000	11,000	11,000	11,000
Colorado	TMA	Schriever AFB	Hospital Addition/Clinic Alteration	4,000	4,000	4,000		4,000
Colorado	Air National Guard	Buckley AFB	Control Tower		-	5,800		-
Colorado	Army Reserve	Fort Carson	Alter AFR Center/New USARC	9,394	9,394	9,394		9,394

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Connecticut	Air National Guard	Orange ANG Station	Replace Air Control Squadron Complex	12,000	12,000	12,000		12,000
District of Columbia	Army	Fort McNair	Physical Fitness Training Center	11,600	11,600	11,600		11,600
District of Columbia	Navy	NAF Washington	BEQ Replacement	9,810	9,810	9,810		9,810
District of Columbia	Air Force	Bolling AFB	Add/Alter Chapel Center	2,900	2,900	2,900		2,900
Delaware	Air Force	Dover AFB	Fire Station		-	7,300	7,300	7,300
Florida	Navy	NAS Key West	Air Traffic Center/Operations Bldg	11,400	11,400	11,400		11,400
Florida	Navy	NAS Whiting Field	Airfield Approach Lighting	2,140	2,140	2,140		2,140
Florida	Navy	NS Mayport	Bachelor Enlisted Quarters	16,420	16,420	16,420		16,420
Florida	Navy	NAS Pensacola	Consolidated Fire Station		3,700	3,700	3,700	3,700
Florida	Air Force	Cape Canaveral AFS	Replace Fire/Crash Rescue Station	7,800	7,800	7,800		7,800
Florida	Air Force	Eglin AFB	Command And Control (C2) Test Operations Ctr	11,400	11,400	11,400		11,400
Florida	Air Force	Hurlburt Field	Consolidated Communication Fac	4,000	4,000	4,000		4,000
Florida	Air Force	Hurlburt Field	Dining Fac/Fitness Center	6,400	6,400	6,400		6,400
Florida	Air Force	MacDill AFB	Mission Planning Center (Ph I)	10,000	10,000	10,000	(10,000)	-
Florida	Air Force	Tyndall AFB	F-22 Fuels System Maintenance Hanger	3,050	3,050	3,050		3,050
Florida	Air Force	Tyndall AFB	F-22 Squad Ops/AMU and Hanger	12,000	12,000	12,000		12,000
Florida	Air Force	Tyndall AFB	Communications Management Fac		5,300		5,300	5,300
Florida	TMA	Hurlburt Field	Medical Clinic Addition/Alteration	8,800	8,800	8,800		8,800
Florida	TMA	NS Mayport	Medical/Dental Clinic Replacement	24,000	24,000	24,000		24,000
Florida	SOCOM	Hurlburt Field	SOF CV-22 Training Device Support Fac	10,200	10,200	10,200		10,200
Florida	SOCOM	Hurlburt Field	SOF Readiness Supply Package Fac	3,200	3,200	3,200		3,200
Florida	SOCOM	MacDill AFB	SOF Public Access Building	2,500	2,500	2,500		2,500
Florida	SOCOM	MacDill AFB	SOF Renovate Command And Control Fac	9,500	9,500	9,500		9,500
Florida	Air National Guard	Camp Blanding	Replace Weather Training Complex	6,900	6,900	6,900		6,900
Florida	Army Reserve	St Petersburg	Armed Services Reserve Center (Ph II)		34,056		34,056	34,056
Florida	Navy Reserve	NAR Jacksonville	Maintenance Hangar Overhead Space	3,744	3,744	3,744		3,744
Florida	Navy Reserve	NR Jacksonville	Readiness Support Site (Blount Island)	2,500	2,500	2,500		2,500
Florida	Navy Reserve	Jacksonville	Marine Corps Reserve Center		8,650			-
Florida	Air Force Reserve	Homestead AFB	Communications Fac		2,000		2,000	2,000
Georgia	Army	Fort Benning	Passenger Processing Fac	17,000	17,000	17,000		17,000
Georgia	Army	Fort Benning	Runway Extension	6,900	6,900	6,900		6,900
Georgia	Army	Fort Gillem	Criminal Investigation Forensic Lab	29,000	29,000	29,000		29,000
Georgia	Army	Fort Gillem	Explosive Ordnance Det Ops Bldg	5,600	5,600	5,600		5,600
Georgia	Army	Fort Gordon	Information Systems Fac	11,000	11,000	11,000		11,000
Georgia	Army	Fort Gordon	Vehicle Maintenance Fac	23,000	23,000	23,000		23,000

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Georgia	Army	Fort Stewart/Hunter AAF	Education Center	16,000	16,000	16,000		16,000
Georgia	Army	Fort Stewart/Hunter AAF	Soldier Service Center	10,200	10,200	10,200		10,200
Georgia	Army	Fort Stewart/Hunter AAF	Vehicle Maintenance Fac	13,600	13,600	13,600		13,600
Georgia	Air Force	Robins AFB	Fire Training Facility	3,800	3,800	3,800		3,800
Georgia	Air Force	Robins AFB	Large Item Aircraft Support Equip Paint Fac	3,050	3,050	3,050		3,050
Georgia	Air Force	Robins AFB	Replace KC-135 Squadron Operations	7,800	7,800	7,800		7,800
Georgia	Air Force	Moody AFB	Physical Fitness Center		-	8,600	8,600	8,600
Georgia	Air Force	Moody AFB	C-130 Maintenance Hanger		4,900			-
Georgia	SOCOM	Fort Benning	SOF Tactical Equipment Complex	5,100	5,100	5,100		5,100
Georgia	TMA	Fort Stewart/Hunter AAF	Consolidated Troop Medical Clinic	11,000	11,000	11,000		11,000
Georgia	TMA	MCLB Albany	Medical/Dental Clinic Replacement	5,800	5,800	5,800		5,800
Georgia	Air National Guard	Robins AFB	Replace Ops And Training Fac	6,100	6,100	6,100		6,100
Georgia	Air Force Reserve	Robins AFB	Add/Alter AFRC HQ (Ph II)	2,000	2,000	2,000		2,000
Hawaii	Army	NPWC Pearl Harbor	Shipping Operations Building	11,800	11,800	11,800		11,800
Hawaii	Army	Pohakuloa	Command And Range Control Building	5,100	5,100	5,100		5,100
Hawaii	Army	Pohakuloa	Parker Ranch Land Acquisition		-	1,500	1,500	1,500
Hawaii	Army	Kahuku Windmill Site	Land Acquisition				900	900
Hawaii	Army	Schofield Barracks	Barracks Complex - Wilson Street (Ph I C)	23,000	23,000	23,000		23,000
Hawaii	Army	Wheeler AAF	Barracks Complex - Aviation (Ph VI a)	50,000	50,000	50,000		50,000
Hawaii	Navy	Camp Smith	CINCPAC HQ (Incr III)	37,580	37,580	37,580		37,580
Hawaii	Navy	MCB Kaneohe	BEQ	24,920	24,920	24,920		24,920
Hawaii	Navy	NAVMAG Lualualei	Ammo Wharf Shore Power	6,000	6,000	6,000		6,000
Hawaii	Navy	NPWC Pearl Harbor	Sewer Force Main	16,900	16,900	16,900		16,900
Hawaii	Navy	NS Pearl Harbor	BEQ Modernization	17,300	17,300	17,300		17,300
Hawaii	Navy	NS Pearl Harbor	BEQ Modernization	23,300	23,300	23,300		23,300
Hawaii	Navy	NS Pearl Harbor	Water Line Replacement Ford Island		-	14,100	14,100	14,100
Hawaii	Navy	NSY Pearl Harbor	Drydock Support Fac	7,900	7,900	7,900		7,900
Hawaii	Navy	NSY Pearl Harbor	Electric Distribution System Improvements	12,100	12,100	12,100		12,100
Hawaii	DLA	Hickam AFB	Replace Hydrant Fuel System	29,200	29,200	29,200		29,200
Idaho	Air Force	Mountain Home AFB	Replace Aircraft Parking Apron	14,600	14,600	14,600		14,600
Idaho	Army National Guard	Gowen Field	Readiness Center (Ph I)	8,117	8,117	8,117		8,117
Illinois	Army	Rock Island Arsenal	Construct New Child Dev Center		-	3,500	3,500	3,500
Illinois	Navy	NTC Great Lakes	Recruit Barracks	41,130	41,130	41,130		41,130
Illinois	Navy	NTC Great Lakes	Recruit Barracks	41,130	41,130	41,130		41,130
Illinois	Navy Reserve	MCRC Great Lakes	Reserve Center Renovation	4,426	4,426	4,426		4,426

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Indiana	Army	Newport AD	Ammunition Demilitarization Fac (Ph IV)	66,000	-	-	(66,000)	
Indiana	Navy	NSWC Crane	Special Warfare Munitions Engineering Fac	5,820	5,820	5,820		5,820
Indiana	Navy	NSWC Crane	Microwave Devices Engineering Fac		9,110		9,110	9,110
Indiana	ChemDemil	Newport AD	Ammunition Demilitarization Fac (Ph IV)		66,000	66,000	66,000	66,000
Indiana	Army National Guard	Camp Atterbury	Battle Simulation Center		-	4,947		-
Indiana	Air National Guard	Fort Wayne IAP	Parking Apron		8,500		8,500	8,500
Indiana	Air Force Reserve	Grissom ARB	Replace Service Complex (Ph III)	13,200	13,200	13,200		13,200
Iowa	Army National Guard	Estherville	Readiness Center	2,713	2,713	2,713		2,713
Iowa	Air National Guard	Sioux City	KC-135 Aircraft Ptk Apron/Hydrant Refueling Sys	14,400	14,400	14,400		14,400
Iowa	Air National Guard	Sioux City	KC-135 Construct Fuel Cell/Corrosion Control	8,300	8,300	8,300		8,300
Iowa	Air National Guard	Sioux City	Sioux-Upgrade Expand Taxiway	4,300	4,300	4,300		4,300
Kansas	Army	Fort Riley	Child Development Center	6,800	6,800	6,800		6,800
Kansas	Army	Fort Riley	Modified Record Fire Range	4,100	4,100	4,100		4,100
Kansas	Army National Guard	Fort Riley	Organization Maintenance Shop	645	645	645		645
Kansas	Air Force	McConnell AFB	Health and Wellness Center		5,100		5,100	5,100
Kentucky	Army	Blue Grass AD	Ammunition Demilitarization Fac (Ph II)	3,000		-	(3,000)	-
Kentucky	Army	Fort Campbell	Barracks Complex - Market Garden Rd (Ph III)	47,000	47,000	47,000		47,000
Kentucky	Army	Fort Campbell	Deployment Staging Complex	3,300	3,300	3,300		3,300
Kentucky	Army	Fort Campbell	Deployment Staging Complex/Air	3,300	3,300	3,300		3,300
Kentucky	Army	Fort Campbell	Deployment Staging Complex/Rail	3,300	3,300	3,300		3,300
Kentucky	Army	Fort Campbell	Electrical Substation	10,000	10,000	10,000		10,000
Kentucky	Army	Fort Campbell	Expand Keyhole Hardstand Area	10,600	10,600	10,600		10,600
Kentucky	Army	Fort Campbell	Passenger Processing Fac	11,400	11,400	11,400		11,400
Kentucky	Army	Fort Knox	Wilcox Multi Purpose Digital Training Range (Ph IV)		-	11,600	12,000	12,000
Kentucky	Army Reserve	Fort Knox	USAR Center	14,846	14,846	14,846		14,846
Kentucky	ChemDemil	Blue Grass AD	Ammunition Demilitarization Fac (Ph II)	-	3,000	3,000	3,000	3,000
Louisiana	Army	Fort Polk	Education Center	10,800	10,800	10,800		10,800
Louisiana	Army	Fort Polk	Readiness And Operations Fac	10,400	10,400	10,400		10,400
Louisiana	Air Force	Barksdale	Control Tower		-	5,000	5,000	5,000
Louisiana	Army National Guard	Camp Beauregard	Readiness Center	5,392	5,392	5,392		5,392
Louisiana	Army National Guard	Carville	Readiness Center	5,677	5,677	5,677		5,677
Louisiana	Air National Guard	JRB New Orleans	Repl Veh Maint/Ase Shop		-	5,500		-
Louisiana	Navy Reserve	MCRC Lafayette	Marine Reserve Training Center	5,200	5,200	5,200		5,200
Louisiana	Navy Reserve	NAS JRB New Orleans	GSE Complex	2,270	2,270	2,270		2,270
Louisiana	Navy Reserve	NAS JRB New Orleans	Refueler Maint Fac	650	650	650		650

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Louisiana	Navy Reserve	NAS JRB New Orleans	Replace Bridges	1,300	1,300	1,300		1,300
Louisiana	Navy Reserve	NAS JRB New Orleans	Armed Forces Reserve Center (Ph II)		10,000		10,000	10,000
Maine	Navy	NAS Brunswick	Bachelor Enlisted Quarters	22,630	22,630	22,630		22,630
Maine	Navy	NAS Brunswick	Aircraft Maintenance Hangar	41,665	41,665	41,665		41,665
Maine	Navy	NAS Brunswick	P-3 Support Fac	3,100	3,100	3,100		3,100
Maine	Navy	NSY Portsmouth	Bachelor Enlisted Quarters		-	14,620	14,620	14,620
Maine	Army National Guard	Bangor IAP	Army Aviation Support Fac (Ph I)	11,618	11,618	11,618		11,618
Maryland	Army	Aberdeen Proving Ground	Ammunition Demilitarization Fac (Ph IV)	66,500	-	-	(66,500)	-
Maryland	Army	Aberdeen Proving Ground	Ammunition Surveillance Fac	5,300	5,300	5,300		5,300
Maryland	Army	Aberdeen Proving Ground	Climatic Test Fac	9,000	9,000	9,000		9,000
Maryland	Army	Aberdeen Proving Ground	Chemistry Laboratory-Edgewood	44,000	44,000	44,000		44,000
Maryland	Army	Fort Meade	Child Development Center	5,800	5,800	5,800		5,800
Maryland	Army	Fort Meade	Operations Fac (55th Signal Company)				5,400	5,400
Maryland	Navy	NAWC Patuxent River	Advanced Systems Integration Fac (Ph VI)	10,770	10,770	10,770		10,770
Maryland	Navy	NAWC Patuxent River	Range Operations Support Fac	2,260	2,260	2,260		2,260
Maryland	Navy	NAWC St. Inigoes	Comm. Requirements Integration Fac		5,100		5,100	5,100
Maryland	Navy	NEODTC Indian Head	Joint Service EOD Equip Mag Eval	1,250	1,250	1,250		1,250
Maryland	Air Force	Andrews AFB	Consolidate Squadron Operations Fac	10,070	10,070	10,070		10,070
Maryland	Air Force	Andrews AFB	Repair East Runway	7,600	7,600	7,600		7,600
Maryland	Air Force	Andrews AFB	Upgrade Fire Training Fac	1,750	1,750	1,750		1,750
Maryland	Chem/Demil	Aberdeen Proving Ground	Ammunition Demilitarization Fac (Ph IV)	-	66,500	66,500	66,500	66,500
Maryland	SOCOM	Aberdeen Proving Ground	SOF Training Fac	3,200	3,200	3,200		3,200
Maryland	TMA	Andrews AFB	Medical Clinic Addition/Alteration	7,300	7,300	7,300		7,300
Maryland	TMA	Andrews AFB	NAF Wash, Branch Med/Dental Clinic Relocation	2,950	2,950	2,950		2,950
Maryland	Army National Guard	Salisbury	Organizational Maintenance Shop Add/Alt	2,314	2,314	2,314		2,314
Massachusetts	Air Force	Hanscom AFB	Renovate Acquisition Management Fac (Ph III)	9,400	9,400	9,400		9,400
Massachusetts	Army National Guard	Framingham	Organizational Maintenance Shop	8,347	8,347	8,347		8,347
Massachusetts	Air National Guard	Barnes Municipal AP	Upgrade Support Facilities		5,200		5,200	5,200
Michigan	Army National Guard	Lansing	Combined Support Maintenance Shop (Ph II)	5,809	5,809	5,809		5,809
Michigan	Army National Guard	Augusta	TASS Instruction/Administrative Barracks/Mess Hall		-	13,318	13,318	13,318
Michigan	Army National Guard	Camp Grayling	Headquarters Building		5,680			-
Michigan	Air National Guard	Selfridge ANGB	Runway Clear Zone Land Acquisition	2,000	2,000	2,000		2,000
Michigan	Air National Guard	Kellogg Airport/Battle Creek	Munitions Maint/Storage Complex		-	9,500	9,500	9,500
Michigan	Navy Reserve	MCRC Selfridge ANGB	Auto Vehicle Maint Fac	1,490	1,490	1,490		1,490
Minnesota	Air National Guard	Duluth	Composite Aircraft Main Complex			10,000	10,000	10,000

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Minnesota	Navy Reserve	NRC Duluth	Reserve Center/Addition	2,980	2,980	2,980		2,980
Minnesota	Air Force Reserve	Minneapolis St. Paul	Consolidated Lodging Fac (Ph III)		13,300		8,400	8,400
Mississippi	Navy	NCBC Gulfport	BEQ Replacement	14,300	14,300	14,300		14,300
Mississippi	Navy	NCBC Gulfport	Mobilization Ops Fac	7,360	7,360	7,360		7,360
Mississippi	Navy	NS Pascagoula	Fleet Operations Center		-	4,680	4,680	4,680
Mississippi	Navy	NAS Meridian	T-45 Support Facilities	-	3,400	3,370	3,370	3,370
Mississippi	Air Force	Keesler AFB	Replace Technical Training Fac (Ph II a)	28,600	28,600	28,600		28,600
Mississippi	Air Force	Columbus AFB	Rapcon		-	5,000	5,000	5,000
Mississippi	Army National Guard	Camp Shelby	Military Education Center (Ph II)	11,444	11,444	11,444		11,444
Mississippi	Army National Guard	Gulfport	Readiness Center	9,145	9,145	9,145		9,145
Mississippi	Army National Guard	Batesville	Readiness Center				3,055	3,055
Mississippi	Air National Guard	Jackson IAP	Jackson C-17 Fac Conversion	16,500	16,500	16,500		16,500
Mississippi	Air National Guard	Jackson IAP	Upgrade Corrosion Control Fac	5,700	5,700	5,700		5,700
Mississippi	Air National Guard	Jackson IAP	C-17 Maintenance Training Facility		4,100			-
Mississippi	Army Reserve	NCBC Gulfport	Controlled Humidity Storage Warehouse I		12,184		12,184	12,184
Mississippi	Air Force Reserve	Keesler AFB	C130J 30 Two Bay Maintenance	12,000	12,000	12,000		12,000
Missouri	Army	Fort Leonard Wood	Basic Combat Training Complex (Ph II)	27,000	27,000	27,000		27,000
Missouri	Army	Fort Leonard Wood	Night Fire Range	4,300	4,300	4,300		4,300
Missouri	Army	Fort Leonard Wood	Record Fire Range	3,550	3,550	3,550		3,550
Missouri	Navy	MCSA Kansas City	BEQ	9,010	9,010	9,010		9,010
Montana	Air Force	Malmstrom AFB	Child Development Center		-	4,650	4,650	4,650
Montana	Army National Guard	Kalispell	Readiness Center (ADRS)	822	822	822		822
Nebraska	Air Force	Offut AFB	Fire Station		-	10,400		-
Nevada	Navy	NAS Fallon	Water Treatment Capital Improvements Contribution		-	6,150	6,150	6,150
Nevada	Air Force	Nellis AFB	AFC2IIG Dynamic Battle Control Center	12,600	12,600	12,600		12,600
Nevada	Air Force	Nellis AFB	Land Acquisition Live Ordnance Departure Area		-	19,000	19,000	19,000
Nevada	Air National Guard	Reno-Tahoe IAP	Replace Base Supply Warehouse Complex	8,500	8,500	8,500		8,500
New Hampshire	Army National Guard	Concord	Army Aviation Support Fac	27,185	27,185	27,185		27,185
New Hampshire	Army National Guard	Concord	Readiness Center	1,868	1,868	1,868		1,868
New Hampshire	Air National Guard	Pease	Regional KC-135/CATS Simulator Training Fac	2,200	2,200	2,200		2,200
New Hampshire	Army Reserve	Rochester	USAR Center/Organizational Maintenance Shop/Stg	9,122	9,122	9,122		9,122
New Jersey	Army	Fort Monmouth	Barracks	20,000	20,000	20,000		20,000
New Jersey	Army	Picatinny Arsenal	High Energy Propellant Formulation Fac		10,200		10,200	10,200
New Jersey	Navy	NWS Earle	Explosive Truck Holding Area		-	4,370	4,370	4,370
New Jersey	Air Force	McGuire AFB	Air Freight Term/Base Spty Complex (Ph II)		12,600		12,600	12,600

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New Jersey	Air Force	McGuire AFB	C-17 ADAL Fuel Cell	1,050	1,050	1,050		1,050
New Jersey	Air Force	McGuire AFB	C-17 Communications Support	1,400	1,400	1,400		1,400
New Jersey	Air Force	McGuire AFB	C-17 Flight Simulator Fac	4,900	4,900	4,900		4,900
New Jersey	Air Force	McGuire AFB	C-17 Maintenance Hangar	27,700	27,700	27,700		27,700
New Jersey	Air Force	McGuire AFB	C-17 Three Bay Hangar	1,500	1,500	1,500		1,500
New Jersey	DLA	McGuire AFB	Bulk Fuel Storage Tank	4,400	4,400	4,400		4,400
New Jersey	Air National Guard	Atlantic City IAP (ANG)	Comm/Security Forces Complex	6,300	6,300	6,300		6,300
New Jersey	Air National Guard	McGuire AFB	Joint Medical Training Fac	4,900	4,900	4,900		4,900
New Jersey	Army Reserve	Fort Dix	Barracks Modernization	12,000	12,000	12,000		12,000
New Mexico	Army	White Sands Missile Range	Professional Development Center		7,600	7,600	7,600	7,600
New Mexico	Air Force	Cannon AFB	Replace Fire/Crash Rescue Station	9,400	9,400	9,400		9,400
New Mexico	Air Force	Kirtland AFB	Telescope/Atmosphere Compensation Laboratory	15,500	15,500	15,500		15,500
New Mexico	Air Force	Kirtland AFB	Upgrade Small Arms Range Support Fac		4,300		4,300	4,300
New Mexico	TMA	Holloman AFB	Medical Clinic Alteration	5,700	5,700	5,700		5,700
New York	Army	Fort Drum	Battle Simulation Center (Ph II)	9,000	9,000	9,000		9,000
New York	Army	Fort Drum	Field Operations Fac	2,150	2,150	2,150		2,150
New York	Army	Fort Drum	Hazardous Materials Storage Fac	4,700	4,700	4,700		4,700
New York	Army	Fort Drum	Tactical Equipment Shops	31,000	31,000	31,000		31,000
New York	Army	Fort Drum	Training Area Access Road		18,500		18,500	18,500
New York	Army	USMA West Point	Cadet Physical Development Center (Ph III)	37,900	37,900	37,900		37,900
New York	Army National Guard	Fort Drum	Maneuver Area Training And Equipment Site	17,000	17,000	17,000		17,000
New York	Air National Guard	Gabreski Airport	Gabreski Composite Support Complex	19,000	19,000	19,000		19,000
New York	Air National Guard	Niagara Falls IAP	Fuel Cell & Corrosion Cntr Hanger Addition		-	2,800	2,800	2,800
New York	Air National Guard	Hancock Field	Civil Engineer Pavements and Grounds Fac		1,500		1,500	1,500
New York	Air National Guard	Hancock Field	Composite Readiness Support Fac		2,500		2,500	2,500
North Carolina	Army	Fort Bragg	Barracks Complex - Butner Road (Ph II)	49,000	49,000	49,000		49,000
North Carolina	Army	Fort Bragg	Barracks Complex - Longstreet Road (Ph II)	27,000	27,000	27,000		27,000
North Carolina	Army	Fort Bragg	Barracks Complex - Tagaytay Road (Ph II C)	17,500	17,500	17,500		17,500
North Carolina	Army	Fort Bragg	Parachute Team General Purpose Building	7,700	7,700	7,700		7,700
North Carolina	Army	Fort Bragg	Vehicle Maintenance Fac	13,600	13,600	13,600		13,600
North Carolina	Army	Sunny Point (MOTSU)	Deployment Staging Area	2,000	2,000	2,000		2,000
North Carolina	Army	Sunny Point (MOTSU)	Fire Station	2,750	2,750	2,750		2,750
North Carolina	Army	Sunny Point (MOTSU)	Open Storage Area	2,050	2,050	2,050		2,050
North Carolina	Army	Sunny Point (MOTSU)	Road Improvements And Truck Pad	4,600	4,600	4,600		4,600
North Carolina	Navy	MCAS New River	Property Control Fac	2,490	2,490	2,490		2,490

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North Carolina	Navy	MCAS New River	Property Control Fac	1,560	1,560	1,560		1,560
North Carolina	Navy	MCB Camp LeJeune	Academic Building	15,860	15,860	15,860		15,860
North Carolina	Navy	MCB Camp LeJeune	Ammunition Storage Magazine	5,880	5,880	5,880		5,880
North Carolina	Navy	MCB Camp LeJeune	BEQ Marine E1/E4	13,550	13,550	13,550		13,550
North Carolina	Navy	MCB Camp LeJeune	BEQ Marine E1/E4	16,530	16,530	16,530		16,530
North Carolina	Navy	MCB Camp LeJeune	Engr Equip Maint Shop	6,960	6,960	6,960		6,960
North Carolina	Navy	MCB Camp LeJeune	Landfill Cell	8,290	8,290	8,290		8,290
North Carolina	Air Force	Pope AFB	Consolidate C-130 Corrosion Control Fac	17,800	17,800	17,800		17,800
North Carolina	DLA	Pope AFB	Bulk Fuel Storage Tank	3,400	3,400	3,400		3,400
North Carolina	DODEA	MCB Camp LeJeune	Replace Tarawa Terrace I Elementary School	8,857	8,857	8,857		8,857
North Carolina	SOCOM	Fort Bragg	SOF Battalion Ops & Vehicle Maintenance Fac	8,500	8,500	8,500		8,500
North Carolina	SOCOM	Fort Bragg	SOF Imagery And Analysis Fac	3,150	3,150	3,150		3,150
North Carolina	SOCOM	Fort Bragg	SOF Language Sustainment Training Fac	2,100	2,100	2,100		2,100
North Carolina	SOCOM	Fort Bragg	SOF Repair Training Fac	1,812	1,812	1,812		1,812
North Carolina	SOCOM	Fort Bragg	SOF Team Operations And Information Automation Fac	5,800	5,800	5,800		5,800
North Carolina	SOCOM	Fort Bragg	SOF Training Fac	5,000	5,000	5,000		5,000
North Carolina	SOCOM	Fort Bragg	SOF Training Range	2,600	2,600	2,600		2,600
North Carolina	SOCOM	Fort Bragg	SOF Vehicle Maintenance Complex	3,600	3,600	3,600		3,600
North Carolina	SOCOM	Fort Bragg	SOF Weather Operations Fac	1,000	1,000	1,000		1,000
North Carolina	Army National Guard	Fort Bragg	Military Education Fac (Ph II)		8,290		8,290	8,290
North Dakota	Air Force	Grand Forks AFB	KC-135 Sq Ops/AMU	7,800	7,800	7,800		7,800
North Dakota	DLA	Grand Forks AFB	Hydrant Fuel System	9,110	9,110	9,110		9,110
North Dakota	DLA	Minot AFB	Hydrant Fuel System	14,000	14,000	14,000		14,000
North Dakota	Air National Guard	Hector International Airport	Weapons Rel Shop and Mission Sup		-	5,000	5,000	5,000
Ohio	Air Force	Wright Patterson AFB	ADAL Special Operations Intelligence Fac	3,450	3,450	3,450		3,450
Ohio	Air Force	Wright Patterson AFB	Consolidate Acq Management Complex (Ph IV b)	21,400	21,400	21,400		21,400
Ohio	Air Force	Wright Patterson AFB	Security Gate, Base Entrance				3,400	3,400
Ohio	Army National Guard	DESP Cincinnati	Readiness Center	9,780	9,780	9,780		9,780
Ohio	Army National Guard	Bowling Green	Readiness Center		3,200		3,200	3,200
Ohio	Army National Guard	Coshocton	Readiness Center		2,632		2,632	2,632
Ohio	Air National Guard	Mansfield Lahm Airport	Replace Vehicle Maintenance Complex		3,500			-
Ohio	Air National Guard	Springfield Beckley IAP	Parking Apron		10,600		10,600	10,600
Ohio	Army Reserve	Cleveland	Land Acquisition	1,200	1,200	1,200		1,200
Oklahoma	Army	Fort Sill	Deployment Staging Complex	5,100	5,100	5,100		5,100
Oklahoma	Army	Fort Sill	Consolidated Logistics Maintenance Complex Phase I		-	13,500		

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Oklahoma	Air Force	Altus AFB	Repair Airfield Pavements (Ph I)	20,200	20,200	20,200		20,200
Oklahoma	Air Force	Tinker AFB	Dormitory	10,200	10,200	10,200		10,200
Oklahoma	Air Force	Tinker AFB	Alter Depot Plating Shop		-	11,200	11,200	11,200
Oklahoma	Air Force	Tinker AFB	Consolidate Integration Support Fac		7,500			-
Oklahoma	Air Force	Vance AFB	Repair Elam Road		-	4,800		-
Oklahoma	Army National Guard	Oklahoma City	Readiness Center		9,320		9,320	9,320
Oregon	Army National Guard	Eugene	Armed Forces Reserve Center Complex		-	7,407	8,300	8,300
Pennsylvania	Navy	Philadelphia NF	Machine Shop Modernization		14,800		14,800	14,800
Pennsylvania	DLA	DDSP New Cumberland	Special Purpose Warehouse	19,900	19,900	19,900		19,900
Pennsylvania	DLA	Philadelphia	Consolidate Indoor Fitness Facilities	2,429	2,429	2,429		2,429
Pennsylvania	Army Reserve	Johnstown	Transient Quarters		3,000		3,000	3,000
Pennsylvania	Air National Guard	Pittsburgh IAP	Replace Vehicle Maintenance Complex	3,200	3,200	3,200		3,200
Pennsylvania	Air National Guard	Pittsburgh IAP	ADAL Sqd and Support Fac		-	7,700		-
Pennsylvania	Navy Reserve	NAS JRB Willow Grove	Hangar Fire Protection Upgrades	3,715	3,715	3,715		3,715
Rhode Island	Navy	NS Newport	SWOS Applied Instr Bldg	15,290	15,290	15,290		15,290
Rhode Island	Navy	NUWC Newport	Unmanned Undersea Combat Vehicle Lab		-	9,370	9,370	9,370
Rhode Island	Air National Guard	Quonset State AP	C-130J Replace Composite Maint Shops	9,600	9,600	9,600		9,600
South Carolina	Army	Fort Jackson	Basic Combat Trainee Complex (Ph I)	26,000	26,000	26,000		26,000
South Carolina	Army	Fort Jackson	Central Energy Plant		3,650		3,650	3,650
South Carolina	Navy	MCAS Beaufort	AWSE Warehouse	1,960	1,960	1,960		1,960
South Carolina	Navy	MCAS Beaufort	Child Development Center	6,060	6,060	6,060		6,060
South Carolina	Navy	NH Beaufort	Bachelor Enlisted Quarters		7,600			-
South Carolina	Navy	MCRD Parris Island	Military Police Station	5,430	5,430	5,430		5,430
South Carolina	Air Force	Shaw AFB	Education Center		5,800	5,800	5,800	5,800
South Carolina	DODEA	Laurel Bay	Replace Laurel Bay ES	12,850	12,850	12,850		12,850
South Dakota	Air Force	Ellsworth AFB	Live Ordnance Loading Fac		-	12,200	12,200	12,200
South Dakota	Army National Guard	Mitchell	Combined Support Maintenance Shop	14,228	14,228	14,228		14,228
South Dakota	Air National Guard	Joe Foss Fld	Rwy/Taxiway Improvements		-	6,500	6,500	6,500
Tennessee	Navy	NSA Millington	Elevated Water Tank	3,900	3,900	3,900		3,900
Tennessee	Air Force	Arnold AFB	Convert To Hypersonic Plant	10,400	10,400	10,400		10,400
Tennessee	Air Force	Arnold AFB	Upgrade Jet Engine Air Induction System (Ph IV)	14,000	14,000	14,000		14,000
Tennessee	Army National Guard	Alcoa	Readiness Center	8,203	8,203	8,203		8,203
Tennessee	Army National Guard	Henderson	Operational Maintenance Fac	2,012	2,012	2,012		2,012
Tennessee	Air National Guard	Nashville IAP	Replace Composite Aircraft Maintenance Complex		11,000		11,000	11,000
Texas	Army	Corpus Christi Army Depot	Engine Disassembly & Cleaning Fac		10,400		10,400	10,400

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Texas	Army	Fort Bliss	Replace Elevated Water Tanks		5,000		5,000	5,000
Texas	Army	Fort Hood	Barracks Complex	41,000	41,000	41,000		41,000
Texas	Army	Fort Hood	Command And Control Fac (Ph II)	10,000	10,000	10,000		10,000
Texas	Army	Fort Hood	Multi Purpose Digital Training Range (Ph II)	13,000	13,000	13,000		13,000
Texas	Army	Fort Hood	Vehicle Maintenance Fac	23,000	23,000	23,000		23,000
Texas	Army	Fort Hood	Vehicle Maintenance Fac	12,200	12,200	12,200		12,200
Texas	Army	Fort Hood	Gray Army Airfield Deployment Upgrade		18,000		18,000	18,000
Texas	Army	Fort Sam Houston	General Instruction Building	2,250	2,250	2,250		2,250
Texas	Army	Fort Sam Houston	Physical Fitness Center		7,400			-
Texas	Navy	NAS Kingsville	Airfield Lighting		-	6,160		-
Texas	Navy Reserve	NAS, JRB Fort Worth	Upgrade Enlisted Barracks		9,060		9,060	9,060
Texas	Air Force	Lackland AFB	Consolidate Joint Advanced Lang Trng Ctr	4,200	4,200	4,200		4,200
Texas	Air Force	Lackland AFB	Dormitory	8,600	8,600	8,600		8,600
Texas	Air Force	Laughlin AFB	Add/Alter Fitness Center	12,000	12,000	12,000		12,000
Texas	Air Force	Laughlin AFB	Security Forces Complex		3,600		3,600	3,600
Texas	Air Force	Sheppard AFB	Replace Student Dormitory/Dining Fac (140 Rm)	16,000	16,000	16,000		16,000
Texas	Air Force	Sheppard AFB	Student Dormitory/Dining Fac	21,000	21,000	21,000		21,000
Texas	Air Force	Sheppard AFB	Fitness Center/Health and Wellness Center		8,200		8,200	8,200
Texas	Air Force	Dyess AFB	C-130 Squadron Operations Fac				16,800	16,800
Texas	TMA	Dyess AFB	Medical Treatment Fac Alteration	3,300	3,300	3,300		3,300
Texas	TMA	Fort Hood	Hospital Addition/Alteration	12,200	12,200	12,200		12,200
Texas	Army National Guard	Austin	Army Aviation Support Fac	25,659	25,659	25,659		25,659
Texas	Air National Guard	Camp Mabry	Replace Weather Flight	900	900	900		900
Texas	Army Reserve	Red River Army Depot	Act/Stg	1,862	1,862	1,862		1,862
Utah	Air Force	Hill AFB	Consolidate Hydraulic/Pneudraulic Repair Fac	14,000	14,000	14,000		14,000
Utah	Air Force	Hill AFB	Maintenance Depot Hanger (Ph I)		18,000		18,000	18,000
Vermont	Air National Guard	Burlington IAP	Replace Vehicle Maintenance Complex		-	5,600	5,600	5,600
Virginia	Army	Fort Belvoir	Chapel	4,950	4,950	4,950		4,950
Virginia	Army	Fort Belvoir	Operations Building	31,000	31,000	31,000		31,000
Virginia	Army	Fort Eustis	Field Operations Fac	1,750	1,750	1,750		1,750
Virginia	Army	Fort Eustis	Defense Access Road		-	9,900	9,900	9,900
Virginia	Army	Fort Eustis	Main Pier	23,000	23,000	23,000		23,000
Virginia	Army	Fort Lee	Airborne Training Fac	17,500	17,500	17,500		17,500
Virginia	Army	Fort Lee	Military Entrance Processing Station	6,400	6,400	6,400		6,400
Virginia	Navy	MCAF Quantico	Aircraft Fire And Rescue Station	3,790	3,790	3,790		3,790

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Virginia	Navy	MCCDC Quantico	BEQ Marine E6/E9	9,390	9,390	9,390		9,390
Virginia	Navy	NS Norfolk	Aircraft Maint Hangar	11,300	11,300	11,300		11,300
Virginia	Navy	NS Norfolk	Aircraft Maintenance Hangar Replacement	14,100	14,100	14,100		14,100
Virginia	Navy	NS Norfolk	Airfield Pavement Recap	6,360	6,360	6,360		6,360
Virginia	Navy	NS Norfolk	BEQ Modernization	14,730	14,730	14,730		14,730
Virginia	Navy	NS Norfolk	Depperming Pier Replacement	2,810	2,810	2,810		2,810
Virginia	Navy	NS Norfolk	Pier Replacement (Incr I)	28,210	28,210	28,210		28,210
Virginia	Navy	NS Norfolk	Waterfront Elec Upgrade	12,900	12,900	12,900		12,900
Virginia	Navy	NS Norfolk	Waterfront Elec Upgrade	15,620	15,620	15,620		15,620
Virginia	Navy	Little Creek NAB	Personnel Support Fac		9,090	-	9,090	9,090
Virginia	Air Force	Langley AFB	Dormitory	8,300	8,300	8,300		8,300
Virginia	Air Force	Langley AFB	F-22 Low Observ Restoration & Comp Repair Fac	16,000	16,000	16,000		16,000
Virginia	Air Force	Langley AFB	F-22 Operation And Maintenance Fac	19,000	19,000	19,000		19,000
Virginia	Air Force	Langley AFB	F-22 Upgrade Flightline Infrastructure	4,000	4,000	4,000		4,000
Virginia	DLA	Fort Belvoir	Additional Chiller Unit	900	900	900		900
Virginia	TMA	NS Norfolk	Branch Medical Clinic Add/Alt (Sewells Point)	21,000	21,000	21,000		21,000
Virginia	Washington Hqdrs Svcs	Pentagon Reservation	Pentagon Physical Fitness & Readiness Fac	25,000	25,000	25,000		25,000
Virginia	Army National Guard	Fort Pickett	Man & Training Equip Site (Ph I)		-	10,700	10,700	10,700
Virginia	Navy Reserve	NELSF Williamsburg	Headquarters Building	2,130	2,130	2,130		2,130
Washington	Army	Fort Lewis	Ammunition Supply Point Expansion	17,000	17,000	17,000		17,000
Washington	Army	Fort Lewis	Barracks Complex - 17th & B Street (Ph I)	48,000	48,000	48,000		48,000
Washington	Army	Fort Lewis	Combat Vehicle Trail	7,300	7,300	7,300		7,300
Washington	Army	Fort Lewis	Deployment Staging Complex	15,500	15,500	15,500		15,500
Washington	Army	Fort Lewis	Deployment Staging Complex/Rail	16,500	16,500	16,500		16,500
Washington	Army	Fort Lewis	Pallet Handing Fac	13,200	13,200	13,200		13,200
Washington	Army	Fort Lewis	Vehicle Maintenance Fac	9,100	9,100	9,100		9,100
Washington	Army	Fort Lewis	Vehicle Maintenance Fac	9,600	9,600	9,600		9,600
Washington	Navy	NAS Whidbey Island	P-3 Support Fac	3,470	3,470	3,470		3,470
Washington	Navy	NAS Whidbey Island	Control Tower		-	3,900	3,900	3,900
Washington	Navy	NS Bremerton	Pier Delta Replacement (Incr II)	24,460	24,460	24,460		24,460
Washington	Navy	NS Everett	Shore Inter Maint Fac	6,820	6,820	6,820		6,820
Washington	Navy	SWFPAC Bangor	Utilities & Site Improvement	3,900	3,900	3,900		3,900
Washington	Navy	NSY Puget Sound	Industrial Skills Center (Ph II)		14,000		14,000	14,000
Washington	Air Force	Fairchild AFB	Replace Munitions Maint Admin Fac	2,800	2,800	2,800		2,800
Washington	Air Force	McChord AFB	ADAL Mission Support Center (Ph I)	15,800	15,800	15,800		15,800

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Washington	Air Force	McChord AFB	C-17 Extend Nose Docks	4,900	4,900	4,900		4,900
Washington	SOCOM	Fort Lewis	SOF Tactical Equipment Complex	5,800	5,800	5,800		5,800
Washington	SOCOM	Fort Lewis	SOF Language Sustainment Training Fac	1,100	1,100	1,100		1,100
Washington	TMA	NAS Whidbey Island	Aircrew Water Survival Training Fac	6,600	6,600	6,600		6,600
Washington	Army National Guard	Richland	Chemical Defense Training Fac		2,800			-
Washington	Army Reserve	Fort Lewis	USAR Center/Organizational Maintenance Shop/Avn Spt Fac/Stg	21,978	21,978	21,978		21,978
West Virginia	Army National Guard	Glen Jean	Readiness Center, OMS, MEPS		-	21,389	21,389	21,389
West Virginia	Army National Guard	Williamstown	Readiness Center		-	6,550	6,433	6,433
West Virginia	Air National Guard	Yeager Airport	Base Civil Engineer Maintenance Complex		-	4,100	4,100	4,100
Wisconsin	Army National Guard	Oshkosh	Organizational Maintenance Shop	5,274	5,274	5,274		5,274
Wisconsin	Air National Guard	Volk Field	Control Tower		-	5,700	5,700	5,700
Wyoming	Air Force	F E Warren AFB	Fitness Center	10,200	10,200	10,200		10,200
Wyoming	TMA	F E Warren AFB	Medical Clinic Alteration	2,700	2,700	2,700		2,700
Wyoming	Navy Reserve	NRC Cheyenne IAP	Reserve Center Addition	1,060	1,060	1,060		1,060
CONUS Classified	SOCOM	Classified Location	SOF Aviation And Maintenance Fac	2,400	2,400	2,400		2,400
American Samoa	Army Reserve	American Samoa	USAR Center/Org Mnt Shop/Unhtd Stg/Lnd	19,703	19,703	19,703		19,703
El Salvador	OSD	Comalapa	CENTAM FOL	12,577	12,577	12,577		12,577
Germany	Army	ASG Bamberg	Barracks Complex - Warner's	20,000	20,000	20,000		20,000
Germany	Army	ASG Bamberg	Physical Fitness Training Center	16,000	16,000	16,000		16,000
Germany	Army	ASG Darmstadt	Barracks Complex - Cambrai Fritsch	6,700	6,700	6,700		6,700
Germany	Army	ASG Darmstadt	Barracks Complex - Kelley	6,800	6,800	6,800		6,800
Germany	Army	Baumholder	Vehicle Maintenance Fac	9,000	9,000	9,000		9,000
Germany	Army	Hanau	Barracks Complex - Pioneer	7,200	7,200	7,200		7,200
Germany	Army	Heidelberg	Barracks Complex - Patton	6,800	6,800	6,800		6,800
Germany	Army	Heidelberg	Barracks Complex - Tompkins	8,500	8,500	8,500		8,500
Germany	Army	Mannheim	Vehicle Maintenance Fac	16,000	16,000	16,000		16,000
Germany	Army	Wiesbaden AB	Child Development Center	6,800	6,800	6,800		6,800
Germany	Army	Wiesbaden AB	Physical Fitness Training Center	19,500	19,500	19,500		19,500
Germany	Air Force	Ramstein AB	Consolidate 1st Combat Comm Squadron Complex (Ph I)	15,000	15,000	15,000		15,000
Germany	Air Force	Ramstein AB	Dormitory	11,000	11,000	11,000		11,000
Germany	Air Force	Ramstein AB	Freight Terminal & Defense Courier Service	9,400	9,400	9,400		9,400
Germany	Air Force	Ramstein AB	Strategic Lift Area Expansion	4,600	4,600	4,600		4,600
Germany	Air Force	Ramstein AB	Upgrade Utility Infrastructure	2,900	2,900	2,900		2,900
Germany	Air Force	Spangdahlem AB	New Infrastructure Expansion	6,200	6,200	6,200		6,200
Germany	Air Force	Spangdahlem AB	Refueler Vehicle Maintenance	2,500	2,500	2,500		2,500

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Germany	DODEA	Geilenkirchen	Geilenkirchen ES Multi Purpose Room	1,733	1,733	1,733		1,733
Germany	DODEA	Heidelberg	Patrick Henry ES Classroom Addition/Renovation	3,312	3,312	3,312		3,312
Germany	DODEA	Kaiserslautern	Kaiserslautern ES Classroom Addition	1,439	1,439	1,439		1,439
Germany	DODEA	Kitzingen	Kitzingen ES Classroom Addition	1,394	1,394	1,394		1,394
Germany	DODEA	Landstuhl	Landstuhl E/MS Classroom Addition	1,444	1,444	1,444		1,444
Germany	DODEA	Ramstein AFB	Ramstein HS Classroom Addition	2,814	2,814	2,814		2,814
Germany	DODEA	Vogelweh Annex	Vogelweh ES Classroom Addition/Renovation	1,558	1,558	1,558		1,558
Germany	DODEA	Wiesbaden AB	Hainerberg ES Classroom Addition	1,378	1,378	1,378		1,378
Germany	DODEA	Wuerzburg	Wuerzburg ES Classroom And Gymnasium Addition	2,684	2,684	2,684		2,684
Germany	TMA	Heidelberg	Medical/Dental Clinic	28,000	28,000	28,000		28,000
Greece	Navy	NSA JHC Larissa	BEQ	12,240	12,240	12,240		12,240
Greece	Navy	NSA Souda Bay	Sewage Treatment Plant Addition	3,210	3,210	3,210		3,210
Greenland	Air Force	Thule AB	Replace Taxiways/Aprons	19,000	19,000	-	(19,000)	-
Greenland	TMA	Thule AB	Composite Medical Fac Replacement	10,800	10,800	10,800		10,800
Guam	Navy	NPWC Guam	Waterfront Utilities Improvements	14,800	14,800	14,800		14,800
Guam	Navy	NS Guam	BEQ Modernization	9,300	9,300	9,300		9,300
Guam	Air Force	Andersen AFB	AEF Bomber FOL War Reserve Material Fac	4,550	4,550	4,550		4,550
Guam	Air Force	Andersen AFB	Replace Security Forces Operations	5,600	5,600	5,600		5,600
Guam	DLA	Andersen AFB	Replace Hydrant Fuel System	20,000	20,000	20,000		20,000
Guam	Air National Guard	Andersen AFB	Operations and Training Fac	4,300	4,300	4,300		4,300
Guam	Army National Guard	Barrigada	Readiness Center (Ph II)		7,748		7,748	7,748
Iceland	Navy	NAS Keflavik	Solid Waste Disp Conn Chrg	2,820	2,820	2,820		2,820
Italy	Navy	NAS Sigonella	P-3 Support Fac	3,060	3,060	3,060		3,060
Italy	Air Force	Aviano AB	Dormitory	8,200	8,200	8,200		8,200
Italy	Air Force	Aviano AB	Indoor Firing Range	3,600	3,600	3,600		3,600
Italy	DODEA	Aviano AB	Aviano ES Classroom Addition	3,647	3,647	3,647		3,647
Japan	Army	Camp Schwab	Special Forces Training Range				3,800	3,800
Japan	DLA	Yokota AB	Bulk Fuel Storage Tank	13,000	13,000	13,000		13,000
Korea	Army	Camp Carroll	Electrical Distribution System	8,000	8,000	8,000		8,000
Korea	Army	Camp Carroll	Physical Fitness Training Center	8,593	8,593	8,593		8,593
Korea	Army	Camp Casey	Vehicle Maintenance Fac	8,500	8,500	8,500		8,500
Korea	Army	Camp Hovey	Barracks Complex	33,000	33,000	33,000		33,000
Korea	Army	Camp Hovey	Sanitary Sewer System	2,750	2,750	2,750		2,750
Korea	Army	Camp Humphreys	Barracks Complex - Camp Humphreys	14,500	14,500	14,500		14,500
Korea	Army	Camp Jackson	General Instruction Building	6,100	6,100	6,100		6,100

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Korea	Army	Camp Stanley	Barracks Complex - Camp Stanley	28,000	28,000	28,000		28,000
Korea	Army	Yongsan	Barracks Complex				12,800	12,800
Korea	Air Force	Kunsan AB	Add/Alter Fitness Center	12,000	12,000	12,000		12,000
Korea	Air Force	Osan AB	Dormitory	14,400	14,400	14,400		14,400
Korea	Air Force	Osan AB	Dormitory (156 Rm)	15,800	15,800	15,800		15,800
Korea	Air Force	Osan AB	Officer Dormitory	9,700	9,700	9,700		9,700
Korea	Air Force	Osan AB	Replace Base Civil Engineer Complex	36,000	36,000	36,000	(24,000)	12,000
Korea	Air Force	Osan AB	Replace Traffic Management Fac	5,925	5,925	5,925		5,925
Korea	Air Force	Osan AB	Replace Vehicle Ops Control/Admin Fac	2,000	2,000	2,000		2,000
Korea	Air Force	Osan AB	Vehicle Maintenance Fac	17,317	17,317	17,317		17,317
Korea	DLA	Camp Casey	Replace Fuel Storage Fac	5,500	5,500	5,500		5,500
Kwajalein	Army	Kwajalein	Cold Storage Warehouse	11,000	11,000	11,000		11,000
Oman	Air Force	Masirah Island	Airfield Repairs (Ph II)			8,000	8,000	8,000
Portugal	TMA	Lajes Field, Azores	Dental Clinic Replacement	3,750	3,750	3,750		3,750
Spain	Navy	NS Rota	Aircraft Fire & Rescue Addition	2,240	2,240	2,240		2,240
Spain	DLA	NS Rota	Marine Loading Arms	3,000	3,000	3,000		3,000
Turkey	Air Force	Eskisehir	Dormitory/Mission Support Fac (32 Rm)	4,000	4,000	4,000		4,000
Turkey	Air Force	Incirlik AB	Base Supply Warehouse				5,500	5,500
United Kingdom	Air Force	RAF Lakenheath	Replace Supply Material Control	11,300	11,300	11,300		11,300
United Kingdom	Air Force	RAF Mildenhall	Avionics Maintenance Complex (Ph II)	10,800	10,800	10,800		10,800
United Kingdom	Air Force	RAF Mildenhall	Fitness Center	11,600	11,600	11,600		11,600
United Kingdom	DODEA	RAF Feltwell	Lakenheath MS New School	22,132	22,132	22,132		22,132
Wake Island	Air Force	Wake Island	Repair Airfield Pavement (Ph I)	25,000	25,000	25,000	(15,300)	9,700
Worldwide Classified	Army	Classified Location	Classified Project	4,000	4,000	4,000		4,000
Worldwide Unspecified	Air Force	Classified Location	Tactical Unit Detachment Fac	4,458	4,458	4,458		4,458
Worldwide Unspecified	Army	Host Nation Support	Host Nation Support	23,100	23,100	23,100		23,100
Worldwide Unspecified	Army	Unspecified Worldwide	Planning And Design	134,098	140,576	119,098	2,335	136,433
Worldwide Unspecified	Army	Unspecified Worldwide	Unspecified Minor Construction	18,000	18,000	18,000		18,000
Worldwide Unspecified	Army	Unspecified Worldwide	Foreign Currency Savings		(36,168)	(3,300)		
Worldwide Unspecified	Army	Unspecified Worldwide	Prior Year Reduction Classified Project				(36,400)	(36,400)
Worldwide	Army	Unspecified Worldwide	General Reduction				(29,866)	(29,866)
Worldwide Unspecified	Navy	Unspecified Worldwide	Planning And Design	29,932	35,392	35,752	9,625	39,557
Worldwide Unspecified	Navy	Unspecified Worldwide	Unspecified Minor Construction	10,546	10,546	10,546		10,546
Worldwide Unspecified	Navy	Unspecified Worldwide	Foreign Currency Savings		(6,854)	(700)		
Worldwide Unspecified	Navy	Unspecified Worldwide	Prior Year Reduction Planning and Design [BRAC]				(19,588)	(19,588)

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Worldwide Unspecified	Navy	Unspecified Worldwide	General Reduction BRAC offset				(60,000)	(60,000)
Worldwide Unspecified	Navy	Unspecified Worldwide	General Reduction				(22,626)	(22,626)
Worldwide Unspecified	Air Force	Unspecified Worldwide	Planning And Design	79,130	84,630	90,419	15,840	94,970
Worldwide Unspecified	Air Force	Unspecified Worldwide	Unspecified Minor Construction	11,250	11,250	11,250	-	11,250
Worldwide Unspecified	Air Force	Unspecified Worldwide	Foreign Currency Savings		(15,846)	(3,300)		-
Worldwide Unspecified	Air Force	Unspecified Worldwide	General Reduction BRAC offset				(20,000)	(20,000)
Worldwide Unspecified	Air Force	Unspecified Worldwide	General Reduction [Oman offset]				(4,000)	(4,000)
Worldwide Unspecified	Air Force	Unspecified Worldwide	General Reduction				(24,436)	(24,436)
Worldwide Unspecified	Defense Wide	Unspecified Worldwide	Prior Year Reduction National Missile Defense			(55,000)	(55,030)	(55,030)
Worldwide Unspecified	Defense Wide	Unspecified Worldwide	Rescission Aruba FOL [PL 107-64]				(10,250)	(10,250)
Worldwide Unspecified	Defense Wide	Unspecified Worldwide	General Reduction [Oman offset]				(4,000)	(4,000)
Worldwide Unspecified	Defense Wide	Unspecified Worldwide	General Reduction				(13,575)	(13,575)
Worldwide Unspecified	BMDO	Unspecified Worldwide	Planning And Design	6,290	6,290	6,290		6,290
Worldwide Unspecified	BMDO	Unspecified Worldwide	Unspecified Minor Construction	2,009	2,009	2,009		2,009
Worldwide Unspecified	DIA	Unspecified Worldwide	Planning And Design	6,516	6,516	6,516		6,516
Worldwide Unspecified	DLA	Unspecified Worldwide	Planning And Design	3,500	3,500	3,500		3,500
Worldwide Unspecified	SOCOM	Unspecified Worldwide	Unspecified Minor Construction	1,903	1,903	1,903		1,903
Worldwide Unspecified	SOCOM	Unspecified Worldwide	Planning And Design	6,861	6,861	6,861		6,861
Worldwide Unspecified	OSD Contingencies	Unspecified Worldwide	Contingency Construction	10,000	10,000	10,000		10,000
Worldwide Unspecified	OSD Minor Construction	Unspecified Worldwide	Unspecified Minor Construction	3,000	3,000	3,000		3,000
Worldwide Unspecified	OSD Planning & Design	Unspecified Worldwide	Planning And Design	20,000	20,000	20,000	(10,000)	10,000
Worldwide Unspecified	OSD	Unspecified Worldwide	Foreign Currency Savings		-	(1,700)		-
Worldwide Unspecified	Defense Agencies	Unspecified Worldwide	Foreign Currency Fluctuation		(17,851)			-
Worldwide Unspecified	Defense Agencies	Unspecified Worldwide	General Reduction		(10,250)			-
Worldwide Unspecified	DFAS	Unspecified Worldwide	Unspecified Minor Construction	1,500	1,500	1,500		1,500
Worldwide Unspecified	Joint Chiefs of Staff	Unspecified Worldwide	Unspecified Minor Construction	6,305	6,305	6,305		6,305
Worldwide Unspecified	DODEA	Unspecified Worldwide	Planning And Design	1,929	1,929	1,929		1,929
Worldwide Unspecified	DODEA	Unspecified Worldwide	Unspecified Minor Construction	4,249	4,249	4,249		4,249
Worldwide Unspecified	DTRA	Unspecified Worldwide	Planning And Design	2,400	2,400	2,400		2,400
Worldwide Unspecified	TMA	Unspecified Worldwide	Planning And Design	26,300	26,300	26,300		26,300
Worldwide Unspecified	TMA	Unspecified Worldwide	Unspecified Minor Construction	5,526	5,526	5,526		5,526
Worldwide Unspecified	Chem Bio Activity	Unspecified Worldwide	Vaccine Production Fac, Plan & Design	700	700	700		700
Worldwide Unspecified	ChemDemil	Unspecified Worldwide	Planning And Design		-	12,886	(10,000)	(10,000)
Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Planning And Design	25,794	27,294	31,483	9,900	35,694
Worldwide Unspecified	Army National Guard	Unspecified Worldwide	Unspecified Minor Construction	4,671	4,671	4,671		4,671

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Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Planning And Design	3,972	5,472	7,972	5,280	9,252
Worldwide Unspecified	Air National Guard	Unspecified Worldwide	Unspecified Minor Construction	5,000	5,000	5,000		5,000
Worldwide Unspecified	Army Reserve	Unspecified Worldwide	Planning And Design	8,024	10,024	8,024	2,700	10,724
Worldwide Unspecified	Army Reserve	Unspecified Worldwide	Unspecified Minor Construction	2,375	2,375	2,375	-	2,375
Worldwide Unspecified	Navy Reserve	Unspecified Worldwide	Planning And Design	1,176	2,176	1,176	1,120	2,296
Worldwide Unspecified	Navy Reserve	Unspecified Worldwide	General Reduction Planning and Design [BRAC]				(925)	(925)
Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Unspecified Minor Construction	4,996	4,996	4,996		4,996
Worldwide Unspecified	Air Force Reserve	Unspecified Worldwide	Planning And Design	4,336	5,836	4,336	300	4,636
Worldwide Unspecified	Base Closure IV	BRAC IV	Base Realignment and Closure IV	532,200	532,200	592,200	100,513	632,713
Worldwide Unspecified	Energy Cons Impr Prgm	Unspecified Worldwide	Energy Conservation Improvement Program	35,600	35,600	35,600	(8,500)	27,100
Worldwide Unspecified	NATO Sec Invest Prgm	Unspecified Worldwide	NATO Security Investment Program	162,600	162,600	162,600		162,600
Alaska	Army	Fort Wainwright	Replacement Construction (32 units)	12,000	12,000	12,000		12,000
Arizona	Army	Fort Huachuca	Replacement Construction (72 units)	10,800	10,800	10,800		10,800
Arizona	Navy	MCAS Yuma	Replacement Construction (Ph II) (51 Units)	9,017	9,017	9,017		9,017
Arizona	Air Force	Luke AFB	Replace Family Housing (Ph I) (120 Units)	15,712	15,712	15,712		15,712
California	Navy	MAGTFTC Twentynine Palms	New Construction (74 Units)	16,250	16,250	16,250		16,250
California	Air Force	Travis AFB	Replace Family Housing (Ph I) (118 Units)	18,150	18,150	18,150		18,150
Colorado	Air Force	Buckley AFB	New Construction (55 units)	11,400	11,400	11,400		11,400
Delaware	Air Force	Dover AFB	Replace Family Housing (Ph I) (120 Units)	18,145	18,145	18,145		18,145
District of Columbia	Air Force	Bolling AFB	Replace Family Housing (136 Units)	16,926	16,926	16,926		16,926
Georgia	Army	Fort Stewart	Housing Acquisition (160 Units)		2,500			-
Hawaii	Navy	MC B Kaneohe	Replace Housing (212 Units)	46,996	46,996	55,187		46,996
Hawaii	Navy	NS Pearl Harbor	Replacement Construction Oahu, HI (70 Units)	16,827	16,827	16,827		16,827
Hawaii	Air Force	Hickam AFB	Replace Family Housing (Ph I) (102 Units)	25,037	25,037	25,037		25,037
Idaho	Air Force	Mountain Home AFB	Replace Family Housing (56 Units)				10,000	10,000
Kansas	Army	Fort Leavenworth	Replacement Construction (80 units)	10,000	10,000	20,000	10,000	20,000
Louisiana	Air Force	Barksdale AFB	Replace Family Housing (56 Units)	7,300	7,300	7,300		7,300
Mississippi	Navy	NCBC Gulfport	New Construction (160 Units)	23,354	23,354	23,354		23,354
South Dakota	Air Force	Ellsworth AFB	Replacement Construction (78 units)	13,700	13,700	13,700		13,700
Texas	Army	Fort Bliss	Replacement Construction (76 units)	13,600	13,600	13,600		13,600
Texas	Army	Fort Sam Houston	Repl Family Housing (80 Units)		-	11,200	11,200	11,200
Virginia	Air Force	Langley AFB	Replace Family Housing (4 Units)	1,200	1,200	1,200		1,200
Virginia	Navy	MCCDC Quantico	Replace Family Housing (60 Units)		10,000		7,000	7,000

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Italy	Navy	NAS Sigonella	Replacement Construction (10 Units)	2,403	2,403	2,403		2,403
Korea	Army	Camp Humphreys	New Construction (54 units)	12,800	12,800	12,800		12,800
Portugal	Air Force	Lajes Field, Azores	Replace Family Housing (Ph II) (64 Units)	13,230	13,230	13,230		13,230
Worldwide Unspecified	Army	Unspecified Worldwide	Construction Improvements	220,750	220,750	220,750		220,750
Worldwide Unspecified	Army	Unspecified Worldwide	Planning And Design	11,592	11,592	12,702		11,592
Worldwide Unspecified	Army	Unspecified Worldwide	Furnishings Account	45,546	44,374	45,546		45,546
Worldwide Unspecified	Army	Unspecified Worldwide	Housing Privatization Support Cost	27,918	27,918	27,918	(7,918)	20,000
Worldwide Unspecified	Army	Unspecified Worldwide	Leasing	196,956	196,956	196,956		196,956
Worldwide Unspecified	Army	Unspecified Worldwide	Maintenance Account	446,806	446,806	446,806	(500)	446,306
Worldwide Unspecified	Army	Unspecified Worldwide	Management Account	82,177	82,177	82,177		82,177
Worldwide Unspecified	Army	Unspecified Worldwide	Miscellaneous Account	1,277	855	1,277		1,277
Worldwide Unspecified	Army	Unspecified Worldwide	Servicemen's Mortgage Insurance Premium	1	1	1		1
Worldwide Unspecified	Army	Unspecified Worldwide	Services Account	49,520	44,855	49,520		49,520
Worldwide Unspecified	Army	Unspecified Worldwide	Utilities Account	258,790	258,790	258,790	(11,000)	247,790
Worldwide Unspecified	Army	Unspecified Worldwide	Foreign Currency Fluctuation		(56,529)	-		-
Worldwide Unspecified	Army	Unspecified Worldwide	Foreign Currency Fluctuation		(18,888)	-		-
Worldwide Unspecified	Navy	Unspecified Worldwide	Construction Improvements	183,054	201,834	183,054	20,380	203,434
Worldwide Unspecified	Navy	Unspecified Worldwide	Planning And Design	6,499	6,499	6,499		6,499
Worldwide Unspecified	Navy	Unspecified Worldwide	Furnishings Account	32,701	30,884	32,701		32,701
Worldwide Unspecified	Navy	Unspecified Worldwide	Housing Privatization Support Cost	4,100	4,100	4,100		4,100
Worldwide Unspecified	Navy	Unspecified Worldwide	Leasing Account	123,965	123,965	123,965		123,965
Worldwide Unspecified	Navy	Unspecified Worldwide	Maintenance Account	409,567	409,567	409,567		409,567
Worldwide Unspecified	Navy	Unspecified Worldwide	Management Account	85,535	84,914	85,535		85,535
Worldwide Unspecified	Navy	Unspecified Worldwide	Miscellaneous Account	1,200	1,200	1,200		1,200
Worldwide Unspecified	Navy	Unspecified Worldwide	Servicemen's Mortgage Insurance Premium	68	68	68		68
Worldwide Unspecified	Navy	Unspecified Worldwide	Services Account	65,787	63,953	65,787		65,787
Worldwide Unspecified	Navy	Unspecified Worldwide	Utilities Account	195,172	195,172	195,172	(8,000)	187,172
Worldwide Unspecified	Navy	Unspecified Worldwide	Foreign Currency Fluctuation		(13,238)			-
Worldwide Unspecified	Navy	Unspecified Worldwide	Foreign Currency Fluctuation		(414)			-
Worldwide Unspecified	Air Force	Unspecified Worldwide	Construction Improvements	352,879	370,879	375,345	22,466	375,345
Worldwide Unspecified	Air Force	Unspecified Worldwide	Planning and Design	24,558	24,558	26,236		24,558
Worldwide Unspecified	Air Force	Unspecified Worldwide	Furnishings Account	36,619	36,619	36,619		36,619
Worldwide Unspecified	Air Force	Unspecified Worldwide	Housing Privatization Support Cost	35,406	35,406	35,406	(13,406)	22,000
Worldwide Unspecified	Air Force	Unspecified Worldwide	Leasing	102,919	102,919	102,919		102,919
Worldwide Unspecified	Air Force	Unspecified Worldwide	Maintenance	436,526	436,526	436,526		436,526

Fiscal Year 2002 Authorization of Appropriations for Military Construction

(Dollars in Thousands)

Location	Service/Agency/Program	Installation	Project Title	FY2002 Request	House Authorized	Senate Authorized	Conference Changes	Conference Agreement
Worldwide Unspecified	Air Force	Unspecified Worldwide	Management Account	58,224	55,685	58,224		58,224
Worldwide Unspecified	Air Force	Unspecified Worldwide	Miscellaneous	2,384	2,332	2,384		2,384
Worldwide Unspecified	Air Force	Unspecified Worldwide	Servicemen's Mortgage Insurance Premium	35	35	35		35
Worldwide Unspecified	Air Force	Unspecified Worldwide	Services Account	28,356	27,997	28,356		28,356
Worldwide Unspecified	Air Force	Unspecified Worldwide	Utilities Account	168,652	168,652	168,652	(11,000)	157,652
Worldwide Unspecified	Air Force	Unspecified Worldwide	Foreign Currency Fluctuation		(23,153)			-
Worldwide Unspecified	Air Force	Unspecified Worldwide	Foreign Currency Fluctuation		(24,725)			-
Worldwide Unspecified	DLA	Unspecified Worldwide	Furnishings Account	3,630	3,630	3,630		3,630
Worldwide Unspecified	DLA	Unspecified Worldwide	Leasing	25,600	25,600	25,600		25,600
Worldwide Unspecified	DLA	Unspecified Worldwide	Construction Improvements	250	250	250		250
Worldwide Unspecified	DLA	Unspecified Worldwide	Furnishings	30	30	30		30
Worldwide Unspecified	DLA	Unspecified Worldwide	Maintenance Account	359	359	359		359
Worldwide Unspecified	DLA	Unspecified Worldwide	Management Account	292	292	292		292
Worldwide Unspecified	DLA	Unspecified Worldwide	Services Account	78	78	78		78
Worldwide Unspecified	DLA	Unspecified Worldwide	Utilities Account	428	428	428		428
Worldwide Unspecified	NSA	Unspecified Worldwide	Furnishings Account	129	129	129		129
Worldwide Unspecified	NSA	Unspecified Worldwide	Leasing	11,698	11,698	11,698		11,698
Worldwide Unspecified	NSA	Unspecified Worldwide	Maintenance Account	658	658	658		658
Worldwide Unspecified	NSA	Unspecified Worldwide	Management Account	15	15	15		15
Worldwide Unspecified	NSA	Unspecified Worldwide	Miscellaneous Account	57	57	57		57
Worldwide Unspecified	NSA	Unspecified Worldwide	Services Account	374	374	374		374
Worldwide Unspecified	NSA	Unspecified Worldwide	Utilities Account	414	414	414		414
Worldwide Unspecified	Family Hsg Impr Fund	Unspecified Worldwide	Family Housing Improvement Fund	2,000	2,000	2,000		2,000
Worldwide Unspecified	Homeowners' Assist Prgm	Unspecified Worldwide	Homeowners Assistance Program	10,119	10,119	10,119		10,119
Worldwide Unspecified	General Provisions	Unspecified Worldwide	Rescission - Foreign Currency [PL107-64]				(60,000)	(60,000)
Worldwide Unspecified	General Provisions	Unspecified Worldwide	General Reduction					-
			Total Military Construction	5,904,795	6,359,343	6,309,371	559,466	6,464,261
			Total Family Housing	4,066,517	3,965,369	4,121,162	29,222	4,095,739
			Total Foreign Currency/General Reduction	-	-	-	(60,000)	(60,000)
			Total Milcon/Family Housing /Gen Reductions	9,971,312	10,324,712	10,430,533	528,688	10,500,000

Short title; definition (sec. 2001)

The Senate bill contained a provision (sec. 2001) that would cite Division B of this Act as the Military Construction Authorization Act for Fiscal Year 2002.

The House amendment contained a similar provision (sec. 2001) that would also define all references in division B to the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

The Senate recedes.

TITLE XXI—ARMY

Overview

The Senate bill would authorize $3,068.3 million for Army military construction and family housing programs for fiscal year 2002.

The House amendment would authorize $3,018.1 million for this purpose.

The conferees recommend authorization of appropriations of $3,155.6 million for Army military construction and family housing for fiscal year 2002.

The conferees agree to general reductions of $29.9 million in the Army military construction and military family housing accounts. The reductions are to be achieved through savings from favorable bids, reduced overhead costs, and cancellations due to force structure changes. The general reductions shall not cancel any military construction authorized by Title XXI of this Act.

The conference agreement provides the planning and design funds needed to execute the construction projects authorized by this Act as well as any planning and design specifically directed in the House report (H. Rept. 107–194) or the Senate report (S. Rept. 107–62).

ITEMS OF SPECIAL INTEREST

Renovation of Womack Army Medical Center, Fort Bragg, North Carolina

The conferees understand that the Army intends to renovate the old Womack Army Medical Center at Fort Bragg, North Carolina, for use as a soldier support center. The soldier support center would not only provide a convenient one-stop processing center for soldiers, it would also allow for the demolition of 87 World War II-era wooden buildings, resulting in considerable savings in maintenance and utilities. While the conferees endorse this creative initiative, the conferees are disappointed that the Secretary of the Army does not intend to request funding for the project until fiscal year 2007. The conferees urge the Secretary of the Army to accelerate this important project and upon completion consider naming the facility for the recently retired former Chairman of the Joint Chiefs of Staff, General Hugh Shelton.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Army construction and land acquisition projects (sec. 2101)

The Senate bill contained a provision (sec. 2101) that would authorize Army construction projects for fiscal year 2002. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2101).

The conference agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis. The state list of projects contained in this report provides the binding list of specific projects authorized at each location.

Family housing (sec. 2102)

The Senate bill included a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2002. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2102).

The conference agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis. The state list of projects contained in this report provides the binding list of specific projects authorized at each location.

Improvements to military family housing units (sec. 2103)

The Senate bill contained a provision (sec. 2103) that would authorize improvements to existing units of family housing for fiscal year 2002.

The House amendment contained a similar provision (sec. 2103).

The conference agreement includes this provision.

Authorization of appropriations, Army (sec. 2104)

The Senate bill contained a provision (sec. 2104) that would authorize specific appropriations for each line item contained in the Army's budget for fiscal year 2002. This section would also provide an overall limit on the amount the Army may spend on military construction projects.

The House amendment contained a similar provision (sec. 2104).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2001 projects (sec. 2105)

The Senate bill contained a provision (sec. 2105) that would amend the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001; Public Law 106–398) to increase the total project authorizations for the following projects by the following amounts: $4.4 million for a basic training barracks project at Fort Leonard Wood, Missouri; $3.0 million for a battle simulation center at Fort Drum, New York; and $3.0 million for a digital training range at Fort Hood, Texas.

The House amendment contained a similar provision.

The House recedes with a technical amendment.

Modification of authority to carry out certain fiscal year 2000 projects (sec. 2106)

The conferees agreed to a provision that would amend the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65) to cancel the authorization of appropriations of $36.4 million in section 2014 of that Act for a project for which the appropriated funds were rescinded by the Military Construction Appropriations Act, 2002 (Public Law 107–64). This reduction is made without prejudice. The conferees understand that funds may be requested for this project in the future and have agreed to retain the authorization for this project contained in section 2101 of that Act.

TITLE XXII—NAVY

Overview

The Senate bill would authorize $2,377.6 million for Navy military construction and family housing programs for fiscal year 2002.

The House amendment would authorize $2,393.0 million for this purpose.

The conferees recommend authorization of appropriations of $2,366.7 million for Navy military construction and family housing for fiscal year 2002.

The conferees agree to general reductions of $82.6 million in the Navy military construction and military family housing accounts. The reductions are to be achieved through savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reductions shall not cancel any military construction authorized by Title XXII of this Act.

The conference agreement provides the planning and design funds needed to execute the construction projects authorized by this Act as well as any planning and design specifically directed in the House report (H. Rept. 107–194) or the Senate report (S. Rept. 107–62).

LEGISLATIVE PROVISIONS ADOPTED

Authorized Navy construction and land acquisition projects (sec. 2201)

The Senate bill contained a provision (sec. 2201) that would authorize Navy construction projects for fiscal year 2002. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2201).

The conference agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis. The state list of projects contained in this report provides the binding list of specific projects authorized at each location.

Family housing (sec. 2202)

The Senate bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2002. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2202).

The conference agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis. The state list of projects contained in this report provides the binding list of specific projects authorized at each location.

Improvements to military family housing units (sec. 2203)

The Senate bill contained a provision (sec. 2203) that would authorize improvements to existing units of family housing for fiscal year 2002.

The House amendment contained a similar provision (sec. 2203).

The conference agreement includes this provision and includes funding for the additional housing improvements contained in the House amendment.

Authorization of appropriations, Navy (sec. 2204)

The Senate bill contained a provision (sec. 2204) that would authorize specific appropriations for each line item in the Navy's budget for fiscal year 2002. This section would also provide an overall limit on the amount the Navy may spend on military construction projects.

The House amendment contained a similar provision (sec. 2204).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2001 projects (sec. 2205)

The Senate bill contained a provision (sec. 2205) that would amend section 2201(a) of the Military Construction Act for Fiscal Year 2001 (division B of Public Law 106–398; 114 Stat. 1654A–395) to correct the funding authorization for the Naval Shipyard, Bremerton, Puget Sound, Washington, from $100,740,000 to $102,460,000, and for Naval Station, Bremerton, Washington, from $11,930,000 to $1,930,000. The provision would also correct the total funding authorized for construction projects inside the United States from $811,497,000 to $803,217,000.

The House amendment contained no similar provision.

The House recedes with an amendment that would increase the authorization for Industrial Skills Center, Puget Sound Naval Shipyard from $20,280,000 to $24,000,000. The amendment would also reduce the fiscal year 2001 authorization of appropriations for planning and design by $19.6 million to reflect the rescission of unobligated balances of this amount in the Military Construction Appropriations Act, 2002 (Public Law 107–64), and would make certain conforming changes.

Modification of authority to carry out certain fiscal year 2000 project (sec. 2206)

The Senate bill contained a provision (sec. 2206) that would amend the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65) to increase the total project authorization for the headquarters facility for the Commander in Chief of the Pacific Fleet at Camp Smith, Hawaii by $3.0 million.

The House amendment contained a similar provision.

The House recedes.

TITLE XXIII—AIR FORCE

Overview

The Senate bill would authorize $2,587.8 million for Air Force military construction and family housing programs for fiscal year 2002.

The House amendment would authorize $2,526.0 million for this purpose.

The conferees recommend authorization of appropriations of $2,573.1 million for Air Force military construction and family housing for fiscal year 2002.

The conferees agree to general reductions of $48.4 million in the Air Force military construction and military family housing accounts. The reductions are to be achieved through savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reductions shall not cancel any military construction authorized by Title XXIII of this Act.

The conference agreement provides the planning and design funds needed to execute the construction projects authorized by this Act as well as any planning and design specifically directed in the House report (H. Rept. 107–194) or the Senate report (S. Rept. 107–62).

LEGISLATIVE PROVISIONS ADOPTED

Authorized Air Force construction and land acquisition projects (sec. 2301)

The Senate bill contained a provision (sec. 2301) that would authorize Air Force construction projects for fiscal year 2002. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2301).

The conference agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis. The state list of projects contained in this report provides the binding list of specific projects authorized at each location.

Family housing (sec. 2302)

The Senate bill included a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2002. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2302).

The conference agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis. The state list of projects contained in this report provides the binding list of specific projects authorized at each location.

Improvements to military family housing units (sec. 2303)

The Senate bill contained a provision (sec. 2303) that would authorize improvements to existing units of family housing for fiscal year 2002.

The House amendment contained a similar provision (sec. 2303).

The conference agreement includes this provision and includes funding for the additional housing improvements contained in the Senate bill and the House amendment.

Authorization of appropriations, Air Force (sec. 2304)

The Senate bill contained a provision (sec. 2304) that would authorize specific appropriations for each line item in the Air Force budget for fiscal year 2002. This section would also provide an overall limit on the amount the Air Force may spend on military construction projects.

The House amendment contained a similar provision (sec. 2304).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2001 projects (sec. 2305)

The Senate bill contained a provision (sec. 2305) that would amend section 2302(a) of the Military Construction Act for Fiscal Year 2001 (division B of Public Law 106–398; 114 Stat. 1654A–400) to correct the number of family housing units authorized for construction at Mountain Home Air Force Base, Idaho, from 119 units to 46 units.

The House amendment contained a provision (sec. 2305) that would amend the table in section 2301 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of Public Law 106–398) to provide for an increase in the amounts authorized for military construction at McGuire Air Force Base, New Jersey.

The House recedes to the Senate provision.

The Senate recedes to the House provision.

TITLE XXIV—DEFENSE AGENCIES

Overview

The Senate bill would authorize $905.8 million for Defense Agencies military construction and family housing programs for fiscal year 2002, and an additional $592.2 million for base closure activities.

The House amendment would authorize $885.0 million for Defense Agencies military construction and family housing programs and $532.2 million for base closure activities.

The conferees recommend authorization of appropriations of $848.5 million for Defense Agencies military construction and family housing for fiscal year 2002. The conferees also recommend authorization of appropriations of $632.7 million for base closure activities.

The conferees agree to a general reduction of $17.6 million in the authorization of appropriations for the Defense Agencies military construction account. The general reduction is to be achieved through savings from favorable bids and reductions in overhead costs. The conferees further agree to a general reduction of $10.0 million in the authorization of appropriations for planning and design for the chemical demilitarization program. The reduction to the entire chemical demilitarization program is based on unobligated prior year funds. The conferees do not intend this reduction to interfere with timely compliance with the Chemical Weapons Convention. The general reductions shall not cancel any military construction projects authorized by Title XXIV of this Act.

The conference agreement provides the planning and design funds needed to execute the construction projects authorized by this Act as well as any planning and design specifically directed in the House report (H. Rept. 107–194) or the Senate report (S. Rept. 107–62).

LEGISLATIVE PROVISIONS ADOPTED

Authorized Defense Agencies construction and land acquisition projects (sec. 2401)

The Senate bill contained a provision (sec. 2401) that would authorize Defense Agencies construction projects for fiscal year 2002. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2401).

The conference agreement includes this provision.

The authorized amounts are listed on an installation-by-installation basis. The state list contained in this report is intended to be the binding list of the specific projects authorized at each location.

Energy conservation projects (sec. 2402)

The Senate bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects.

The House amendment contained a similar provision.

The Senate recedes with a technical amendment.

Authorization of appropriations, Defense Agencies (sec. 2403)

The Senate bill contained a provision (sec. 2403) that would authorize specific appropriations for each line item in the Defense Agencies' budgets for fiscal year 2002. This section would also provide an overall limit on the amount the Defense Agencies may spend on military construction projects.

The House amendment contained a similar provision (sec. 2403).

The conference agreement includes this provision.

Cancellation of authority to carry out certain fiscal year 2001 projects (sec. 2404)

The Senate bill contained a provision (sec. 2404) that would amend the Military Construction Authorization Act for Fiscal Year 2001 (division B of Public Law 106–398) to cancel the project authorizations for four TRICARE Management Agency medical/dental clinic and support facility projects at Camp Pendleton, California since the funds authorized in fiscal year 2001 were used for payment of a claim related to the construction of the Portsmouth Naval Hospital, Virginia. These projects would be authorized for fiscal year 2002 in section 2403 of this Act.

The House amendment contained a provision (sec. 2404) that would amend the table in section 2401 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of Public Law 106–398) to provide for an increase in the amounts authorized for construction at Marine Corps Base, Camp Pendleton, California.

The House recedes with an amendment that would reduce the fiscal year 2001 project authorization and the authorization of appropriations for military construction for a national missile defense system by $55.0 million to reflect the administration's proposal in the fiscal year 2002 budget to build any facilities related to ballistic missile defenses with research and development funds rather than military construction funds.

Modification of authority to carry out certain fiscal year 2000 projects (sec. 2405)

The Senate bill contained a provision (sec. 2406) that would amend the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65) to increase the project authorization for a chemical demilitarization facility at Blue Grass Army Depot, Kentucky by $47.2 million and the authorization for a hospital at Fort Wainwright, Alaska by $82.0 million.

The provision would also cancel the project authorization for an aircrew water survival training facility at Whidbey Island Naval Air Station, Washington since the funds authorized in fiscal year 2000 were used for payment of a claim related to the construction of the Portsmouth Naval Hospital, Virginia. This project would be authorized for fiscal year 2002 in section 2403 of this Act.

The House amendment contained a provision (sec. 2405) that would amend the table in section 2401 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65) to provide for an increase in the amounts authorized for construction at Naval Air Station, Whidbey Island, Washington and Blue Grass Army Depot, Kentucky.

The House recedes with a technical amendment.

Modification of authority to carry out certain fiscal year 1999 project (sec. 2406)

The Senate bill contained a provision (sec. 2407) that would amend the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261) to increase the project authorization for a chemical demilitarization facility at Aberdeen Proving Ground, Maryland by $37.6 million.

The House amendment contained a similar provision.

The Senate recedes.

Modification of authority to carry out certain fiscal year 1995 project (sec. 2407)

The Senate bill contained a provision (sec. 2408) that would amend the table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended, to increase the funding for Chemical Weapons and Munitions Destruction facilities at Pine Bluff, Arkansas, by $23.0 million.

The House amendment contained an identical provision.

The conference agreement includes this provision.

Procedures for the Department of Defense

The conferees agree to authorize a round of base realignment and closure for the Department of Defense in 2005. The conference agreement modifies the procedures used in the 1991, 1993 and 1995 rounds as described below.

Recommendations by the Secretary

With respect to the recommendations of the Secretary of Defense, the conferees have modified the process used in prior rounds as follows.

The force structure plan submitted by the Secretary of Defense with the fiscal year 2005 budget would include detailed information on probable end-strength and force levels for the military services, including major ground combat units, combatant vessels and air wings. The Secretary would be required to review every type of installation and to take into account the anticipated need for and availability of overseas installations in the future.

The Secretary would be permitted to submit a revised force structure plan with the fiscal year 2006 budget.

The Secretary would be required to include with the force structure plan: an inventory of military installations; a description of the categories of excess infrastructure; and an economic analysis of the options for eliminating or reducing that excess infrastructure, including potential efficiencies from joint use and tenancy of military installations by more than one service.

The Secretary would be required to certify, when the force structure plan and infrastructure inventory are submitted, whether the need exists for closure or realignment of additional military installations and, if such need exists, that a round of such closures and realignments in 2005 would produce annual net savings within six years. If the Secretary failed to provide this certification, the process for closure or realignment of installations under the provisions of this Act for 2005 would be terminated.

The conferees have specified factors that must be evaluated and incorporated in the Secretary's final list of criteria, including the military value of installations for both the preservation of land for traditional warfighting missions and the preservation of installations for homeland defense. However, the Secretary is not limited to the criteria contained in this Act. Any selection criteria relating to the cost or savings of proposed closures would have to take into account the impact of the closure on other federal agency operations on that installation.

The General Accounting Office would be required to submit to Congress an evaluation of the force structure plan, the installation inventory and the selection criteria.

Consideration of the Secretary's proposal by the commission

With respect to the proceedings of the commission, the conferees agree to the following changes.

The number of commissioners for the 2005 round would be increased from eight to nine.

The commission would have 48 hours rather than 24 hours to provide information received from certain individuals of the Department of Defense to the Congress.

The Secretary of Defense would be given an opportunity to testify before the commission on changes proposed by the commission to the Secretary's recommendations.

Prior to any decision to add an installation not proposed to be closed or realigned by the Secretary to the list of installations to be considered for closure or realignment by the commission, the commission would be required to give the Secretary 15 days to submit an explanation of why the Secretary did not propose that installation for closure or realignment. A decision to add that installation to the list of installations being considered would then have to be supported by at least seven commissioners.

Privatization in place of closed or realigned facilities would be prohibited unless it was specifically recommended by the commission and determined to be the most cost-effective option.

Disposal of property

With respect to the disposal of property from closed or realigned facilities, the conferees have modified the process as follows.

The conference agreement would require the Secretary of Defense to obtain fair market value for economic development conveyances in most cases, unless the Secretary determines the circumstances warrant a below-cost or no-cost conveyance.

The conferees agree to allow the Secretary to recommend that an installation be placed in an inactive or caretaker status if the Secretary determines that the installation may be needed in the future for national security purposes, but is not needed at the present time, or that retention of the installation by the Department of Defense is otherwise in the interests of the United States.

The conferees agree to allow payment to a local redevelopment authority for services provided on property leased back by the United States.

The DOD would be authorized to pay to the recipient of the former DOD property the amount by which the estimated cost to the recipient to clean up a BRAC site exceeds the value of the property.

A Department of Defense Closure Account 2005 would be created to fund the costs of implementing any closures or realignments from the 2005 round.

Procedures for the Department of Energy

The conferees agree to authorize the Secretary of Energy to propose facilities of the nuclear weapons complex for closure or realignment in the 2005 BRAC round. The recommendations of the Secretary for closure or realignment of facilities of the nuclear weapons complex, if any, would be considered by the same commission that would also consider any recommendations of the Secretary of Defense. The conferees urge the President to nominate some individuals with knowledge of the operations of the nuclear weapons complex to serve on the commission.

The procedures for evaluating facilities of the nuclear weapons complex by the Secretary and the commission would generally follow those used for Department of Defense facilities. However, the conferees have modified those procedures, where appropriate, to reflect the differing missions, types of facilities, and property disposal practices of the respective Departments.

The Secretary would be required to provide an organizational plan for the nuclear weapons complex sufficient to support the nuclear weapons stockpile, the Naval Reactor Program and the non-proliferation and national security activities. In preparing the plan, the Secretary would take into consideration the Department of Defense Nuclear Posture Review, the efficiencies and security benefits of consolidation and the necessity to have a residual production capacity.

The Secretary would be required to certify, when the plan is submitted, whether the need exists for closure or realignment of facilities of the nuclear weapons complex and that, if such need exists, a round of such closures and realignments in 2005 would produce annual net savings within six years. If the Secretary failed to provide this certification, the process for closure or realignment of installations for the Department of Energy under the provisions of this Act for 2005 would be terminated.

Property at facilities of the nuclear weapons complex recommended for closure by the commission would be disposed of under current statutes providing for the disposal of property of the Department of Energy and would not be subject to section 2905 of the Defense Base Closure and Realignment Act of 1990.

A Nuclear Weapons Complex Closure Account 2005 would be created to fund the costs of implementing any closures or realignments of facilities of the nuclear weapons complex.

Prohibition on expenditures to develop forward operating location on Aruba (sec. 2408)

The House amendment contained a provision (sec. 2408) that would prohibit funds appropriated in chapter 3 of title II of the Emergency Supplemental Appropriations Act, 2000 (Public Law 106–246) to be used by the Secretary of Defense to develop any forward operating location of the island of Aruba.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Cancellation of authority to carry out additional fiscal year 2001 project

The Senate bill contained a provision (sec. 2405) that would reduce the fiscal year 2001 project authorization and the authorization of appropriations for military construction for a national missile defense system by $55.0 million to reflect the administration's proposal in the fiscal year 2002 budget to build any facilities related to ballistic missile defenses with research and development funds rather than military construction funds.

The House amendment contained no similar provision.

The Senate recedes.

The conferees agree to include this reduction in another provision in this title.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Overview

The Senate bill, the House amendment, and the conference agreement would all authorize $162.6 million for the U.S. contribution to the North Atlantic Treaty Organization (NATO) Security Investment Program for fiscal year 2002.

LEGISLATIVE PROVISIONS ADOPTED

Authorized NATO construction and land acquisition projects (sec. 2501)

The Senate bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment program in an amount equal to the sum of the amount specifically authorized in section 2502 of the Senate bill and the amount of recoupment due to the United States for construction previously financed by the United States.

The House amendment contained an identical provision.

The conference agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The Senate bill contained a provision (sec. 2502) that would authorize appropriations of $162,600,000 as the United States contribution to the North Atlantic Treaty Organization (NATO) Security Investment Program.

The House amendment contained an identical provision.

The conference agreement includes this provision.

TITLE XXVI—GUARD AND RESERVE FACILITIES

Overview

The Senate bill would authorize $791.2 million for military construction and land acquisition for fiscal year 2002 for the Guard and Reserve components.

The House amendment would authorize $807.8 million for this purpose.

The conferees recommend authorization of appropriations of $942.0 million for military construction and land acquisition for fiscal year 2002. Funds are authorized for the Guard and Reserve Components as follows:

Army National Guard	$393,253,000
Air National Guard	253,852,000
Army Reserve	168,969,000
Naval and Marine Corps Reserve	52,896,000
Air Force Reserve	73,032,000
Total	942,002,000

The conference agreement provides the planning and design funds needed to execute the construction projects authorized by this Act, as well as any planning and design specifically directed in the House report (H. Rept. 107–194) or the Senate report (S. Rept. 107–62).

ITEMS OF SPECIAL INTEREST

Improvement of National Guard infrastructure

The conferees are aware of the pressing problems facing state National Guard facilities and the general need to improve aging infrastructure, in particular deteriorated and unsafe roofs. The conferees note the efforts in certain states, in particular those of the Oklahoma National Guard, to develop plans to address this problem. The conferees direct the Director of the National Guard Bureau to make every effort to identify the necessary funding sources for roof replacement and other critical infrastructure improvements to state guard facilities.

Planning and design, Army National Guard

The report accompanying the House amendment, H.R. 2586, contained a recommendation that within the amounts authorized for planning and design for the Air National Guard, the Secretary of the Air Force execute the following project: $1,331,000 for a joint headquarters building at McEntire Air National Guard Base, South Carolina.

The conferees have been notified that the Army National Guard would be the appropriate lead agency for the construction of the joint headquarters. Therefore, the conferees agreed to revise the recommendation of the House report and recommend that the Secretary of the Army, within authorized amounts for planning and design, execute the following project: $1,331,000 for a joint headquarters building at McEntire Air National Guard, Base, South Carolina.

LEGISLATIVE PROVISIONS ADOPTED

Authorized guard and reserve construction and land acquisition projects (sec. 2601)

The Senate bill contained a provision (sec. 2601) that would authorize appropriations for military construction for the Guard and Reserve by service component for fiscal year 2002.

The House amendment contained a similar provision (sec. 2601).

The conference agreement includes this provision. The state list of projects contained in this report provides the binding list of specific projects authorized at each location.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

LEGISLATIVE PROVISIONS ADOPTED

Expiration of authorizations and amounts required to be specified by law (sec. 2701)

The Senate bill contained a provision (sec. 2701) that would provide that authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, contributions to the North Atlantic Treaty Organization Security Investment Program, and guard and reserve projects will expire on October 1, 2004, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later. This expiration would not apply to authorizations for which appropriated funds have been obligated before October 1, 2004, or the date of enactment of an Act authorizing funds for these projects, whichever is later.

The House amendment contained an identical provision.

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 1999 projects (sec. 2702)

The Senate bill contained a provision (sec. 2702) that would extend the authorization for certain fiscal year 1999 military construction projects until October 1, 2002, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 2003, whichever is later.

The House amendment contained a similar provision.

The House recedes.

Extension of authorizations of certain fiscal year 1998 projects (sec. 2703)

The Senate bill contained a provision (sec. 2703) that would extend the authorization for certain fiscal year 1998 military construction projects until October 1, 2002, or the date of the enactment of the Act authorizing funds for military construction for fiscal year 2003, whichever is later.

The House amendment contained a similar provision.

The Senate recedes with a technical amendment.

Effective date (sec. 2704)

The Senate bill contained a provision (sec. 2704) that would provide that Titles XXI, XXII, XXIII, XXIV, XV, and XXVI of this bill shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

The House amendment contained an identical provision.

The conference agreement includes this provision.

TITLE XXVIII—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Remediation of former Fort Ord, California

The conferees are aware that two parcels of land at the former Fort Ord, California, will be transferred at no cost to the City of Seaside, California, for the purpose of providing recreational opportunities for disadvantaged youth, once environmental remediation of the land is complete. The conferees understand that the priority has been to transfer the cleanest parcels on the former Fort Ord first, deferring to the future the transfer of land possibly contaminated with unexploded ordnance. Nevertheless, the conferees observe that Fort Ord was selected for closure more than ten years ago and are disappointed that parcels such as these, though encumbered with greater cleanup challenges, are still pending remediation and transfer. The conferees endorse the intended use of these parcels and urge the Secretary of the Army to speed the environmental remediation.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Military Construction Program and Military Family Housing Changes

Increase in thresholds for certain unspecified minor military construction projects (sec. 2801)

The Senate bill contained a provision (sec. 2801) that would amend section 2805 of title 10, United States Code to increase from $500,000 to $750,000 the cost threshold for an unspecified minor construction project requiring approval by the service secretary concerned. The provision would further amend section 2805 to increase the amount the secretary concerned may spend from appropriated operation and maintenance amounts for projects intended to correct deficiencies that are a threat to life, health, or safety from $1.0 million to $1.5 million and for other unspecified minor construction projects from $500,000 to $750,000.

The House amendment contained a similar provision.

The House recedes.

Exclusion of unforseen environmental hazard remediation from limitation on authorized cost variations (sec. 2802)

The Senate bill contained a provision (sec. 2802) that would amend section 2853 of title 10, United States Code, to exclude the cost associated with unforseen environmental hazard remediation from the limitation on cost increases in military construction projects. Costs that could be excluded would include asbestos removal, radon abatement, lead-based paint removal or abatement, and any other environmental hazard remediation required by law that could not be reasonably anticipated at the time the funding for the project was approved by the Congress.

The House amendment contained a similar provision.

The Senate recedes with a technical amendment.

Repeal of annual reporting requirement on military construction and military family housing activities (sec. 2803)

The Senate bill contained a provision (sec. 2803) that would repeal a statutory requirement for an annual report to Congress on the status of military construction and family housing projects and trends in the funding for various aspects of military construction.

The House amendment contained a similar provision.

The Senate recedes.

Funds for housing allowances of members assigned to military family housing under alternative authority for acquisition and improvement of military housing (sec. 2804)

The Senate bill contained a provision (sec. 2805) that would authorize the Secretary of Defense, to the extent provided in advance in appropriations acts, during the year in which a contract is awarded for a family housing privatization project, to reimburse the Military Personnel appropriations account from the Family Housing Maintenance and Operations appropriations the amounts necessary to offset the additional cost of housing allowances that would be paid as a result of a housing privatization project. The provision would also make certain technical changes.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Extension of alternative authority for acquisition and improvement of military housing (sec. 2805)

The House amendment contained a provision (sec. 2804) that would amend section 2885 of title 10, United States Code, to make permanent the authorities contained in subchapter 169 of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would extend the authorities contained in subchapter 169 of title 10, United States Code through December 31, 2012.

Treatment of financing costs as allowable expenses under contracts for utility services from utility systems conveyed under privatization initiative (sec. 2806)

The Senate bill contained a provision (sec. 2806) that would require the Secretary of Defense to determine, within 90 days, whether or not modifying the Federal Acquisition Regulation (FAR) is advisable so that a contract for utility services may include terms and conditions that recognize financing costs as an allowable expense when incurred in the process of acquiring, operating, renovating, replacing, upgrading, repairing and expanding the installation utility system. If within 180 days, the Federal Acquisition Regulatory Council has not modified the FAR, the Secretary would be required to submit a report justifying such action.

The House amendment contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense, if he determines that modifying the Federal Acquisition Regulation is advisable, to request that the Federal Acquisition Regulatory Council make the appropriate changes.

Subtitle B—Real Property and Facilities Administration

Use of military installations for certain recreational activities (sec. 2811)

The House amendment contained a provision (sec. 2811) that would amend section 2671 of title 10, United States Code, to allow the Secretary of Defense to waive state or territory fish and game laws to permit hunting, fishing, or trapping on military installations to promote public safety or morale, welfare and recreation activities.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to waive state or territory fish and game laws relating to hunting, fishing or trapping if such a waiver is required for health or safety reasons at military installations and that would require the Secretary of Defense to notify state officials 30 days prior to implementing any such waiver.

Availability of proceeds of sales of Department of Defense property from certain closed military installations (sec. 2812)

The Senate bill contained a provision (sec. 2811) that would increase from 50 percent to 100 percent the share of the proceeds from the sale of surplus Department of Defense property at closed installations that may be used for infrastructure maintenance and environmental restoration at other installations within the service that operated the closed installation.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that this provision applies to proceeds of property that is disposed of other than through the base realignment and closure statutes.

Pilot program to provide additional tools for efficient operation of military installations (sec. 2813)

The Senate bill contained a provision (sec. 2812) that would authorize the Secretary of Defense to carry out a pilot program to determine the potential for increasing the efficiency and effectiveness of the operation of military installations. The pilot program would terminate four years after the date of enactment of this Act.

The provision would permit the Secretary to designate up to two installations in each military department as participants in the efficient facilities initiative. The Secretary would be required to develop a management plan to carry out the initiative at each designated installation and submit that plan to the Congress. The Secretary would be required to identify any statutes or regulations he proposes to waive under this authority. Such waivers would have to be enacted into law in subsequent legislation before they would take effect.

Funds received by the military departments pursuant to this authority would be deposited in an Installation Efficiency Project Fund, which could be used to manage capital assets and provide support services at installations participating in the initiative.

The House amendment contained no similar provision.

The House recedes with a technical amendment. The conferees agree that the provisions of section 2461 of title 10, United States Code would apply to any changes to Office of Management and Budget Circular A–76 that would be proposed under this authority.

Demonstration program on reduction in long-term facility maintenance costs (sec. 2814)

The Senate bill contained a provision (sec. 2813) that would authorize the Secretary of the Army to enter into no more than three contracts in any fiscal year that would require the contractor to maintain a facility constructed for the Army for up to the first five years of operation of that facility and would include any costs for the performance of such maintenance in the cost of construction of the project. The demonstration program would be authorized for fiscal years 2002 through 2006.

The House amendment contained no similar provision.

The House recedes with an amendment that would direct the Secretary of the Army to submit a report to the congressional defense committees not later than January 31, 2005.

Base efficiency project at Brooks Air Force Base, Texas (sec. 2815)

The House amendment contained a provision (sec. 2812) that would amend section 136 of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246) to authorize the Secretary of the Air Force to provide environmental indemnification to the San Antonio community and other persons for personal injury or property damage resulting from environmental contamination resulting from Department of Defense activities at Brooks Air Force Base. No indemnification would be provided unless the person or entity making the claim provided the required documentation. This section would authorize the Secretary to settle or defend a claim for cases where the Secretary determines that the Department of Defense may be required to make indemnification payments.

The House amendment would also amend section 136(m)(9) of the Military Construction Appropriations Act, 2001, to allow the Secretary of the Air Force to delegate his authorities to officials in the Air Force that have not been confirmed by the Senate.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of the Air Force to further delegate his authorities and would direct the Secretary of Defense to evaluate the base efficiency project at Brooks Air Force Base, Texas, and report to the Congress on whether the effective implementation of this project requires additional authority for the Secretary of the Air Force to indemnify the recipients of the property against claims arising out of Department of Defense activities on the property prior to disposal. The report would be submitted not later than March 1, 2002. If the Secretary of Defense determines that indemnification is appropriate, the report would include a recommendation on the nature and extent of additional indemnification the Secretary of Defense recommends be provided.

Subtitle C—Implementation of Defense Base Closures and Realignments

Lease Back of Base Closure Property (sec. 2821)

The House amendment contained a provision (sec. 2821) that would amend the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; section 2687 of title 10, United States Code), which governs the 1988 round of base closures and the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) which governs the 1991, 1993 and 1995 rounds of base closures, to authorize the secretary concerned to transfer real property at a closed or realigned military installation to the redevelopment authority for the installation if the redevelopment authority agrees, directly upon transfer, to lease one or more portions of the property transferred to the secretary or to the head of another department or agency of the Federal Government.

Such leases could not exceed 50 years and may not require rental payments by the United States. This section would permit the use of the leased property by the same or another department or agency of the Federal Government if the original department concerned ceases requiring the use of the lease.

The Senate bill contained a provision (sec. 2911) that would amend the 1988 base closure authorities to allow payment to a local redevelopment authority for services provided on

property leased back by the United States. Section 2903 of the Senate bill contained similar language modifying the 1990 base closure authorities.

The Senate recedes with an amendment that would authorize the department and agency concerned to obtain facility services for the leased property, and common area maintenance for the redevelopment authority or the redevelopment authority's assignees, as a provision of the lease, but would require that contracts for such services be awarded in compliance with Chapter 137 of title 10, United States Code.

Subtitle D—Land Conveyances

Part I—Army Conveyances

Lease authority, Fort DeRussy, Hawaii (sec. 2832)

The Senate bill contained a provision (sec. 2844) that would permit the Secretary of the Army to authorize the Army Morale, Welfare and Recreation Fund to enter into an agreement for the construction of a parking garage at Fort DeRussy, Hawaii. The agreement could be in the form of a non-appropriated fund contract, conditional gift, or other agreement determined by the fund to be appropriate for the construction of the garage. The agreement may permit use of the garage by the general public if the fund determines that it will be advantageous to the fund. Amounts received by the fund would be treated as non-appropriated funds, and would accrue to the benefit of the fund or its component funds.

The House amendment contained a provision (sec. 2833) that would authorize the Secretary of the Army to enter into a lease with the City of Honolulu, Hawaii for the purpose of making available to the City a parcel of real property for the construction and operation of a parking facility.

The Senate recedes with an amendment that would authorize the Secretary of the Army to enter into a lease with the City and County of Honolulu to allow the City and County to construct and operate a parking facility. The amendment would also direct that any lease under this section would not be subject to section 2667 of title 10, United States Code and that all money rentals from the lease be retained by the Secretary and credited to an account that supports the operation and maintenance of Army facilities including Fort DeRussy. The conferees expect the Secretary to ensure that an appropriate share of the revenues is applied to support the activities and facilities at Fort DeRussy.

Modification of land exchange, Rock Island Arsenal, Illinois (sec. 2833)

The House amendment contained a provision (sec. 2831) that would amend section 2832 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of Public Law 106–398) by authorizing the Secretary of the Army to transfer a parcel of real property of approximately .513 acres to the City of Moline, Illinois. As consideration for the transfer, the City would convey to the Secretary a parcel of real property of approximately .063 acres to construct a new access ramp for the Rock Island Arsenal, Illinois.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Land conveyance, Fort Des Moines, Iowa (sec. 2834)

The Senate bill contained a provision (sec. 2829) that would authorize the Secretary of the Army to convey to Fort Des Moines Memorial Park, Inc. approximately 4.6 acres located at the Fort Des Moines United States Army Reserve Center. The conveyance would be for the purpose of establishing the Fort Des Moines Memorial Park and Education Center and would require the recipient to reimburse the Secretary for any costs associated with the conveyance.

The House amendment contained no similar provision.

The House recedes with an amendment that would make technical corrections and would clarify that the recipient of the property would be required to reimburse the Secretary for any excess costs that result from a request by the recipient for any environmental assessments or other activities that result in additional costs to the Army beyond those considered reasonable and necessary by the Secretary to convey the property in compliance with existing law.

Modification of land conveyances, Fort Dix, New Jersey (sec. 2835)

The House amendment contained a provision (sec. 2832) that would amend section 2835 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85) to authorize the exchange between the Borough of Wrightstown and the New Hanover Board of Education, without the consent of the Secretary of the Army, of all or any portion of the property conveyed so long as the property continues to be used for economic or educational purposes.

The Senate bill contained no similar provision.

The Senate recedes.

Land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia (sec. 2836)

The Senate bill contained a provision (sec. 2821) that would authorize the Secretary of the Army to convey to the Commonwealth of Virginia 11.45 acres located at the Engineer Proving Ground, Fort Belvoir, Virginia for the purpose of constructing a portion of Interstate Highway 95 through the Engineer Proving Ground, and 170 acres for the purpose of constructing a portion of the Fairfax County Parkway through the Engineer Proving Ground. The Commonwealth of Virginia would agree to design and construct that portion of the Fairfax County Parkway through the Engineer Proving Ground; design, for eventual construction, the necessary access into the Engineer Proving Ground; provide utility permits; and provide funding to replace an existing building located on the property to be conveyed.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Land exchange and consolidation, Fort Lewis, Washington (sec. 2837)

The House amendment contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey two parcels of real property, with improvements, consisting of approximately 138 acres at Fort Lewis, Washington, to the Nisqually Tribe. As consideration for the exchange, the Tribe shall acquire from Thurston County, Washington several parcels of real property consisting of approximately 416 acres and convey fee title to the Secretary. This section would authorize the Secretary to convey to the Bonneville Power Administration a right-of-way to permit the Administration to use the real property at Fort Lewis as a route for the Grand Coulee-Olympia and Olympia-White River electrical transmission lines. The cost of any survey would be borne by the recipient of the property.

The Senate bill contained no similar provision.

The Senate recedes.

Land conveyance, Army Reserve Center, Kewaunee, Wisconsin (sec. 2838)

The Senate bill contained a provision (sec. 2832) that would authorize the Administrator of the General Services Administration to convey the former Army Reserve Center in Kewaunee, Wisconsin, to the City of Kewaunee for public use. The provision includes a 20-year reversionary clause and directs that, in the event of a reversion of the property, the property shall be disposed of by public sale.

The House amendment contained no similar provision.

The House recedes with an amendment that would direct that proceeds received by the United States from the public sale of the property, in the event that the property reverts to the United States, would be deposited into the Land and Water Conservation Fund.

Part II—Navy Conveyances

Transfer of jurisdiction, Centerville Beach Naval Station, Humbolt County, California (sec. 2841)

The House amendment contained a provision (sec. 2841) that would authorize the Secretary of the Navy to transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior the real property with improvements consisting of the closed Centerville Beach Naval Station in Humboldt County, California, for the purpose of permitting the Secretary of the Interior to manage the real property as open space or for other public purposes.

The Senate bill contained no similar provision.

The Senate recedes.

Land conveyance, Port of Long Beach, California (sec. 2842)

The conferees agree to include a provision that would authorize the Secretary of the Navy to convey to the City of Long Beach, California, up to 11 acres of real property, including any improvements, comprising part of the Navy Mole pier at the former Long Beach Naval Complex, Long Beach, California. In exchange, the City would convey to the Secretary a parcel of real property of equal size at the same pier that is acceptable to the Secretary, and would construct suitable replacement fuel transfer and storage facilities on the conveyed property as determined necessary by the Secretary. The Secretary would not be authorized to make the conveyance until he determines that the City has constructed suitable replacement facilities and that they are ready for use. The provision would authorize the Secretary to convey the parcel of real property and improvements at no cost if he determines prior to the conveyance that the Department of the Navy does not require replacement fuel transfer and storage facilities.

Conveyance of Pier, Naval Base, San Diego, California (sec. 2843)

The conferees agree to include a provision that would authorize the Secretary of the Navy to convey, without consideration, Pier 11A and associated structures and interests in underlying land located at Naval Base, San Diego to the San Diego Aircraft Carrier Museum or its designee. The conveyance would be contingent upon the recipient obtaining permission from the State of California or the appropriate political subdivision to use the property to berth a vessel and operate a museum for the general public. The recipient of the property would be required to reimburse the Secretary for any excess costs that result from a request by the recipient for any environmental assessments or other activities that result in additional costs to the Navy beyond those considered reasonable and necessary by the Secretary to convey the property in compliance with existing law. Any funds collected by the Secretary as reimbursement for administrative expenses of the conveyance would be

credited to the appropriation, fund, or account from which the expenses were paid and would be available for the same purpose and subject to the same limitation.

The provision would require that the recipient accept any liability pertaining to the property's physical condition and hold the Federal Government harmless from such liability.

Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine (sec. 2844)

The Senate bill contained a provision (sec. 2822) that would make certain technical corrections to section 2853(a) of the Military Construction Act for Fiscal Year 2001 (division B of Public Law 106–398: 114 Stat. 1654A) to clarify that all or part of the specified property may be conveyed.

The House amendment contained an identical provision.

The conference agreement includes this provision.

Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine (sec. 2845)

The Senate bill contained a provision (sec. 2823) that would authorize the Secretary of the Navy to transfer administrative jurisdiction of a parcel of real property consisting of approximately 26 acres located at the former facilities of the Naval Security Group Activity in Winter Harbor, Maine to the Secretary of the Interior. The transfer would be concurrent with the reversion of administrative jurisdiction of approximately 71 acres from the Secretary of Navy to the Secretary of Interior.

The provision would also authorize the Secretary of the Navy to convey for public benefit purposes to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine a parcel of real property and associated personal property consisting of approximately 485 acres comprising the facilities of the former Naval Security Group Activity at Winter Harbor. Prior to the conveyance of the property, the Secretary of the Navy would be authorized to lease all or part of the property. The Secretary would credit any amount received for a lease of real property to the appropriate account providing funds for the operation and maintenance of the property or for procurement of utilities.

The House amendment contained a similar provision (sec. 2845).

The House recedes with an amendment that would make technical corrections and would require that the proceeds from any lease be distributed under current law. The amendment would also clarify that the recipient of the property would be required to reimburse the Secretary for any excess costs that result from a request by the recipient for any environmental assessments or other activities that result in additional costs to the Navy beyond those considered reasonable and necessary by the Secretary to convey the property in compliance with existing law.

Land acquisition, Perquimans County, North Carolina (sec. 2846)

The Senate bill contained a provision (sec. 2831) that would authorize the Secretary of the Navy to acquire approximately 240 acres in Perquimans County, North Carolina. The purpose of the acquisition would be to provide a buffer zone for the Harvey Point Defense Testing Activity, Hertford, North Carolina.

The House amendment contained no similar provision.

The House recedes.

Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio (sec. 2847)

The Senate bill contained a provision (sec. 2826) that would authorize the Secretary of the Navy to convey, without consideration, to the Toledo-Lucas County Port Authority, Ohio a parcel of real property consisting of approximately 29 acres comprising the Naval Industrial Reserve Plant in Toledo, Ohio. The Secretary would be authorized to convey such facilities, equipment, fixtures and other personal property located or based on the parcel that the Secretary considers excess to the Navy.

The provision would also permit the Secretary to lease the property to the Port Authority before the conveyance takes place and would require as conditions of the conveyance that the Port Authority accept all property in its current condition at the time of conveyance or lease, and that the property be used for economic development. The Port Authority would be authorized to sublease the facility with the prior approval of the Secretary.

The House amendment contained a similar provision (sec. 2842).

The House recedes with an amendment that would clarify that the recipient of the property would be required to reimburse the Secretary for any excess costs that result from a request by the recipient for any environmental assessments or other activities that result in additional costs to the Navy beyond those considered reasonable and necessary by the Secretary to convey the property in compliance with existing law.

Modification of land conveyance, former United States Marine Corps Air Station, Eagle Mountain Lake, Texas (sec. 2848)

The House amendment contained a provision (sec. 2844) that would amend section 5 of Public Law 85–258, to permit the Texas Military Facilities Commission to use funds acquired through the leasing of Eagle Mountain Lake National Guard Training Site for other Texas National Guard facilities.

The Senate bill contained no similar provision.

The Senate recedes.

Part III—Air Force Conveyances

Conveyance of avigation easements, former Norton Air Force Base, California (sec. 2851)

The House amendment contained a provision (sec. 2867) that would direct the Administrator of General Services to convey to the Inland Valley Development Agency the avigation easements APN 289–231–08 and APN 289–232–08.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct, as a condition of conveyance, that if the Inland Valley Development Agency sells one or both easements within 10 years of conveyance, the Agency shall pay the United States an amount equal to the lesser of the sale price of the easement or the fair market value of the easement.

Reexamination of land conveyance, Lowry Air Force Base, Colorado (sec. 2852)

The House amendment contained a provision (sec. 2852) that would direct the Secretary of the Air Force to reevaluate the terms and conditions of the pending negotiated sale agreement at Lowry Air Force Base, Colorado with the Lowry Redevelopment Authority for certain real property in light of changed circumstances regarding the property. The reexamination shall determine whether changed circumstances warrant a reduction in the amount of consideration otherwise required under the agreement or other modifications to the agreement.

The Senate bill contained no similar provision.

The Senate recedes.

Water rights conveyance, Andersen Air Force Base, Guam (sec. 2853)

The House amendment contained a provision (sec. 2851) that would authorize the Secretary of the Air Force to convey water rights related to the Air Force properties Andy South, also known as the Andersen Administrative Annex; Marianas Bonis Base Command; and Andersen Water Supply Annex, also known as the Tumon Water Well or the Tumon Maui Well, located on Guam. The Secretary may exercise authority under certain specified conditions. This section would authorize the Secretary, if he determines that it is in the best interest of the United States to transfer title to the water rights and utility system before a replacement water system is in place, to require that the United States have the primary right to all water produced from Andy South and Andersen Water Supply Annex. The Secretary may authorize the conveyee of the water system to sell to public or private entities such water from Andersen Air Force Base as the Secretary determines to be excess to the needs of the United States.

The Senate bill contained no similar provision.

The Senate recedes.

The conferees expect the Secretary of the Air Force to follow the reporting requirements of section 2688 of title 10, United States Code with respect to this conveyance.

Conveyance of segment of Loring Petroleum Pipeline, Maine, and related easements (sec. 2854)

The Senate bill contained a provision (sec. 2824) that would authorize the Secretary of the Air Force to convey to the Loring Development Authority, Maine, a segment of approximately 27 miles of the Loring Petroleum Pipeline, along with related easements. The provision would require the Loring Development Authority to reimburse the Secretary for any environmental assessment, study, analysis or other expenses incurred for the conveyance.

The House amendment contained no similar provision.

The House recedes with an amendment that would make technical corrections and would clarify that the recipient of the property would be required to reimburse the Secretary for any excess costs that result from a request by the recipient for any environmental assessments or other activities that result in additional costs to the Air Force beyond those considered reasonable and necessary by the Secretary to convey the property in compliance with existing law.

Land conveyance, petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine (sec. 2855)

The Senate bill contained a provision (sec. 2825) that would authorize the Secretary of the Air Force to convey to the Maine Port Authority of the State of Maine the petroleum terminal at Mack Point in Searsport, Maine for the purpose of economic development. The conveyance may include a parcel of real property consisting of approximately 20 acres and comprising a portion of the petroleum terminal and any additional fuel tanks, other improvements, and equipment located at the 43-acre parcel located adjacent to the petroleum terminal and currently leased by the Secretary. The Secretary could not convey the 43 acres until the lease expires and until the Secretary completes any environmental remediation required by law.

As consideration for the conveyance, the Authority would lease to the Air Force, at no cost for a period of no more than 25 years, approximately one acre that constitutes the Aerospace Fuels Laboratory. As part of the lease, the Authority would maintain around the real property a zone free of improvements or encumbrances. The provision would also require the Authority to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment,

study, or analysis, or for any other expense incurred by the Secretary for the conveyance.

The House amendment contained no similar provision.

The House recedes with an amendment that would make technical corrections and would clarify that the recipient of the property would be required to reimburse the Secretary for any excess costs that result from a request by the recipient for any environmental assessments or other activities that result in additional costs to the Air Force beyond those considered reasonable and necessary by the Secretary to convey the property in compliance with existing law.

Land conveyances, certain former Minuteman III ICBM facilities in North Dakota (sec. 2856)

The Senate bill contained a provision (sec. 2830) that would authorize the Secretary of the Air Force to convey to the State Historical Society of North Dakota the launch facility designated ''November 33'' and the missile alert facility and launch control center designated ''Oscar O'' located at Grand Forks Air Force Base, North Dakota. The purpose of the conveyance would be to establish an historical site. The provision would direct the Secretary of the Air Force to consult with the Secretary of Defense and the Secretary of State to ensure that the conveyance of the site is accomplished in accordance with applicable treaties.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Land conveyances, Charleston Air Force Base, South Carolina (sec. 2857)

The Senate bill contained a provision (sec. 2828) that would authorize the Secretary of the Air Force to convey approximately 24 acres at Charleston Air Force Base known as the Air Force Military Family Housing Annex to the City of North Charleston and the State of South Carolina. The conveyances would be for the purpose of road construction and for municipal use.

The House amendment contained no similar provision.

The House recedes.

Transfer of jurisdiction, Mukilteo Tank Farm, Everett, Washington (sec. 2858)

The Senate bill contained a provision (sec. 2827) that would modify section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 to direct the Secretary of the Air Force to transfer approximately 1.1 acres at the Mukilteo Tank Farm to the administrative jurisdiction of the Secretary of Commerce for a research center for the National Marine Fisheries Service. The provision would also make certain technical corrections and provide certain authorities to the Secretary of Commerce to exchange the property and would require the Secretary of Commerce to convey the property to the Port of Everett after 12 years if it is no longer required.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Subtitle E—Other Matters

Management of the Presidio of San Francisco (sec. 2861)

The House amendment contained a provision (sec. 2863) that would amend title I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) to authorize the Trust to make available to lease certain housing units to persons designated by the Secretary of the Army, within the Presidio of San Francisco, California. The monthly amount charged by the Trust for the lease of a housing unit, including utilities and municipal services, shall not exceed the monthly rate of the basic allowance for housing. This section would also increase the borrowing authority in section 104 of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) from $50.0 million to $150.0 million.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Transfer of jurisdiction for development of Air Force morale, welfare, and recreation facility, Park City, Utah (sec. 2862)

The House amendment contained a provision (sec. 2861) that would direct the Secretary of the Interior to transfer, without reimbursement, administrative jurisdiction of a parcel of real property, including improvements, consisting of approximately 35 acres located in Park City, Utah to the Secretary of the Air Force. The transfer would be completed not later than one year after the date of the enactment of this Act.

The House amendment would authorize the Secretary of the Air Force to use the real property as the location for an armed forces recreation facility to be developed using non-appropriated funds. In lieu of developing the recreation facility on this site, the Secretary of the Air Force could convey or lease the property to other entities in exchange for other property that would be used as the site for the recreation facility, and could lease the property selected as the site for the recreation facility to another entity or enter into a contract with another entity for the construction and operation of the recreation facility as a mixed military and commercial facility.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize, rather than require, the Secretary of the Interior to transfer the property, that would exclude lands south of state Highway 248 that may be contaminated from the transfer, and would also provide that the property be transferred to allow for the development of an Air Force morale, welfare and recreation facility rather than an armed forces recreation facility.

The conferees direct the Secretary of the Air Force to ensure that any morale, welfare and recreation facility constructed under the authority of this section be operated primarily for the benefit of military personnel and their families.

Alternative site for United States Air Force Memorial, preservation of open space on Arlington Ridge Tract, and related land transfer at Arlington National Cemetery, Virginia (sec. 2863)

The House amendment contained a provision (sec. 2862) that would require the Secretary of Defense to offer to the Air Force Memorial Foundation an option to use, without reimbursement, up to three acres of the Arlington Naval Annex as the site for the construction of the Air Force Memorial. Within 90 days after the date on which the Secretary of Defense makes the offer, the Foundation would provide written notice to the Secretary of the decision of the Foundation to accept or decline the offer. If the Foundation accepted the offer, the Foundation would relinquish all claims to the previously approved site for the memorial on Arlington Ridge. If the Foundation declined the offer, the Foundation could resume its efforts to construct the memorial on the Arlington Ridge tract. Not later than two years after the date on which the Foundation accepted the offer, and had made sufficient funds available to construct the memorial, the Secretary, in coordination with the Foundation, would remove all structures and prepare the Arlington Naval Annex site for construction of the memorial. Upon removal of structures and preparation of the property for use, the Secretary of Defense would permit the Foundation to commence construction.

The House amendment would direct the Secretary of the Interior to transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over: most of an approximately 24-acre parcel of land within the boundaries of Arlington National Cemetery known as Section 29 for the purpose of providing additional land for burial sites; and the Arlington Ridge tract in order to make up to 15 acres of additional land available for burial sites. The amendment would also amend section 2902 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65) to prohibit consideration of the Arlington Naval Annex property as a possible site for a national military museum.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to make available to the Air Force Memorial Foundation up to three acres of the Naval Annex property for use as the location for the Air Force Memorial. The three acres would be in lieu of the Arlington Ridge tract and shall be the site of the memorial unless the Secretary of Defense determines that constructing the Air Force Memorial on the Naval Annex property is impracticable due to geological conditions at the site. In the event construction at the Naval Annex site is impracticable, the location of the memorial would revert to the Arlington Ridge tract location. If the Foundation fails to commence construction of the memorial within five years of the date of enactment of this Act, the Secretary of Defense may revoke the authority to use the Naval Annex property for the Air Force Memorial.

The amendment would require, upon notification by the Foundation that it had accumulated sufficient funds to begin construction, the Secretary of Defense to demolish and remove Wing 8 of the Naval Annex and associated facilities and carry out environmental remediation and such site preparation as the Secretary agreed to undertake, within two years. The amendment would also designate the Department of the Army as the executive agent for finding replacement facilities for the Ballistic Missile Defense Organization, which currently occupies the facilities on this site.

The amendment would direct the Secretary of the Interior to transfer to the administrative jurisdiction of the Secretary of the Army 12 acres, known as the interment zone, as depicted in Map VI–4 on page VI–23 of the Concept Utilization Plan for Arlington National Cemetery dated October 2000. The transferred property would be used by Arlington National Cemetery for additional burial sites. The Secretary of the Interior would be required to preserve in perpetuity the remaining acreage of Section 29, including the portion known as the preservation zone, as an appropriate backdrop and aesthetic setting for Arlington House, The Robert E. Lee Memorial.

The amendment would also prohibit any new structures on the Arlington Ridge tract and would specify that the only other land use to be contemplated in the future for this site would be as additional burial space for Arlington National Cemetery.

The amendment would also amend section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of

Public Law 106–65) to direct the Secretary of Defense to reserve no more than four acres of the Naval Annex property, south of Columbia Pike, as a site for memorials or museums that the Secretary of Defense considers compatible with Arlington Cemetery and the Air Force Memorial.

The conferees direct the Secretary of Defense to provide a report to Congress, prior to the date on which he transfers the three-acre parcel on the Naval Annex site to the Secretary of the Army, providing his determination as to whether construction of the Air Force Memorial on this site, together with the public access required for the Memorial, is consistent with the security requirements of the Pentagon and the Naval Annex. If the Secretary determines this location is not fully consistent with such security requirements, the Secretary shall include in his recommendations the steps that should be taken to address any security concerns.

Establishment of memorial to victims of terrorist attack on Pentagon Reservation and authority to accept monetary contributions for memorial and repair of Pentagon (sec. 2864)

The Senate bill contained a provision (sec. 2845) that would authorize the Secretary of Defense to accept monetary contributions made for the purpose of establishing a memorial or assisting in repair and reconstruction of the Pentagon Reservation following the terrorist attack that occurred on September 11, 2001. The funds would be deposited in the Pentagon Reservation Maintenance Revolving Fund.

The House amendment contained a provision (sec. 1055) that would authorize the Secretary of Defense to accept monetary contributions to finance the repair and reconstruction of the Pentagon Reservation following the terrorist attack that occurred on September 11, 2001. The funds would be deposited in the Pentagon Reservation Maintenance Revolving Fund.

The House recedes with an amendment that would authorize the Secretary of Defense to establish the memorial and would direct that contributions received could be used only for establishing a memorial or to repair the damage to the Pentagon Reservation caused by the terrorist attack.

Repeal of limitation on cost of renovation of Pentagon Reservation (sec. 2865)

The Senate bill contained a provision (sec. 2842) that would repeal section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–210;110 Stat. 2806) limiting the cost of renovating the Pentagon Reservation to $1.1 billion.

The House amendment contained no similar provision.

The House recedes.

Development of United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania (sec. 2866)

The Senate bill contained a provision (sec. 2841) that would authorize the Secretary of the Army to enter into a partnership with the Military Heritage Foundation for the design, construction and operation of a U.S. Army Heritage and Education Center at Carlisle Barracks, Pennsylvania. The facility would provide research facilities, classrooms, offices and associated activities for the study and storage of artifacts. The Secretary would be authorized to accept funds from the Heritage Foundation for the design and construction of the U.S. Army Heritage and Education Center or to permit the Military Heritage Foundation to contract for the design and construction of the facility. The facility would become the property of the Department of the Army upon the satisfaction of any and all financial obligations incurred by the Military Heritage Foundation. The provision would also authorize the Commandant of the U.S. Army War College, under regulations prescribed by the Secretary, to accept gifts for the benefit of the United States Army Heritage and Education Center.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that the design of the facility must be approved by the Secretary whether the facility is constructed by the Army or by the Foundation.

Effect of limitation on construction of roads or highways, Marine Corps Base, Camp Pendleton, California (sec. 2867)

The House amendment contained a provision (sec. 2864) that would amend section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261), as amended, by authorizing limitations of State law enacted after January 1, 2001 that directly or indirectly prohibit or restrict the construction or approval of a road or highway within the easements granted under this section at Marine Corps Base, Camp Pendleton, California.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Establishment of World War II Memorial at additional location on Guam (sec. 2868)

The House amendment contained a provision (sec. 2865) that would amend section 2886 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of Public Law 106–398) by authorizing the establishment of an additional World War II Memorial on federal lands near Yigo, Guam.

The Senate bill contained no similar provision.

The Senate recedes.

The conferees expect that in establishing the additional memorial, the Secretary of Defense shall apply the same minimal maintenance criteria as required in the previous authorization.

Demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies (sec. 2869)

The House amendment contained a provision (sec. 2866) that would amend section 816 of the National Defense Authorization Act for Fiscal Year 1995, as amended by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, to extend the authority for the purchase of services from local government agencies at Monterey, California authorized under this project, other than fire-fighting and police services, through fiscal year 2003.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would extend the authority for the purchase of fire-fighting and police services through January 31, 2002, and would extend the authority for the purchase of other services, including utilities and public works, through fiscal year 2003.

Report on future land needs of United States Military Academy, New York, and adjacent community (sec. 2870)

The House amendment contained a provision (sec. 2868) that would direct the Secretary of the Army to submit to the Congress not later than February 1, 2002, a report evaluating various options by which the Secretary may promote economic development in the Village of Highland Falls, New York.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Army to assess the land requirements of the United States Military Academy and determine if any excess real property is available for either transfer or lease to the Village of Highland Falls. The Secretary would be required to report his findings to the Congress by February 1, 2002.

Naming of Patricia C. Lamar Army National Guard Readiness Center, Oxford, Mississippi (sec. 2871)

The Senate bill contained a provision (sec. 2843) that would name the Oxford Army National Guard Readiness Center as the Patricia C. Lamar Army National Guard Readiness Center.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority available for lease of property and facilities under alternative authority for acquisition and improvement of military housing

The Senate bill contained a provision (sec. 2804) that would amend the authorities for lease or conveyance of property in connection with military family housing privatization to allow the military departments to use the authorities contained in section 2667 of title 10, United States Code. This provision would provide additional flexibility for the military departments to make use of the value of assets at one installation for use at privatization projects at other installations.

The House amendment contained no similar provision.

The Senate recedes.

The conferees urge the Secretary of Defense to explore innovative approaches to maximize the Department's fiscal and real property resources in executing the housing privatization projects.

Land conveyance, Defense Fuel Support Point, Lynn Haven, Florida

The House amendment contained a provision (sec. 2853) that would authorize the Secretary of the Air Force to convey to Florida State University approximately 200 acres located at the Defense Fuel Support Point, Lynn Haven, Florida. The purpose of the conveyance would be to establish a National Coastal Research Center.

The Senate bill contained no similar provision.

The House recedes.

Payment for certain services provided by redevelopment authorities for property leased back by the United States

The Senate bill contained a provision (sec. 2911) that would amend the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; section 2687 of title 10, United States Code) that governs the 1988 round of base closures to authorize the secretary concerned to transfer real property at a closed or realigned military installation to the redevelopment authority for the installation, if the redevelopment authority agrees, directly upon transfer, to lease one or more portions of the property transferred to the secretary concerned or to the head of another department or agency of the Federal Government. The provision would also allow the United States to pay the redevelopment authority for facility services and common area maintenance.

The House amendment contained a similar provision (sec. 2821) that would amend both the Defense Authorization Amendments and Base Closure and Realignment Act and the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law

101–510; 10 U.S.C. 2687 note) that governs the 1991, 1993 and 1995 rounds of base closures to provide these authorities.

The Senate recedes.

The conferees agreed to include the amendments to both the 1998 and 1990 base closure laws in a single provision elsewhere in this Act.

Treatment of amounts received

The Senate bill contained a provision (sec. 2833) that would require any proceeds received from the sale of a former Army Reserve Center in Kewaunee, Wisconsin that would be authorized to be conveyed by section 2832 of the Senate bill to be deposited into the Land and Water Conservation Fund in the event the property reverted to the United States.

The House amendment contained no similar provision.

The Senate recedes. The conferees agreed to include this condition in the provision authorizing the conveyance of the property in Kewaunee, Wisconsin that is included in title XXVIII of this Act.

TITLE XXIX—FORT IRWIN MILITARY LAND WITHDRAWAL

The House amendment contained a series of provisions (secs. 2901–2913) that would provide for the withdrawal of 110,000 acres to support the expansion of the National Training Center (NTC) at Fort Irwin, California.

The Senate bill contained no similar provision.

The Senate recedes with an amendment to the provision regarding environmental compliance agreements (sec. 2906) as described below.

Short title (sec. 2901)

This provision would designate title XXIX of this Act as the ''Fort Irwin Military Land Withdrawal Act of 2001.''

Withdrawal and reservation of lands for National Training Center (sec. 2902)

This provision would withdraw approximately 110,000 acres of public lands in San Bernardino County, California from general land laws and would transfer jurisdiction of these lands to the Secretary of the Army for military testing, training, and other defense-related purposes at the NTC.

Map and legal description (sec. 2903)

This provision would require the Secretary of the Interior to publish in the Federal Register the legal description of the lands withdrawn and reserved by this title and to file a map and legal description of such lands with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. These documents would also be available for public inspection. The Secretary of the Army would be required to reimburse the Secretary of the Interior for costs related to the implementation of this provision.

Management of withdrawn and reserved lands (sec. 2904)

This provision would require the Secretary of the Army, during the period of the withdrawal and reservation, to manage such lands for the training and testing purposes specified in section 2902. However, military use of the lands that result in ground disturbances would be prohibited until the Secretary of the Army and the Secretary of the Interior certify to Congress that there has been full compliance with this title, the Endangered Species Act of 1973 (16 U.S.C 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable laws. The Secretary of the Army would be authorized to restrict public access on the withdrawn lands. The provision would also require the Secretary of the Army to prepare and implement an integrated natural resource management plan for the withdrawn lands, in accordance with the Sikes Act (16 U.S.C. 670 et seq.), and to consult with the National Aeronautics and Space Administration (NASA) regarding potential disruptions to NASA operations.

Water rights (sec. 2905)

This provision would clarify that this title does not create any water rights for the United States on the withdrawn lands. The provision would not affect any water rights acquired or reserved by the United States before the date of enactment of this Act.

Environmental compliance and environmental response requirements (sec. 2906)

The conferees agreed to a provision that would require, rather than permit, the Secretary of the Army and the Secretary of the Interior to enter into such agreements as are necessary, appropriate, and in the public interest to carry out the purposes of this title. Such agreements should provide that the Secretary of the Army consult with the Secretary of the Interior with respect to proposed and final response actions. Such agreements should also provide that the Secretary of the Army reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior as a result of the Army's activities on the withdrawn and reserved lands.

West Mojave Coordinated Management Plan (sec. 2907)

This provision would urge the Secretary of the Interior to complete the West Mojave Coordinated Management Plan not later than two years after the date of enactment of this Act. The Secretary of the Interior would ensure that this plan considers the impacts of this title. The provision would also require the Secretary of the Interior to consult with the Secretary of the Army and the Administrator of the National Aeronautics and Space Administration on the development of the plan.

Release of wilderness study areas (sec. 2908)

This provision would determine that the public lands withdrawn under this title have been adequately studied for wilderness designation.

Training activity separation from utility corridors (sec. 2909)

This provision would require that all military ground activity training conducted on withdrawn lands remain at least 500 meters from any existing utility system.

Duration of withdrawal and reservation (sec. 2910)

Under this provision, the withdrawal and reservation made by this title would terminate 25 years after the date of the enactment of this Act, unless otherwise extended, postponed, or affected by a delay in the Secretary of the Interior in accepting jurisdiction.

Extension of initial withdrawal and reservation (sec. 2911)

This provision would require the Secretary of the Army, no later than three years before the termination of the 25-year withdrawal, to notify Congress and the Secretary of the Interior whether the Army has a continuing military need for the withdrawn lands. If the Secretary of the Army determines there is a continuing military need, the Secretary of the Army shall consult with the Secretary of the Interior regarding any adjustments in the allocation of land management responsibility and file an application for an extension of the withdrawal and reservation with the Secretary of the Interior. The provision would also authorize the Secretary of the Army and the Secretary of the Interior to submit a legislative proposal to Congress on the extension of the land withdrawal. The legislative proposal would be accompanied by an analysis of the environmental impacts, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Termination and relinquishment (sec. 2912)

Under this provision, if the Secretary of the Army determines that there is no continuing military need for any withdrawn lands during the first 22 years of the withdrawal period, the Secretary of the Army shall notify the Secretary of the Interior of the intent to relinquish jurisdiction over such lands. If the Secretary of the Interior accepts jurisdiction, the Secretary shall publish in the Federal Register an appropriate order terminating the withdrawal.

Delegation of Authority (sec. 2913)

This provision would authorize the Secretary of the Army and the Secretary of the Interior to delegate the functions necessary to implement this title.

TITLE XXX—REALIGNMENT AND CLOSURE OF MILITARY INSTALLATIONS AND PREPARATION OF INFRASTRUCTURE PLAN FOR THE NUCLEAR WEAPONS COMPLEX

Title XXIX of the Senate bill contained a series of provisions (secs. 2901–2904) that would extend the authorities of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended) and authorize a new base realignment and closure (BRAC) round in 2003.

Section 2901 of the Senate bill would extend the authorities of the 1990 Act, which expired after the 1995 BRAC round, to authorize a new BRAC round in 2003 for the Department of Defense (DOD).

Section 2902 of the Senate bill would establish a separate account to track the costs and savings of the 2003 round.

Section 2903 of the Senate bill would make substantive changes in the 1990 Act that would apply to the 2003 round. This provision would: increase the number of commissioners from eight to nine; require that the selection criteria emphasize the military value of installations; require that any selection criteria relating to the cost or savings of proposed closures take into account the impact of the closure on other federal agency operations on that installation; require the Secretary of Defense to review every type of installation and to take into account the anticipated need for and availability of overseas installations in the future; and require the Secretary to consider any notice from a local government that the government would approve of the closure of a neighboring installation.

This section would also: give the commission an additional 24 hours to provide information received from certain individuals to the Congress; require that the Secretary of Defense be given an opportunity to testify before the commission on changes made by the commission to the Secretary's recommendations; prohibit privatization in place of closed or realigned facilities unless it was specifically recommended by the base closure commission and determined to be the most cost-effective option; allow payment to a local redevelopment authority for services provided on property leased back by the United States; and allow the DOD to pay the difference to the recipient if the estimated cost to the recipient to clean up a BRAC site exceeds the value of the property.

Section 2904 of the Senate bill would make technical and clarifying changes to the 1990 Act.

The House amendment contained no similar provisions.

The House recedes with an amendment that would authorize an additional BRAC round in 2005 rather than 2003 and make additional changes to the process authorized under the 1990 Act for the 2005 round.

Unless specifically changed by the provisions of this Act, the 2005 BRAC round would operate under the authorities and requirements of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended).

Procedures for the Department of Defense (secs. 3001–3007)

The conferees agree to authorize a round of base realignment and closure for the Department of Defense in 2005. The conference agreement modifies the procedures used in the 1991, 1993 and 1995 rounds as described below.

Recommendations by the Secretary

With respect to the recommendations of the Secretary of Defense, the conferees have modified the process used in prior rounds as follows.

The force structure plan submitted by the Secretary of Defense with the fiscal year 2005 budget would include detailed information on probable end-strength and force levels for the military services, including major ground combat units, combatant vessels and air wings. The Secretary would be required to review every type of installation and to take into account the anticipated need for and availability of overseas installations in the future.

The Secretary would be permitted to submit a revised force structure plan with the fiscal year 2006 budget.

The Secretary would be required to include with the force structure plan: an inventory of military installations; a description of the categories of excess infrastructure; and an economic analysis of the options for eliminating or reducing that excess infrastructure, including potential efficiencies from joint use and tenancy of military installations by more than one service.

The Secretary would be required to certify, when the force structure plan and infrastructure inventory are submitted, whether the need exists for closure or realignment of additional military installations and, if such need exists, that a round of such closures and realignments in 2005 would produce annual net savings within six years. If the Secretary failed to provide this certification, the process for closure or realignment of installations under the provisions of this Act for 2005 would be terminated.

The conferees have specified factors that must be evaluated and incorporated in the Secretary's final list of criteria, including the military value of installations for both the preservation of training areas for traditional warfighting missions and the preservation of installations for homeland defense. However, the Secretary is not limited to the criteria contained in this Act. Any selection criteria relating to the cost or savings of proposed closures would have to take into account the impact of the closure on other federal agency operations on that installation.

The General Accounting Office would be required to submit to Congress an evaluation of the force structure plan, the installation inventory and the selection criteria.

Consideration of the Secretary's proposal by the commission

With respect to the proceedings of the commission, the conferees agree to the following changes.

The number of commissioners for the 2005 round would be increased from eight to nine.

The commission would have 48 hours rather than 24 hours to provide information received from certain individuals of the Department of Defense to the Congress.

Prior to any decision to add an installation not proposed to be closed or realigned by the Secretary to the list of installations to be considered for closure or realignment by the commission, the commission would be required to give the Secretary 15 days to submit an explanation of why the Secretary did not propose that installation for closure or realignment. A decision to add that installation to the list of installations being considered would then have to be supported by at least seven commissioners.

The Secretary of Defense would be given an opportunity to testify before the commission on changes proposed by the commission to the Secretary's recommendations.

Privatization in place of closed or realigned facilities would be prohibited unless it was specifically recommended by the commission and determined to be the most cost-effective option.

Disposal of property

With respect to the disposal of property from closed or realigned facilities, the conferees have modified the process as follows.

The conference agreement would require the Secretary of Defense to obtain fair market value for economic development conveyances in most cases, unless the Secretary determines the circumstances warrant a below-cost or no-cost conveyance.

The conferees agree to allow the Secretary to recommend that an installation be placed in an inactive or caretaker status if the Secretary determines that the installation may be needed in the future for national security purposes, but is not needed at the present time, or that retention of the installation by the Department of Defense is otherwise in the interests of the United States.

The DOD would be authorized to pay to the recipient of the former DOD property the amount by which the estimated cost to the recipient to clean up a BRAC site exceeds the value of the property.

A Department of Defense Closure Account 2005 would be created to fund the costs of implementing any closures or realignments from the 2005 round.

Preparation of infrastructure plan for the nuclear weapons complex (sec. 3008)

The conferees agree to a provision that would require the Secretary of Energy to develop an infrastructure plan for the nuclear weapons complex adequate to support the nuclear weapons stockpile, the Naval Reactor Program and the non-proliferation and national security activities. In preparing the plan, the Secretary would take into consideration the Department of Defense Nuclear Posture Review, any efficiencies and security benefits of consolidation, and the necessity to have a residual nuclear weapons production capacity. The provision would require the Secretary to submit the plan to Congress, along with any implementing recommendations the Secretary considers appropriate, including whether to establish a formal process by which a round of closures and realignments should take place. Finally, the Secretary would also be required to submit a legislative proposal if the Secretary determines the need for additional legislative authority to implement the Secretary's recommendations.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Overview

Title XXXI authorizes appropriations for the atomic energy defense activities of the Department of Energy (DOE) for fiscal year 2002, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons; naval nuclear propulsion; environmental restoration and waste management; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95–91). The title would authorize appropriations in six categories: national nuclear security administration; defense environmental restoration and waste management; defense facilities closure projects; defense environmental management privatization; other defense activities; and defense nuclear waste disposal.

The budget request for atomic energy defense activities at the Department of Energy totaled $13.4 billion, a 1.2 percent decrease from the adjusted fiscal year 2001 level. Of the total amount requested: $5.3 billion would be for weapons activities; $773.7 million would be for defense nuclear nonproliferation activities; $688.0 million would be for naval reactors; $4.5 billion would be for defense environmental restoration and waste management activities; $1.1 billion would be for defense facilities closure projects; $141.5 million would be for defense environmental management privatization; $527.6 million would be for other defense activities; and $310.0 million would be for defense nuclear waste disposal.

The conferees agree to authorize $14.1 billion for atomic energy defense activities at the Department of Energy, an increase of $721.5 million to the budget request. The conferees agree to authorize $7.1 billion for the National Nuclear Security Administration (NNSA), an increase of $344.3 million. Of the amount authorized for the NNSA: $5.3 billion would be for weapons activities, an increase of $43.5 million; $688.0 million would be for naval reactors, the same as the budget request; and $776.9 million would be for defense nuclear nonproliferation, a $3.2 million increase to the budget request. The conferees agree to authorize $6.2 billion for defense environmental management activities, an increase of $435.2 million. The amount authorized for defense environmental management would be: $4.9 billion for defense environmental restoration and waste management, an increase of $393.2 million; $1.1 billion for defense facilities closure projects, an increase of $30.0 million; $959.7 million for site and project completion, an increase of $47.7 million; $3.3 billion for post 2006 completion, an increase of $345.0 million; $216.0 million for science and technology development, an increase of $20.0 million; $1.3 million for excess facilities, the amount of the request; $355.8 million for program direction, the amount of the request; and $153.5 million for defense environmental management privatization, an increase of $12.0 million. The conferees agree to authorize $499.7 million for other defense activities, a decrease of $28.0 million. The amount authorized for other defense activities would include: $250.4 million for security and emergency operations, a decrease of $18.8 million; $40.8 million for the office of intelligence, the amount of the request; $46.0 million for counterintelligence, a decrease of $0.4 million; $14.9 million for independent oversight, the amount of the request; $113.3 million for environmental safety and health, a decrease of $1.3 million; $20.0 million for worker and community transition, a decrease of $4.4 million; $22.0 million for national security program administration support, a decrease of $3.0 million; and $2.9 million for the office of hearings and appeals, the amount of the request. The conferees agree to authorize $280.0 million for defense nuclear waste disposal, a decrease of $30.0 million.

The following table summarizes the budget request and the conferees recommendations:

NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2002
(In Thousands of Dollars)

DIVISION C -- ATOMIC ENERGY DEFENSE ACTIVITIES (053)	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization
National Nuclear Security Administration					
Weapons Activities	5,300,025	5,369,488	5,452,810	43,542	5,343,567
Defense Nuclear Nonproliferation	773,700	783,700	830,500	3,186	776,886
Naval Reactors	688,045	688,045	688,045	0	688,045
Defense Nuclear Counterintelligence		13,662	0	0	0
Office of the Administrator	15,000	15,000	380,366	297,596	312,596
Total National Nuclear Security Adminstration	**6,776,770**	**6,869,895**	**7,351,721**	**344,324**	**7,121,094**
Defense Environmental Restoration & Waste Management	4,548,708	4,646,427	4,924,918	393,169	4,941,877
Defense Facilities Closure Projects	1,050,538	1,050,538	1,080,538	30,000	1,080,538
Defense Environmental Management Privatization	141,537	126,208	157,537	12,000	153,537
Other Defense Activities	527,614	502,099	501,483	(27,951)	499,663
Defense Nuclear Waste Disposal	310,000	310,000	250,000	(30,000)	280,000
Total DOE/NNSA Discretionary Authorizations	**13,355,167**	**13,505,167**	**14,266,197**	**721,542**	**14,076,709**
Energy Employees Compensation Admin Expenses	0	0	0	0	0
Energy Employees Illness Compensation	0				
Radiation Exposure Compensation	0	0	0	0	0
Radiation Exposure - Proposed Legislation					
Total Department of Energy/NNSA	**13,355,167**	**13,505,167**	**14,266,197**	**721,542**	**14,076,709**
Defense Nuclear Facilities Safety Board	18,500	18,500	18,500	0	18,500
Formerly Used Sites Remedial Action Program	0			0	
Total Atomic Energy Defense Activities (053)	**13,373,667**	**13,523,667**	**14,284,697**	**721,542**	**14,095,209**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
National Nuclear Security Administration:					
Weapons Activities					
Directed stockpile work					
Stockpile research and development	305,460	305,460	305,460	——	305,460
Stockpile maintenance	362,493	362,493	362,493	-12,493	350,000
Stockpile evaluation	180,834	180,834	178,589	-2,334	178,500
Dismantlement/disposal	35,414	35,414	29,066	-8,414	27,000
Production support	152,890	152,890	134,896	-17,994	134,896
Field engineering, training and manuals	6,700	6,700	6,418	-282	6,418
Total, Directed stockpile work	1,043,791	1,043,791	1,016,922	-41,517	1,002,274
Campaigns					
Primary certification	55,530	55,530	52,661	-3,030	52,500
Dynamic materials properties	97,810	97,810	93,644	-10,410	87,400
Advanced radiography		——	——	——	——
Operations and maintenance	60,510	60,510	60,510	——	60,510
Construction:		——	——	——	——
97-D-102 Dual-axis radiographic hydrotest facility, LANL, Los Alamos, NM	——	——	——	——	——
Total, Advanced radiography	60,510	60,510	60,510	——	60,510
Secondary certification and nuclear systems margins	47,270	47,270	44,524	-3,270	44,000
Enhanced surety	34,797	34,797	34,797	——	34,797
Weapons system engineering certification	24,043	24,043	24,043	——	24,043
Nuclear survivability	19,050	19,050	19,050	——	19,050
Enhanced surveillance	82,333	82,333	82,333	——	82,333
Advanced design and production technologies	75,533	75,533	75,533	——	75,533

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Inertial confinement fusion and high yield					
Operations and maintenance	222,943	232,943	247,443	24,500	247,443
Construction:					
96-D-111 National ignition facility (NIF), LLNL, Livermore, CA	245,000	245,000	245,000	----	245,000
Total, Inertial confinement fusion and high yield	467,943	477,943	492,443	24,500	492,443
Advanced simulation and computing					
Operations and maintenance	711,185	711,185	711,185	-36,185	675,000
Construction:					
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA	5,400	5,400	5,400	----	5,400
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	5,000	20,000	22,000	17,000	22,000
00-D-105, Strategic computing complex, LANL, Los Alamos, NM	11,070	11,070	11,070	----	11,070
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM	5,377	5,377	5,377	----	5,377
Total, Construction	26,847	41,847	43,847	17,000	43,847
Total, Advanced simulation and computing	738,032	753,032	755,032	-19,185	718,847
Pit manufacturing and certification	128,545	128,545	237,713	90,455	219,000
Secondary readiness	23,169	23,169	23,169	----	23,169
High explosives manufacturing and weapons assembly/disassembly readiness	3,960	3,960	3,960	----	3,960

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Nonnuclear readiness	12,204	12,204	12,204	——	12,204
Materials readiness	1,209	1,209	1,209	——	1,209
Tritium readiness					
Operations and maintenance	43,350	43,350	43,350	-1,000	42,350
Construction:					
98-D-125 Tritium extraction facility, Savannah River plant, Aiken, SC	81,125	81,125	81,125	——	81,125
98-D-126 Accelerator production of tritium (APT), various locations	——	15,000	——	——	——
Total, Construction	81,125	96,125	81,125	——	81,125
Total, Tritium readiness	124,475	139,475	124,475	-1,000	123,475
Total, Campaigns	1,996,413	2,036,413	2,137,300	78,060	2,074,473
Readiness in technical base and facilities					
Operations of facilities	830,427	830,427	900,427	67,373	897,800
Program readiness	188,126	188,126	197,220	3,874	192,000
Special projects	64,493	64,493	60,385	-4,108	60,385
Material recycle and recovery	101,311	101,311	90,310	-11,001	90,310
Containers	8,199	8,199	8,199	——	8,199
Storage	10,643	10,643	10,643	——	10,643
Nuclear weapons incident response	89,125	89,125	88,923	-202	88,923
Subtotal, Readiness in technical base and facilities	1,292,324	1,292,324	1,356,107	55,936	1,348,260

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Construction:					
02-D-103 Project engineering and design, various locations	9,180	9,180	31,130	13,650	22,830
02-D-105 Engineering technology complex upgrade, LLNL, Livermore, CA				4,750	4,750
02-D-107 Electrical power systems safety communications and bus upgrades, NV	3,507	3,507	3,507	—	3,507
01-D-101 Microsystem and engineering science applications (MESA), SNL	2,000	2,000	39,000	37,000	39,000
01-D-103 Preliminary project design and engineering, various locations	45,379	45,379	16,379	-29,000	16,379
01-D-107 Atlas relocation, Neveda test site Las Vegas, NV	—	—	—	3,300	3,300
01-D-124 HEU storage facility, Y-12 plant, Oak Ridge, TN	9,500	9,500	—	-9,500	—
01-D-126 Weapons evaluation test laboratory Pantex Plant, Amarillo, TX	7,700	7,700	7,700	—	7,700
01-D-800 Sensitive compartmented information facility, LLNL	12,993	12,993	12,993	—	12,993

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA	4,400	4,400	4,400	——	4,400
99-D-104 Protection of real property (roof reconstruction — Phase II), LLNL, Livermore, CA	2,800	2,800	2,800	——	2,800
99-D-106 Model validation & system certification center, SNL, Albuquerque, NM	4,955	4,955	4,955	——	4,955
99-D-108 Renovate existing roadways, Nevada Test Site, NV	——	——	2,000	2,000	2,000
99-D-125 Replace boilers & controls, Kansas City plant, Kansas City, MO	300	300	300	——	300
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO	22,200	22,200	22,200	——	22,200
99-D-128 Stockpile management restructuring initiative, Pantex Plant, Amarillo, TX	3,300	3,300	3,300	——	3,300
98-D-123 Stockpile management restructuring initiative, Tritium facility modernization and consolidation, Savannah River plant, Aiken, SC	13,700	13,700	13,700	——	13,700
98-D-124 Stockpile management restructuring initiative, Y-12 consolidation, Oak Ridge, TN	6,850	6,850	6,850	——	6,850

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS	3,000	3,000	3,000	——	3,000
96-D-102 Stockpile stewardship facilities revitalization, Phase VI, various locations	2,900	2,900	2,900	——	2,900
96-D-104 Processing and environmental technology laboratory, SNL, Albuquerque, NM	——	——	——	——	——
95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL, Los Alamos, NM	——	——	——	——	——
Total, Construction	154,664	154,664	177,114	22,200	176,864
Total, Readiness in technical base and facilities	1,446,988	1,446,988	1,533,221	78,136	1,525,124
Total, Stewardship operation and maintenance	4,487,192	4,527,192	4,687,443	114,679	4,601,871
Secure transportation asset					
Operations and equipment	77,571	77,571	77,571	——	77,571
Program direction	44,229	44,229	——	——	44,229
Total, Secure transportation asset	121,800	121,800	77,571	——	121,800
Safeguards and security					
Operations and maintenance	439,281	439,281	439,281	——	439,281
Construction:					
99-D-132 SMRI nuclear material safeguards and security upgrade project, LANL, Los Alamos, NM	9,600	9,600	9,600	——	9,600
88-D-123 Security enhancements, Pantex Plant, Amarillo, TX	——	——	——	——	——
Total, Construction	9,600	9,600	9,600	——	9,600

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Total, Safeguards and security	448,881	448,881	448,881	——	448,881
Program direction	271,137	250,000	——	-271,137	——
Facilities and Infrastructure	——	50,600	267,900	200,000	200,000
Subtotal, Weapons Activities	5,329,010	5,398,473	5,481,795	43,542	5,372,552
Adjustments					
Use of prior year balances/reduction	——	——	——	——	——
Less security charge for reimbursable work	-28,985	-28,985	-28,985	——	-28,985
Total, Adjustments	-28,985	-28,985	-28,985	——	-28,985
Total, Weapons Activities	**5,300,025**	**5,369,488**	**5,452,810**	**43,542**	**5,343,567**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Defense Nuclear Nonproliferation					
Nonproliferation and national security					
Nonproliferation and verification R&D					
Operation and maintenance	170,296	180,296	222,355	38,204	208,500
Construction:					
00-D-192 Nonproliferation and international security center (NISC), LANL	35,806	35,806	35,806		35,806
Total, Nonproliferation & verification R&D	206,102	216,102	258,161	38,204	244,306
Arms control and Russian Transition Initiative	101,500	101,500	138,000	16,241	117,741
International materials protection, control, and accounting	138,800	138,800	143,800	5,000	143,800
HEU transparency implementation	13,950	13,950	13,950	——	13,950
International nuclear safety	13,800	10,800	19,500	-3,800	10,000
Soviet design reactor safety program	——	——	——	——	——
Total, Nonproliferation and national security	474,152	481,152	573,411	55,645	529,797
Fissile materials disposition					
U S surplus materials disposition	130,089	130,089	130,089	——	130,089
Russian surplus materials disposition	57,000	57,000	66,000	4,000	61,000
Construction:					
01-D-407 Highly enriched uranium (HEU) blend down, Savannah River, SC	24,000	24,000	24,000	——	24,000
01-D-142, Immobilization and associated processing facility, SRS	——	3,000	——	——	——

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
99-D-141 Pit disassembly and conversion facility, Savannah River site	16,000	16,000	16,000	-5,000	11,000
99-D 143 Mixed oxide fuel fabrication facility, Savannah River site	63,000	63,000	63,000	——	63,000
Total, Construction	103,000	106,000	103,000	-5,000	98,000
Total, Fissile materials disposition	290,089	293,089	299,089	-1,000	289,089
Program direction	51,459	51,459	——	-51,459	——
Subtotal, Defense Nuclear Nonproliferation	815,700	825,700	872,500	3,186	818,886
Use of prior year balances	-42,000	-42,000	-42,000	——	-42,000
Total, Defense Nuclear Nonproliferation	**773,700**	**783,700**	**830,500**	**3,186**	**776,886**
Naval Reactors					
Naval reactors development					
Operation and maintenance	652,245	652,245	652,245	——	652,245
Construction:					
01-D-200 Major office replacement building, Schenectady, NY	9,000	9,000	9,000	——	9,000
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	4,200	4,200	4,200	——	4,200
Total, Construction	13,200	13,200	13,200	——	13,200
Total, Naval reactors development	665,445	665,445	665,445	——	665,445
Program direction	22,600	22,600	22,600	——	22,600
Total, Naval Reactors	**688,045**	**688,045**	**688,045**	——	**688,045**
Defense Nuclear Counterintelligence	——	13,662	——		

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Office of the Administrator	15,000	15,000	380,366	297,596	312,596
Total, National Nuclear Security Administration	6,776,770	6,869,895	7,351,721	344,324	7,121,094

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Defense Environmental Restoration and Waste Management					
Site/project completion					
Operation and maintenance	872,030	872,030	919,030	47,000	919,030
Construction:					
02-D-402 Intec cathodic protection system expansion project, INEEL, Idaho Falls, ID	3,256	3,256	3,256	—	3,256
02-D-420 Plutonium packaging and stabilization project, Savannah River, SC	—	20,000	—	20,000	20,000
01-D-414 Preliminary project, engineering and design (PE&D), various locations	6,254	10,254	6,254	-3,500	2,754
99-D-402 Tank farm support services, F&H area, Savannah River Site, Aiken, SC	5,040	5,040	5,040	—	5,040
99-D-404 Health physics instrumentation laboratory, INEEL, ID	2,700	2,700	2,700	—	2,700
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	1,910	1,910	1,910	—	1,910
97-D-470 Regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, SC	—	—	—	—	—
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC	4,244	4,244	4,244	—	4,244

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC	15,790	——	——	-15,790	——
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	762	762	762	——	762
Total, Construction	39,956	48,166	24,166	710	40,666
Total, Site/project completion	911,986	920,196	943,196	47,710	959,696
Post 2006 completion					
Operation and maintenance	1,680,979	1,761,979	1,955,979	275,000	1,955,979
Uranium enrichment D&D fund contribution	420,000	420,000	420,000	——	420,000
Construction:					
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	6,754	6,754	6,754	——	6,754
Total, Construction	6,754	6,754	6,754	——	6,754
Office of river protection					
Operation and maintenance	272,151	272,151	322,151	50,000	322,151
Construction:					
01-D-416 Waste treatment and immobilization plant, Richland, WA	500,000	520,000	500,000	20,000	520,000
99-D-403 Privatization phase I infrastructure support, Richland, WA	——	——	——	——	——
97-D-402 Tank farm restoration and safe operations, Richland, WA	33,473	33,473	33,473	——	33,473

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
94-D-407 Initial tank retrieval systems, Richland, WA	6,844	6,844	6,844	——	6,844
Total, Construction	540,317	560,317	540,317	20,000	560,317
Total, Office of river protection	812,468	832,468	862,468	70,000	882,468
Total, Post 2006 completion	2,920,201	3,021,201	3,245,201	345,000	3,265,201
Science and technology	196,000	196,000	216,000	20,000	216,000
Excess facilities	1,300	1,300	1,300	——	1,300
Safeguards and security	205,621	205,621	205,621	——	205,621
Program direction	355,761	355,761	355,761	——	355,761
Subtotal, Defense environmental restoration and waste management	4,590,869	4,700,079	4,967,079	412,710	5,003,579
Use of prior year balances/reduction	-36,770	-48,261	-36,770	-19,541	-56,311
Pension refund	——	——	——	——	——
Less security charge for reimbursable work	-5,391	-5,391	-5,391	——	-5,391
Total, Defense Environmental Restoration and Waste Management	**4,548,708**	**4,646,427**	**4,924,918**	**393,169**	**4,941,877**
Defense Facilities Closure Projects					
Site closure	1,004,636	1,004,636	1,034,636	30,000	1,034,636
Safeguards and security	45,902	45,902	45,902	——	45,902
Total, Defense Facilities Closure Projects	**1,050,538**	**1,050,538**	**1,080,538**	**30,000**	**1,080,538**
Defense Environmental Management Privatization					
Privatization initiatives, various locations	141,537	126,208	157,537	12,000	153,537
Use of prior year balances	——	——	——	——	——
Rescission	——	——	——	——	——
Total, Defense Environmental Management Privatization	**141,537**	**126,208**	**157,537**	**12,000**	**153,537**
Total, Defense Environmental Management	**5,740,783**	**5,823,173**	**6,162,993**	**435,169**	**6,175,952**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Other Defense Activities					
Security and emergency operations					
Nuclear safeguards and security	121,188	121,188	121,188	-4,688	116,500
Security investigations	44,927	44,927	44,927	——	44,927
Corporate management information program	20,000	20,000	——	-10,000	10,000
Emergency management	——	——	——	——	——
Program direction	83,135	83,135	81,450	-4,135	79,000
Total, Security and emergency operations	269,250	269,250	247,565	-18,823	250,427
Intelligence	40,844	40,844	40,844	——	40,844
Counterintelligence	46,389	32,727	46,389	-389	46,000
Advanced accelerator applications	——	——	——	——	——
Independent oversight and performance assurance					
Independent oversight and performance assurance	——	——	——	——	——
Program direction	14,904	14,904	14,904	——	14,904
Total, Independent oversight and performance assurance	14,904	14,904	14,904	——	14,904
Environment, safety and health					
Office of Environment, safety and health (defense)	91,307	84,500	91,307	——	91,307
Program direction	23,293	20,793	23,293	-1,293	22,000
Total, Environment, safety and health	114,600	105,293	114,600	-1,293	113,307
Worker and community transition					
Worker and community transition	21,246	19,000	18,000	-3,246	18,000
Program direction	3,200	2,900	2,000	-1,200	2,000
Total, Worker and community transition	24,446	21,900	20,000	-4,446	20,000

Department of Energy National Security Programs
(Dollars in Thousands)

	FY 2002 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
National security programs administration support	25,000	25,000	25,000	-3,000	22,000
Office of hearings and appeals	2,893	2,893	2,893	——	2,893
Subtotal, Other defense activities	538,326	512,811	512,195	-27,951	510,375
Adjustments:					
Use of prior year balances	-10,000	-10,000	-10,000	——	-10,000
Less security charge for reimbursable work	-712	-712	-712	——	-712
Total, Adjustments	-10,712	-10,712	-10,712	——	-10,712
Total, Other Defense Activities	**527,614**	**502,099**	**501,483**	-27,951	499,663
Defense Nuclear Waste Disposal					
Defense nuclear waste disposal	**310,000**	**310,000**	**250,000**	**-30,000**	**280,000**
Total, Environmental and Other Defense Activities	**6,578,397**	**6,635,272**	**6,914,476**	**377,218**	**6,955,615**
TOTAL, Atomic Energy Defense Activities	**13,355,167**	**13,505,167**	**14,266,197**	**721,542**	**14,076,709**

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—National Security Programs Authorizations

National Nuclear Security Administration (sec. 3101)

The budget request included $6.8 billion for activities of the Department of Energy National Nuclear Security Administration (NNSA), subject to reductions and offsets.

The Senate bill contained a provision (sec. 3101) that would authorize $7.4 billion for the activities of the NNSA, subject to offsets and reductions.

The House amendment contained a similar provision (sec. 3101) that would authorize, after reductions and offsets, $6.9 billion for the activities of the NNSA.

The conferees agree to include a provision that would authorize, after reductions and offsets, $7.1 billion for the activities of the NNSA. The amounts authorized for the individual program lines reflect the full amount authorized for each program line without the reductions and offsets. The offsets and reductions are included in paragraphs(1)(E) and (2)(G) of this provision. The conferees have included the reduced total amount for the NNSA for convenience only. The total amount authorized is the sum total of the individual program lines. The conferees note that each program is authorized at the full amount reflected in the individual program line prior to application of reductions and offsets.

The conferees agree to combine the program direction accounts for weapons activities and nonproliferation and national security with the funds for the Office of the Administrator of the NNSA in order to create a single account reflecting the efforts of the Administrator to have a more unified NNSA. Not included in this account, however, are the program direction accounts for the Naval Reactors activities and the program direction account for the secure transportation asset.

The conferees also agree to include $200.0 million for a new account for facilities and infrastructure improvements at the NNSA sites.

Defense environmental restoration and waste management (sec. 3102)

The budget request included $5.6 billion for environmental management activities, including defense facilities closure projects, subject to reductions and offsets.

The Senate bill contained a provision (sec. 3102) that would authorize, subject to offsets and reductions, $6.0 billion for environmental management activities, including defense facilities closure projects.

The House amendment contained a similar provision (sec. 3102) that would authorize $4.6 billion for defense environmental restoration and waste management activities, after offsets and reductions, but not including closure projects. An additional $1.0 billion was authorized separately for closure projects.

The conferees agree to include a provision that would authorize, after reductions and offsets, $6.0 billion for defense environmental management activities, including defense facilities closure projects. The amounts authorized for individual program lines reflect the full amount authorized for each program line without the reductions and offsets. The offsets and reductions are included in subsection (b) of this provision. The conferees have included the reduced total amount for convenience only. The total amount authorized is the sum total of the individual program lines. The conferees note that each program is authorized at the full amount reflected in the individual program line prior to application of reductions and offsets.

Other defense activities (sec. 3103)

The budget request included $538.3 million for other defense activities, subject to reductions and offsets.

The Senate bill contained a provision (sec. 3103) that would authorize $512.2 million for other defense activities, subject to reductions and offsets.

The House amendment contained a provision (sec. 3103) that would authorize $502.1 million, after reductions and offsets.

The conferees agree to include a provision that would authorize, after reductions and offsets, $499.7 million for other defense activities. The amounts authorized for individual program lines reflect the full amount authorized for each program line without the reductions and offsets. The offsets and reductions are included in subsection (b) of this provision. The conferees have included the reduced total amount for convenience only. The total amount authorized is the sum total of the individual program lines. The conferees note that each program is authorized at the full amount reflected in the individual program lines prior to application of reductions and offsets.

Defense environmental management privatization (sec. 3104)

The budget request included $141.5 million for defense environmental management privatization projects.

The Senate bill contained a provision (sec. 3104) that would authorize $157.5 million for defense environmental management privatization projects.

The House amendment contained a provision (sec. 3104) that would authorize $126.2 million for defense environmental management privatization projects.

The conferees agree to authorize $153.5 million for defense environmental management privatization accounts.

Defense nuclear waste disposal (sec. 3105)

The budget request included $310.0 million for defense nuclear waste disposal.

The Senate bill contained a provision (sec. 3105) that would authorize $250.0 million for defense nuclear waste disposal.

The House amendment contained a provision (sec. 3105) that would authorize $310.0 million for defense nuclear waste disposal.

The conferees agree to authorize $280.0 million for defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Reprogramming (sec. 3121)

The House amendment contained a provision (sec. 3121) that would prohibit the reprogramming of funds excess of the amount authorized for the program until the Secretary of Energy has notified the congressional defense committees and a period of 30 days has elapsed after the date on which the notification is received.

The Senate bill contained a similar provision (sec. 3121).

The Senate recedes with a technical amendment.

The conferees note that this provision significantly limits the ability of the Department of Energy (DOE) to reprogram funds and urge the DOE to work with the congressional defense committees to re-establish an internal reprogramming process.

Limits on minor construction projects (sec. 3122)

The Senate bill contained a provision (sec. 3122) that would authorize the Secretary of Energy to carry out minor construction projects using operation and maintenance funds, or facilities and infrastructure funds, if the total estimated cost of the minor construction project does not exceed $5.0 million. In addition, the provision would require the Secretary to submit an annual report identifying each minor construction project undertaken during the previous fiscal year.

The House amendment contained a similar provision (sec. 3122) that maintained the description of minor construction projects as general plant projects and that would require a cost variance report.

The House recedes with an amendment that would require the Secretary of Energy to submit immediately a report to the congressional defense committees when any minor construction project is revised so that the cost of the project exceeds $5.0 million.

The conferees direct the annual report required by this section to be submitted with the budget request. The first report, which would cover fiscal year 2002, should be submitted with the budget request for fiscal year 2004.

Limits on construction projects (sec. 3123)

The Senate bill contained a provision (sec. 3123) that would permit any construction project to be initiated and continued only if the estimated cost for the project does not exceed 125 percent of the higher of the amount authorized for the project or the most recent total estimated cost presented to the Congress as justification for such project. The Secretary of Energy could not exceed such limits until 30 legislative days after the Secretary submits to the congressional defense committees a detailed report setting forth the reasons for the increase. The provision would also specify that the 125 percent limitation would not apply to projects estimated to cost under $5.0 million.

The House amendment contained an identical provision (sec. 3123).

The conference agreement includes this provision.

Fund transfer authority (sec. 3124)

The Senate bill contained a provision (sec. 3124) that would permit funds authorized by this Act to be transferred to other agencies of the Federal Government for performance of work for which funds were authorized and appropriated. The provision would permit the merger of such transferred funds with the authorizations of the agency to which they are transferred. The provision would also limit, to not more than five percent of the account, the amount of funds authorized by the Act that may be transferred between authorization accounts within the Department of Energy.

The House amendment contained an identical provision (sec. 3124).

The conference agreement includes this provision.

Authority for conceptual and construction design (sec. 3125)

The Senate bill contained a provision (sec. 3125) that would limit the Secretary of Energy's authority to request construction funding until the Secretary has completed a conceptual design. This limitation would apply to construction projects with a total estimated cost greater than $5.0 million. If the estimated cost to prepare the construction design exceeds $600,000, the provision would require the Secretary to obtain a specific authorization to obligate such funds. If the estimated cost to prepare a conceptual design exceeds $3.0 million, the provision would further require the Secretary to submit to Congress a report on each conceptual design completed under this provision. The provision would also provide an exception to these requirements in the case of an emergency.

The House amendment contained a similar provision (sec. 3125).

The House recedes with a technical amendment.

Authority for emergency planning, design, and construction activities (sec. 3126)

The Senate bill contained a provision (sec. 3126) that would permit the Secretary of Energy to perform planning and design with

funds available to the Department of Energy (DOE) pursuant to sections 3101–3104 of title XXXI, including those funds authorized for advanced planning and construction design, whenever the Secretary determines that the design must proceed expeditiously to protect the public health and safety, to meet the needs of national defense, or to protect property.

The House amendment contained a similar provision that included funds authorized pursuant to sections 3101–3103 of title XXXI (sec. 3126).

The House recedes.

Funds available for all national security programs of the Department of Energy (sec. 3127)

The Senate bill contained a provision (sec. 3127) that would authorize, subject to section 3121 of title XXXI of this Act, amounts appropriated for management and support activities and for general plant projects to be made available for use in connection with all national security programs of the Department of Energy.

The House amendment contained an identical provision (sec. 3127).

The conference agreement includes this provision.

Availability of funds (sec. 3128)

The House amendment contained a provision (sec. 3128) that would authorize amounts appropriated for operating expenses for plant and capital equipment for the Department of Energy to remain available until expended. Program direction funds would remain available until the end of fiscal year 2003.

The Senate bill contained a similar provision but would make program direction funds available until the end of fiscal year 2004.

The Senate recedes.

Transfer of defense environmental management funds (sec. 3129)

The Senate bill contained a provision (sec. 3129) that would provide the manager of each Department of Energy (DOE) field office with limited authority to transfer up to $5.0 million in fiscal year 2002 defense environmental management funds from one program or project. The DOE manager could use this authority to transfer funds outside of the normal reprogramming process three times in a fiscal year.

The House amendment contained a provision (sec. 3129) that would provide the manager of the DOE field office authority to make one transfer per fiscal year.

The House recedes.

The conferees agree that this authority shall not be aggregated and that each transfer shall not exceed $5.0 million.

Transfer of weapons activities funds (sec. 3130)

The Senate bill contained a provision (sec. 3130) that would provide the manager of a Department of Energy/National Nuclear Security Administration (DOE/NNSA) field office with limited authority to transfer up to $5.0 million in fiscal year 2002 weapons activities funds from one program or project to another, outside of the normal reprogramming process. The DOE/NNSA manager could use this authority up to three times per year.

The House amendment contained a similar provision (sec. 3130) that would provide authority to make one transfer per year and provide the authority to the contractor operator of the DOE/NNSA plant or laboratory.

The Senate recedes with an amendment that would provide the authority to the DOE/NNSA manager to make one transfer per year.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Consolidation of Nuclear Cities Initiative program with Initiatives for Proliferation Prevention program (sec. 3131)

The House amendment contained a provision (sec. 3133) that would consolidate the Nuclear Cities Initiative (NCI) program and the Initiatives for Proliferation Prevention (IPP) program under a common management structure by July 1, 2002.

The Senate bill contained no similar provision, but included language in Senate Report No. 107–62, accompanying S. 1416, that directed the Administrator of the National Nuclear Security Administration to consolidate the IPP program and the NCI program under a single management structure.

The Senate recedes with an amendment that would delete the date.

The conferees agree to include a provision that would direct the Administrator of the National Nuclear Security Administration to consolidate the management of the IPP and the NCI programs under a single management division. The conferees believe, however, that these two programs should remain separate, have different funding lines within the division, retain their individual programmatic requirements as established by statute and retain separate program managers. The two managers should report to a single manager. The conferees note that the Administrator has already begun to implement this direction.

In order to maintain the two program identities, the conferees direct the Deputy Administrator for Defense Nuclear Nonproliferation to submit a plan to the congressional defense committees 30 days prior to obligating fiscal year 2002 funds, for each program laying out how each program intends to utilize fiscal year 2002 funds. Further, the conferees direct the Deputy Administrator to submit to the congressional defense committees a program plan for the IPP and the NCI programs that describes how: (1) the programs will be managed under common senior management; (2) they will share administrative support; (3) management improvements will be made for each program; and (4) greater coordination will be established between the programs and with the relevant interagency working groups. This report is due to the congressional defense committees no later than four months after enactment of the National Defense Authorization Act for Fiscal Year 2002.

Nuclear Cities Initiative (sec. 3132)

The Senate bill contained a provision (sec. 3133) that would prohibit the use of funds authorized to be appropriated after fiscal year 2001 for the Nuclear Cities Initiative (NCI) from being obligated or expended to expand the NCI program beyond its current scope until thirty days after the Administrator of the National Nuclear Security Administration (NNSA) submits to Congress an agreement on access signed by the United States and Russia. The provision also requires an annual report on the NCI program's financial and programmatic activities.

The House amendment contained no similar provision.

The House recedes.

Limitation on availability of funds for weapons activities for facilities and infrastructure (sec. 3133)

The Senate bill contained a provision (sec. 3131) that would direct the Administrator of the National Nuclear Security Administration (NNSA) to establish criteria for the facilities and infrastructure projects. The provision would prohibit the Administrator from obligating or expending more than fifty percent of the facilities and infrastructure account funds until he has submitted to the congressional defense committees the criteria and a list of the projects that will be funded based on the criteria.

The House amendment contained no similar provision.

The House recedes.

The conferees support this new effort to address a backlog of deferred maintenance at NNSA sites, but directs the Administrator to include projects in the fund based on the objective criteria established.

Limitation on availability of funds for other defense activities for national security programs administrative support (sec. 3134)

The Senate bill contained a provision (sec. 3132) that would prevent the Secretary of Energy from using more than $5.0 million of the funds authorized to be appropriated for national security programs administrative support pursuant to section 3103(a)(8) of this Act until such time as the Secretary submits the future years nuclear security program required by section 3253 of the National Nuclear Security Act (Title XXXII of Public Law 106–65) and until the Secretary submits a justification document for the national security programs administrative support activities describing the activities to be carried out with the funds provided.

The House amendment contained no similar provision.

The House recedes with an amendment that would add an additional condition to be met by the Secretary before obligating more than $5.0 million of the funds authorized to be appropriated for this activity. The conferees note that the report requested of the Secretary on the feasibility of using an energy savings performance contract mechanism to offset or possibly cover the cost of a new office building for the Albuquerque operations office of the Department of Energy (DOE) has not been submitted. This report was requested in Senate Report 106–50, the report of the Committee on Armed Services of the Senate to accompany S. 1059, the National Defense Authorization Act for Fiscal Year 2000. The amendment would direct the Secretary to submit this report as the third prerequisite to spending more than $5.0 million of the funds authorized.

Termination date of Office of River Protection, Richland, Washington (sec. 3135)

The House amendment contained a provision (sec. 3131) that would extend the statutory termination date of the Office of River Protection from September 30, 2004 to September 30, 2010 or upon determination that continuation of the Office is no longer necessary to carry out the Department Of Energy responsibilities under the Hanford Federal Facility Compliance Agreement, whichever is later.

The Senate bill contained no similar provision.

The Senate recedes.

Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico (sec. 3136)

The Senate bill contained a provision (sec. 3157) that would extend the period of time in which the Department of Energy (DOE) may make contributions to the Los Alamos Education Foundation and authorizes $6.9 million, the amount contained in the budget request, to be paid to the Foundation in fiscal year 2002. In addition, the provision would authorize $8.0 million for the fiscal year 2002 payment to be made from funds available to the DOE to offset cost of living expenses for school teachers at the Los Alamos Public Schools. The provision would also allow the DOE to extend the current contract with the Los Alamos Public Schools, pursuant to which these funds are paid, through fiscal

year 2004. The provision would also require the Secretary of Energy to submit a report evaluating and making recommendations for future payments to the Foundation and the schools.

The House amendment contained a similar provision (sec. 3135) that would authorize the Secretary of Energy to pay $5.0 million to the Foundation and $8.0 million to the Los Alamos Public Schools. The provision would allow the DOE to extend the current contract with the schools through fiscal year 2003. The provision would also require a report.

The Senate recedes with an amendment that would authorize a payment of $6.9 million to the Foundation for fiscal year 2002 and that would direct the Secretary to submit the required report by March 1, 2002.

Reports on achievement of milestones for National Ignition Facility (sec. 3137)

The Senate bill contained a provision (sec. 3156) that would direct the Administrator of the National Nuclear Security Administration to notify the congressional defense committees when the National Ignition Facility (NIF) achieves each level one and level two milestone.

The House amendment contained no similar provision.

The House recedes with an amendment that would terminate the notification requirement at the end of fiscal year 2004.

The conferees have designated the end date of the reporting obligation to coincide with the date on which the NIF should achieve first light of the laser.

Subtitle D—Matters Relating to Management of the National Nuclear Security Administration

Establishment of Principal Deputy Administrator of National Nuclear Security Administration (sec. 3141)

The Senate bill contained a provision (sec. 3141) that would establish a Principle Deputy Administrator for nuclear security at the National Nuclear Security Administration (NNSA). The new position would be appointed by the President with the advice and consent of the Senate.

The House amendment contained a similar provision (sec. 3132(a)) that would establish the position and spell out qualifications for the individual to be appointed to that position.

The House recedes with an amendment that would require that the person appointed for the position has extensive background in organizational management and is well-qualified to manage the nuclear weapons programs, nonproliferation, and material disposition programs of the NNSA.

Elimination of requirement that national security laboratories and nuclear weapons production facilities report to Deputy Administrator for Defense Programs (sec. 3142)

The Senate bill contained a provision (sec. 3142) that would amend section 3214 of the National Nuclear Security Administration Act by striking subsection (c), which directs the contractor managers and directors of the National Nuclear Security Administration weapons production plants and national laboratories to report to the Deputy Administrator for Defense Programs.

The House amendment contained an identical provision (sec. 3132(b)).

The conference agreement includes this provision.

Repeal of duplicative provision relating to dual office holding by personnel of National Nuclear Security Administration (sec. 3143)

The House amendment contained a provision (sec. 3132(c)) that would repeal a duplicative statutory prohibition on the ability of non-National Nuclear Security Administration (NNSA) employees of the Department of Energy to serve concurrently in the NNSA.

The Senate bill contained no similar provision.

The Senate recedes.

Report on adequacy of federal pay and hiring authorities to meet personnel requirements of National Nuclear Security Administration (sec. 3144)

The Senate bill contained a provision (sec. 3144) that would amend section 3241 of the National Nuclear Security Administration Act to allow the National Nuclear Security Administration (NNSA) to expand the number of scientific and technical positions from the current 300 positions to 500 positions.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Administrator of the NNSA to prepare a report on what hiring and pay authorities are available to the NNSA, what authorities are being used, and what additional authorities are required.

The conferees believe that the Administrator should work with the Office of Personnel Management to determine the appropriate status of all employees in the NNSA. The conferees are aware that the Administrator would like to convert all federal employees of the NNSA to an excepted service type status. The report required should discuss the Administrator's plans and options for appropriate pay and hiring authorities at the NNSA.

Subtitle E—Other Matters

Improvements to energy employees occupational illness compensation program (sec. 3151)

The Senate bill contained a provision (sec. 3151) that would amend the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA)(title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001). These amendments were designed to create greater parity between certain provisions in the EEOICPA and similar provisions in the Radiation Employees Compensation Act.

The House amendment contained no similar provision.

The House recedes with an amendment.

The conferees have agreed to include language that would amend the EEOICPA in several areas, including: revising the threshold standard for determining if a covered employee has contracted silicosis; clarifying attorney's fees provisions; clarifying who qualifies as survivors and their entitlement to lump-sum benefits not paid to the covered employee; adding a technical amendment dealing with covered Leukemias; clarifying the effect of the EEOICPA on tort actions filed both before and after the EEOICPA date of enactment, and subsequent to the date of enactment of this Act; and directing the director of the National Institute for Occupational Safety and Health to conduct a new study on potential health effects of any residual contamination at certain facilities.

The provision clarifies that Leukemia, other than chronic Lymphocytic Leukemia, is covered if the initial occupational exposure occurred before the age of twenty-one and if the onset of the Leukemia occurred more than two years after such exposure. This amendment makes it clear that occupational exposure received prior to age twenty-one falls within the purview of the EEOICPA.

The provision amends section 3626(b) of the EEOICPA to include employees of an atomic energy weapons employer facility for consideration as a member of the special exposure cohort.

The provision amends section 3627(e)(2)(A) of the EEOICPA to change the threshold criteria for determining if a covered employee has silicosis to a 1/0 reading from a 1/1 reading. This change brings the EEOICPA in line with the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

The provision amends sections 3628(e) and 3630(e) of the EEOICPA to clarify that any compensation payments not made to covered employees prior to their death shall be paid to survivors living at the time payment is to be made and to define who qualifies as survivors for purposes of receiving such payments. The provision ensures that certain surviving minor children will receive the benefit owed to the deceased covered employee. The provision would also repeal paragraph 18 of section 3621 of the EEOICPA, defining survivors.

The provision amends section 3645 of the EEOICPA to clarify the election of remedies under certain circumstances. The amendments were included to address the situation where a tort case for compensation filed prior to October 30, 2000 had been dismissed, but where the dismissal was not a voluntary dismissal sought by the plaintiff. Under such a circumstance, the plaintiff would still be eligible to seek compensation under EEOICPA if the non-voluntary dismissal occurs prior to December 31, 2003. The provision would retain, however, the prohibition that if the tort case has not been involuntarily dismissed prior to December 31, 2003, the plaintiff would not be eligible to seek compensation under the EEOICPA unless the plaintiff voluntarily dismissed the case. The conferees were primarily concerned that a plaintiff in a previously filed case that had been involuntarily dismissed prior to December 31, 2003 would not be eligible to seek compensation under the EEOICPA. Under this provision, this individual would be eligible to file a claim for compensation. The amendment would, however, preclude any individual who had filed a tort case between October 30, 2000 and the date of the enactment of this Act, from being eligible to receive compensation or benefits under the EEOICPA unless the case is dismissed by the individual before the last permissible date. The permissible date is the later of April 30, 2003 or 30 months after discovering that the individual has a covered illness that results from the individual's covered occupational exposure.

In addition, the provision would provide that if the individual files a tort case after the date of enactment of this Act, the individual is not eligible for compensation if there is a final court decision adverse to the plaintiff rendered prior to the last permissible date for a voluntary dismissal. The last permissible date for a voluntary dismissal is the later of April 30, 2003 or 30 months after discovering that the individual has a covered illness that results from the individual's covered occupational exposure.

The provision would amend section 3648 of the EEOICPA to clarify that the two-percent limitation on attorney fees applies to initial claims for lump-sum compensation and that the ten- percent limitation on attorney fees applies to assistance provided with respect to objections to a recommended decision denying payment of a lump-sum compensation. The provision would also clarify that the limitations on attorney fees does not apply to attorney fees for services rendered for matters not pertaining to or in connection with lump-sum claims.

Finally, the provision would require the National Institute for Occupational Safety and Health to conduct a study in coordination with the Department of Energy (DOE) and the Department of Labor to determine whether there is any significant residual contamination at beryllium vendors or atomic weapons employer facilities that

could have caused or substantially contributed to the cancer or beryllium illness of a covered employee. An interim report is due 180 days after enactment of this Act, and the final report is due one year after the date of enactment.

The conferees are aware of draft regulations promulgated by the DOE and intended to implement subtitle D of the EEOICPA. The conferees are concerned that the DOE appears to have misinterpreted the intent of Congress in this area. Subtitle D was intended to provide an alternative path to state workers compensation systems that would rely on the independent judgment of a physicians panel as to whether a worker's illness was related to exposure to a toxic substance while working at a DOE facility. In cases where this independent panel finds that the illness was related to occupational exposure, the conferees expect that the DOE will direct its contractors not to contest the worker's claim in the state proceedings. Subtitle D was intended to overcome existing procedural barriers within state workers compensation systems that prevent workers with occupational illnesses from receiving assistance from these systems. In implementing subtitle D, the DOE should not reimpose the same or similar procedural barriers that subtitle D was designed to remove or overcome.

Department of Energy counterintelligence polygraph program (sec. 3152)

The Senate bill contained a provision (sec. 3152) that would direct the Secretary of Energy to develop a new interim polygraph program, and then establish a new permanent polygraph program. The new permanent program would be established by regulations issued pursuant to the Administrative Procedures Act, after the DOE completes the ongoing Polygraph Review. The provision would also repeal section 3154 of the Department of Energy Facilities Safeguards, Security and Counterintelligence Enhancement Act of 1999 (Title XXXI of the National Defense Authorization Act for Fiscal Year 2000).

The House amendment contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Energy to establish a new permanent polygraph program by regulations issued pursuant to the Administrative Procedures Act. The provision would repeal section 3154 only after the DOE has implemented the final rule and the Secretary submits a certification to the congressional defense committees to that effect.

One-year extension of authority of Department of Energy to pay voluntary separation incentive payments (sec. 3153)

The Senate bill contained a provision (sec. 3153) that would amend section 3161(a) of the National Defense Authorization Act for Fiscal Year 2000 to provide a one-year extension of the Department of Energy (DOE) authority to make voluntary separation incentive payments through January 1, 2004.

The House amendment contained no similar provision.

The House recedes with an amendment stating that the provision may be superceded by an applicable government-wide statute providing voluntary separation incentive payments.

The conferees note that the administration is seeking government-wide authority setting uniform standards to be applied by federal agencies in making voluntary separation incentive payments. In the event that Congress enacts such a law, the conferees anticipate that it would supercede this provision and conform the DOE and Department of Defense authority to that provided to all federal agencies.

Annual assessment and report on vulnerability of Department of Energy facilities to terrorist attack (sec. 3154)

The Senate bill contained a provision (sec. 3159) that would direct the Secretary of Energy to conduct an annual assessment on the vulnerabilities of Department of Energy (DOE) facilities to terrorist attack. The report would be due on January 31 of each year. The first report would be due on January 31, 2003.

The House amendment contained no similar provision.

The House recedes.

Disposition of surplus defense plutonium at Savannah River Site, Aiken, South Carolina (sec. 3155)

The House amendment contained a provision (sec. 3134) that would require the Secretary of Energy to consult with the Governor of South Carolina on any decisions or plans regarding the disposition of surplus defense plutonium at the Savannah River Site and to submit a plan to Congress by February 1, 2002, for the disposal of surplus defense plutonium currently located at the site, as well as for defense plutonium that may be shipped to the site in the future. If the plan is not submitted by February 1, 2002, then no shipments of plutonium could be made to the Savannah River Site.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to provide a notice to the congressional defense committees 30 days before the Secretary shipped any defense plutonium or defense plutonium materials to the Savannah River Site. The conferees note that a similar report is required by the conference report for the Energy and Water Development Appropriations Act for Fiscal Year 2002 (Public Law 107–66).

The provision would also require the Secretary to prepare a comprehensive plan for the long-term disposition of defense plutonium and defense plutonium materials. If the Secretary should decide not to proceed with the immobilization facility or the mixed oxide facility, then the Secretary shall include in the plan required to be submitted on February 1, 2002 a disposition path for the material.

Modification of date of report of Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile (sec. 3156)

The Senate bill contained a provision (sec. 3155) that would amend section 3159(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 by extending the due date for the third report required by that section from October 1, 2001 to February 1, 2002.

The House amendment contained no similar provision.

The House recedes.

Subtitle F—Rocky Flats National Wildlife Refuge

Rocky Flats National Wildlife Refuge (sec. 3171–3182)

The Senate bill contained a series of provisions (sec. 3171–3181) that would transfer the Department of Energy Rocky Flats site to the Department of Interior (DOI) to establish the Rocky Flats National Wildlife Refuge. The transfer would occur after the DOE has completed the environmental cleanup of the site.

The House amendment contained no similar provision.

The House recedes with amendments that would clarify the relationship between the Department of Energy (DOE) and the DOI and remove the requirement for the DOI to conduct any interim management activities prior to the transfer of jurisdiction over Rocky Flats.

This designation will ensure that appropriate land uses are maintained and that an environmentally sound end state will result. As cleanup and closure continues, the committee urges the DOE to consult with the U.S. Fish and Wildlife Service to ensure a smooth transition from the DOE to the DOI.

Through a Memorandum of Understanding (MOU), the DOE and the DOI should address any remaining issues related to the transition, determine how to resolve those issues, and develop the best path forward for transferring the land. The MOU should also address longer term relationships between the DOE and the DOI and address such things as indemnification for any costs that may result after the transfer.

The provisions would also require that any conflicts between the two agencies over cleanup activities on the land retained by the DOE be resolved so that cleanup activities take priority.

The Act provides that prior to the transfer, the Environmental Protection Agency must certify that the site is cleaned up and closed as a DOE facility pursuant to existing laws, regulations, and agreements. The conferees note that the State of Colorado has recently passed a new statute concerning the enforceability of environmental real covenants. Several federal agencies have raised questions about the applicability of this provision to federal lands. The conferees do not attempt to resolve any issues associated with the applicability of this new Colorado statute and do not intend these provisions to be interpreted as either supporting or refuting the applicability of this statute to federal lands, including the wildlife refuge that would be created in this Act.

While it is expected that most structures will be demolished when the property is transferred from the DOE to the Fish and Wildlife Service, any cleanup facilities or structures related to long-term treatment and control of contamination that the DOE must maintain and remain liable for will be excluded from transfer. In addition, the provision also allows the DOI to designate any buildings that it might need for managing the refuge.

The Act also anticipates that wastes and materials will be removed for off-site disposal and that there should not be any need for a long-term storage facility at the site.

The provision clarifies that these provisions shall not be interpreted or construed to reduce the required cleanup levels, and that these levels should reflect a cleanup level that is fully protective of human health and the environment for the long-term.

The provisions also require that the refuge shall be managed in accordance with the National Wildlife Refuge System Administration Act. Accordingly, the Fish and Wildlife Service must consult with local communities and ensure public participation during development of the Rocky Flats Wildlife Refuge plans. This Act also recognizes and preserves the existence of other property rights on the Rocky Flats site, such as mineral rights, water rights, and utility rights-of-way for all relevant parties. The conferees recognize that the DOE's top priority at Rocky Flats is safe cleanup and closure, and strongly support continuation of efforts to achieve the 2006 closure date. The conferees further recognize that the accelerated cleanup at Rocky Flats and creation of the Wildlife Refuge has been achieved through strong support and cooperation from the surrounding communities, the State of Colorado, and the Colorado Congressional delegation. Creation of the Rocky Flats National Wildlife Refuge provides an important path forward for Rocky Flats and a model for other DOE cleanup sites across the nation.

LEGISLATIVE PROVISIONS NOT ADOPTED

Additional objective for Department of Energy defense nuclear facility workforce restructuring plan

The Senate bill contained a provision (sec. 3154) that would amend section 3161(c) of the National Defense Authorization Act for Fiscal Year 1993 by adding a new requirement to the workforce restructuring plan. The new requirement would direct the Secretary of Energy to provide assistance to promote the diversification of the economies of the communities in the vicinity of the Department of Energy (DOE).

The House amendment contained no similar provision.

The Senate recedes.

The conferees believe that the DOE, in its work with the Department of Commerce and the Department of Labor in preparing and carrying out workforce restructuring plans, already looks at economic diversification as an element of the plan. The conferees direct the Secretary to continue to promote diversification of the economies in the vicinity of any DOE defense nuclear facility that may be affected by a workforce restructuring and to include in the plan a description of the steps taken in support of this goal.

Clarification of status within the Department of Energy of Administration and contractor personnel of the National Nuclear Security Administration

The Senate bill contained a provision (sec. 3143) that would amend section 3219 of the National Nuclear Security Administration Act (Title XXXII of the National Defense Act for Fiscal Year 2000) to clarify that when work is performed at National Nuclear Security Administration (NNSA) facilities and sponsored by offices outside of the NNSA, the sponsoring office can supervise the work being performed and that NNSA employees can serve on DOE task forces.

The House amendment contained no similar provision.

The Senate recedes.

The conferees do not include this provision because they do not believe that the existing law prohibits or limits either non-NNSA agencies and offices from providing authority direction and control over programs that they sponsor at NNSA facilities or NNSA employees from serving as full members of any DOE task force.

Construction of Department of Energy operations office complex

The Senate bill contained a provision (sec. 3134) that would authorize the Secretary of Energy to provide for the design and construction of a new operations office complex for the Department of Energy (DOE) in accordance with the feasibility study regarding such operations office complex conducted under the National Defense Authorization Act for Fiscal Year 2000. The provision would provide authority to the Secretary to use one or more energy savings performance (ESP) contracts, entered into under Title VII of the National Energy Policy Conservation Act, 42 U.S.C. 8287 et seq., to design and construct the complex. The provision would require that the construction and operation costs of the complex be paid from the energy savings and ancillary operations and maintenance savings that result from the replacement of a current DOE operations office complex.

The House amendment contained no similar provision.

The Senate recedes.

Improvements to Corral Hollow Road, Livermore, California

The Senate bill contained a provision (sec. 3158) that would authorize up to $0.3 million for safety improvements to Corral Hollow Road, the amount of the budget request.

The House amendment contained no similar provision.

The Senate recedes.

The conferees agree that funds for road improvements that are for roads not on Department of Energy (DOE) sites should be specifically requested in the DOE budget request. The conferees also agree that specific authorization is not required for such road projects unless the total project cost for the project exceeds $5.0 million.

Increased amount for nonproliferation and verification

The House amendment contained a provision (sec. 3106) that would increase the amounts authorized for defense nuclear nonproliferation by $10.0 million for operation and maintenance for nonproliferation and verification research and development.

The Senate bill contained no similar provision.

The House recedes.

The conferees have included funds for the defense nuclear nonproliferation programs in section 3101 of this conference report.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS ADOPTED

Authorization (sec. 3201)

The Senate bill contained a provision (sec. 3201) that would authorize $18.5 million for the Defense Nuclear Facilities Safety Board (DNFSB).

The House amendment contained an identical provision (sec. 3201).

The conference agreement includes this provision.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS ADOPTED

Definitions (sec. 3301)

The House amendment contained a provision (sec. 3301) that would provide the definitions used in the title.

The Senate bill contained no similar provision.

The Senate recedes.

Authorized uses of stockpile funds (sec. 3302)

The House amendment contained a provision (sec. 3302) that would authorize $65.2 million from the National Defense Stockpile Transaction Fund for the operation and maintenance of the National Defense Stockpile for fiscal year 2002. The provision would also permit the use of additional funds for extraordinary or emergency conditions 45 days after a notification to the Congress.

The Senate bill contained no similar provision.

The Senate recedes.

Authority to dispose of certain materials in National Defense Stockpile (sec. 3303)

The House amendment contained a provision (sec. 3303) that would authorize the disposal of specific materials in the National Defense Stockpile that are no longer needed.

The Senate bill contained an identical provision (sec. 3301).

The conference agreement includes this provision.

Revision of limitations on required disposals of certain materials in National Defense Stockpile (sec. 3304)

The Senate bill contained a provision (sec. 3302) that would provide the Secretary of Defense with greater flexibility in the disposal of materials from the National Defense Stockpile. The provision would allow the sale of materials over 10 years, based on market conditions, rather than according to a specific timetable limiting quantities that could be disposed of in any given year.

The House amendment contained no similar provision.

The House recedes.

Acceleration of required disposal of cobalt in National Defense Stockpile (sec. 3305)

The House amendment contained a provision (sec. 3304) that would accelerate by one year the disposal of cobalt from the National Defense Stockpile that was authorized for sale in previous authorization acts.

The Senate bill contained a similar provision (sec. 3303).

The House recedes.

Restriction on disposal of manganese ferro (sec. 3306)

The Senate bill contained a provision (sec. 3304) that would prohibit the sale of manganese ferro from the National Defense Stockpile during fiscal year 2002.

The House amendment contained no similar provision.

The House recedes with an amendment that would authorize sales of 25,000 short tons of manganese ferro in fiscal year 2002 (of all grades), 25,000 short tons of high-grade manganese ferro in fiscal year 2003, and 50,000 short tons of high-grade manganese ferro in fiscal years 2004 and 2005.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations (sec. 3401)

The House amendment contained a provision (sec. 3401) that authorized the appropriation of $17.4 million during fiscal year 2002 for activities relating to the naval petroleum reserves.

The Senate bill contained a similar provision (sec. 3401).

The Senate recedes.

TITLE XXXV—MARITIME ADMINISTRATION

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations for fiscal year 2002 (sec. 3501)

The budget request included $103.0 million for the Maritime Administration.

The House amendment contained a provision (sec. 3501) that would authorize an increase of $100.0 million for the Maritime Administration. Of the funds authorized, $89.1 million would be for operations and training programs, $100.0 million would be for the cost as defined in section 402 of the Federal Credit Reform Act of 1990, of loan guarantees authorized by title XI of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1271 et seq.), $4.0 million would be for administrative expenses related to providing those loan guarantees, and $10.0 million would be to dispose of obsolete vessels in the National Defense Reserve Fleet.

The Senate bill contained no similar provision.

The Senate recedes.

Define ''war risks'' to vessels to include confiscation, expropriation, nationalization, and deprivation of the vessels (sec. 3502)

The House amendment contained a provision (sec. 3502) that would clarify and expand the authority of the Maritime Administration to issue war risk insurance coverage for losses from hostile acts including confiscation, expropriation, nationalization, and deprivation.

The Senate bill contained no similar provision.

The Senate recedes.

Holding obligor's cash as collateral under title XI of Merchant Marine Act, 1936 (sec. 3503)

The House amendment contained a provision (sec. 3503) that would amend title XI of the Merchant Marine Act, 1936, as amended, by establishing a new section that would allow the Maritime Administration to hold and invest cash collateral derived from title XI proceeds in the U.S. Treasury.

The Senate bill contained no similar provision.

The Senate recedes.

From the Committee on Armed Services, for consideration of the Senate Bill and the House amendment, and modifications committed to conference:

BOB STUMP,
DUNCAN HUNTER,
JAMES V. HANSEN,
CURT WELDON,
JIM SAXTON,
JOHN M. MCHUGH,
TERRY EVERETT,
ROSCOE G. BARTLETT,
HOWARD ''BUCK'' MCKEON,
J.C. WATTS, Jr.,
MAC THORNBERRY,
SAXBY CHAMBLISS,
IKE SKELTON,
SOLOMON P. ORTIZ,
LANE EVANS,
NEIL ABERCROMBIE,
MARTIN T. MEEHAN,
ROBERT A. UNDERWOOD,
THOMAS ALLEN,
VIC SNYDER,

From the Committee on Education and the Workforce, for consideration of secs. 304, 305, 1123, 3151, and 3157 of the Senate bill, and secs. 341, 342, 509, and 584 of the House amendment, and modifications committed to conference:

MICHAEL N. CASTLE,
JOHNNY ISAKSON,
GEORGE MILLER,

From the Committee on Government Reform, for consideration of secs. 564, 622, 803, 813, 901, 1044, 1047, 1051, 1065, 1075, 1102, 1111–1113, 1124–1126, 2832, 3141, 3144, and 3153 of the Senate bill, and secs. 333, 519, 588, 802, 803, 811–819, 1101, 1103–1108, 1110, and 3132 of the House amendment, and modifications committed to conference:

DAN BURTON,
DAVE WELDON,
HENRY A. WAXMAN,

Provided that Mr. Tom Davis of Virginia is appointed in lieu of Mr. Weldon of Florida for consideration of secs. 803 and 2832 of the Senate bill, and secs. 333 and 803 of the House amendment, and modifications committed to conference:

TOM DAVIS,

Provided that Mr. Horn is appointed in lieu of Mr. Weldon of Florida for consideration of secs. 811–819 of the House amendment, and modifications committed to conference:

STEPHEN HORN,

From the Committee on House Administration, for consideration of secs. 572, 574–577, and 579 of the Senate bill, and sac. 552 of the House amendment, and modifications committed to conference:

BOB NEY,
JOHN L. MICA,

From the Committee on International Relations, for consideration of secs. 331, 333, 1201–1205, and 1211–1218 of the Senate bill, and secs. 1011, 1201, 1202, 1205, and 1209, title XIII, and sec. 3133 of the House amendment, and modifications committed to conference:

HENRY HYDE,
BEN GILMAN,
TOM LANTOS,

From the Committee on the Judiciary, for consideration of secs. 821, 1066, and 3151 of the Senate bill, and secs. 323 and 818 of the House amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,
LAMAR SMITH,

From the Committee on Resources, for consideration of secs. 601, 663, 2823, and 3171–3181 of the Senate bill, and secs. 601, 1042, 2841, 2845, 2861–2863, and 2865 and title XXIX of the House amendment, and modifications committed to conference:

JIM GIBBONS,
GEORGE RADANOVICH,

Provided that Mr. Udall of Colorado is appointed in lieu of Mr. Rahall for consideration of secs. 3171–3181 of the Senate bill, and modifications committed to conference:

MARK UDALL,

From the Committee on Science, for consideration of secs. 1071 and 1124 of the Senate bill, and modifications committed to conference:

SHERWOOD BOEHLERT,
NICK SMITH,
RALPH M. HALL,

Provided that Mr. Ehlers is appointed in lieu of Mr. Smith of Michigan for consideration of sec. 1124 of the Senate bill, and modifications committed to conference:

VERNON J. EHLERS,

From the Committee on Small Business, for consideration of secs. 822–824 and 1068 of the Senate bill, and modifications committed to conference:

DONALD A. MANZULLO,
LARRY COMBEST,

From the Committee on Transportation and Infrastructure, for consideration of secs. 563, 601, and 1076 of the Senate bill, and secs. 543, 544, 601, 1049, and 1053 of the House amendment, and modifications committed to conference:

DON YOUNG,
FRANK A. LOBIONDO,
CORRINE BROWN,

Provided that Mr. Pascrell is appointed in lieu of Ms. Brown of Florida for consideration of sec. 1049 of the House amendment, and modifications committed to conference:

BILL PASCRELL, Jr.,

From the Committee on Veterans' Affairs, for consideration of secs. 538, 539, 573, 651, 717, and 1064 of the Senate bill, and sec. 641 of the House amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,
(except sec. 641 of House amendment and secs. 539 and 651 of Senate bill),
MIKE BILIRAKIS,

Managers on the Part of the House.

CARL LEVIN,
TED KENNEDY,
JOSEPH LIEBERMAN,
MAX CLELAND,
MARY LANDRIEU,
JACK REED,
DANIEL K. AKAKA,
BILL NELSON,
BEN NELSON,
JEAN CARNAHAN,
MARK DAYTON,
JEFF BINGAMAN,
JOHN WARNER,
STROM THURMOND,
BOB SMITH,
JIM INHOFE,
RICK SANTORUM,
PAT ROBERTS,
WAYNE ALLARD,
TIM HUTCHINSON,
JEFF SESSIONS,
SUSAN COLLINS,
JIM BUNNING,

Managers on the Part of the Senate.

SETTING ASIDE TIME FOR PRAYER OR QUIET REFLECTION ON BEHALF OF OUR NATION DURING THIS TIME OF STRUGGLE AGAINST INTERNATIONAL TERRORISM

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 30 minutes as the designee of the majority leader.

Mr. JONES of North Carolina. Mr. Speaker, tonight I would like to take just a few moments simply because on November 13 this House debated a concurrent resolution, House Concurrent Resolution 239, and the House actually passed the resolution on November 15 by a vote of 297 to 125, with one Member voting present.

I would like to read to the House what the resolution said, and then I want to give the reason why I am on the floor tonight for these few minutes.

The resolution said, ''Expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for or quietly reflect on behalf of the Nation during this time of struggle against the forces of internal terrorism.''

Mr. Speaker, I was a little bit surprised the night of November 13. I should not say ''disappointed,'' because the House is the people's House, and all of us who serve here have the privilege to our own opinions and we can express those opinions. However, on that night, three Members of the Democratic Party came to speak in opposition of House Concurrent Resolution 239: the gentleman from California (Mr. GEORGE MILLER), the gentleman from Virginia (Mr. SCOTT), and the gentleman from Texas (Mr. EDWARDS), all three of whom I have great respect for; and I acknowledged that night during the debate that I did have respect for each one as a very fine Member of Congress. We just disagreed on this issue.

Mr. Speaker, this Nation was founded on Judeo-Christian principles. There is absolutely no question about that. That night, the three Members who were opposed to House Concurrent Resolution 239 mentioned seven different groups that were opposed to this resolution, one being the People for the American Way. Well, I was not surprised with that, quite frankly. The National PTA, I was very surprised about, and I want to talk about that in just a moment.

The third group to be opposed to this nonbinding resolution but sense of the Congress that children would have a moment of prayer or a moment of reflection during this period of war with the terrorists was Americans United for Separation of Church and State. Quite frankly, I was not surprised by that one either.

Next was the Interfaith Alliance.

The fifth group opposed to the resolution was the American Jewish Committee of Washington, D.C.

The sixth group in opposition was Religious Action Center of Reform Judaism.

Seventh was the Baptist Joint Committee.

I would say that the one I was really disappointed in was the National PTA, and I am going to read a couple of sentences from their letter of opposition.

The National PTA, the lady's name, I believe she is the President, Shirley

Igo, President of the National PTA, she wrote a note in opposition to House Concurrent Resolution 239, to, again, the sense of the Congress encouraging that children during this period of war, and I know a lot of our children, Mr. Speaker, are confused by what is happening with terrorism, the murder of so many American people on September 11, the fact that many of our men and women in uniform over in Afghanistan have children here in this country. So the Congress felt, and, again, it did pass it, that children should be encouraged in the schools to have a moment of prayer or reflection.

But the National PTA, Mrs. Igo, says about the resolution, ''Furthermore, because the legislative intent is clearly to endorse religious expression, it does not conform with current constitutional standards.''

Mr. Speaker, that is not what it did. What it said was that the children of America should have a moment of prayer or a moment of reflection. But, again, my point is, I am very disappointed in the National PTA, which is supposed to strengthen families, encourage education and encourage families to be together. Why they would take this type of position, I do not know. But, again, I was very surprised and disappointed that they would.

Mr. Speaker, another group that I really should not be surprised about is the Americans United for Separation of Church and State. That is Reverend Barry Lynn, and he and I disagree on a lot of issues, most of the time, quite frankly.

Let me read one or two sentences from his letter in opposition to House Concurrent Resolution 239: ''This misguided proposal should not be endorsed by the House of Representatives.''

Well, I am pleased to tell Mr. Lynn that it was endorsed by the House of Representatives, 297 to 125.

The second statement he made: ''Mandatory time for classroom prayer on a specific topic.''

Mr. Speaker, it did not do that. It said that the children should have a moment of prayer, whatever faith they might be. Jewish, Catholic, Protestant, or even Muslim, they should have that moment, which we have seen happen since September 11.

Also he made a couple of other points that I am not going to take the time to make reference on.

The reason I wanted to come down on the floor again tonight was to say ''thank you'' to the Members of the House. Many Democrats, including the leader of the minority party, the gentleman from Missouri (Mr. GEPHARDT), voted for this resolution.

I want to read for the record a paper from an eighth grader from my district, a young lady named Rose Ormand, who wrote a paper called ''In Defense of a Little Prayer.'' Ms. Ormand is in the eighth grade. She attends E.B. Aycock Middle School in Greenville, North Carolina. I want to read this in its entirety.

''How would the athletes at your school feel if all athletic activities were prohibited based on the fact that not all students are athletic and some students even feel uncomfortable with athletics? Wouldn't you consider that unjust and absurd? Can you imagine baseball, a sport considered as American as mom's apple pie, being removed from schools because a few are offended? Well, as absurd as that might seem, there is an activity which is even more historically valued than baseball that is being prohibited in our public schools today. That activity prohibited today within the walls of our schools is prayer. A student's right to pray in school in any manner should be upheld and encouraged. First of all, our country has definitely been founded upon Christian principles from its very beginning. When we compare the social and moral climate of the schools when prayer was part of a regular school day to that of our present day, there is quite a difference. Finally, if we trace the roots of public education back to its original purpose, it just doesn't make any sense that our public school system today is a contradiction. Prayer in our public schools may very well be an area we need to look at again as it is so much more important than baseball.

''First of all, our country and its government were clearly built on Christian principles. The arrival of the pilgrims in the New World seeking religious freedom was the birth of our great country. In the Bill of Rights, the First Amendment declares that, 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.' Every day the United States Senate and House of Representatives begin their Congressional day with prayer, yet in the same nation, public school students are not allowed to have prayer. While the Members of Congress stood on the steps of the Capitol and petitioned God almighty for his help after the attack on America, public school students were not even permitted to join in the National Day of Prayer declared by the President. It seems to me that students and teachers alike have to shed their constitutional right of the free exercise of prayer when they walk through the public school doors.

''Secondly, the social and moral climate when prayer was permitted in school was surprisingly better than now when prayer is prohibited. The Regent's prayer, prayed every morning in the classroom, was 'Almighty God, we acknowledge our dependence upon You, and we beg Your blessings upon us, our parents, our teachers and our country.' On June 25, 1962, the government removed God from public schools and that prayer was never prayed again. The four parts of the Regent's prayer were God's blessings on the students, our parents, our teachers and our country, and they seemed to be the area God's hedge of protections fell. The first area was the students, and since 1962 teenage homicide rose three hundred percent. The second area was the parents, and also since 1962 the divorce rate went up fifty-two percent. The SAT scores plummeted, frustrating the teachers, and the hedge of protection fell from our country as the very next year our President was killed. A coincidence? I don't think so. The only way any of these statistics are going to change will be if prayer is allowed in our school system.

''Some reading this may say that schools are not the place for prayer because they are institutions for learning. Let me refer you to one of the founders of public education within our Nation, Benjamin Rush. He wrote and spoke about educational topics frequently and he believed that education should work along with the principles of democracy. He wrote a prodigious essay entitled, 'Thoughts Upon the Mode of Educational Proper in a Republic.' Rush included in his essay that Christian principles should be taught throughout the student's education.

□ 2000

''Funny, isn't it, that now God isn't even allowed where once he was the main focus? Or maybe it's not so funny after all.

''In conclusion, should students be allowed to pray as part of every day school life. Since God was the main reason America was founded, doesn't it make sense that the heritage of this country should continue? Also, if we had prayer back in the school system, our schools, homes, and country would be a lot better off. School now is so different than what it was originally intended to be, and the strength and quality the schools had then could return only if God was let back in the school system. If you really believe in the power of prayer, then call your Congressman and ask for prayer to be returned to public schools now!''

Mr. Speaker, I read that again because they are the words of an eighth-grader in my district, and I think she did a great job of expressing herself and the fact that this Nation is a Nation founded on Judeo-Christian principles.

Let me make just a couple of other points. Again, I wanted to come to the floor because I was so disappointed that the National PTA and some of the other groups that I read about earlier that will be in the RECORD were opposed to this nonbinding resolution, the Sense of the Congress, that the Congress would say to the schools throughout this Nation and also say to the students that you may have a moment of prayer or a moment to reflect.

Just a couple of other points and then, Mr. Speaker, I will bring this to a close.

I found it very interesting that William Raspberry recently wrote an editorial and the title was ''Good-Faith Arguments for School Prayer.'' Now, this was in The Washington Post on November 26 of the year 2001, this year. Mr. Raspberry quotes Kevin J. Hasson, President of the Becket Fund for Religious Liberty, I will use these quotes

very briefly. They are short and to the point. Hasson is responding to Chancellor Harold O. Levy's decision for New York schools to accommodate the religious exercise of Muslim students during Ramadan. Hasson says, ''A public school system that pretends to have a comprehensive education but resolutely says nothing about religion for 12 years is not comprehensive at all. Indeed, it sends a powerful message to our children that religion is at best an optional aspect of their human nature and, in doing so, it lies about who and what we are. When a public school sets aside space for children who wish to pray, it sends the opposite message: that faith is a natural part of life.''

''But doesn't Levy's action violate the separation clause of the first amendment? Not as Hasson sees it. The framers of the amendment never intended to hobble religion,'' he argues, ''only to avoid the establishment of a particular religion. The people who wrote the Bill of Rights hired a congressional chaplain,'' he said. ''A few days after writing his famous letter on the wall of separation, Thomas Jefferson attended Sunday churches in the House of Representatives.''

Mr. Speaker, I want to include Mr. Raspberry's entire editorial for the RECORD, along with the letter from Rose Ormand.

IN DEFENSE OF A LITTLE PRAYER

(By Rose Ormond, Persuasive Hall 4)

How would the athletes at your school feel if all athletic activities were prohibited based upon the fact that not all students are athletic and some students even feel uncomfortable with athletics? Wouldn't you consider that unjust and absurd? Can you imagine baseball, a sport considered as American as mom's apple pie, being removed from schools because a few are offended? Well as absurd as that may seem, there is an activity which is ever more historically valued than baseball that is being prohibited in our public schools today. That activity prohibited today within the walls of our schools is prayer. A student's right to pray in school, in any manner, should be upheld and encouraged. First of all, our country has definitely been founded upon Christian principles from its very beginning. When we compare the social and moral climate of the schools when prayer was a part of a regular school day to that of our present day, there is quite a difference. Finally, if we trace the roots of public education back to its original purpose, it just doesn't make sense that our public school system today is a contradiction. Prayer in our public schools may very well be an area we need to look at again as it is so more important than baseball!

First of all, our country and its government were clearly built on Christian principles. The arrival of the pilgrims in the New World seeking religious freedom was the birth of our great country. In the Bill of Rights, the First Amendment declares that, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .''. Everyday the U.S. Senate and the House of Representatives begin their congressional day with prayer yet, in the same nation, public school students are not allowed to have prayer. While the members of Congress stood on the steps of the capital and petitioned God Almighty for His help after the ''Attack on America,'' public school students were not even permitted to join in on the National Day of Prayer declared by the President. It seems to me that students and teachers alike have to shed their constitutional right of the free exercise of prayer when they walk through the public school doors.

Secondly, the social and moral climate when prayer was permitted in schools was surprisingly better than now, when prayer is prohibited. The Regent's prayer, prayed every morning in the classroom was ''Almighty God, we acknowledge our dependence upon You, and we beg Your blessings upon us, our parents, our teachers, and our country.'' On June 25, 1962 the government removed God from public schools and that prayer was never prayed again. The four parts of the Regent's prayer were God's blessings on the students, our parents, our teachers, and our country and they seem to be the areas God's hedge of protections fell. The first area was the students, and since 1962 teenage homicide rose three hundred percent. The second area was the parents, and also since 1962 the divorce rate went up fifty-two percent. The SAT scores plummeted frustrating the teachers, and the hedge of protection fell from our country as the very next year our president was killed. Coincidence? I don't think so! The only way any of these statistics are going to change will be if prayer is allowed in our school system.

Some reading this may say, that schools are not the place for prayer because they are only institutions for learning. Let me refer you to one of the founders of public education within our nation, Benjamin Rush. He wrote and spoke about educational topics frequently, and he believed that education should work along with the principles of democracy. He wrote a prodigious essay entitled, ''Thoughts Upon the Mode of Education Proper in a Republic.'' Rush included in his essay that Christian principles should be taught throughout the student's education. Funny isn't it that now God isn't even allowed where once He was the main focus? Or maybe it's not so funny after all.

In conclusion, students should be allowed to pray as part of everyday school life. Since God was the main reason America was founded, doesn't it make sense that the heritage of this country should continue? Also, if we had prayer back in the school system, our schools, homes, and country would be a lot better off. School now is so different than what it was originally intended to be, and the strength and quality the schools had then could return only if God was let back in the school system. If you really believe in the power of prayer, then call your state Congressman and ask for prayer to be returned to public schools now!

GOOD-FAITH ARGUMENT FOR SCHOOL PRAYER

(By William Raspberry)

One of the arguments against prayer in public schools has been that it opens the door for religious zealots to instill their version of religion into the minds of vulnerable children. So wouldn't it be ironic if the Sept. 11 terrorist attacks launched by the world's most zealous theocrats wound up helping the advocates of school prayer?

It's easy to imagine the possibility. No matter the country's general lukewarmness about things religious, Americans have been praying all over the place since the attacks: in Yankee Stadium, in special prayer rallies organized by members of Congress, in parks and playgrounds and, yes, in public schools. And there's been hardly a peep of objection.

And not only that: The New York City public schools have moved to accommodate the religious exercise of Muslim students during Ramadan. What makes this significant is that no one can argue that Chancellor Harold O. Levy's accommodation amounts to a constitutionally impermissible ''establishment of religion.''Is this a watershed in the church-state wars?

Kevin J. Hasson, president of the Becket Fund for Religious Liberty, hopes so. At the very least, he says, it may get us thinking rationally about the place of religion in public life.

''Every culture, our included, has religious elements,'' he told me last week. ''And that's because every culture worthy of the name reflects human nature in all its richness—and does so publicly. We don't live the most significant aspects of our lives in private. We don't smuggle babies home from the maternity ward. We don't usually elope in dead of night or furtively bury our dead. Why should expressions of belief be different?''

But what of the coercive effect of religion in public places—and particularly in public places for children?

The answer, says Hasson, whose organization has defended religious expression on the part of a huge range of faiths, is ''not to blanket this facet of our humanity under a layer of secularism but to let a thousand flowers bloom.'' That's why he likes the New York City accommodation of Muslim students.

''A public school system that pretends to have a comprehensive education but resolutely says nothing about religion for 12 years is not comprehensive at all. Indeed, it sends a powerful message to our children that religion is at best an optional aspect of their human nature—and in doing so, it lies about who and what we are. When a public school sets aside space for children who wish to pray, it sends the opposite message: that faith is a natural part of life. Levy wasn't pushing Islam; he was sending a message of respect.''

But doesn't Levy's action violate the separation clause of the First Amendment? Not as Hasson sees it. The Framers of the amendment never intended to hobble religion, he argues—only to avoid the establishment of a particular religion. ''The people who wrote the Bill of Rights hired a congressional chaplain,'' he said. ''A few days after writing his famous letter on the wall of separation, Thomas Jefferson attended Sunday church services in the House of Representatives.''

But surely Hasson will acknowledge the Taliban stand as incontrovertible evidence of what happens when true believers take over public places. These fundamentalists are so certain they know the will of God that they see themselves as entitled—indeed as compelled—to root out nonbelievers as the enemies of God. And not all the fundamentalists are Muslims or ''over there.''

It's a matter to which the lawyer obviously has given some though. ''The religious fundamentalists and the secular fundamentalists make the same mistake,'' he says. ''They separate truth from freedom. For Osama bin Laden, freedom must be sacrificed for the sake of truth. For our secular fundamentalists, any claims of truth must be abandoned in the interest of freedom.

''Both are wrong, and I think a few more people may be starting to see it.''

Mr. JONES of North Carolina. Mr. Speaker, now as I begin my closing in the next couple of minutes, let me say to those groups that were opposed to the resolution that the gentleman from Oklahoma (Mr. ISTOOK) will be offering legislation that will be binding, if it should pass, and I intend to support him. I know many Members on the floor tonight, including the Speaker pro tempore, as well as the gentleman from Georgia (Mr. KINGSTON), who will

be speaking shortly, will be supporting the gentleman from Oklahoma (Mr. ISTOOK).

Mr. Speaker, prior to 1962, we had prayer in this Nation. I think the children of this country, and since September 11, I think there have been more adults in the churches, the synagogues, the mosques, than there have been in a long, long time. Again, for these groups that are supposed to help educate our children like the National PTA, I was very disappointed that they would oppose a resolution that was only the sense of the Congress. When governors, when the President, when other leaders of State and local and national government are asking people to pray for America and to pray for our men and women in uniform, I just felt like I needed to come to the floor and say ''thank you'' to those who voted for this resolution on November 15. Again, it passed with 297, only 125 in opposition. They are the kind of messages, Mr. Speaker, in my opinion, we need to be sending to the American people, because every survey I have seen over the last 2 years, better than 70 percent of the American people, say they would like to see prayer returned to the school systems of America.

So with that, Mr. Speaker, I know the gentleman from Georgia will be speaking shortly and I would like to help him if he would like for me to do so.

Mr. Speaker, let me, if I might, stay on the floor and yield any remaining time I might have. I think I might have had an hour, is that correct?

The SPEAKER pro tempore (Mr. ROGERS of Michigan). The gentleman from North Carolina (Mr. JONES) had 30 minutes, of which he had approximately 13 minutes remaining. The balance of the Majority Leader's hour can be controlled by the gentleman from Georgia (Mr. KINGSTON).

THE TIME IS RIGHT FOR PRAYER IN OUR SCHOOLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Georgia (Mr. KINGSTON) is recognized for 43 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for the time.

I wanted to say to the gentleman from North Carolina, I was debating one of the school prayer debates that we have so often here in Washington with a gentleman named Barry Lynn who allegedly is a preacher, but one of these preachers who has no church. He heads a group called Americans for Separation of the Church and State, not exactly a grass-roots organization; I think a top-down Washington elitist kind of organization, and he is against any form of school prayer.

I said, okay, let us go to Columbine, a horrible tragedy, 12 kids are dead in Colorado. Should the kids in that school be allowed to pray for their fellow students who died? And he said, no. I said, well, should they be allowed to pray immediately when the attack was taking place? There was one group of kids who were clustered, I think, in the back of a biology lab with a teacher. At that moment, gun shots were going up and down the halls, people were screaming, everybody was terrified. Should they have been allowed to have a corporate prayer, that group of clustered kids together? And he said, no, absolutely not.

Then, the gentleman from North Carolina may remember, months after the Columbine tragedy, the school was replacing the bullet marks that had popped the concrete cinderblocks that are in the hallways of the school, and they were putting 4-by-4 inch tiles and doing them in memory of the students who had died, and I said, should the families be allowed to quote scripture or allude to scripture? And he said, absolutely not.

The point that I am making is so many of these people who are simply trying to say that they are against school prayer are, in fact, far more beyond that. They are antiChristian, they are theology, they are anti-Semitic. It is not really a matter of: we just want to be fair for everybody and make everybody comfortable. That is not the case at all. They are just very, very mean-spirited, antireligion. So I really appreciate the gentleman from North Carolina for bringing it up.

I want to point out to folks that as the gentleman's father served in Congress, I know that he was here during a period of time when there was a little bit more openness for prayer, so certainly the gentleman brings a perspective of history to the debate.

Mr. JONES of North Carolina. Mr. Speaker, if the gentleman will yield for a moment, I really appreciate his comments. He has been out front on a number of issues that I think are really important to the foundation of this country.

Mr. Speaker, sometimes I do not want to just make my comments about Reverend Barry Lynn or the lady with the PTA, but the children are America's future, and the children have to be given every opportunity. That is the reason I read the paper by the young lady, Ms. Ormand, Rose Ormand from my district, because these are young people. They are America's future leaders. She had those kinds of strong feelings about prayer, and I know that she is just an example of one of millions in this country that feel that they should have the opportunity to have that moment of prayer. So as I said, and then I will yield back, but I am looking forward to the debate next year on the Istook bill, and I know the gentleman from Georgia has been on that bill before. I look forward to joining him.

I was very pleased, I would say to the gentleman from Georgia, when I looked at the vote and about 80-some Democrats voted for the resolution, for which I was pleased, and very pleased that the leader of the minority, the gentleman from Missouri (Mr. GEPHARDT) voted with us on that resolution, so I thought that was progress.

Mr. KINGSTON. Mr. Speaker, I think that is the case. This has broad bipartisan support. It is a mainstream reflection of America. Certainly there are people on the fringe who maybe want to turn schools into theological institutions. I think that the main reason I send my kids to school, and I know the gentleman does too, I want the basics, reading, writing and arithmetic. It is not up to my schoolteachers to make my children more moral or more spiritual. Then there are other people on the other extreme that do not want any pretense to us. If we look behind us, and I only wish the cameras could show it, but the words in the United States Capitol, 10 feet from where I stand, ''In God We Trust,'' right above the American flag, right above the Speaker pro tempore, the gentleman from Michigan (Mr. ROGERS).

What do we do every single morning as Democrats and Republicans and Independents and staff members, Federal Government employees, no less, in this House Chamber, we open and always have opened with a prayer, and we have Christian, we have Jewish, we have Muslim, we have whoever Members invite that day to give the opening prayer. So the hypocrisy and the inconsistency is incredible.

Mr. JONES of North Carolina. Absolutely, Mr. Speaker.

Mr. KINGSTON. Mr. Speaker, I want to say finally, prior to September 11, 70 percent of Americans surveyed said that they pray regularly. After September 11, 97 percent. America has gotten back down on its knees, and I am glad that we have an administration that acknowledges the role of religion and spiritual matters in their decision-making.

Mr. JONES of North Carolina. Amen.

Mr. KINGSTON. Mr. Speaker, George Bush has never strayed from that.

In this House since September 11 we have had lots of challenges and the House has moved quickly for a number of reasons to give the President the tools he needs to fight the war and to fight terrorism and to secure the airlines. But the House has consistently done a lot more work than just focusing on the war effort. We support the war effort on a bipartisan basis. We think it is very important to do that. But there are a lot of issues domestically where it is just hard for me to go along with the liberal, big-spending Democrat models that we have seen over the years. I am glad that Speaker HASTERT has been a workhorse. This team in Congress has done a lot of things that unfortunately we cannot get our friends in the other body to do. I will show my colleague a chart of some of the House accomplishments this year.

We passed an energy package. Now what are gas prices doing in North

Carolina these days? Are they going down still?

Mr. JONES of North Carolina. Mr. Speaker, they are going down, yes.

Mr. KINGSTON. Mr. Speaker, I am glad to hear that, because when I drive up from Savannah, Georgia, I often have to stop in Lumberton, and they always get about 30 gallons worth for my Suburban. It is very expensive to get gas in North Carolina. In Georgia, it is always a little less. But in Georgia, North Carolina, Washington, D.C., New York City, California, and in Colorado where my mama lives and in Texas where my sister lives, gas prices have come down.

So there are those in the Senate who think, well, okay, we do not need an energy policy anymore, and in California, they have sorted out their situation and they say, let us back off this. But I feel more than ever now that we have got to move towards a comprehensive energy policy.

So we passed on August 2 an energy bill in the House. Where is it now? Well, Mr. DASCHLE does not want to bring it up on the Senate Floor.

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We passed July 19 faith-based initiatives, so that we can have charitable groups who deliver welfare services, welfare-to-work, independence-type services, faith-based groups can participate in that. That is actually just broadening the 1996 welfare reform law signed by President Clinton. We passed it over there, and where is it? It has been sitting there for 141 days.

Mr. JONES of North Carolina. If the gentleman will yield, Mr. Speaker, the two issues the gentleman just mentioned, they were campaign promises by President Bush, as Candidate Bush for the Presidency. He talked about the fact that this country had never developed an energy program plan for America.

As the gentleman made reference, we passed that in the House. That was one of the campaign promises by President George Bush.

Secondly, the faith-based program has met with great excitement in my district in eastern North Carolina, because what Mr. Bush campaigned on was, let us take the assistance, take the service to where the people are, not Washington, D.C., but in Georgia, in North Carolina. Let us let those organizations within the community extend the hand of help. So I just wanted to mention that.

Mr. KINGSTON. Mr. Speaker, I would tell the gentleman, that is exactly the way it works. In Savannah, Georgia, we have St. Paul's A.M.E. Church. Reverend Delaney is the minister there, and he has a tremendous ministry. They feed the poor. They have a school program there for young kids. They have outreach to help people who have drug addiction and alcoholism, and need job training.

They are doing all of this, and they cannot compete for any Federal funds, even though their outcome and the result there shows that Reverend Delaney is effective at this. The reason why is because that recipient, he knows their full name and where they live; he knows their brother, their sister, their mother, their father; he knows their neighborhood; he walks the same streets. He knows them, and he is driven by love for them, not driven by a paycheck.

Yet when he goes to try to get Federal funds to expand his soup kitchen, they say, No, you cannot do that, you are doing too good of a job. You are doing a good job, but you are doing it in the name of religion. We just cannot have that. If faith-based grant programs are driven by results, then what is wrong with letting the Reverend Delaneys of the world take care of the hungry and help, with the Federal Government; not take over it, but help?

Mr. JONES of North Carolina. Mr. Speaker, if the gentleman will yield for another moment, I could not agree more. America's strength is its people; and the gentleman, Reverend Delaney that the gentleman just mentioned, obviously is a caring, compassionate man that understands the Bible, to help the brother who is in trouble.

If anything, over the last 20 years, that is why we reformed welfare when we came in 1997. It was simply that the Federal Government does some things good, but a lot of things it does not do so well. So therefore, go back to the community and the people, as the gentleman said, they know the name of the person they are trying to help. That is how government can partnership with local communities and community leaders to do for those who need help.

Mr. KINGSTON. Mr. Speaker, I think that is so important. The gentleman had mentioned the energy package. There are a whole lot of things that the House has passed that the Senate is sitting on.

I think it is real important to say, hey, we understand that they are now run by the Democrats, and they are going to disagree with the House philosophy. No problem with that. The gentleman came from North Carolina, I came from Georgia, to carry our points of view and our philosophy, and sharpen our ideological swords against opposition, and come up with a better product and a bipartisan product. So we do not expect the Senate to rubber-stamp what the House does, but vote on the things, vote it up or vote it down; have the guts, the integrity, the fortitude to face the American people and say, These are our actions, we are proud of them, and we are right about them.

Now, what is interesting on the energy package, the stumbling block for Mr. DASCHLE happens to be the Alaska National Wildlife Reserve, because he has Democrats who actually want to explore oil there and opportunities, so he does not have the vote to kill the legislation, so he is going to hold the legislation.

We are a funny country. We do not want to park our Suburbans, we all like our sports utility vehicles, but we do not want to drill oil just anywhere, and we are also tired of buying it from the Middle East. But let us have a sober, adult, mature discussion of ANWR for just a minute.

Just to put it in perspective, if Members can look at this chart, the red outline is the State of Alaska. The blue outline is the State of Texas. The gray outline in the middle of Texas is the State of South Carolina, and the little red dot is the size of the potential drilling area. The wildlife reserve is the size of the State of South Carolina. The little red dot is about 2,000 acres, probably the size of the gentleman's airport. Savannah, Georgia, has an airport about 2,000 acres. That is where it is. That is national security.

Do we have a model for this? As a matter of fact, we do. We have Prudhoe Bay. The same people who were telling us the sky was falling if we explored oil in Prudhoe Bay, now they do not mention the fact that the caribou herd has actually increased, for some reason; and it has not hurt the wildlife.

I am a hunter, an outdoorsman. My constituents love the woods. I do not want to harm the environment, but I also know this.

This summer I was driving up to New York City with my wife and four kids in the car, and I did not even know what State we were in at the time, but we were driving our good old Suburban, and there were five lanes of traffic, two on one side, three on the other, all going one way, so it was a ten-lane interstate.

The car in front of us hits the car in front of it. Another car swings into our lane. Before you know it, we are in the middle of a four-car collision. I do not even know what State we were in. It turned out we were in Delaware. I do not know how Delaware folks like people from Georgia. I was a little nervous and thought they might see the Georgia tag and put an-out-of-state surtax on whatever problem it was.

I am sitting in the middle of these cars whizzing back and forth, trying to get over to the shoulder and get my children out of the car waiting for police, and it turns out that out of the four cars in the collision, one of them was untouched, or not damaged at all. It was our car, our Suburban.

The guy behind us who hit us had about $2,000 worth of damage. I am not sure if his car was drivable or if he had it towed. The police came and actually did not even fill out a report on us. They filled out a report, but we did not file for any insurance because not one person out of six in our car was hurt, and there was not a scratch on anything.

The point is, why do I want to drive a big car? It is because my children are more important to me, and I do not want to jeopardize their safety. I want to have that option. Because of that, I think it is important to have an abundant fuel supply.

That is why we Americans, when I drive in the car pools Monday and Friday when I am in town, and all it is Ford Expeditions, Suburbans, and other cars; and it is not because we are all going out in the woods in them; it is because of safety and children.

Mr. JONES of North Carolina. Mr. Speaker, if the gentleman will yield for just a moment, on several points he made, one about the exploration in Alaska, we should remember, and I think the gentleman is a little younger than I am, but we should remember the days of President Jimmy Carter and the lines, and people paying high prices for the gas.

Everybody said then, and I was obviously a much younger person, but everybody was saying then that this country needs to have an energy plan. It needs to have a program, a long-range program. We talked about it and we talked about it, but we never did anything.

So again, I want to go back and give credit to President Bush, because he has taken this on. He said that the American people need to have an energy plan in this country, not just short term but long term. So we did what the President asked us to do and we passed that legislation, as the gentleman said; and it is now languishing over in the Senate. But they will have to deal with that hopefully sooner rather than later. They have waited too long already.

The other point the gentleman was making about his family chose to drive a Suburban. Well, to me, that is what America is about. If I decide I want to drive a small car or a mid-sized car or an SUV, then I should have that right to make that choice and not have the government say, You have to drive a small car. I agree with the gentleman.

Actually, I drive an old 1992 Buick, and I am back and forth every weekend from D.C. to North Carolina and back to D.C. on Monday or Tuesday, whenever we have votes, and that is my choice.

I think if we ever get to a point, and that is why the gentleman and I happen to be Republicans and conservatives, we both are, is that we believe that the American people who pay the taxes, if they decide that they want to drive a car that only gets 15 miles to a gallon, and the gentleman decides he wants to drive a car that gets 28, that is fine. That is what America is about. We should have the choice.

Mr. KINGSTON. It is very important. And I think if the majority leader in the Senate is worried about people actually getting an abundant supply of gasoline, which apparently he is opposed to, then killing this bill still is not the solution, because there are some other things in here that are very important.

I wanted to talk just a little bit about fuel cell opportunities for automobiles. On Monday in Hinesville, Georgia, I had a great opportunity to go for a ribbon-cutting ceremony for a new business called E-Motion, which makes an electric car using fuel cells. It is a very smart idea.

The concept is that in Hinesville, Georgia, they will start manufacturing a smog-free automobile, so when the gentleman flies to, say, New York City or Atlanta, Georgia, or wherever, he will be able to rent an electric car. He will have a smart car. That car will be tied into a GPS operating system. The gentleman will know where he is going in it. He can return it at the end of the day.

Why is this important? Because we are not saying, let us just keeping driving Suburbans forever, let us keep drilling for oil all over the globe. That is not the point at all of the energy package. The energy package is to look at the energy needs from a national security point of view and come up with a combination of what works.

What E-Motion will be doing is using things like fuel cells to help drive automobiles. In California, they have recently passed regulations saying that 22,000 automobiles that are sold that year have to be smog-free. In Europe, they are going to have emission-free zones in certain cities where, unless it is mass transit or a no-smog automobile or an electric car, they will not even be able to drive there.

In Iceland, which is very fossil-fuel dependent on getting fossil fuels in from other countries, they are actually looking at using thermal heat from volcanoes to separate hydrogen from water and use it as an energy source.

So here again, the good old folks in the other body and Mr. DASCHLE are sitting on this technology. That bill, the energy bill that Mr. Bush has pushed, puts millions of dollars into fuel cell research. So this is not just something that is happening in Hinesville, Georgia. This is not something that somebody has to explain. It is something everybody knows, oh, yes, I know what a fuel cell car is. As a matter of fact, I am looking at one right now. They are available in every town.

That is being held up because Mr. DASCHLE is preferring to play up the fears on drilling for oil in Alaska, so he is holding up all these other good things in that energy bill.

Mr. JONES of North Carolina. If the gentleman will yield another time, Mr. Speaker, that is what is really somewhat discouraging, when they have that entrepreneurial spirit they have down there with that business in the gentleman's district, or in Georgia, and there are a multitude of those exciting businesses that could be benefited if we would do our job up here in Washington.

As the gentleman said, the House has done its job; and now it is time for the Senate to move the legislation.

Mr. KINGSTON. The other thing, when we talk about security, obviously we need economic security, we need energy security, we need to have security so our people will be able to spiritually compete in the free enterprise system, but none of it means anything if we do not have a good foreign policy.

I represent Kings Bay, and we have one of the nuclear submarine fleets there. There is a great story of Kika de la Garza, a former Committee on Agriculture chairman. He goes out in the submarine and spends the night. He says to the captain of the sub, How far can you go? And the captain says, As far as we want. He said, When would you turn around? When would you need more gas, more energy for the nuclear generator? He said, We will not. He says, What makes a nuclear sub go back and forth? He said, We run out of food. It is that simple.

Now, in terms of independence and security, what can be more important than an inexpensive, abundant food supply? Yet we passed our farm bill October 5 and the Senate has yet to move on it. And again, hey, agree, disagree, talk to me, let me know how you feel; but nothing has happened.

□ 2030

Mr. JONES of North Carolina. The gentleman is exactly right. Our farmers in eastern North Carolina are like farmers across this Nation. Many of them have been in trouble. The foreign markets have not been what they had hoped they would be, and for a number of reasons the farmers really need this help.

And I want to give the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture, and all of the Republican and Democrat Members, a lot of credit for the bill they brought to the floor. It was what I thought a very strong, very helpful agricultural farm bill that would help our farmers. And as the gentleman said very well, it has been on the Senate side for quite a few weeks, and now months, and they need to remember that our farmers are waiting for their action.

Mr. KINGSTON. Another thing that ties into the food supply is our trade policy. We have to have a tough trade policy to move our goods around the globe.

A statistic I heard the other day is that in China, if they consumed as much Coca Cola per capita as the country of Australia, Coca Cola could double the size of its company. Now, there are a lot of thirsty Chinese folks over there who would like to have an opportunity to have a Coca Cola, and a lot of other goods that are made in our country, and trade promotion allows the President of the United States to sit at the bargaining table on these multinational trade agreements and come up with the best deal for American producers and American buyers.

We have passed it in the House, but the Senate is nitpicking it to death. Again, vote on it up or down, send it back to us, amend it, but do not just sit on it.

Another issue: Terrorism reinsurance. Like it or not, a lot of businesses

have to have terrorist insurance in order to get loans from banks. Small businesses. But after September 11, traditional insurance companies do not want to provide terrorist coverage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROGERS of Michigan). The gentleman will suspend.

Members are to be reminded to refrain from references to Members of the Senate or to characterizations of Senate action or inaction.

Mr. KINGSTON. What happens, the small businesses, in order to get bank loans, cannot get their insurance because they have a terrorist exclusion in the policy. So what we have done in the House, in a responsible manner, is we have said we will help facilitate a reinsurance fund with the large insurance companies, the Travelers, the Aetnas, the Cignas, the CNAs. What we say is, you provide the first $1 billion in a pool, and then we will set up a reinsurance fund, a buffer above that $1 billion. We will help underwrite it, but you reimburse the taxpayers.

Of course, we have passed it, and one more time the United States' other body has not moved on it whatsoever. Again, this is about job creation. This is for small businesses.

Mr. JONES of North Carolina. If the gentleman will yield for just a moment, I am on the Committee on Financial Services where the legislation came from that the gentleman just made reference to, the insurance issue. In fact, the gentleman sitting in the Chair tonight, who is from Michigan, is also on that committee. The committee worked in a very bipartisan way to come forward with very important legislation that needs to be, and I want to be very careful because of the statement by the Chair, but the Congress as a whole needs to move that legislation soon.

Mr. KINGSTON. Well, I agree with the gentleman. Another issue that the House has passed and the United States' other body has not done anything on, is none other than human cloning. We had a very lively debate in July about that. Now, suddenly, there is a company and they have announced they have the ability to clone human tissue. And everybody gets excited and they say to us, as Members of Congress, what are you guys doing about it? We say, well, we have passed this legislation.

It is our hope that our friends on the other side of the House, on the other side of the United States Capitol, will actually wake up and decide that when they are paid to do a job they will do the job, and that means they will vote and debate legislation on or off the floor. Move it on, vote it up or down, one way or the other. Human cloning might be a good thing.

Mr. JONES of North Carolina. If the gentleman will yield for just a moment. There is no question that we always take great pride in the House of Representatives in saying that we are ''the people's House.'' I think anybody in government, whether they are elected or in a professional position, we need to realize that the people of America pay our salaries. And, therefore, if we are responsible for legislative progress, then those of us who are elected to serve in this beautiful Capitol, we need to remember we have a responsibility to do what is right for those people who are our taxpayers. And that means we should work together and we should move legislation expeditiously when we can.

Mr. KINGSTON. Well, I thank the gentleman.

Yet another example of something that we have done in the House is we passed an education bill back in May. Again, it is over in that deep dark hole over on the other side of the United States capitol. An education bill. That was George Bush's top priority, and we passed it. Again, it has been sitting floundering, waiting. And, hey, no call, no letter, no anything.

The gentleman from Ohio (Mr. BOEHNER) has said we may be able to get the education bill out maybe Thursday, maybe Friday, maybe even next week, and I think that we all want to do that. But we are excited.

A patients' bill of rights, which we passed back in August. Again, it has been sitting over there in the morgue, also known as the other body.

Mr. JONES of North Carolina. Well, I certainly want to be careful, because of the ruling of the Chair, but I often think about the gentleman from Georgia and other of my colleagues, especially those that live much further than that, particularly our colleagues on both sides of the fence that live out west, because I can drive home in 5 hours from Washington. And I think the difference in why we are so responsive is because we see the people we have the privilege to represent just about every weekend. We are here for 2 years and then we run for reelection. As it is set up by the Constitution, the other side of the Capitol, they are there for 6 years.

Now, I am not advocating that they should serve for 2 years, but I am just saying that we are much more in tune with the people we represent than the other body.

Mr. KINGSTON. Well, again, actions by the House on energy bill, faith-based initiatives, farm bill, trade promotion bill, appropriation bills, terrorist reinsurance plan, human cloning, education, and a patients' bill of rights, and we are still waiting for them to come back around.

I do want to talk about the economic security bill, because in my area of Georgia, a big tourist area, tourism is down. Amongst retirees, their stock portfolios, their retirement programs have shrunk considerably. Down the street people are laid off. A friend of mine who has two children was laid off recently. Lots of people are losing their jobs.

We passed an economic security package in October. And I do not know, the Speaker will have to help guide me, because I have this quote here and it says that the leader of the other body, Mr. DASCHLE, said that ''It is not as front-burner an issue as other legislation, particularly government spending.'' And that is from the Associated Press, October 27.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

Members are reminded that remarks in debate may not include personal references to, or quotations of, Members of the Senate.

Mr. KINGSTON. Okay, Mr. Speaker, and I will not use this one again. However, it does show a particular philosophy of a body that wants to spend money rather than a body that wants to preserve and protect jobs.

And I think if maybe there is a real difference between being a Democrat and being a Republican that is reflected in the Republicans running the House and the Democrats running the other body, it is in the economic security bill. Because here we are standing strong with jobs, standing strong with laid-off workers for benefits, for health care benefits and for unemployment checks, and yet this other body, controlled by the other party, is sitting on it and saying we would rather you do spending bills than an economic stimulus package. I think that is egregious and totally irresponsible in today's economy.

Mr. JONES of North Carolina. I really agree with the gentleman. I came to the Congress with Mr. Newt Gingrich in the 1994 election, sworn in in 1995, and we have believed ever since we have been in the majority that the people that worked hard in this country, awfully hard for their money, should keep the majority of their money.

And, in addition, as the gentleman said, those people who have been laid off work, if we can help strengthen business, small, midsize and large, so that they can get some tax breaks so that then they will be willing to expand job opportunities, that is what America is all about. That is our philosophy, to empower the people, empower the businesses so that the economy is moving and the engine is pumping.

Mr. KINGSTON. Well, again, I understand a difference in philosophy. I have a lot of friends in the other party who did not like the economic security bill. Maybe they did not like particular parts of it, maybe they ultimately voted against it. But to their credit they engaged in the debate. They came down on the floor and they voted. Whereas in the other body it appears that the best action is total inaction, and that is tragic. There are too many people who have worked hard on a package to try to jump-start this economy, but we need to have it.

I am not sure, Mr. Speaker, if I can talk about appropriation bills or not.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

Members are reminded to refrain from references to Members of the Senate or to characterizations of Senate action or inaction.

Mr. KINGSTON. I thank the gentleman. I stand corrected. And I want to commend the freshman sitting in the Chair for his very careful and thorough job tonight, and being patient with frustrated Members like me.

We have had a very productive year on the House side of the branch of the legislature, and we just hate to go home, at Christmas time nearly, and do it incompletely when there is an opportunity still to pass so many great pieces of legislation that will help real people in the real world get jobs, get jobs back, get benefits, secure benefits that they have, obtain a good food supply, good energy supply, and an education program that works.

There are just so many things that are within our legislative grasp to do something about, and it is so frustrating to have only part of that done. There is just one area in the legislative branch where there seems to be a gap. We have the executive branch all ready with the ink pen full of ink ready to sign the legislation to get America moving again.

We have worked hard here, Democrats and Republicans alike on the House side. We have had great leadership under the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and the recently-announced retiree, the gentleman from Texas (Mr. ARMEY), even though that will not be for a year from now. And of course the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

So many great things. The gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, who I do not think has been home since August in terms of working overtime to try to get these appropriation bills passed. The gentleman from California (Mr. THOMAS) of the Committee on Ways and Means moving on trade and health care bills and so forth.

Mr. JONES of North Carolina. Well, I know we are getting close to the closing, and I am going to leave in just a second, but I have really enjoyed being with the gentleman, and I think he has done a great service really not only for his district but for the American people.

There is one thing about it, and the gentleman might be somewhat restricted as to his statements tonight, but there is one thing about it, and I am sure the gentleman has, as I have, a lot of speaking opportunities back in his district, and I am proud to tell those people in my district what we in the House have done. And in that forum, you can certainly call names and you can make references to what has or has not happened.

So I want to thank the gentleman. He helped me with my time talking about school prayer. I appreciate the gentleman's friendship, his leadership, and thank him for allowing me to be a small part of this tonight.

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Mr. KINGSTON. Mr. Speaker, I thank the gentleman from North Carolina (Mr. JONES).

ANTIBALLISTIC MISSILE TREATY

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, this evening, there are two subjects I want to focus my attention to. One is especially parochial to the State of Colorado, and especially important to me in regards to the State of Colorado, but it is parochial.

The other issue I want to talk about is of national interest, and it is not parochial. In fact, it is something that is vitally important for every citizen of America. It is a subject of which we will see lots of publicity in the upcoming days. It is a subject of which this House, each and every one of us, needs to stand up and support our President on the position that he is going to take, and that is on missile defense. I want to go through this evening the importance of missile defense, exactly what the anti-ballistic missile treaty is all about, the age of the treaty, and what the extraordinary circumstances are that now threaten the security interests of the United States of America, as well as allies of the United States of America; and I would include within those comments Russia.

Let us begin first of all by saying to all Members exactly what our current defense system is in this Nation. Many Members assume if a missile were launched against the United States of America, that we would very quickly detect it. So the question is if a missile were launched anywhere in the world against the United States of America, do we currently have the capabilities to pick up that missile launch?

The answer to that question is, yes. Actually the location of those facilities is well known throughout the country. The NORAD Space Command Center in Colorado Springs, Colorado, we have extraordinary capabilities to detect a missile launch. We can determine within seconds, in some cases before the launch takes place from the activity on the launch pad; but once that missile is launched, we can determine anywhere in the world exactly what time the missile was launched, the direction of the missile, where the most likely target of the missile is, what the estimated time of arrival of the missile is, what kind of missile it is, what kind of detonation or missile load or explosive load that missile usually carries. So very quickly, within seconds, we can assess if a missile threatens the United States of America.

But what most people do not understand is that once the United States detects that a missile has been launched against it, it has no defense. We have no missile defense, no security blanket to protect the borders of the United States of America.

Tonight as I make my comments, I want to make it especially clear that when I speak of the United States of America, I also speak of our allies, of our friends in the world, who also are subject to a missile attack. When I speak about the need for this country to defend its citizens, I also think that our country has an obligation to help the citizens of our friends across the world. In fact, I firmly believe that a missile defense system could easily avoid what could be a world war.

Let me explain that last comment before I proceed discussing the current status of a security blanket, i.e., a missile defense system in this country, how could it possibly avoid another war. Remember, there are two types of missile launches. One is an intentional missile launch, an attack against the United States of America. The second missile launch would be an accidental missile launch. In other words, by accident a missile is launched against the United States or its interests. Now, some might say that an accidental missile launch against the United States is highly unlikely. I would beg to differ, and I beg to differ in a very strong way.

Mr. Speaker, take a look at what happened shortly after the September 11 tragedy that hit this country. Take a look at what happened in the Black Sea during a military exercise. A missile was accidentally launched against a civilian airliner, and it blew that airliner out of the sky. Remember that missile out of Ukraine? That is exactly what I am talking about. We never thought it would be possible. We never thought about it, that planes would be used as missiles against our buildings, the World Trade Center or the Pentagon. But I think it would be a shortfall of our duty, it would be a dereliction of our duty if we did not look into the future and into the security interest of our homeland, of protecting our borders and our people in this Nation. I think it would be a very serious mistake, a serious dereliction of duty for us not to assume that at some point in the future, and hopefully in the distant future, but at some point in the future a missile will be launched against the United States of America.

I think we owe it to our citizens, colleagues, to assure our citizens that we buy the insurance ahead of time. And the insurance that I am talking about is a missile defense system. Let us say, for example, that a country like Russia that we do not see as an enemy right now, and Russia could be a good ally in the future, but let us say Russia or some other country out there by accident, not intentionally, but by accident launches a missile against the United States. If that missile were a nuclear missile and if that missile were

destined to hit a major city, let us say New York City, God Lord, they have suffered enough, but some city in the United States, if we had the capability to shoot that missile down, imagine the kind of chaotic, horrible tragedies that we would have avoided, including the threat of a retaliatory strike against the country that launched against us if we had the capability to stop that missile before it came into the air space of our country.

Mr. Speaker, to me it is a pretty basic defense. Mind you, I use defensive missile system throughout my language. We are not talking about building a brand new offensive missile system. It is a security bubble in the air over the United States. It is not an offensive missile system. It is not designed to be that. It is designed with one purpose in mind, and that purpose is to solely protect the people of the United States against a missile attack.

Well, let us look at the history of the anti-ballistic missile treaty. The anti-ballistic missile treaty was signed by President Nixon and Leonid Brezhnev, the leader of the Soviet Union, May 26, 1972. This is an important date. 1972 in Moscow. It was ratified by the United States Senate in 1972 and entered into force on October 3 of the same year. It is a relatively short treaty consisting of 16 articles that fit single spaced onto five sheets of paper. So colleagues, I know that some of us take a look at the treaty books that we have in our offices, the treaties of the United States, those books are very thick.

Before I first read the anti-ballistic missile treaty, I prepared myself for a long treatise, a long document, many, many changes of very complicated language discussing treaty obligations between the United States and the USSR. Remember that is where the agreement was made. To my surprise, it was six pages. Six pages.

So, colleagues, if Members have not read the anti-ballistic missile treaty, you must read it tomorrow. Why do I say tomorrow? Because the President of the United States rightfully and, frankly, I think it is his responsibility, which he has shouldered very well, but rightfully he intends this week or very shortly to announce that the United States of America under the terms of the treaty, under those six pages, under the agreement contained in those six pages, that the United States of America will withdraw from the treaty.

There will be lots of constituent questions here in the next few days. There will be lots of commentary in the news. There will be lots, maybe not lots but some dissension. I think it would benefit Members to pull out that six-page treaty and read it. But tonight I am going to brief Members. It would take us 4 or 5 minutes to read all six pages, but I would like to highlight key provisions. This treaty was in 1972. We are in 2001. We have 29 years. This treaty is 29 years old. I think we need to go back to the point in time 29 years ago and talk about the treaty and what threats existed 29 years ago when Richard Nixon, as President of the Nation, felt it was in the best interest of the Nation to sign this treaty.

Twenty-nine years ago there were only two nations in the world that really had the capability of delivering a nuclear missile or a ballistic missile across an ocean into the borders of another country. Those two nations were the United States of America and the USSR. There was a lot of academia about how do we avoid an arms race between the USSR and the United States of America; how do we limit how many missiles are going to be out there.

The academia at that time came up with the conclusion that the best way to avoid proliferation of missiles and the best way to avoid a war between the USSR and the United States of America would be an unusual and unique approach, and that unique and unusual approach was that both countries would agree not to defend themselves. Understand what I am saying. The USSR and the United States of America would agree not to defend themselves against a missile attack by the other country. Now to me that sounds insane. Twenty-eight years ago I would not have agreed with the academia any more than I agree with them today.

□ 2100

I would not have agreed that the way to stop or avoid a missile attack against your country is to have a treaty with one country that you cannot build a ballistic missile defense system against any country in the world. But let us go back again to 29 years. The thought was that there are only two nations in the world that have this capability, the USSR and the United States of America. They put together this treaty.

While I disagree with the substance of the treaty or the theory of the treaty, that being that the best way to avoid a missile attack is that you would not be able to defend yourself, so therefore, you would not start a fight with the USSR nor would the USSR start a fight with the United States of America because both countries knew they did not have the capability to stop a retaliatory strike against them. That is the theory. But fortunately the people who put this together, the people that put this treaty together, understood that things change. In the technological world of 29 years ago, they thought change was pretty rapid. So they wanted to include in this treaty a special provision. I think it is very important that we look at the provision in the treaty.

They had the foresight to understand that there could be changes and not simple changes but changes that met a much, much higher standard, substantial changes, extraordinary changes, and that if the world changed sometime in the future, both the USSR and the United States of America wanted within the four corners of that agreement, within the antiballistic missile agreement, both parties wanted the ability to withdraw from the treaty so that they could appropriately address the extraordinary circumstances that might occur.

There are some extraordinary things. The world is extraordinarily different today in regards to missiles, proliferation of missiles, proliferations of nuclear capability, proliferation of attacks of terrorists, as we unfortunately have felt in a very deep and hurtful wound just a couple of months ago.

It is my premise tonight that extraordinary events have occurred. So now I think we should revert back to one of the articles within that six-page treaty and see exactly what it says about withdrawal from the treaty, because the President has put the Nation on notice. He did this in his election. He said that it is an outdated treaty. He is absolutely right. The President and his Cabinet, his Vice President, Condoleezza Rice, Secretary of Defense Rumsfeld, these people have made it a commitment of their responsibility to this Nation to protect the security of the people of this Nation. In order to do that, one of their high priorities is the capability of this Nation to stop a missile from coming in within its borders. So they have looked at the treaty. Tonight I want us to look at the treaty to see whether or not the President will be justified in saying that extraordinary events that threaten our national security interests have occurred, which therefore allow our Nation and this Congress to support our President, that would allow our Nation, as led by our President, to withdraw from that treaty.

The ballistic missile treaty, they call it the ABM treaty. Those are the initials they use for it. This treaty shall be of unlimited duration. Each party shall, and notice the word ''shall,'' shall in exercising its national sovereignty, have the right. Remember, it is a right. There is no breaking the treaty. I have read some of the media reports on this, and I am sure some of the commentary coming up in the next few days are going to talk about how the United States of America broke the Antiballistic Missile Treaty. We are not breaking any treaty. We are not walking away from any responsibilities in any treaty out there, especially the Antiballistic Missile Treaty. In fact, within the four corners, within the corners of this treaty, it is a right to withdraw from this treaty. What the President has correctly said is that the United States of America intends to exercise that right and withdraw from the treaty.

But let us see what it takes. What does it take? Let us see what it does take to be able to exercise that right to pull away from the antiballistic missile treaty and allow your Nation to build a missile defense system to protect its citizens.

Let us repeat the sentence. Each party shall, in exercising its national

sovereignty, have the right to withdraw from this treaty if it, not the opinion of other countries, not the opinion of the other party to the treaty, but if it, if our Nation, our Nation decides that it is in the interest of this Nation to withdraw from this treaty, it is a right that we have. The power of that decision does not rest with France or Europe or the USSR. It rests with the United States of America. If it decides that extraordinary, and this is a very important term, extraordinary events related to the subject matter, missiles. Missiles, that is our subject matter.

So we have met that. The subject matter of this treaty have jeopardized its supreme interests. This is the key paragraph. This paragraph is a paragraph which in the next few days we will hear lots of commentary about it. I hope we have good discussion on this House floor, because this is a vital paragraph to the future of America. If we want to provide a security blanket for this Nation, which I think we have a fundamental responsibility to do as Congressmen, if we want to provide a missile defense, we have to be able to utilize this paragraph. We have to be able to justify to our partner, the USSR, which although it does not exist as the USSR, it has kind of melted into Russia, to Russia that we are within our rights to pull out of this treaty. It is in our interests to begin to provide a missile defense system for this country.

Of importance, notification, it shall give notice of its decision to the other party 6 months prior to the withdrawal of the treaty. Such notice shall include a statement of the extraordinary events the notifying party regards as having jeopardized its supreme interests.

So we know it is a 6-month period of time, and what date the President decides to use, I do not know yet, but I am confident that the President will make a firm announcement within the next couple of days that, in fact, the United States intends to withdraw from the treaty under the rights of the treaty and that the United States at that time will give the date of inception for the 6-month notice.

These are important, but the key paragraph is this: Number one, we as a population, we have to figure out, okay, what is extraordinary? In the last 29 years, what has happened that we could properly define under any definition of a dictionary, the term extraordinary events? I want to show you what I think are the extraordinary events. That is question number one, extraordinary events. And, number two, they have to meet a qualifier, and, that is, they have jeopardized our, its, us, the United States, they have jeopardized our interests.

Let me show my colleagues a poster that I think should really get their attention. It is what has happened in the last 29 years. Remember when you look at the last 29 years, you have to figure out the technological rate of growth. As we know, every year that goes by, we see a disproportionate increase in the amount of technological knowledge, in the amount of technological gain. So it is not an even graph. You are not going to have a graph whose line looks like this. You have a graph over 29 years that goes like this and all of a sudden it is increasing at an increasing rate. That is the technological advancement. Let us take a look at what extraordinary events have possibly occurred in the last 29 years that would allow our President and this Nation and my colleagues and I to stand up and say the treaty is outdated, and for the interests of our partner, Russia, and for the interests of the United States, we should exercise this article, this right within the treaty.

Nuclear proliferation. Take a look at what has happened in the last 29 years. It really does not serve as any kind of surprise to my colleagues, because we all know it is happening. These are the countries that now possess nuclear weapons. Remember, it used to be the United States and it used to be the USSR.

Now take a look at what we have got, all the various countries: Britain, India, Russia, China, Israel, France, Pakistan, Iran, Iraq, North Korea, Libya, Turkey. There are some on here that I do not even have listed. There is no question that an extraordinary event has occurred. Not a good event, but nonetheless let us be realistic. The extraordinary event is that we have seen a tremendous amount of nuclear proliferation. If you read today's papers, and I am sure most of my colleagues have, you noticed in there that two nuclear scientists spent an entire day, maybe more than a day advising and talking about nuclear weapons with Osama bin Laden. This is a dangerous situation. At some point, somebody will attempt to use a nuclear weapon against the United States of America.

Would you call that an extraordinary event? I certainly do. I think the insurance is something we better start securing today. The insurance for the future, the insurance we owe not only to our generation, but the insurance we owe for future generations is to provide a security blanket around the United States of America and its allies so that at least we have the capability of preventing a nuclear missile attack against the United States.

That is extraordinary event number one. Let us talk about extraordinary event number two. Look long and hard at this poster. This is ballistic missile proliferation. Remember, 29 years ago, there were only two nations in the world, the United States of America and the USSR, that had the capability of an intercontinental missile, of a ballistic-type missile. Look what has happened in 29 years. This is the map as it looks today. These are countries that now possess ballistic missiles. Take a look at them. Afghanistan, Algeria, Argentina.

I will just skip to Croatia, China, Egypt, France, Iran, India, North Korea, South Korea, Saudi Arabia, Russia, Ukraine, United Kingdom, Vietnam, Taiwan, Syria, South Africa. Take a look at the map. That is what we are trying to get an insurance policy against. That has happened in 29 years. Today it is increasing at an even faster rate. It is not unrealistic at all to imagine that 10 years from now, there will be a lot less white on this map than there is right now. You may have most of the world covered in blue. If we do not prepare today, if our Nation does not exercise its right to protect itself by providing a security blanket for this Nation against the missiles of these parts of the world, remember, today a friend, tomorrow they may not be. Today an enemy, tomorrow they may still be an enemy.

My point is this, and let us go back to our original provision. Just those two events alone, nuclear proliferation and ballistic missile proliferation, qualify in my opinion as an extraordinary event that is related obviously to missile defense that have jeopardized our supreme interests. If my colleagues do not call the proliferation of ballistic missiles or the proliferation of nuclear capability serious jeopardization of our supreme interests, then you are not awake.

□ 2115

The fact is, this country faces a threat; a threat, in my opinion, that could be much more devastating, if we could imagine, much more devastating than the horrible events that took place in this country two months ago.

So my purpose in appearing tonight is to tell you I could go through some other extraordinary events. Look at where terrorism has come from. I mean, look how much more active it has become in this world. The world has realistically become much smaller, and the hatred in this world now is easier to spread through weapons of mass destruction.

This Nation has the capability to protect itself, and that is the next question we want to ask ourselves. You will hear from some of my colleagues, some might say, oh, my gosh, we could never do it. We do not have the technology available.

We do not have it today, because the treaty does not allow us to have it today, but we are well on our way towards overcoming the technological barriers that stand in front of us. Remember, you have a couple of missiles. You have to bring them together at 5,000 miles an hour. We have got to have a satellite system for detection and for laser intercept. There are lots of things that have to happen.

But do not think for one minute that the car you drive today was the car that we originally started with 100 years ago. Do not for one minute think those fighter aircraft that are fighting over Afghanistan protecting our interests, the bombers, or the Jeeps or the

vehicles or the weapons or the laser items we are using, was what we started with in the beginning. Obviously we progress.

It is incumbent, and I could not say this strong enough, it is absolutely our responsibility, it is incumbent upon us to push ahead with the technology to protect this Nation, to push ahead with the security blanket that this Nation will some day need.

I do not know how any of my colleagues today could stand up and look their constituents in the eye and say, I am going to oppose building a missile defense system for this Nation. Do not go out there and use as an excuse to your constituents, well, it is a big waste of money. I am telling you something: If we do not build a missile defense system, those are statements that some day will come back to haunt you in such a way you will not even be able to look in the mirror.

I do not mean to overstate my position. Obviously I believe very strongly, and I have a very deep, deep commitment, that this Nation's security is the highest priority, it is the most important part of our job. Sure, there are a lot of important issues. Education is important, health care is important, our transportation system is important, our judiciary system is important. But if you cannot protect yourselves, if you do not have the capability to keep the enemy from entering your garden, you are in big trouble.

I can think of no higher priority for an elected representative of the people than that of protection of the people that he or she represents. That is exactly the question we face, whether we support the President or whether you do not support the President.

The President will this week announce that he intends to give notification that under the provisions of the Antiballistic Missile Treaty the United States of America will exercise its right to withdraw from the treaty and proceed to build a system that will protect this Nation from a missile attack.

Now, I want you to know that many of our allies have expressed support. Italy, for example, Taiwan, Korea, there are a number of other countries out there. What will happen, once we get through this next few weeks, I think you are going to find all of a sudden a lot of other countries saying, hey, do you mind if you share a little of that technology with us?

I think the United States ought to be willing to share the technology, because I think it is a good way to avoid future conflict. I think it is a way to help limit nuclear proliferation. I think it is a way to help limit proliferation of ballistic missiles.

So, Members get a week. This week. Every one of us in this Chamber, every one of us in these Chambers, is going to be asked by our local media whether or not you are going to support the President's move to withdraw from the antiballistic missile treaty? For those Members who have chosen to say no, and, by the way, I hope the media puts you right on the spot, either yes or no, no cloudy area; you either support a ballistic missile defense system for this Nation, or you do not support it. There are no if's. So I hope the media says, wait a minute, do you or do you not? Just yes or no. Do you or do you not? That is the answer, yes are no. The choice is simple.

This week, and I am not saying this to be harsh, I am not saying this to be offensive in any manner, but it is fact, it is reality, this is probably one of the most important questions of our political career. Are you going to support President Bush in his quest to build a security blanket against missile attack for United States of America? If the answer is yes, then give us your full support. If the answer is no, I hope you really, really think about that answer before you give it, and I hope you think about not only your generation, but your obligations to future generations. Because, if you do, if you think about your generation, our generation, our Nation and our future generations, if you really think about it, I do not understand how you could possibly say no, that the United States should continued to obligate itself to a treaty that says we should not build a system to defend ourselves against either an intentional or an accidental missile launch.

With that, Mr. Speaker, I would like to move on to my second subject. The second subject I want to speak about is totally and completely away from the first part of my comments this evening. I want to speak about a very parochial interest. I want to talk about the State of Colorado and the interests of the State of Colorado.

Obviously there are only six Congressmen from Colorado. There are probably only six Congressmen on this House floor that are going to be interested in my comments in regards to the State of Colorado, and, guess what, the redistricting process.

As we know, every 10 years, based on a census across the Nation, every one of our States redraws their Congressional districts. Now, the easiest States for that decision to be made in are States that only have one Congressman.

Because of the census, because of the population having gone up, but some populations in respective States have gone down, or in other respective States have gone up, there has to be a balancing act. As my colleagues know, some States gain Congressional seats; other States lose Congressional seats. In this particular case, the State of Colorado because it has gained population, moves from six Congressional seats to seven Congressional seats.

Now, to get to that seventh Congressional seat, to give it a geographical area within the borders of the State of Colorado, that means that the other six, obviously, the other six Congressional districts have to give up geographic and populated mass.

Where do you fit that seventh seat in, with the least amount of disruption, the least amount of disruption, to the current voices that the State of Colorado has?

Now, in Colorado, which is where the Republicans, by the way, have a heavier registration advantage than the Democrats, so in Colorado we have, logically, four Republicans and two Democrats. Now, that can vary, but that is pretty representative of what the population base looks like in Colorado.

Mr. Speaker, I am not an expert on the other Congressional districts in Colorado, other than my Congressional district. I say ''mine,'' it is really the one I am privileged to represent, the Third Congressional District of the State of Colorado.

I think it is important that I define it. Some people define it as the western slope of Colorado, but that really does not include all of the Third District of Colorado. The mountains, the western slope of Colorado, really is well-known throughout the Nation primarily for its mountains, but, again, it does not include all the mountains and it does not include all the Third Congressional districts.

Some people say, well, the Third District is the San Luis Valley. That is a very critical part of the Third Congressional District. It is a part of the district that is very compatible with what some people say is the western slope of the district. But the San Luis Valley standing alone is not the Third Congressional District.

What the Third Congressional District really is composed of and the easiest way to think of it is it is primarily almost all of the mountains in the State of Colorado.

Let me give you some statistics about the Third Congressional District. As it stands today, it is the highest district in elevation in the Nation. In other words, there are no higher points in the United States for a district on a mean average. We have 67 mountains in the United States that are over 14,000 feet. Of those, 53 of those mountains are in the Third Congressional District, 53 mountains over 14,000 feet.

So the Third District, really a fair representation of what the Third District looks like or should be described as is the mountain district. When you go to Colorado, or when you go anywhere in the Nation, since the mountains of Colorado are highly popular and highly visited, when you go to people and you say, well, I represent the mountains of Colorado, or you are in the State of Colorado and say I have the mountain district, nobody has to think for more than two seconds exactly what district you represent, because it is unique by geography, it is unique as compared to anywhere else in Colorado, and it is certainly unique as compared to any other district in the Nation.

Now, within the borders of Colorado, the Third District stands out in Colorado for its uniqueness. What are those

unique factors in the State of Colorado? Let us go through a few of them.

Let me begin by saying that at the conception of our country many, many years ago, there were purchases made by the United States to expand and to grow our country. The Louisiana Purchase is one that is probably the best known. And most of our population in the United States was heavily concentrated on the East Coast.

So our leaders, our great leaders back then, thought, well, how do we expand our country? We have purchased land, but having a deed, having a deed to a piece of property as we did after we purchased the Louisiana Purchase, having a deed did not mean too much. If you wanted to own land back in those days, you really needed to have a six-shooter strapped on your side and you needed to possess the land. You needed to be on it.

So our Nation has just acquired new lands. Put yourself back in their place. We just bought new lands. Now we have to get people out to those new lands. But the people that we represent are very comfortable in their homes on the Eastern Coast. How do we get them to move in to the center of the United States, into the Rocky Mountains, over to the Pacific Ocean? How do we get them to move to that direction?

You know, every American has a dream, and that dream is to own land. So our leaders decided to use a tool that had been used in the Revolutionary War. It is called land grants, homestead. It actually was used in the Revolutionary War. Our leaders said to soldiers of the British, if you defect, we will give you free land. Come to our new country. We will give you free land. You will own it.

They decided to employ that tool again, the tool of homesteading. In other words, tell people that if they will go out into the Louisiana Purchase, those vast lands, and they farm 160 acres or 320 acres, and they do it for a certain period of time, it is their's, and it is their's forever.

Well, they ran into a problem. In most of the lands in the East, and certainly the lands actually up to the boundaries of about the Third Congressional District in the State of Colorado, you could easily, for example, clear up here in Eastern Colorado, Nebraska, Missouri, any of those States, 160 acres, you could support a family off it. It was very fertile land, and 160 acres was plenty of land to support a family. But when you hit the mountains of Colorado, and it also pertains to the mountains of Wyoming, Montana or New Mexico, when you hit the mountains, 160 acres, that does not even feed a cow. You cannot get by on 160 acres.

So they go back to Washington to our leaders and say, there is a problem. We are getting the population to move out into our new land, to grow our country.

□ 2130

But they are stopping when they get to the Rocky Mountains. They cannot make a living of it. So somebody pops up and says, well, let us give them more land. If it takes 160 acres in eastern Colorado; now, again, I want to be parochial about my discussion tonight and kind of focus in on Colorado, and it takes only 160 acres on the other side of the third district boundary for a family to survive, what does it take on the western side of that boundary, 3,000 acres? Let us give them 3,000 acres.

But what had happened is that this was a period of time where the government, where our leaders were under harsh criticism because the people were saying, you gave too much land away to the railroads. This Intercontinental Railroad that you wanted to build across the Nation, you gave away too much land. There was a scandal. Too much land has been given away by the government to these big railroad corporations. So our leaders were very sensitive, very sensitive about giving any more land away.

So they said, well, what we ought to do is let us just, for the formality, let us let the government keep the title to the land and we will let the people use the land. That is the concept of multiple use. The government owns the land, they are called public lands, but the people are allowed to use them.

Now, remember, when we take a look at a map of the United States, we will see across the Nation that up to the borders, literally, the borders, in Colorado up to the border of the third district, we will see very little public land. Out here in eastern Colorado, take a look at it. This is Bureau of Land Management lands. They are probably the largest holder of government land in the West. Look at how little land they own. Look where it starts. It starts right on that boundary of the third congressional district. The third district of Colorado is the public lands districts, and there are lots of issues with public lands, whether it deals with water, whether it deals with access, whether it deals with the concept of multiple use, whether it deals with wilderness areas.

We do not have wilderness areas out here. Our wilderness areas are focused on the public lands, and in Colorado they are public lands, here, as shown by this diagram to my left, the public lands are the Bureau of Land Management, they rest in the mountain district, the third district, the mountain district. Let us look further.

The U.S. Forest Service, again, another large holder, another large agency, or an agency that has large holdings of government land. U.S. Forest Service lands in Colorado. Look at the black line as depicted on this map to my left, that line is the third congressional district. That is the mountain district of Colorado. These green lands represent land owned by the government. We can see that outside the mountain district, out here in these other 5 congressional districts, there is very little land owned by the government, very little Forest Service land.

In fact, in some of these communities when they talk about public land, we think they are talking about the courthouse, because literally in these counties, that is all the public land there is. So there are fundamental differences between the mountain district and the rest of Colorado when it comes to government lands. I think I have demonstrated that with the Forest Service and the Bureau of Land Management.

However, there are other differences. For example, our national parks. The national parks are primarily located in the mountain district. Most of Rocky Mountain National Park, or a big chunk of it, the Mesa Verde National Park, our national monuments, the Black Canyon National Park, the national parks in Colorado are primarily located in the mountain district. The same thing applies to our monuments. The majority of monuments, national monuments in the State of Colorado are located in the mountain district. The interests of the mountain district, the community of interest revolves around public lands. Public lands is a huge community in the mountain district of Colorado.

Now, it is not a community of interest in eastern Colorado, it is not a community of interest in Denver, Colorado, and it is not a community of interest in anywhere, frankly, other than the mountain district. But we can go on, we can go on from public lands and continue to study the uniqueness of this mountain district. Take a look at the head waters of the State of Colorado.

Now, we will remember earlier in my comments I mentioned that this district, the mountain district, is the highest district in the Nation elevation-wise. That includes the mountains, it includes the mountains of the San Luis Valley, it includes the plateaus of the San Luis Valley, just as much as it includes the plateaus of the Grand Mesa. These plateaus are all high. We get lots of snowfall every year, hopefully we get lots of snowfall every year. A little plug for skiers: we have lots of snowfall this year, but we usually have lots of snowfall.

Now, in the mountain district of Colorado, we get very little rain. I never saw a rainstorm until I got back to the east. Our rains out there maybe last 20, 25 minutes. It is a very cold rain, it usually comes in and moves out very rapidly. Where do we get our water? We depend very heavily on the snowfall for our water. Then, when the snow melts, that is when we are able to store it. If we cannot store water in Colorado, and primarily, that water has to be stored in the mountains of Colorado, if we cannot store water in Colorado, we do not get it, except for about 60 days of the runoff.

So water is a critical factor in the mountain district. It is not a critical factor just to the mountain district, but the mountain district, logically, because it is the highest point in the Nation, has more head waters in it

than any other district in the country. It is what they call the mother district of rivers, that mountain district. We have the Colorado River, we have the Rio Grande River, we have the South Platte River, we have the Arkansas River. Take a look. Here is the third district. Take a look at the head waters that it has and the water basins.

Now, let me add that the head waters of the river, that is where the river starts. The head waters of a river have a different community of interest than a user of the river downstream. They are completely different communities. They do have in common that they use water out of that river. But where the river starts is a lot different than the location where the water simply runs through. Both of those communities have differing interests. Both of those communities have differing utilization of those water resources. Both of those communities have differing environmental factors to consider. So water is a critical issue.

In Colorado, there is one spokesman, there is one congressional district that can speak for those head waters. Now, the only way that we could increase, have more than one Congressman for the mountain district is to split the mountain district. But if we split the mountain district of Colorado in an effort to provide land for the seventh district, this seventh seat, if we split this district up, what happens is, let us say we did it like this, to the left, or let us just say we came down here and tried to take out the valley, which is very illogical, because the valley is locked in to these mountain communities. The valley is the mountain community. Just because it is a plateau, it is like the Grand Mesa, we could be on the Grand Mesa and think we are at 13,000 feet.

But my point here is that if we split this district up, that is right, we would have two Congressmen, and I say that generically, we would have two Congressmen instead of one. But because, in order to justify the population, we would have to go east, east of the mountains. We would have to leave the mountains and go out of their community of interest into the flat areas, into the planes, into the large cities of Colorado to get the population that is necessary to justify that congressional seat.

What does that mean? That means when election time comes around, the numbers, the largest percentage of population is not in the mountains; the largest percentage of population is in the cities or in the plains of Colorado. They then determine who is going to represent the interests of the mountains of Colorado.

Now, remember when it comes to water, the mountains in Colorado provide 80 percent of the water. Eighty percent of the water in Colorado is in the mountains. Eighty percent of the population is outside the mountains in Colorado. We have an inherent conflict. We have one portion of Colorado that is rich in resource and another part of Colorado, by far a big part of Colorado, that is rich in need. They need that resource. So there is a constant tug of war. There is nothing more that the people in need of the water would like than to have control of the mountain congressional seat. That is what I am concerned about on this redistricting process.

When we take a look at the mountain district, it is true that we have to give up about 106,000 people. Fortunately, the district, it is almost like it was made for this process, because in this district we have a community called Pueblo, Colorado. It is a strong community. It is a community that has been a leading example across the Nation of economic recovery. But the community has about 130,000, 135,000 in their county.

We can actually go in without any kind of severe disruption. Since we have to find 106,000 people, we really have two choices. We can go into Pueblo, Colorado and pick up out of the city, right there, 106,000 right out of Pueblo. But if we do not take that 106,000 out of a relatively small area and, by the way, it would be about the size of, the head of my pointer would be about the size of the area that we would take out of this district. Let us put up a better graph; it would probably be right here. Right down here would be Pueblo, the gray head of this pointer, right here. That is about the area. If we took that area out, we could satisfy the requirements for the new congressional seat.

But if we do not take it out of Pueblo, Colorado, if we do not move the City of Pueblo, to find 106,000 people in these mountains, we are going to have to take huge chunks of land. We are going to have to interrupt, we are going to disrupt the community of interest in regards to national parks, in regards to water, in regards to national forest land, in regards to Bureau of Land Management land; even in regards to the tribal lands. All of the tribal lands in Colorado are in the mountain district. This district is so unique that there is an obligation, I think, of the legislature and of my colleagues to keep this district intact, to let this district have one voice.

Now, some would say, well, that is kind of interesting, coming from you, because you are the one that is the Congressman. Is this not a little self-serving? Let me tell my colleagues, I will win any race I have out there. The geographical area of my district is not of concern to me for my own political interests. The critical key here is, I am the one that is expected to speak up for this district when this redistricting occurs.

So as the spokesman for the district, I have to look into the future. I have to say into the future, what is important for the interests of the people of the mountain district of Colorado? Is it important, for example, that the heaviest population be outside the mountains, the water consumers, instead of the water suppliers? It would be a disaster for the mountain district. Is it important to keep all forestlands unified as they are right now? You bet it is. Is it important that the public lands in Colorado, to the extent possible, which, by the way, is about 98 percent, is it important that 98 percent of the public lands be in the mountain district where they are located with one unified voice?

The answer is, you bet it is. Is it important that our Forest Service lands right here stay in that district? You bet it is. The community of interest of the third mountain district, the third congressional district is overwhelming. We have a problem. We have too many people. We have to move 106,000 people. I do not want to move anybody. I do not want to lose one single soul, not one single soul out of the mountain district. But look, the law says, hey, the third district, the mountain district, is going to have to give up 106,000 people. Where are you going to come up with them?

So with great regret, the only logical place to find 106,000 people is Pueblo. Now, I think Pueblo should be protected in its own way. Pueblo should be the predominant community in its own district. So Pueblo can be taken care of, and it is very important to me personally and as their Congressman that Pueblo be taken care of. But it is illogical, illogical to come out here and divide the mountain district, by either taking the valley out; which taking the valley out of the mountain district is like taking the heart out of the patient and saying, look, the patient is still pretty whole, we just take the heart out.

We cannot take the valley out of the mountain district. Look at the water issues, the mountain issues, the public lands, the national forest, the Forest Service lands, the agriculture, the timber industry, the mining industry, all of these are unique to this district in Colorado.

□ 2145

We do not have logging out there in eastern Colorado; we do not have ski areas. We have 26 ski areas in Colorado, and 24 of them are right here. Our major ski areas are right here. We do not see any ski towns in Denver, out here in the eastern plains, for obvious reasons.

The community of interest, there is a huge community of interest in our ski community and our ski towns that have to deal with employee housing, that have to deal with public land issues, that have to deal with wilderness areas, that have to deal with any multitude of management of Federal lands, that is all unique to this district.

The mountain district, in my opinion, is one of the most unique districts in all of the United States. There are 435 districts. It is probably one of the most well-known districts in the

United States because of the resorts: Aspen, Vail, Steamboat, the beauty of the San Luis Valley, the mountains. You name it, a lot of people who have traveled, a lot of people who have traveled in our Nation and been fortunate enough to travel have been to the mountain district of Colorado.

It would be a shame, it would be wrong, but it would also be a shame to go into Colorado and divide that mountain district, divide its unified voice, divide its ability to elect its representative from the mountains.

If we divide this district up in any significant way, we are going to shift the political power out of the mountains into the big cities, or out of the mountains into the plains. There is not a community of interest there.

Obviously, we feel very proud of the fact that we are all Coloradans, and we love those Colorado Buffaloes. There are a lot of things on which we feel as a State we are unified. But within the family, some parts of the family have assets and the other parts of the family have different assets. We all bring to the table our own unique strengths.

It would be a mistake within the family to take one of our family member's strengths, and I am speaking of the districts, and to split it up. What we should do is try and maintain the strength of each member of our family. We have six members in our family. We are bringing in a seventh member. What we need to do is, with the least amount of disruption, to provide for the seventh member of the family.

We can do that by protecting the interests of Pueblo, for example, and yet protecting that community of interest which bears out so strongly, so strongly in Colorado.

Again, let me just repeat, and I could go on in much more explicit detail, and I am sure that I will be doing that within the immediate future, but my point is this: the mountain district of Colorado, which includes the headwaters of the rivers of Colorado, which includes the San Luis Valley and the vast mountain ranges of the San Luis Valley and the plateaus, the high plateaus, and the western slope, what some people have called the western slope, that all combines now to make a very well-suited, a very strong and a very commonsense district when we consider the community of interest.

Again, that community of interest is everything from ski areas to tourist traffic, the heaviest tourist communities. People go to Colorado to see the mountains. They go to Colorado primarily to see the mountain district. Now, sure, they love to go see the Air Force Academy, that is gorgeous, and things like that. But overall, when we speak of Colorado, we think of mountains. That is the mountain district.

So it is not only ski areas, it is not only tourism, it is the water. Remember that I said earlier that the mountain district has 80 percent of the water. The other five districts have 80 percent of the consumers. It is the national forests. By far, the mountain district probably has 98 percent of the national forests. It has probably three and a half of the four national parks. It has almost all the national monuments.

When we take a look at it, and in fact, if we think about it, the sports teams, even the sports teams here, they do not go out of the mountains to play other sports teams, they play within it.

So I urge that we keep the mountain district unified.

H.R. 1, NO CHILD LEFT BEHIND ACT, A GOOD BEGINNING WHICH REQUIRES ADDED RESOURCES TO ASSURE AN EDUCATED POPULACE

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, tomorrow or the next day we will have on the floor the long-awaited H.R. 1, Leave No Child Behind Act, an education bill initiated by the President shortly after he was sworn in, inaugurated.

It is a landmark event. It is a history-making event. We should all look forward to it. It is an example of intensive bipartisan cooperation. It does break new ground, and we should see it as a commencement, a second commencement.

Lyndon Johnson began the Federal role in elementary and secondary education more than 40 years ago when he initiated the first Elementary and Secondary Education Assistance Act, primarily designed to help poor school districts, poor children in poor school districts. This is a continuation of that, a reauthorization of it; but I think it has many elements which will move us forward. It has a lot of bipartisan agreement.

We have moved from a situation which existed about 8 years ago where one party was calling for the abolishment of the Department of Education, and I think the Contract with America set forth by Speaker Gingrich called for an end to the Federal role in coordinating education. We had a very intense year of debate on that; and we fought an attempt to cut school lunch programs, we fought an attempt to cut Head Start. It was the depths of bipartisan conflict on education.

Fortunately, the American people let their voices be heard, and they made it clear through the polls and through the focus groups that they considered education to be a high priority, and they wanted more Federal participation in education.

By 1996, in the process of reauthorizing or setting forth a new budget, the end of 1995, actually, the party in power here in the House, the new party in power, the Republican Party, saw the light, and suddenly they began to support the Federal role in education. The appropriation process I think indicated that when we got a big increase, a more than $4 billion increase in education as a result of the majority Republicans responding to the will of the people. It would have been very disastrous if they had not recognized it and stopped the call for the dismantling of the Department of Education.

So we are at a point now where the perception of the public, according to recent polls, is that Republicans and Democrats are pretty much the same in terms of their support for Federal involvement in education, in terms of their support for education. Whether I agree with that perception or not, that is the perception of the public. This bill shows that the two parties can reach agreement about the same thing, and it is a positive achievement. But in my opinion, it ought to be a second commencement.

Now we agree on the basic role, and now we set some basic new directions where I think one of the parties can certainly distinguish itself at this point by recognizing the great need for more resources. I hope it is my party.

I hope we wake up to the fact that all that we have done is important, and nobody should minimize the importance of the bill that will be on the floor, but the great flaw in the bill is that it lacks resources. It does not have the resources to do the job that has to be done.

Let us just stop for a moment and consider some of the activities that are taking place in this first year of the 107th Congress. We have a monumental challenge. September 11 certainly heightened and escalated the nature of the challenge, but we had a challenge already in terms of a faltering economy.

Things have been happening here which require some very difficult decisions to be made. In this democracy of ours, keeping the economy going, reacting to a new kind of threat, waging a new kind of war requires an educated population.

I think governance of any modern industrialized society, that is far more difficult than nuclear physics. The governance of a modern society requires first of all an educated population. The most important resource we can have is an educated population.

So the achievement of Congress, the two parties, in reaching the agreement that has been reached that will be on the floor here is not just a passing matter. Education is not just an ancillary kind of operation, off to the side, ancillary because, after all, the Constitution does specifically say that the Federal Government is not responsible for education, that it is the responsibility of the States and local governments. We have participated sort of as a stimulus and a catalyst to make things happen faster and better, but we are not really responsible. We do not understand it to be a major function of the Federal Government.

I thoroughly disagree with this, and I think that in our new commencement

of the Federal effort, commencement number two, in my opinion, that this bill could be, we ought to take hold of the fact that education is at the very heart of our effort to maintain our society and to move to the point where we can master the complexities of a society which is really moving toward kind of a cybercivilization, even if it did not have these threats that are very real, the organized terrorist threat that has clearly stated objectives.

''Mein Kampf'' was a statement of Hitler's objectives, and if folks had just taken Hitler more seriously earlier, perhaps things would not have reached the point, the destructive point, it reached, because he clearly said what he wanted to do today and was going to do.

If there was a terrorist power that says that our society is a modern society which is a decadent society which must be destroyed, and our policies with respect to assistance and aid to the democracy in Israel is unacceptable, but that is just only one thing that they find unacceptable, they find it unacceptable that our women do not have to cover themselves up, and we are too modern in allowing women to be equal to men in our decision-making, they do not particularly like democracy because they have kings and sheikhs and other kinds of people who make the decisions, and our whole way of life is threatened, that is very real and we have to rise to meet that threat and understand the seriousness of it when it is also backed by tremendous amounts of wealth, the oil money in the Middle East which finances the whole thing.

So we have a serious challenge, and in this session we should be rising to meet that challenge. September 11 in my home city of New York was a horror that no one could have ever imagined. Yet September 11 shows how vulnerable our society is, how complex it is, and how a strike at one nerve center could have a domino effect and impact on our entire Nation.

The recession was already in place, so we cannot blame September 11 for the continued downturn and the escalation of the economic downturn, but it certainly had a great impact on it. Communications were disrupted, the financial center of the United States and of the entire world was almost brought to its knees, and Wall Street really shut down for a few days.

So it is very real, and as we marshall our resources to meet this threat, let us not put education off to the side as being something that is nice to do, but really is not at the heart of it.

Our previous speaker spoke very eloquently and forcefully and intensively about the need for a ballistic missile system: Are you with us or are you against us? Are you for a ballistic missile system or are you not? That is going to save America, a blanket to protect us.

Well, Mr. Speaker, the terrorist enemies that we are up against, very clever enemies that we are up against, used airline passenger planes as weapons, and some fanatic out there has used envelopes in the mail as weapons.

I am more frightened of the anthrax scare than I am of a repeat of what happened on September 11 in terms of the hijacking of four planes on one day and the ability to use those planes as weapons. I do not think that will ever happen again in America.

But the anthrax threat and the ease with which somebody out there can threaten a whole system, shut down some offices in Congress, bring the postal service to a halt, that is very frightening.

□ 2200

And so we are going to need all the resources we can marshal.

We are going to need a well-educated populace. We should not ever be in a situation again where the anthrax cleanup is so slow because there are not enough specialists around to do it, especially since anthrax has been a concern of ours since the Gulf War. We began to be concerned about anthrax since the Gulf War. We even vaccinated large numbers of American troops to deal with the possibility of an enemy who might use anthrax. So I was surprised when we discovered we had a problem here on Capitol Hill and there were so few people to deal with it rapidly, and they did not know how exactly to deal with it.

There were a number of blunders that were quite obvious from day-to-day on the television set which showed that we were not prepared. I would rather be prepared for that kind of warfare than to put all of our resources into a ballistic missile system and to make that the great test of whether we really care about protecting America or not. A ballistic missile system will cost billions and billions of dollars, and there is a doubt about how effective it would be. And even if it is very effective, and once it is put in place, can be expected to do what it is supposed to do, we are dealing with an enemy which can quickly see that the use of anthrax through the mail or the introduction of smallpox viruses in various ways into our society could accomplish far more havoc than a single missile can accomplish at any time, if it is done in a way which catches us off guard, if we do not have sufficient specialists and experts, and if we do not have sufficiently-staffed medical institutions that can detect and diagnose right away.

There are so many areas where we need more expertise, we need more people who can deal with these problems than we have. So September 11 is a wake-up call, a vary tragic kind of wake-up call, but we need to understand the war effort is just one more example of how this Nation will not survive unless it has a better educated population to deal with all of these problems, many of which cannot be predicted ahead of time.

What have we done here in the 107th Congress? In the first year of the 107th Congress, even with the war threat, I do not think we have rallied to meet the challenges that are before us. Day after day, and Christmas is just around the corner, the holiday season is upon us, and there is talk of us having to be here for the rest of the week and then come back next week just before Christmas. It looks like some kind of heroic effort is going on.

After all, there is a war, and so you can understand how the calendar cannot be followed in the manner it has been followed in previous years, but it is not the war, I assure you. It is the great mismanagement of resources here by the majority party.

We do not need to be here, and it is not a good use of taxpayers' resources to have us here. It is not a good use of our time and energy to have us separated from our constituents so much during this period. Many of the votes that we have taken this year, and I must say this because people are watching every Congressman all the time in relation to his voting record. And the voting record is a statistical thing. They do not really want to look into it very carefully, see the details, or what you were voting on, it is just 95 percent or 96 percent or 100 percent, 90 percent, and that is it. How many times you voted on the Journal is not considered, and how many times you took junk votes.

This majority party that we have in the House of Representatives is a master at a new product called junk votes, I call them. Votes that do not matter. Somebody invented the term ''junk bonds'' a long time ago. Junk votes are votes that are really not important at all and are distracting. I guess you cannot say that they are that harmful. A resolution to reaffirm that the golden rule is a good rule to follow. That is a resolution that we would all vote for. It is not going to do anybody any harm. A resolution that motherhood is a great thing. Those kinds of resolutions have been coming all the time this year. Our suspension calendar is full of items that are really quite trivial. We could really have been spending more time at home, we could have managed the serious votes in a manner which would allow us to be here just for serious votes and we could have more time on the floor for serious debate.

The most serious issues, the bills which have the most serious content are the ones we give the least amount of time. That is the way the majority operates here.

I am proud to report that finally we got the conference process back operating in a democratic mode again, and the conference process for H.R. 1, Leave No Child Behind, was a model of what this institution should be all about. The Senate and the House conferees met, they met in public, they negotiated, the staff carried the process through, all the Members were involved, and it was like we were back to old-fashioned democracy. Something

that has not happened much in the last 6 to 8 years since the Republican majority took over.

I know we are not supposed to talk about the other body that much, and that the Chair gave great liberties to two of my colleagues before finally reminding them of that, but let me praise the Members of the other body who worked with us on a conference committee. I think you can talk about a functioning, productive conference committee. We worked very well together and we produced a good piece of legislation. But, again, I am going to come back to its shortcomings. That legislation should be seen as a good beginning, and where we go from there is what I would like to discuss tonight.

But before I get to that, I just want to talk about the fact that an educated population also is a population that must be able to discern what facts are and combat and counteract the stretching of the truth.

I heard two of my colleagues on the Republican majority side earlier tonight talk about the achievements of this House, and they dared to say that we have taken steps to deal with the serious problem of unemployment, we have steps to take care of the needs of workers in an economy which is in a downturn, and that we have done our work. Where are the facts to support that? Where is there a response to the rapidly increasing unemployment? In none of the legislation that passed in this House will you find it.

In many of the proposals that the Democrats have proposed there was a clear effort to try to deal with the immediate problem of unemployment. We had proposals which stretched the number of weeks that you could receive unemployment payments. We had proposed to increase the amount of unemployment insurance the person could receive. We had proposals even to provide 6 months of health insurance for workers who lost their health insurance as a result of leaving. We had proposals for training. All those were rejected by the majority party, yet they stood here on the floor and said that they had taken care of business related to the intense problems faced by workers in an economy experiencing a downturn.

We need an educated population which can sort out those kinds of facts which are very close to home, and no one should be able to get away with distortions of that kind without being challenged by our constituents. It is a complex world. The complexities of the world demand that we have an educated population.

I think the definition of an adequate education probably in most State constitutions is similar to the definition we find in the New York State constitution. Probably not the same wording, but there is a basic assumption when the States took on the responsibility for education that they were talking about an adequate education. They do not mean providing people with some luxury education that will allow them to speak many languages and have their own set of computers and technology, et cetera. But a basic and adequate education, as defined in the New York State constitution, is an education which will allow students to become productive citizens capable of civic engagement and sustaining competitive employment. Capable of civic engagement and sustaining competitive employment.

That is what a sound basic education is according to the New York State constitution. That is no small item, I assure you. To be able to have students who become productive citizens capable of civic engagement and to be able to sustain competitive employment might have been far simpler 200 years ago, when the constitution of the State of New York was written, but in order to be able to sustain competitive employment, you need to know far more than just to read and write. Why not begin with reading. We have a problem just teaching reading.

But we need to understand that the education that citizens need in our democracy demands that they be able to do far more than that, and that is going to cost money. That is going to require a complex system which is accountable. And the other part of it, a productive citizen capable of civic engagement, our democracy will not survive if we do not have citizens capable of civic engagement, who understand what our decision-making process is all about and what it needs to do.

Now, it is to our credit that sometimes the public is way ahead of us. The public, the constituents out there, with the education that we have offered, we must be doing something right because they consistently insist that education should be a high priority of the government. The people of America, for the last 5 to 6 years, have placed education among the top three priorities. In the last 10 years it has been among the top five priorities. So there is something about our populace which makes them understand what the people they elect are quick to forget.

We trivialize education. We do not make it a high priority except in terms of rhetoric. The highest priority items receive the greatest portion of the budget. There is a correlation between appropriations and priorities in this Congress, and we are not in the same place that the American people are. They would like to have us do far more.

So capacity for civic engagement may be greater than we think and may be greater than we as decision-makers for those same people who are engaging in civic activity deserve. We deserve better action here to reflect that.

On the other hand, they do not understand the complexities of the world in terms of justice and peace and in terms of how our relations with foreign governments are necessary to protect us. Those things get short shrift until we have a September 11, and then we understand that we cannot go it alone; that we have to have coalitions; we have to have some standards; we have to answer the charge that we exploit the rest of the world; we have to answer the charge that our foreign policy is rampant with favoritism toward one nation or another.

Why should not our foreign policy lean in the direction of supporting democracies? There are a number of ways to answer that, but we have to be able to articulate that not just as a government but the people have to understand it too.

We need a population that is educated to understand the best utilization of taxpayer resources. Was it good for us to have voted millions of dollars for the airline bailout, the cash for the bailout and the long-term, low-cost, low-interest loans for the airline industry bailout? Is that industry really that critical in our economy? Well, from the looks of the tourist industry and the repercussions of the lack of airline industry functioning properly, perhaps it is. Those kinds of judgments people need to make.

Some are complaining quite a bit about that. Certainly I think they have a right to complain about the fact that if the airline industry is important, we should have taken steps to take care of the workers in the airline industry at the same time we helped the management and the owners of the airline industry. Those kinds of decisions and analyses of events are necessary.

There is an insurance subsidy we have now voted. Some of the things we have done here are new and monumental. The insurance subsidy is one of them. I think the airline industry bill, the same bill that bailed out the airline industry, had a compensation fund which is also breaking new ground where the Federal Government is going to provide compensation for all the survivors of the victims of the September 11 tragedy. I think it is a great step forward. We broke new ground there. Is that a good idea, really? And what is that really all about? Every citizen ought to be able to clearly understand.

We are not trying to enrich anybody at the expense of taxpayers, but that is the kind of thing that government should be doing. But we ought to really understand that for what it is worth.

Enron might seem like something totally unrelated to education, and why am I bringing up the Enron disaster? Most folks are not aware of the fact that Enron is a major economic disaster. Enron is the largest corporate bankruptcy ever experienced by America.

It reminds me of the savings and loans phenomenon of a couple of decades ago. Anything as big as Enron was deemed, any bank that had that kind of position in the economic structure, was deemed too big to fail.

□ 2215

The whole policy of the Congress was to step in and bail out the banks, and

we did. Billions of dollars of taxpayers' money went into bailing out banks. Citizens never quite understood that, and most Members of Congress did not understand how many billions of dollars were spent. It is estimated that the taxpayers spent at least $500 billion bailing out the savings and loan industry.

Is Enron something new that we are going to be confronted with? Are we going to bail out Enron? Will there be other energy companies that are too big to fail that we are going to come up with a set of legislative actions to undergird? Is that kind of swindle going to be perpetrated again?

An article appeared recently in the paper about the Pritzker family bank in Illinois. That bank went under as a result of shenanigans. The savings and loan swindle was basically a swindle where people were encouraged to put their money in, and they were given very high rates for their investment because that would attract deposits. Once their deposits were in, every $100,000 worth of deposits was insured by the Federal Government. So people did not mind going where the highest rate was offered. If a savings and loan offered 15 percent, people moved their money there because they knew if they put $100,000 in, it started out at $10,000, but Franklin Roosevelt and the New Deal, we pushed it up to $100,000. So it became profitable for banks to call in the money. Everybody knew the money would be safe, and then those banks that gathered all of that money misused it in terms of the investments that the banks made. People stole in various ways. In the final analysis, the Federal Government was handed the bill.

Mr. Speaker, are we going to get into another swindle like that with energy companies? We need a very well-educated population to deal with these complexities. The governance of a modern, industrialized society is more difficult than nuclear physics; and education is not an ancillary function on the side, not for the Federal Government or any other branch of government.

I would like to return to the item that is on the agenda now tomorrow or the next day and talk in more detail about the final version of H.R. 1. It has gone through the conference process. I was fortunate enough to serve on the conference committee, and I think we did some useful things there, but my basic premise is that it is just a beginning. It is a good beginning, but it is a beginning. Now we need to go on to resources. To quote from an article that appeared in the Washington Post, many principles underlie the plan that we are going to be voting on were outlined by the President during his first week in office. He called the bill at that time his top domestic priority. It would expand the Federal Government's role in enforcement of educational standards requiring every public school student in the country to take state-administered reading and math tests in grades 3 through 8, and holding schools and educators accountable for the result.

The bill also requires States to establish a minimum level of proficiency on the exams, and to make steady progress in bringing all students up to that level that they establish within 12 years. In addition, the measure would require States to report progress toward the goal by several student subgroups defined by race, ethnicity, socioeconomic status and other factors. A statistically representative sample of students in each State would take the National Assessment of Educational Progress, a highly regarded Federal test, to set a benchmark for the State exams. The school that fails to meet the improvement timetables would be subject to escalating assistance and sanctions, and parents of students attending failing schools would be given new educational options.

In various ways the spotlight would be thrown on the people who have the primary responsibility for education, the State and the local education agencies, a spotlight which is standardized. There would be a spotlight in each State which does not vary from State to State as a way to judge progress, to make each State accountable in accordance with a set of national standards. That is the most important feature of the bill. If it does nothing else but to force out into the open the accountability process whereby States have to let it be known what they are doing, the public will know, and we will see step by step what happens.

The bill would provide nearly $1 billion for a program aimed at having all children reading by the third grade. That is a good feature of the bill, an emphasis on reading. We found that reading is basic to education. You cannot have education without a certain level of reading competence, forget about math and going forward with history and anything else. If a student cannot clear the first hurdle of being able to read adequately, and yet we found in colleges where teachers are trained, there is no specialized training in most colleges as to how to teach reading. Very few people were given special instruction in reading who became teachers of reading.

There are some good features in terms of what we did not do also. The President must be given credit for throwing overboard what had been a major planking in the Republican majority's platform before, insisting that vouchers, that the Federal Government get into the business of providing money to parents so parents can have vouchers to go off and purchase the education from private schools, whether private or parochial. Of course that never was a very sound proposal because the Federal Government would only be able to give the amount of money allocated for title I children which never reached more than $1,400; and no school anywhere in the country is able to function with a tuition of $1,400.

Poor parents would have to make up the difference which sort of was a contradiction. If you are poor, how are you going to raise the difference between $1,400 and $4,000 or $5,000 for tuition. That was taken off the table, and I congratulate the President for doing that.

The President also insisted that we go back to the original purpose of the Elementary and Secondary Education Act, and concentrate the funds that are available on the poorest children. Concentrate the funds available on the children with disabilities. The two functions of the Federal Government which must be given the highest priority for assistance in education are the poor and those who have disabilities and need special education. We are back to where we should have been, and President Bush should be given credit for pushing aside all of the temptations of our majority party in this House certainly to take what education funds were available and try to spread them as much as possible regardless of how much wealth a district had already.

Members wanted to take something home to their district for education, and we had a great deal of pressure to take the title I funds and sort of dismantle them. President Bush has brought a halt to that and deserves credit for refocusing the resources of the Federal Government on the worst problems as the highest priority.

We did have a big discussion about the need for the Federal Government to live up to its commitment which was made 25 years ago to provide 40 percent of the cost of special education funds. We passed a bill more than 25 years ago which said that we would cover 40 percent of the expenditure of each State for special education, which is called IDEA. At this point 25 years later, we are only providing 10 percent of the cost, and we wanted to move and there was a great debate in the conference committee, we wanted to move from the 10 percent to a full 40 percent funding over the next 10 years; and we were unable to get that provision accepted by the Republican majority in the House.

That is still unfinished business, but that is very much consistent with my message for tonight, and that is if we had taken on the responsibility of 40 percent funding for special education, it would be a great jump forward in terms of more resources for each local education agency because it would free up the funds that they are now spending for special education. They are required by the Constitution according to the Supreme Court interpretation to provide an education for all children regardless of their disabilities. So they must spend the money regardless of whether the Federal Government gives them a portion of it or not. If the Federal Government were to meet its promise and give them 40 percent of their expenditure, that is 40 percent

that they do not have to budget for in their own budget for that purpose. They could use that for some other education purpose.

The bill increases Federal funding despite the fact that it does not increase the funding for special education; it still increases Federal funding by $3.7 billion. And funding for title I for the poorest children would double over the next 5 years. These are positives, and it is a good beginning and we need more. We need more to deal with the fact that we are not providing the kind of education that our complex civilization requires to enough children, to enough people, to keep pace with the need.

In other words, our cyber-civilization requires a tremendous amount of brain power, and the production of that brain power takes place in our school system. Since we have 83 million children in public school, that is where most of the brain power education is taking place. If we fail to produce the brain power needs of a cyber-civilization, we are going to crumble. We are going to fall. We need enough brain power to fill the positions in our government, in our military, in our technical areas, in our school system. Right through and through there is a demand for more and more and better brain power.

I am going to read some excerpts from a speech I made at the Yale Political Union on Monday, November 26.

Mr. Speaker, I include for the RECORD my speech in its entirety. It is entitled, ''Congress Should Spend More to Reform Public Education.''

CONGRESS SHOULD SPEND MORE TO REFORM PUBLIC EDUCATION

(By: Congressman Major R. Owens: Yale Political Union—Monday, November 26, 2001)

There are a number of interesting appropriation dollar figures and funding facts which might serve as a useful skeleton for this discussion:

The highest per pupil cost is paid by the American taxpayers supporting a public institution to educate a student at West Point. The per pupil cost is about three times the cost of educating a student at Yale.

There are about sixteen thousand school districts in America. Among the diverse school districts in New York State the cost per pupil ranges from seven thousand to twenty-six thousand dollars.

The gross expenditure for education in America is more than 370 billion dollars; federal dollars are only seven percent of this amount. The national governments of all of the other industrial nations are far more deeply involved.

There are 4,070 higher education institutions in America; 1,688 of these are public institutions. In the year 2001, about 1.2 million higher education students received Bachelor Degrees; the projection for the year 2005 is 1.25 million graduates.

There are 83 million students attending the public schools of America; the total enrollment for four year higher education institutions in 2001 was 9.4 million students.

The new job openings projected by the U.S. Department of Labor for the period between now and the year 2008 for the following occupations are: 1.6 million teachers; 1 million registered nurses and health technicians; 1.3 million police, detective and other law enforcement and security personnel.

Dan Goldin, the retiring Administrator of NASA predicts a ''technological sunomi'' requiring 2 million additional scientists and engineers over the next 20 years.

H.R. 1, President Bush's high priority education initiative, presently being negotiated by a House-Senate Conference Committee, authorizes increases that, if appropriated, would raise the overall federal share in education expenditures from 7 percent to 8 percent within five years.

This set of relevant and revealing observations could launch us on many diverse and interesting course. However, it would be more profitable if we could focus this brief dialogue on the hypothesis that the survival of the nation is inextricably interwoven with the collective initiative to reform public education. When we contend that ''Congress Should Spend More Money to Reform Public Education'', we are really insisting that Congress should spend more money on education in order to guarantee the survival of the nation. I am making this assertion at the outset, in order to make it clear that this is not a ''mickey-mouse'' session about adding a few dollars here or there to get higher public school student test scores.

In addition to providing vital cement for our civic, social and economic infrastructure, our defense, safety, security; basic national physical survival is directly dependent on the amount and levels of the education of our population. If it fails to maintain its brainpower production, its public education system, in syncopation with its enormous brainpower needs, this great American cyber-civilization will fall with a momentum more rapid than the fall of the Roman Empire.

The recent monumental management and communications blunders of the CIA and the FBI; the absence of translators to translate important information gathered through our multi-billion dollar world-wide electronic surveillance system; the failure of the FAA to implement decades-old proposals for the securing of airplane cockpits; the increasing amount of sloveliness or ''human error'' related to the execution of routine but critical tasks; these are examples of escalating brainpower deficits directly related to our immediate safety and security.

When the most recent super-aircraft carrier was launched, it had dozens of unfilled positions because it could not find within the Navy's ranks, persons who could operate the high-tech equipment being utilized. The National Aeronautical and Space Administrator, Dan Goldin, recently announced that at NASA there are twice as many engineers over sixty than there are under thirty. Goldin predicts that two million additional scientists and engineers will be needed over the next twenty years when we be experiencing a ''technological sunomi''

From our routine and less visionary sources such as the U.S. Department of Labor are projected occupational shortages which indicate the deficits will extend far beyond science and technology: The projected number of job openings due to growth and net replacements between now and the year 2008 is 1.6 million teachers; 1 million registered nurses and medical technicans; 1.3 million law enforcement and security personnel. The Information Technology Association estimates that two million information technology professionals will be needed. When you add this same degree of need for more doctors, geneticists, pharmaceutical engineers, lawyers and MBA's; there should be considerable fear aroused among national decision-makers when we consider the fact that the number of college graduates from our 4,000 degree granting institutions will hover at only 1.2 million per year during this seven-year period.

At the mouth of America's great educational funnel from Head Start and kindergarten through elementary and secondary education to our colleges and universities; at this source of our raw material there are 83 million students attending public schools. The challenges of public education reform stated in simple arithmetic is a matter of developing far more than 1.2 million college graduates per year from a base of 83 million. In addition to doubling and tripling the number of college graduates, the public eduation system must prepare millions of better educated technicians, mechanics, craftsmen and operators. The performance of the mechanic servicing an airplane is as critical as the performance of the pilot of the plane. At every occupational level, the pursuit of better quality is as important as the need to produce greater numbers.

Education adds value to all who are engaged. Even the worst student exist from an education experience with some degree of improvement. The system must be designed to add as much value to every pupil as possible. Society requires increasing levels of competence from an increasing number of performers who can be produced only from a more effective ''churning'' process at the mouth of the funnel. Excellence or even basic competence is guaranteed only when there is a merit driven process continuously pushing new expertise upward to replace the burned out and to challenge smugness or stagnation.

Our inability to more effectively transform the raw material represented by the 83 million public school students has brought us to a critical point where an explosion in need for more brainpower is overwhelming our processes for the production of the necessary brainpower. At other similar pivotal points in its history, sometimes by fortunate accident, and sometimes through the vision of geniuses, this nation has adopted sound practices and innovative initiatives in education. By fortunate accident the majority of the states and localities embraced the concept of public schools. As a result of the vision of Thomas Jefferson, the University of Virginia became a model emphasizing publicly supported higher education beyond the liberal arts to embrace practical science, engineering and agricultural production.

Another genius, Congressman Morrill, inspired by Jefferson's model, initiated federal support for land grant colleges and universities in all of the states. Following World War II, the GI federal education subsidies provided a massive boost in brainpower pools at a time when more sophisticated mechanization and automation were creating demands for new and better brainpower.

Extraordinary federal support for the higher education which qualified participants for immediate professional jobs has provided a great incentive for the expansion and improvement of the elementary and secondary public education system. Preparing students for college is the first priority of most local school districts. A more automated and digitalized commercial and industrial sector with demands for better educated high school graduates has provided an even greater and broader incentive. Despite the present drift into recession, these incentives and rewards for more and better education are firmly in place. Certainly it is possible to move a greater portion of the 83 million public school attendees into education streams that will allow them to meet the mushrooming needs of our cybercivilization.

In this 107th Congress, the critical question is will a great leap forward be taken to funnel 20 or 25 percent (instead of the present 12 percent) of the 83 million upward to higher levels of competence and expertise. The good news is that the Bush proposal presently in

conference does propose some small steps forward:

HR 1 will authorize almost one billion dollars for a new reading program.

The bill proposes to double Title I funds from 8 billion dollars to nearly 16 billion dollars over a five year period.

The Senate conferees are insisting that the bill greatly increase funding for children with disabilities.

The bad news is that this is authorization legislation and there are clear indications of resistance to these increases by the appropriators. President Bush is also insisting on a degree of regimentation and testing that poisons the relationship between the federal, state and local education policy makers. We may move from a 7 percent federal share to an 8 percent share; however, the heavy handed oversight offers the appearance of a federal bully instead of a federal partner.

The worst news is that even if a full appropriation is achieved for the amounts authorized, this presidential initiative, which is probably all that we can hope for in the next four years will constitute only an incremental increase in funding at a time when states and localities are being forced to reduce funding for schools:

The critical need for smaller class sizes and more qualified teachers requires increased funding.

The infrastructure of school physical facilities needs about 300 billion dollars nationwide and this problem is not addressed at all.

Computers and other technology which may hold the key to breakthroughs in the education of those most difficult to reach are not encouraged sufficiently.

Appropriations for children with disabilities (IDEA) which moves in DC toward the current already authorized 40 percent of total cost is being proposed by the Senate but opposed by the President. The federal increase would free local funds for greater application toward the needs cited above.

In summary, the Bush initiative, even if improved by current Senate proposals, falls far short of the significant leap forward in federal funding which the present pivotal moment in the nation's development demands. Through four administrations, from Reagan through Bush to Clinton and now another Bush, I have strongly recommended and will continue to recommend that we establish new parameters for federal assistance to education:

In order to re-position the present primitive, almost freakish, insistence that the least amount of federal funding for elementary and secondary education is highly desirable, we must learn from the examples of some of the other industrialized nations. Greater federal support which moves from 7 percent toward 25 percent of the overall national education expenditure would not constitute an over-centralized takeover of education; instead, it would represent a logical mean between the extremes of nationalized education ministries and 16,000 uncoordinated independent school districts in fifty states.

Immediate significant federal funding initiatives should focus on large, non-recurring capital expenditures for physical facilities and equipment. States and localities would not become dependent on Washington for their operating expenses; however, necessary overwhelming one time improvements could be realized.

Priority for federal funding should continue to go to assist in the education of those most difficult to educate—the poor and children with disabilities.

Special federal funding must be made available to validate, certify and promote education innovations that work. The best programs and practices must be assisted in establishing critical masses throughout the nation.

Without bullying states and localities, the Congress should continue to promote higher standards for student achievement and for opportunities-to-learn.

Funding to systematically expand support for Research, Development and Dissemination must be greatly increased. It must be recognized that this is an activity almost totally neglected by states and localities.

My final word is that society's fullest possible support of public education should not be viewed as a noble gesture, or a governmental philanthropic virtue, or the mere provision of a ''safety net'' for those too poor to pay for their children's education. The far wiser and more productive public policy viewpoint must assume that public education is a necessity vital for the functioning of our very complex cyber-civilization. This nation literally will not be able to survive without an adequate and continually updated public education system.

Mr. Speaker, I am going to comment and read a few excerpts from the speech. I started by saying that there are a number of interesting appropriation dollar figures and a number of interesting funding facts that might serve as a useful skeleton for the discussion of a topic that we were faced with. My topic was Congress should spend more to reform public education. There were debaters on the other side who opposed this later on, and it was an interesting evening at Yale University.

Number one, we should look at the following figures and funding facts. The highest per-pupil cost is paid by the American taxpayer when we support the institution which educates the student at West Point. The highest per-pupil cost is paid to educate a West Point student. The per-pupil cost of education at West Point is at least three times the cost of educating a student at Yale or Harvard. I did get the facts about 8 years ago when we had a friendly chairman of the Committee on Armed Services who twisted the arms of the people at West Point, and they got me the facts and figures. At that time the cost per student at West Point was $120,000. That did not include the field training using artillery and all of the capital expenditure for that. Just the kind of academic training that they received was estimated to cost $120,000 per student.

□ 2230

At that time Harvard and Yale were about 30 to $35,000 per student. So we do believe in spending money to educate the best when we think it is necessary. We set a high priority on our military leadership. The very best is supposed to come from West Point so we spend a tremendous amount of money.

Another fact. There are about 16,000 school districts across America. Among the diverse school districts in just one State, New York, the cost per pupil ranges from $7,000 per pupil to $26,000 in an upstate school district and most of the school districts within New York State are spending above $15,000 per pupil. $7,000 is about the lowest in the State, in New York City.

Fact number three. The gross expenditure for education in America is more than $370 billion. But Federal dollars are only 7 percent of this amount. The national governments of all of the other industrialized nations are far more deeply involved in the education of their population. We have a decentralized system which also takes away the responsibility and allows the Federal Government not to be responsible for what is probably the most important task it has, and, that is, maintaining the education of the population. We only put 7 percent into the total expenditure pot for education.

Point number four. H.R. 1, President Bush's high priority education initiative presently being negotiated, which is almost about to come to the floor, if every part is appropriated would maybe take us to 8 percent instead of 7 percent. This is far too little in terms of the Federal share for education expenditures.

We could take quite a bit of time to discuss just those four interesting facts, but it would be more profitable if we could focus this brief dialogue on the hypothesis that the survival of the Nation is inextricably interwoven with the collective initiative to reform public education. When we contend that Congress should spend more money to reform public education, we are really insisting that Congress should spend more money on education in order to guarantee the survival of the Nation. I am making this assertion at the outset in order to make it clear that this is not a Mickey Mouse session about adding a few dollars here or there to get higher public school student test scores. It is more than that.

In addition to providing vital cement for our civic, social and economic infrastructure, our defense, safety, security, our basic national physical survival is directly dependent on the amount and levels of the education of our population. If it fails to maintain its brainpower production, its public education system, in syncopation with its enormous brainpower needs, this great America cybercivilization will fall with a momentum more rapid than the fall of the Roman Empire. Do not be smug. We saw the Soviet empire fall because it turned its back on certain realities. The great American empire can fall, too.

The recent monumental mismanagement and communication blunders of the CIA and the FBI, and I do think some of those blunders led to September 11, the absence of translators to translate important information gathered through our multi-billion-dollar worldwide electronic surveillance system, the failure of the FAA to implement decades-old proposals for the securing of airplane cockpits, the increased amount of slovenliness or human error related to the execution of routine but critical tasks, these are

examples of escalating brainpower deficits directly related to our immediate safety and security.

When the most recent super aircraft carrier was launched, less than 2 years ago, it had dozens of unfilled positions because it could not find within the Navy's ranks persons who could operate the high tech equipment being utilized. National Aeronautics and Space Administrator Dan Goldin, who just retired recently, announced that at NASA there are twice as many engineers over 60 than there are under 30. Goldin predicts that 2 million additional scientists and engineers will be needed over the next 20 years when we will be experiencing what he calls a ''technological tsunami.'' A tsunami is greater than a tidal wave, a hurricane or a tornado all put together.

From more routine and less visionary sources such as the United States Department of Labor, we can find projections of occupational shortages which indicate that the deficits will extend far beyond science and technology. The projected number of job openings due to growth and net replacements between now and the year 2008 is about 1.6 million teachers, 1 million registered nurses and medical technicians and 1.3 million law enforcement and security personnel. The Information Technology Association estimates that 2 million information technology professionals will be needed. When you add this same degree of need for more doctors, geneticists, pharmaceutical engineers, lawyers and MBAs, there should be considerable fear aroused among national decisionmakers when we consider the fact that the number of college graduates, although we have 4,000 degree-granting institutions in America, the number of college students who graduate each year hovers at 1.2 million per year. Over this 7-year period where we project all those needs for new people who are highly trained, we will be graduating only 1.2 million students per year.

At the mouth of America's great educational funnel, if you look at an upward funnel, a funnel where down at the bottom is all these 83 million public school students and as you go through the education process they funnel up into our higher education institutions and sometimes into 2-year colleges or sometimes into technical institutes, et cetera, from the mouth, this source of 83 million students, we should get a better return than 1.2 million graduates from college. We should double that instead. In addition to public education, students who will go to college, we should also understand that there are a great number of people who are needed as educated technicians, mechanics, craftsmen and operators. The performance of the mechanic servicing an airplane is as critical as the performance of the pilot of that same plane. We know that large amounts of money are spent to train pilots, but we should also know that at every occupational level, the pursuit of better quality is as important as the need to produce greater numbers.

Education adds value to all who are engaged in education. Even the worst student exits from an education experience with some degree of improvement. The system must be designed to add as much value to every student as possible. Society requires increasing levels of competence from an increasing number of performers who can be produced only from a more effective education churning process at the mouth of that funnel which funnels them upward.

Our inability to more effectively transform the raw material represented by the 83 million public school students in America has brought us to a critical point where an explosion in need for more brainpower is overwhelming our process for the production of the necessary brainpower. At other similar pivotal points in its history, sometimes by fortunate accident and sometimes through the vision of geniuses, this Nation has adopted sound practices and innovative initiatives in education. By fortunate accident, the majority of the States and localities very early in the history of the Nation embraced the concept of public schools. As a result of the vision of Thomas Jefferson, the University of Virginia became a model emphasizing publicly supported higher education beyond the liberal arts, publicly supported higher education which embraced practical science, engineering and agricultural production.

Another genius following in the footsteps of Thomas Jefferson, Congressman Morrill, after the Civil War, he was inspired by Jefferson's model, he initiated the Federal support for land grant colleges and universities in all the States. Later on following World War II, the GI Federal education subsidies provided a massive boost in the brainpower pools in America at a time when more sophisticated mechanization and automation were creating demands for new and better brainpower. Senator WARNER of Virginia at our last meeting of the House-Senate conference committee made a very moving speech about the fact that he was educated as a result of the GI subsidies. He got 7 years of education subsidized by the Federal Government. That made all the difference in his life.

Extraordinary Federal support for the higher education which qualified participants for immediate professional jobs, the Federal Government did support higher education very early and that started a system which provided incentives for students to go up and there was a clear pattern that if you got a decent education at the lower levels, you could go on to get a professional education in the colleges. Preparing students for college is the first priority that most local school districts see. That is what they are there for. A more automated and digitalized commercial and industrialized sector now demands better educated high school graduates who will not necessarily go to college. They provide incentives for them. You can go into a Microsoft program even if you are not a college graduate and take certain levels of exams and reach a point where you are making a very decent salary with opportunities for advancement as you educate yourself more. This is outside the formal education structure. Despite the present drift into recession, these incentives and rewards for more and better education are firmly in place. Our economy is going to recover. Our cybercivilization is going to continue. It is going to have greater and greater needs. It is possible to move a greater portion of the 83 million base of students that we started with into the education streams which will produce the kind of people we need. We cannot do that unless we have greater resources.

In the 107th Congress, the critical question is will a great leap forward be taken similar to the great leap forward of our forefathers who were wise enough to establish a public education system, again similar to the great leap forward taken by Thomas Jefferson when he created the University of Virginia or the great leap forward that was taken by Morrill when he established the land grant colleges. Or the great leap forward that was taken more recently in the GI education programs. Can we rise to meet the challenge so that instead of getting 12 percent of our students, of the 83 million, to the college graduate level, we can double that to maybe 25 percent. The good news is that the legislation that will be on the floor takes some important steps forward. I have already mentioned that. Those steps are very important.

The bad news is that what our legislation does is authorize. Tomorrow or the next day we will be voting on a bill that authorizes legislation. Each year the appropriation will have to match those authorizations if we are going to really move forward. Authorization has a problem without support from the appropriation. We may move from 7 percent to 8 percent only if the appropriation is full over the next 5 to 10 years. The worst news that we are confronted with is that we do not have the amounts of resources that we really need. The critical need for smaller class sizes has not been met. The critical need for more qualified teachers has not been met. The infrastructure of school physical facilities is totally ignored. We do not have any money that address the problem of the need for more funding for school infrastructure, for the building of buildings, repairing of buildings or the funding of technology, the installation of new technologies, et cetera. Computers and other technology which may hold the key to breakthroughs in the education of those most difficult to reach are not encouraged sufficiently in this legislation. Again, we do not appropriate the additional money which we felt was required for children with disabilities

which would have been a great step forward.

Through four administrations, from Reagan through Bush to Clinton, and now another Bush, I have strongly recommended and will continue to recommend that we establish new parameters for Federal assistance to education.

In order to reposition the present primitive, almost freakish insistence that the least amount of Federal funding for elementary and secondary education is highly desirable, we must learn from the examples of some of the other industrialized nations. Greater Federal support which moves from 7 percent toward 25 percent of the overall national educational expenditure would not constitute an overcentralized takeover of education. Instead, it would represent a logical need between the extremes of nationalized education ministries and the present 16,000 uncoordinated independent school districts in 50 States in America. In other words, we are in an extreme position. We are at the lower end of support for our school systems, 7 percent of the total education bill, versus some countries which are at the other extreme where the education is totally run by the national government and they get some bad results as a result of that. But let us not remain at that extreme. We should move toward greater Federal participation.

Immediate significant Federal funding initiatives should focus on large nonrecurring capital expenditures like the ones that I have just mentioned in terms of the physical infrastructure.

□ 2245

Priority Federal funding should continue to go to educate the poor and children with disabilities. Special Federal funding must be made available to validate, certify and promote education innovations that work. The best programs and practices must be assisted in establishing some kind of critical mass throughout the Nation, and Federal money is necessary to allow them to do that.

Without bullying states and localities, Congress should continue to promote higher standards for student achievement and for opportunities to learn. Funding to systematically expand support for research, development and dissemination of information must be greatly increased, because none of the states are engaged in that kind of very important activity.

My final word is that society's fullest possible support of public education should not be viewed as a noble gesture or a governmental philanthropic virtue or the mere provision of a safety net for those too poor to pay for their children's education. The far wiser and more productive public policy viewpoint must assume that public education is a necessity vital for the functioning of our very complex cyber-civilization.

This Nation, our great American Nation, literally will not be able to survive without an adequate and continually updated public education system. Brain power is our best protection for the future.

RECESS

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 7 a.m.

Accordingly (at 10 o'clock and 46 minutes p.m.), the House stood in recess until approximately 7 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4801. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; District of Columbia [DC–T5–2001–01a; FRL– 7112–3] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4802. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; Virginia [VA–T5–2001–01a; FRL–7112–5] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4803. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of the Operating Permits Program; State of Hawaii [HI062–OPP; FRL–7111–5] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4804. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of 40 CFR Part 70 Operating Permits Program; Minnesota [FRL–7111–7] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4805. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operation Permit Program; Wisconsin [FRL–7111–8] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4806. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of 40 CFR Part 70 Operating Permits Program; Indiana [IN003; FRL–7111–9] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4807. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of 40 CFR Part 70 Operating Permits Program; Illinois [FRL–7112–1] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4808. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Program; Michigan [FRL–7111–6] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4809. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Minnesota; Final Approval of State Underground Storage Tank Program [FRL–7110–8] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4810. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permits Program; State of Vermont [VT–021–1224a; A–1–FRL–7110–2] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4811. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of the Operating Permits Program for the Pinal County Air Quality Control District, Arizona [AZ060–OPP; FRL–7112–8] received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4812. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permits Program in Alaska [FRL–7113–9] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4813. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permits Program; State of New York [NY002; FRL–7113–3] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4814. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Program; New Jersey [NJ002; FRL–7113–1] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4815. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permits Program; State of Oklahoma [OK–FRL–7113–7] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4816. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permits Program; State of Texas [TX–002; FRL–7113–6] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4817. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of the Operating Permits Program; Arizona Department of Environmental Quality, Maricopa County Environmental Services Department, Pima County Department of Environmental Quality, Arizona [AZ062–OPP; FRL–7113–4] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4818. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Title V Operating Permits Programs; Clark County Department of Air Quality Management, Washoe County District Health Department, and Nevada Division of Environmental Protection, Nevada [NV 063–Pt70; FRL–7113–8] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4819. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of 34 Operating Permits Programs in California [CA065–Pt70; FRL–7113–5] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4820. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill which would modify the current process by which Federal agencies are billed, and make payment, for water and sewer services provided by the District of Columbia; to the Committee on Government Reform.

4821. A letter from the Secretary, Department of Energy, transmitting the semi-annual report regarding programs for the protection, control and accountability of fissile materials in the countries of the former Soviet Union, pursuant to Public Law 104–106, section 3131(b) (110 Stat. 617); jointly to the Committees on Armed Services and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for Printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee of Conference. Conference report on S. 1438. An act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. 107–333). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. YOUNG of Florida introduced a joint resolution (H.J. Res. 78) making further continuing appropriations for the fiscal year 2002, and for other purposes; which was referred to the Committee on Appropriations.

N O T I C E

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.