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## House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 4, 2002, at 2 p.m.

## Senate

WEDNESDAY, JULY 31, 2002

### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

(Continued)

AMENDMENT NO. 4444

Mr. MCCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 4444.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds for leasing of transport/VIP aircraft under any contract not entered into pursuant to full and open competition)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. None of the funds appropriated by this Act may be used for leasing of transport/VIP aircraft under any contract entered into under any procurement procedures other than pursuant to the Competition and Contracting Act.

Mr. MCCAIN. Mr. President, this calls for full and open competition in the case of a lease of a transport/VIP aircraft. It would address the complaints of industry with respect to the Boeing 767 tanker lease and Boeing 737 transport/VIP lease and the first five multisensor command and control aircraft, and would replace the JSTARS E-3 AWACS and the RC-135 Rivet Joint aircraft.

Basically, it calls for full and open competition for these aircraft, in the case of four 737 transport aircraft, and,

as I understand, prospective Boeing 767 tanker aircraft.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. Mr. President, I misspoke. This amendment does not apply to the 767, only to the 737 aircraft.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Hawaii.

Mr. INOUE. With that amendment, the managers are prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4444.

The amendment (No. 4444) was agreed to.

AMENDMENT NO. 4445

Mr. MCCAIN. For the benefit of my colleagues, I have one more amendment that is not agreed to and would require a rollcall vote, which I understand from the majority leader would be scheduled for tomorrow. I have a statement I would like to read concerning the pending bill and then discuss the amendment, or if the managers so choose, I would discuss the amendment first and then describe my views on the overall legislation.

Mr. President, I send amendment No. 4445 to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, and Mr. FEINGOLD, proposes an amendment numbered 4445.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I object. I do not think we have a copy of that amendment yet.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the reading of the amendment.

The legislative clerk read as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. The Secretary of the Air Force shall not enter into any lease for transport/VIP aircraft for any period that includes any part of fiscal year 2003 until there is enacted a law, other than an appropriation Act, that authorizes the appropriation of funds in the amount or amounts necessary to enter into the lease and a law appropriating such funds pursuant to such authorization of appropriations.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask the managers of the bill if there are any further amendments that will be included in the managers' package.

Mr. INOUE. Mr. President, if I may respond.

The PRESIDING OFFICER. The Senator from Hawaii.

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



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Mr. INOUE. There are no amendments left in the managers' package. However, there may be amendments brought up at this moment by others, but we do not have any.

Mr. MCCAIN. I understand there may be further amendments brought up for a vote. I was speaking directly concerning the managers' package of amendments which, as we know, sometimes are not voted on individually and included in the package. I am very interested in seeing the managers' package of amendments. I thank the managers so far that they have been very helpful in sharing these amendments with me. I would like to see the final package of managers' amendments before it is agreed to.

This amendment is a pretty straightforward amendment. It requires authorization of appropriations for the leasing of any transport/VIP aircraft. It would ensure that the Senate Armed Services Committee maintained its relevance by requiring Senate Armed Services Committee approval and authorization of any tanker lease.

The amendment basically would instruct the Secretary of the Air Force that he could not enter into a lease for transport/VIP aircraft for any period that includes any part of fiscal year 2003 until he submits a report and there is a law enacted that authorizes the funds necessary to enter into the lease.

This is a very expensive acquisition on the part of the United States Air Force. I believe it should be authorized before this transaction is entered into. It is basically a matter of whether the Senate Armed Services Committee will maintain its relevance over the acquisition of very expensive pieces of equipment. It would be appropriate for the Armed Services Committee to approve of it. That is the way we have traditionally done business around here, particularly on issues of major consequences—although it has fallen into neglect in years past.

I do not think I need to elaborate further on the amendment except I believe it should be authorized before appropriated.

I see the distinguished manager of the bill on the floor. If he would like to respond before I give my statement on the overall Defense appropriations bill, I am happy to yield.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Congress has passed legislation, and the President has signed it, that authorizes the Secretary of the Air Force to lease, for up to 10 years, these aircraft. It was a decided policy of the Congress based on our advice.

The capital costs of acquiring such equipment now would be such that it would move out of the budget other items that have to be acquired in the moneys needed for homeland defense. So we authorized the Secretary of Defense and the Secretary of the Air Force to enter into agreements not to exceed 10 years for these aircraft. They

are readily available for lease. We limit the time they may lease them. But it is a very successful practice in the business world and I think would be a successful practice for the Department of Defense to lease this equipment when necessary and not to have standing around equipment that is not needed.

We believe a leasing policy is the best policy for this type of aircraft. There are a series of competing aircraft available, but it is up to the Secretary of Defense and the Secretary of the Air Force to decide which ones they want.

My advice to my friend from Hawaii, and I think he will join me, is that we oppose this legislation. It would in effect modify the legislation, the law that was passed in the last Congress that authorized the procedure for which we are making available funds in this bill.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. I concur with the statement of my distinguished friend, and I associate myself with his remarks.

Mr. STEVENS. If the Senator from Arizona has completed, I am prepared to offer a motion to table this amendment with the understanding that the time for the vote would be established by the leadership sometime tomorrow.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is fine with me, whenever he wants to make the motion to table. I do have additional comments on the issue.

The PRESIDING OFFICER. Is there further debate?

Mr. MCCAIN. Yes, there is further debate.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I rise again to address the issue of wasteful spending in appropriations measures, in this case, in the bill to fund the Department of Defense for fiscal year 2003. This legislation would provide \$355.5 billion to the Department of Defense. Each year, in provisions too numerous to mention in great detail, this bill funds pork barrel projects with questionable relationship to national defense at a time of scarce resources, budget deficits, and underfunded, urgent defense priorities. This year's measure continues this alarming tradition, by adding 581 programs not requested by the President, at a further cost of \$5.2 billion.

America remains at war, a war that continues to unite Americans in pursuit of a common goal to defeat international terrorism. All Americans have made sacrifices for this war, and many have been deeply affected by it and at times harmed by difficult, related economic circumstances. Our servicemen and women in particular are truly on the front lines in this war, and are separated from their families, risking their lives, and working extraordinarily long hours under the most difficult conditions to accomplish the am-

bitious but necessary task their country has set for them. The weapons we have given them, for all their impressive effects, are, in many cases, neither in quantity nor quality, the best that our government can provide.

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

Despite the realities of war, and the serious responsibilities the situation imposes on Congress and the President, the Senate Appropriations Committee has not seen fit to change in any degree its blatant use of defense dollars for projects that may or may not serve some worthy purpose, but that clearly impair our national defense by depriving legitimate defense needs of adequate funding.

Mr. President, even in the middle of a war against terrorism, a war of monumental consequences that is expected to last for some time, the Senate Appropriations Committee remains intent on ensuring that part of the Department of Defense's mission is to disperse corporate welfare. It is a shame that at such a critical time, the United States Senate persists in spending money requested and authorized only for our Armed Forces to satisfy the needs or the desires of interests that are unrelated to defense and even, in truth, unconcerned about the true needs of our military.

An Investor's Business Daily article published late last year entitled *At the Trough: Welfare Checks to Big Business Make No Sense*, stated, "[a]mong the least justified outlays [in the federal budget] is corporate welfare. Budget analyst Stephen Slivinski estimates that business subsidies will run \$87 billion [in 2001], up a third since 1997. Although President Bush proposed \$12 billion in cuts to corporate welfare [in 2001], Congress has proved resistant. Indeed many post-September 11 bailouts have gone to big business. Boeing is one of the biggest beneficiaries. . . . While corporate America gets the profits, taxpayers get the losses. . . . The Constitution authorizes a Congress to promote the general welfare, not enrich Boeing and other corporate behemoths. There is no warrant to take from Peter so Paul can pay higher dividends. In the aftermath of September 11, the American people can ill afford budget profligacy in Washington. If Congress is not willing to cut corporate welfare at a time of national crisis, what is it will to cut?"

Yet, Congress didn't get the message this year. In the FY03 defense appropriations bill we are considering today, the Senate Appropriations Committee added nearly \$1.3 billion to Boeing's

programs, constituting more than 20 percent of the total plus-ups in the bill. As Defense Week noted unequivocally on July 22, "in this bill, Boeing made out like a bandit."

Mr. President, you will recall that last year, during conference negotiations on the Department of Defense Appropriations Act for fiscal year 2002, the Senate Appropriations Committee inserted into the bill unprecedented language to allow the U.S. Air Force to lease 100 Boeing 767 commercial aircraft and convert them to tankers, and to lease four Boeing 737 commercial aircraft for passenger airlift to be used by congressional and Executive Branch officials. Congress did not authorize these leasing provisions in the fiscal year 2002 National Defense Authorization Act, and in fact, the Senate Armed Services Committee was not advised of this effort by the U.S. Air Force during consideration of that authorization measure.

Again this year—without benefit of authorization committee debate or input—the Senate Appropriations Committee has added funding in the FY03 Department of Defense Appropriations bill for \$30.6 million to cover initial leasing costs for the four Boeing 737 VIP transport aircraft noted above. Furthermore, additional language in the bill modifies a provision that had been carefully negotiated by OMB with appropriators last year, and may now permit the Air Force to circumvent standard leasing arrangements and, with respect to the 100 Boeing 767s, may allow the Air Force to extend the termination liability costs over the full term of the lease.

Mr. President, I am concerned that the impact of these provisions has not been adequately scrutinized, and the full cost to taxpayers has not been sufficiently considered. In fact, after review of the Air Force's proposed lease for the four 737s and its comparison of leasing and purchase options for these aircraft, it appears that certain leasing costs are being hidden to make the leasing option appear more cost-effective.

For example, although the Department of Defense self-insures its equipment and would not take out an insurance policy if it purchased these 737s, the Air Force's comparison of the leasing and purchase options assesses at least \$17 million in insurance costs to the purchase option, thereby inflating the estimated purchase price significantly. In addition, the proposed leasing arrangement includes provisions requiring the Air Force to pay to insure the four 737 VIP aircraft and, in the event of loss or destruction of an aircraft, requiring the Air Force to pay a lease cancellation charge equal to one-year's worth of lease payments, or \$10 million. These provisions add not only the cost of insurance, but also another \$10 million to the leasing costs that would not be incurred under a traditional purchase arrangement and have not been disclosed up-front in dis-

cussions with OMB or Congress. These examples of hidden costs illustrate the lack of transparency of this transaction and strongly suggest that the Air Force's analysis of the \$3.9 million advantage to leasing over purchase is illusory.

But you do not have to take my word for it. Rather, in a July 23 letter to Representative Curt Weldon on this matter, Congressional Budget Office Director Dan Crippen advised that the Air Force's estimated purchase price of the four 737s may be too high and that:

Small adjustments in the assumed purchase price, residual value, or insurance cost would reduce the projected savings from leasing the aircraft or make the purchase alternative the less expensive option.

In its analysis, CBO notes that the cost of the purchase option is estimated and not based on any negotiation between the Air Force and Boeing. Significantly, CBO states,

Just as Boeing and the Air Force negotiated a lower lease-price from Boeing's initial offer, CBO believes it might also be possible for the Air Force and Boeing to negotiate a lower purchase price for the aircraft, if the Air Force were a willing buyer. CBO estimates that the Air Force would only need to negotiate a purchase price about \$1 million less per plane than Boeing's initial estimate in order for the cost of the purchase option to be equal to the cost of the lease option, in net present value terms. . . . Using Air Force data and a model for calculating commercial lease payments, we estimate that a purchase price of \$249 million (rather than the \$269 million price used in the Air Force's analysis) would be consistent with the lease terms. . . . We estimate that, if a purchase price for the four aircraft could be negotiated for \$249 million or \$5 million less per aircraft, then the purchase alternative would save about \$15 million compared to the lease. GAO and CBO report that it would cost the government and ultimately the taxpayers between \$13.5 to \$20 million less to purchase the Boeing 737 VIP aircraft than to lease them—but they report it could be more.

In addition, it is not clear that the Air Force has negotiated a fair lease price for these VIP aircraft. Financing experts advise that to evaluate whether leasing is the preferable option, as compared to purchase of aircraft, one month's lease payment should be equal to approximately 1 percent of the total cost of the aircraft. In GAO's current analysis of the proposed Air Force lease, on which I have been briefed, GAO contends that the Air Force's proposed lease with Boeing for four 737 VIP aircraft is \$32 million more than the norm that I have just stated. I am concerned that the Air Force appears to be going against the advice of financial experts not only by choosing to lease instead of purchase these aircraft, but also by not getting a good deal on the lease price. American taxpayers should be concerned by this behavior.

I would like to note that OMB Director Mitch Daniels has often indicated his preference to maintain scrutiny of Government leasing practices out of regard for U.S. taxpayers. Just last year, in a letter from the OMB Director to

Senator KENT CONRAD, OMB cautioned against eliminating rules intended to reduce leasing abuses. OMB's letter emphasized that the Budget Enforcement Act—BEA—scoring rules:

. . . were specifically designed to encourage the use of financing mechanisms that minimize taxpayers' costs by eliminating the unfair advantage provided to lease-purchases by the previous scoring rules. Prior to the BEA, agencies only needed budget authority for the first year's lease payment, even though the agreement was a legally enforceable commitment to fully pay for the asset over time.

OMB's letter continued by explaining that this loophole had permitted the General Services Administration to agree to 11 lease-purchase agreements with a total, full-term cost of \$1.7 billion, but to budget only the first year of lease payments. OMB's letter stated:

[t]he scoring hid the fact that these agreements had a higher economic cost than traditional direct purchases and in some cases allowed projects to go forward despite significant cost overruns. . . .

In my view, this leasing proposal for Boeing 737 VIP aircraft also puts the Air Force at risk of being unable to procure higher priority items needed to fight the war on terrorism. On March 1, 2002, the Air Force presented Congress with a list of its top priorities encompassing 38 items totaling \$3.8 billion. Within its top 10 programs, the Air Force asked for several essential items that would directly support our current war effort: wartime munitions, aircraft engine replacement parts, night vision goggles, anti-terrorism/force protection efforts, bomber and fighter upgrades and self protection equipment, and combat search and rescue helicopters for downed pilots; yet, the list also includes these four VIP aircraft. In reviewing these Air Force priorities, I don't know what to be more critical about regarding the Air Force Secretary's effort on these VIP aircraft—that he's pushing in this time of war for this deal with Boeing for VIP aircraft or that his 13th priority of the top 38 in this time of war is for VIP aircraft for Executive Branch and congressional officials. Is it lost on the Air Force Secretary that we are at war?

I have asked OMB Director Daniels to continue his strong oversight of Government leasing practices, and I ask the Senate today to closely scrutinize this unprecedented, costly leasing deal for Boeing 737 VIP transport aircraft. But, this Boeing deal is just another example of Congress's political meddling and how outside special interest groups have obstructed the military's ability to channel resources where they are most needed. I will repeat what I've said many, many times before—the military needs less money spent on pork and more spent to redress the serious problems caused by a decade of declining defense budgets.

This bill includes many more examples where congressional appropriators show that they have no sense of priority when it comes to spending the

taxpayers' money. The insatiable appetite in Congress for wasteful spending grows more and more as the total amount of pork added to appropriations bills considered in the Senate so far this year—an amount totaling nearly \$7 billion.

Mr. President, I look forward to the day when my appearances on the Senate floor for this purpose are no longer necessary. I reiterate—over \$5.2 billion in unrequested defense programs in the defense appropriations bill have been added by the Committee. Consider how that \$5.2 billion, when added to the savings gained through additional base closings and more cost-effective business practices, could be used so much more effectively. The problems of our armed forces, whether in terms of force structure or modernization, could be more assuredly addressed and our warfighting ability greatly enhanced. The American taxpayers expect more of us, as do our brave service men and women who are, without question, fighting this war on global terrorism on our behalf. But for now, unfortunately, they must witness us, seemingly blind to our responsibilities at this time of war, going about our business as usual.

Mr. President, I may be wrong. I may be wrong in all of the information I just provided to the Senate. There is legitimate room for legitimate debate. I believe OMB and GAO have clearly stated that we could save money by not leasing this aircraft. Certainly we could save money through competition and certainly we could save money to the taxpayers by negotiating a better deal with the Boeing Aircraft Company—which, by the way, although President Bush proposed \$12 billion in cuts to corporate welfare, Boeing is one of the biggest beneficiaries. In other words, Boeing as the Defense Weekly noted unequivocally on July 22, in reference to the Defense Appropriations Committee bill that we are considering today, Defense Weekly noted unequivocally on July 22, "In this bill, Boeing made out like a bandit."

I think they did. I think they did.

The managers of the bill and I could debate what is right and what is wrong as far as these numbers are concerned. I think I have compelling numbers on my side that would indicate we could either lease or purchase at a much less cost than the appropriators put in the bill. But the point here is that it should be authorized. It should not be done by the Appropriations Committee without authorization. This is what we come back to time after time after time on the floor of this Senate.

Where is the role of the Senate Armed Services Committee to authorize the purchase of aircraft worth many tens of millions of dollars? They have been bypassed.

I hope the majority of my colleagues would recognize that an issue of this magnitude deserves the hearings and scrutiny that can be conducted by the Senate Armed Services Committee.

The job of the Appropriations Committee is to appropriate funds that have been previously authorized. I hope my colleagues will agree with that.

I ask unanimous consent a list of Appropriations Committee earmarks be printed in the RECORD.

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

FY2003 DEFENSE APPROPRIATIONS	
MILITARY PERSONNEL, ARMY	
Undistributed: Adopted legislative proposals .....	6.4
MILITARY PERSONNEL, NAVY	
Undistributed: Adopted legislative proposals .....	2.9
MILITARY PERSONNEL, MARINE CORPS	
Undistributed: Adopted legislative proposals .....	0.6
MILITARY PERSONNEL, AIR FORCE	
Undistributed:	
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NATIONAL GUARD PERSONNEL, ARMY	
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USARPAC C4 shortfalls .....	6.0
Hunter UAV .....	10.0
Training and Recruiting:	
SROTC-Air Battle Captain .....	2.0
SCOLA Language training .....	1.0
Ft. Knox Distance Learning .....	3.0
Administration and service wide activities:	
LOGTECH .....	2.0
Biometrics support .....	10.0
Army conservation and ecosystem management .....	4.0
Innovative Safety Management .....	5.0
Rock Island Bridge Repair .....	2.3
Yukon training infrastructure and access upgrades .....	2.0
Fort Wainwright Bldg. 600 repairs ..	4.5
Fort Wainwright Utilidors .....	10.0
Tanana River Bridge Study .....	1.5
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Warfare Tactics PMRF facilities ..	20.0
Hydrographic Center of Excellence Cntr. for Excellence in Disaster Management .....	3.5
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MK-245 Decoys .....	15.0
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Navy Armory Inventory and Custody Tracking .....	0.8

Flash Detection System .....	0.9
Undistributed:	
Classified .....	29.4
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Stainless steel sanitary spaces .....	5.0
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Operating Forces: Polar Fleece shirts ..	1.0
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11th AF Range upgrades—fiber optics and power infrastructure .....	8.0
University Partnership for Operational Support .....	4.0
Mobilization: PACAF strategic airlift Training and Recruiting: MBU-20 Oxygen Mask .....	3.0
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Eielson AFB Utilidors .....	10.0
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DLA-PTAP .....	5.0
DODEA-UNI Math Teacher Leadership .....	1.0
Galena IDEA .....	5.0
OEA CUHSC, Fitzsimmons Army Hospital .....	10.0
OEA Relocate Barrow Landfill .....	4.0
OEA Port of Anchorage Intermodal Marine Facility Program .....	5.0
OSD Clara Barton Center .....	3.0
OSD Pacific Command Regional Initiative .....	6.0
OSD Intelligence Fusion Study Continuation .....	5.0
Undistributed:	
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Impact Aid .....	30.0
Impact Aid for Children with Disabilities .....	5.0
Operation Working Shield .....	5.0
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	4.0
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	
Operating Force:	
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Homeland Security Training Camp Ground .....	3.8
1st Bn, 118th Infantry Brigade Rifle Range .....	3.0
Distributed battle simulation program support .....	0.9
Administration and service wide activities: Information operations ..	6.0
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Additional Military Technicians ..	11.3
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Administration and service wide activities: Information Operations ....	5.0	Tactical Bridge, Float-Ribbon: Common Bridge Transporter .....	4.0	ALQ-135 Band 1.5 .....	20.0
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Montana Air National Guard: Training Range Planning and Study .....	1.0	Combat Support Medical: Hemorrhage Control Dressings .....	4.0	C-130: AAN/AYW-1 dual autopilot (ANG) ..	0.8
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UH-60 Blackhawk (MYP): 9 Blackhawk helicopters .....	96.3	Logistic Support Vessel: Vessel Completion .....	8.1	MISC Production Charges: Magnetic bearing cooling turbine technology .....	5.0
Helicopter-New Training: 6 TH-67 helicopters .....	9.6	Training Devices, Nonsystem: EST 2000 .....	5.0	LITENING targeting pod upgrades (ANG) .....	24.9
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BFVS Series: Bradley Reactive Armor .....	35.0	Common Ground Equipment: Direct Squadron Support Training .....	5.0	Combat Training Ranges: Mobile Remote Emitter Simulators	11.0
AMMUNITION PROCUREMENT, ARMY		WEAPONS PROCUREMENT, NAVY		AK Air Training Upgrade/ P4BE Pods .....	5.0
81MM Mortar, All Types: 81MM Mortar, Infared M816 .....	4.0	RAM .....	10.0	11th AF Unmanned Threat Emitter Modification Program .....	11.0
CTG, Mortar, 120 MM, All Types: White Phosphorus Facility Equipment .....	13.0	Drones and Decoys: ITALD .....	20.0	11th AF JAWSS-Scoring System Processor .....	6.7
Proj ARTY 155MM HE M107: Additional Funding .....	1.0	CWIS MODS: Block 1B .....	38.0	Base Information Infrastructure: AK Wide radio (LMR) Program .....	6.7
Bunker Defeating Munition (BDM): SMAW-D Bunker Defeating Munition .....	5.0	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS		Items Less than \$5 Million: Emergency Bailout Parachute System .....	3.0
Rocket, Hydra 70, All Types: Additional Funding .....	40.0	.50 Caliber: .50 Caliber SLAP .....	0.3	Wall Style Troop Seats .....	3.0
Demolition Munitions, All Types: MDI Demolition Initiators .....	2.0	SHIPBUILDING AND CONVERSION, NAVY		Mechanized Material Handling: Point of Maintenance Initiative—POMX ..	8.0
Ammunition Peculiar Equipment: Additional Funding .....	3.0	Carrier Replacement Program: Advance Procurement .....	229.0	Items less than \$5 Million: Vaccine Facility Project .....	1.0
Provision of Industrial Facilities: Munitions Enterprise Technology Insertion .....	1.3	LCAC SLEP: Additional Craft .....	22.0	Heilbasket Technology .....	4.5
Conventional Ammo Demilitarization: Additional Funding .....	10.0	OTHER PROCUREMENT, NAVY		PROCUREMENT, DEFENSE-WIDE	
Arms Initiative: Additional Funding .....	10.0	Items Less than \$5 Million: ICAS .....	8.0	SOF Rotary Wing Upgrades: ATIRCM/CMWS .....	12.0
OTHER PROCUREMENT, ARMY		Operating Forces IPE: IPDE Enhancement and PDM Interoperability .....	10.0	SOF Intelligence Systems: Portable Intelligence Collection and Relay Capability .....	6.0
Tactical Trailers/Dolly Sets: M871A3 22.5 Ton Trailers .....	3.5	PHNSY Equipment .....	15.0	LAW Trajectory Mounts (M72) .....	1.0
HI MOB Multi-Purp WHLD Vehicles: Additional Vehicles for NG .....	7.5	Weapons Range Support Equipment: Mobile Threat Emitter .....	10.0	Maritime Equipment Mods: MkV Advanced Shock Mitigating Seats .....	2.0
Additional Vehicles for Reserve .....	7.5	PMRF Equipment .....	9.8	Individual Protection: M40 Masks .....	3.0
Up-Armored Vehicles .....	29.0	Other Aviation Support Equipment: Joint Tactical Data Integration ....	15.0	M45 Masks .....	1.0
Firetrucks & Associated Firefighting Equipment: Tactical Firefighting Equipment .....	10.0	SSN Combat Control Systems: SSN Modernization .....	13.0	M48 Masks .....	0.5
Armored Security Vehicles: Additional Vehicles .....	25.0	Surface ASW Support Equipment: MK 32 SVTT Remanufacture .....	5.0	MEU Masks .....	2.5
Combat Identification Program: Quick Fix Program .....	1.0	Submarine Training Device Mods: INTERLOCKS Development Tools .....	4.0	Decontamination: M12 Decon system upgrades .....	6.0
Comms-Elec Equip Fielding: Virtual Patch Crisis Communication Coordination .....	3.2	Tactical Vehicles: Additional MTRV .....	35.0	M291 Decontamination Kits .....	1.0
Base Support Communications: AK Wide Mobile Radio Program .....	7.7	Other Supply Support Equipment: Serial Number Tracking System ....	6.0	M100 Sorbent Decontamination Kits .....	1.0
Information Systems: USARPAC C4 Equipment .....	6.0	PROCUREMENT, MARINE CORPS		Joint Biological Defense Program: Bio-Detection Kit storage .....	1.0
Sentinel Mods: AN/MPQ-64 .....	20.0	COMM Switching & Control System: Joint Enhanced Corps Communication System .....	25.0	JBFDS-BIDS .....	10.0
Striker Family: Additional Units .....	3.5	Material Handling Equipment: Tram Training Devices: Live Fire Training Range Upgrades .....	2.0	Collective Protection: Chem-Bio protective shelters .....	7.0
Automated Data Processing Equip: NG Distance Learning Courseware .....	7.5	AIRCRAFT PROCUREMENT, AIR FORCE		Filter Surveillance Program .....	1.5
Rock Island Arsenal Automatic Identification Technology .....	3.0	C-17(MYP): Fully Fund Purchase of 15 Aircraft Maintenance Trainer .....	585.9	M49 Fixed Installation Filter .....	1.0
		EC-130J: Purchase 1 additional aircraft .....	11.3	Contamination Avoidance: M22 Automatic Chemical Agent Alarms .....	7.0
		C-40 ANG: Leasing costs .....	30.6	RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY	
		B-52: Attrition reserve .....	25.2	Defense Research Sciences: Animal Modeling Genetics Research .....	1.0
		B-52 electronic countermeasures ....	10.0	Biofilm Research .....	1.0
		F-15: Block Upgrades .....	15.0	Integrated Desert Terrain Analysis Knowledge Management Fusion Center .....	5.0

Optical Technologies Research .....	2.0	Medical Advanced Technologies:	Casting Emissions Reductions Program .....	8.0
Prediction of Land-Atmosphere Interactions .....	2.5	Brain, Biology, and Machine Initiative .....	Transportable Detonation Chamber .....	5.0
University and Industry Research Centers:		Center for Integration of Medicine and Innovative Technology .....	Waste Minimization and Pollution Prevention .....	3.0
Armor Materials Design—Laser based material processing .....	2.5	Juvenile Diabetes Research .....	Logistics and Engineer Equipment—Adv. Dev: Composite Prototype Hull Design for Theater Support Vessel .....	5.5
Composite Materials Center of Excellence .....	0.8	Laser Fusion Elastin .....	All Source Analysis System: Non-traditional Intelligence Analysis Toolset (NTIAT) .....	1.0
Dendrimer Nanotechnology Research .....	3.5	Medical Simulation Training Initiative (MSTI) .....	Family of Heavy Tactical Vehicles: HEMTT 2 Technology Insertion Program .....	16.0
Ferroelectric Materials Nanofabrication .....	1.5	National Bioterrorism Civilian Medical Response (CIMERC) .....	Future Combat Systems SDD (formerly Armored Systems Modernization): Non-Line of Sight Cannon Development .....	173.0
Institute for Creative Technologies Jidoka Project .....	5.0	Rural Telemedicine Demonstration Project .....	Combined Arms Tactical Trainers (CATT) Core: AVCATT—A Upgrade .....	1.5
University Research Coalition for Manufacturing and Design .....	4.0	Texas Training & Technology for Trauma and Terrorism .....	Aviation—Eng. Dev.: High Level Ballistic Protection .....	0.5
University Program in Mobile Robotics .....	3.0	Aviation Advanced Technology: UAV Data links-AMUST .....	Weapons and Munitions—Eng. Dev: Commonly Remotely-Operated Weapons System Station (CROWS) .....	2.0
Materials Technology:		Combat Vehicle and Automotive Advanced Technology:	Mortar Anti-Personnel Anti-Material (MAPAM) .....	5.0
Advanced Materials Processing .....	4.0	Composite Body Parts—CAV Technology Transition .....	Command, Control, Communications Environmental for C3 Mobile Services .....	4.0
Electronics Components Reliability FCS Composite Research .....	2.5	Hybrid Electric Vehicles .....	Manpower, Personnel, and Training Advanced Technology: Army Aircrew Coordination Training .....	2.0
FCS Composite Research .....	3.0	IMPACT .....	Missile Simulation Technology .....	11.0
Future Affordable Multi-Utility Materials for FCS .....	2.0	Mobile Parts Hospital .....	Landmine Warfare and Barrier Advanced Technology:	
Low Cost Enabling Technologies .....	3.0	NAC Standardization Exchange for Product Data (N-STEP) .....	Advanced Demining Technology ....	5.0
Sensors and Electronic Survivability: Advanced Sensors and Obscurants ..	2.0	Pacific Rim Corrosion Project .....	Electromagnetic Wave Detection and Imaging Transceiver .....	2.5
Missile Technology:		Rapid Prototyping .....	Joint Service Small Arms Program: Objective Crew Served Weapons ....	5.0
Advanced Composite Chassis .....	2.0	Tracked Hybrid Electric Vehicle ...	Night Visions Advanced Technology: Night Vision Fusion .....	4.5
E-Strike Short Range Air Defense Radar .....	3.0	Command, Control, Communications, Advanced Technology: Networking Environmental for C3 Mobile Services .....	Warfighter/Firefighter Position, Location, and Tracking Sensor ...	3.0
Advanced Concepts and Simulation: Institute for Creative Technologies—Interactive training tech .....	5.0	Missile Simulation Technology .....	Military Engineering Advanced Technology:	
Photonics .....	5.0	Landmine Warfare and Barrier Advanced Technology:	Canola Oil Fuel Cell .....	1.5
Combat Vehicle and Automotive Technology:		Advanced Demining Technology ....	Proton Exchange Membrane (PEM) Fuel Cell Technology .....	5.0
21st Century Truck .....	17.0	Electromagnetic Wave Detection and Imaging Transceiver .....	Solid Oxide Fuel Development .....	5.0
Advanced Coatings Research .....	1.5	Joint Service Small Arms Program: Objective Crew Served Weapons ....	Advanced Tactical Computer Science and Sensor Technology:	
COMBAT .....	5.0	Night Visions Advanced Technology: Night Vision Fusion .....	IMRSV Program for Simulation Based Operation .....	3.0
Fastening and Joining Research ....	1.8	Warfighter/Firefighter Position, Location, and Tracking Sensor ...	Army Missile Defense System Integration .....	14.0
Next Generation Smart Truck .....	4.0	Military Engineering Advanced Technology:	Kodiak Launch Infrastructure, Transportation and Security .....	10.0
Chemical, Smoke, and Equipment Defeating Technology: Vaporous Hydrogen Peroxide Technology .....	8.0	Canola Oil Fuel Cell .....	SMDC Institute for Chemical Assembly of Nanoscale .....	3.0
Weapons and Munitions Technology:		Proton Exchange Membrane (PEM) Fuel Cell Technology .....	Targeted Defense for Asymmetric Biological Attack (TDABA) .....	1.0
Nanotechnology Consortium .....	2.0	Solid Oxide Fuel Development .....	Army Missile Defense Integration (DEMVAL):	
Phyto-Extraction Technology .....	3.0	Advanced Tactical Computer Science and Sensor Technology:	Advanced Tactical Operations Center .....	1.0
Electronics and Electronic Devices: Display and Development and Evaluation Laboratory .....	3.5	IMRSV Program for Simulation Based Operation .....	Battlefield Ordnance Awareness (BOA) .....	4.0
Flat Panel Displays .....	10.0	Army Missile Defense System Integration .....	Cooperative Micro-Satellite Experiment (CMSE) .....	5.0
Low Cost Reusable Alkaline Manganese Zinc .....	0.6	Kodiak Launch Infrastructure, Transportation and Security .....	Eagles Eyes .....	4.0
Portable Hybrid Electric Power Systems .....	2.0	SMDC Institute for Chemical Assembly of Nanoscale .....	Enhanced Scamjet Mixing .....	3.0
Countermine Systems:		Targeted Defense for Asymmetric Biological Attack (TDABA) .....	Family of Systems Simulator (FOSSIM) .....	2.0
Acoustic Landmine Detection .....	3.0	Army Missile Defense Integration (DEMVAL):	Low Cost Interceptor (LCI) .....	8.0
Polymer Based Landmine Detection .....	2.0	Advanced Tactical Operations Center .....	MTHEL .....	20.0
Environmental Quality Technology: Environmental Response and Security Protection (ERASP) Program	5.0	Battlefield Ordnance Awareness (BOA) .....	P-3 Micro-Power Devices for Missile Applications .....	3.0
Military Engineering Technology: Center for Geo-Sciences .....	2.0	Cooperative Micro-Satellite Experiment (CMSE) .....	Radar Power Technology .....	4.5
Stationary Fuel Cell Initiative .....	10.0	Eagles Eyes .....	Supercluster Distributed Memory Technology .....	4.0
University Partnership for Operational Support .....	4.0	Enhanced Scamjet Mixing .....	Tank and Medium Caliber Ammunition: MRM/TERM TM3 .....	15.0
Warfighter Technology: Chemical/Biological Nanoparticle Materials .....	3.5	Family of Systems Simulator (FOSSIM) .....	Environmental Quality Technology Dem/Val:	
Medical Technology:		Low Cost Interceptor (LCI) .....	Army Environmental Enhancement Program .....	1.0
Dermal Phase Meter .....	1.5	MTHEL .....		
EndoBiologics Vaccination Program .....	2.0	P-3 Micro-Power Devices for Missile Applications .....		
Gulf War Illness .....	1.0	Radar Power Technology .....		
International Rehabilitation Network .....	5.0	Supercluster Distributed Memory Technology .....		
Hemorrhage Control Dressings .....	3.5	Tank and Medium Caliber Ammunition: MRM/TERM TM3 .....		
Remote Acoustic Hemostasis .....	4.6	Environmental Quality Technology Dem/Val:		
Tissue Replacement and Repair for Battlefield Injuries .....	2.5	Army Environmental Enhancement Program .....		
Warfighter Advanced Technologies: Biosystems Technology .....	5.0			
Personnel Navigation for Future Warfighter .....	5.0			
Scorpion Future Combat Helmet ...	8.0			

Continuous Manufac Process for Metal Matrix Composites .....	0.5	Power Projection Advanced Technology:	SC-21 Total Ship Engineering:
MANTECH for Cylindrical Zinc Air Battery for Land Warrior Sys. ....	3.0	HYSWAC Lifting Body Development .....	Littoral Combat Ship Research and Development .....
MERWS—Phase II .....	5.7	LSC(X) .....	2.0
Army Space & Missile Defense Command: Domed Housing .....	2.0	Precision Strike Navigator .....	1.0
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY		Variable Engine Nozzle .....	3.0
Defense Research Sciences:		Vectored Thrust Ducted Propeller Helicopter Tech. Demo .....	4.0
Consortium for Military Personnel Research .....	2.0	Force Protection Advanced Technology:	Solid-State Spy-1E Multi Mission Radar .....
Robotic Mine Countermeasures .....	3.0	HTS AC Synchronous Propulsion Motor and Generator .....	3.0
Power Projection Applied Research:		Wave Powered Electric Power Generating System for Remote Naval Common Picture Advanced Technology: Improved Shipboard Combat Information Center .....	10.0
Interrogator for High Speed Research .....	2.0	Warfighter Sustainment Advanced Technology:	4.0
Low-cost Fused Remote Sensors for Target Identification .....	2.0	Energy and Environmental Technology .....	4.0
Force Protection Applied Research:		Integrated Aircraft Health .....	2.0
Anti-Corrosion Modeling Software Endeavor .....	4.0	Wire Chaffing Detection Technology .....	2.0
Fusion Processor .....	4.0	Marine Corps Advanced Technology Demonstration: Project Albert .....	7.0
Integrated Fuel Processor—Fuel Cell System .....	3.0	Environmental Quality and Logistics Advanced Technology: National Surface Treatment Center .....	4.0
Laser Welding and Cutting .....	3.0	Undersea Warfare Advanced Technology: University Oceanographic Laboratory System (UNOLS) .....	6.0
Miniature Autonomous Vehicles (MAVs) .....	1.5	Advanced Technology Transition: Man-portable Quadruple Resonance Landmine Detection Program .....	5.0
Modular Advanced Composite Hull Form .....	2.0	Aviation Survivability:	5.0
Small Watercraft Demonstrator .....	5.0	Modular Helmet .....	3.0
Unmanned Sea Surface Vehicles .....	9.0	Rotorcraft External Airbag Protection System (REAPS) .....	4.0
Communications, Command and Control, Intelligence, Surveillance:		ASW Systems Deployment: LASH ASW .....	5.0
Common Sensor Module .....	3.0	Surface Torpedo Defense: Anti-Torpedo .....	2.0
Materials, Electronics and Computer Technology: Innovative Communications Materials—Thick Film ..	1.0	Carrier Systems Development: Advanced Battlestation/Decision Support System .....	6.0
Common Picture Applied Research:		Shipboard System Component Development:	8.0
Modular Command Center .....	15.0	MTTC/IPI .....	3.0
Tactical Component Network Applications Integration .....	35.0	REPTILE—Regional Electric Power Tech Integration and Leveraging .....	1.0
Theater Undersea Warfare .....	10.0	Surface Vessel Torpedo Tubes-Airbag Technology .....	5.0
UESA .....	15.0	Advanced Submarine System Development:	3.0
Warfighter Sustainment Applied Research:		Electronic Motor Brush Technology .....	3.0
Advanced Fouling & Corrosion Control Coatings .....	7.0	Electromagnetic Actuator Development .....	1.9
Advanced Materials and Intelligent Processing .....	3.0	Fiber Optic Multi Line Towed Array (FOMLTA) .....	5.0
Biodegradable Polymers for Naval Applications .....	1.3	High Performance Metal Fiber Brushes .....	7.5
Bioenvironmental Hazards Research Program .....	2.0	Rotary Electromagnetic (Torpedo) Launcher System .....	2.0
Carbon Foam for Navy Applications .....	0.5	Ship Concept Advanced Design: Advanced, Integrated Low-Profile Antenna (HF, VHF, UHF) .....	4.0
Modernization Through Remanufacturing and Conversion (MTRAC) .....	4.0	Marine Corps Ground Combat/Support System:	2.5
Ceramic and Carbon Based Materials .....	2.0	Innovative Stand-off Door Breaching Munition .....	2.5
Titanium Matrix Composites Program .....	2.6	Nanoparticles for the Neutralization of Facility Threats .....	3.0
Visualization and Technical Information .....	2.0	Navy Energy Program:	3.0
RF Systems Applied Research:		Proton Exchange Membrane (PET) Fuel Cell Technology .....	5.0
Advanced Semiconductor Research High Brightness Electron Source Program .....	3.0	Thermally Activated Chiller/Heater Land Attack Technology: Semi-Automated IMINT Processing (SAIP) ..	2.0
Maritime Synthetic Range .....	6.0	Nonlethal Weapons Dem/Val:	3.0
Nanoscale Science and Technology Program .....	3.0	Joint Non-Lethal Weapons Technology Innovation .....	2.0
Silicon Carbide High Power Diode Development .....	2.5	Urban Ops Environment Research ..	2.0
Wide Bandgap Silicon Carbide Semiconductor Research .....	2.5	E-2C Radar Modernization: E-2C Technical Upgrade for Optimized Radar .....	8.0
Ocean Warfighting Environment Applied Research:			
Hydrography Research .....	2.5		
SEACOOS—Southeast Atlantic Coastal Ocean Observing System .....	8.0		
Undersea Warfare Applied Research:			
Acoustic Temperature Profiler .....	3.0		
Low Acoustic Signature Motor (LAMPREY) .....	3.5		
SAUVIM .....	2.0		
Magnetostrictive Transduction (TERFENOL-D) .....	5.4		
			RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE
			Materials:
			Composite materials training program .....
			0.5
			Nanostructured Materials .....
			5.0
			Advanced Materials Deposition for Semiconductor Nano .....
			1.5
			Closed cell foam material .....
			1.0
			Durable coatings for aircraft systems .....
			4.0
			Free electron laser materials processing .....
			3.0
			Titanium Matrix .....
			4.4
			Metals affordability initiative .....
			7.5
			Nanostructured protective coatings Strategic partnership for nanotechnology .....
			6.0

Cost-effective composite materials for UAVs .....		Endurance Unmanned Aerial Vehicles: Global Hawk lithium batteries	2.5	2.0	Ballistic Missile Defense Technology: Massively parallel optical interconnects .....	2.0
Human Effectiveness Applied Research: Human effectiveness applied research .....	9.8	Airborne Reconnaissance Systems: SYERS .....	4.0	4.0	Wide Bandgap Silicon Carbide Semiconductor Research .....	5.0
Aerospace Sensors: AFRL information and sensors directorate .....	2.5	Ultra-wideband airborne laser communications .....	3.0	3.0	Gallium Nitride high power microwave switch .....	4.0
Space Technology:		Theater airborne reconnaissance (TARS) P31 .....	13.6	13.6	Bottom anti-reflective coatings (BARC) .....	5.0
Lightweight and novel Structures ..	1.0	Manned Reconnaissance Systems: Network-centric collaborative (NCCT) .....	4.0	4.0	Improved materials for Optical memories—Phase II SBIR .....	3.3
HAARP incoherent scatter radar ...	3.0	Industrial Preparedness: Bipolar wafer-cell NIMH battery .....	2.0	2.0	PMRF upgrades .....	25.0
ICASS .....	2.0	Productivity, Reliability, Availability (PRAMPO): Modeling/Re-engineering for Oklahoma City ALC ..	4.0	4.0	ESPRIT .....	3.5
Seismic Nuclear Test Monitoring research .....	5.0	RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE			Range Data monitor .....	3.5
Substrates for solar cells .....	2.0	Defense Research Sciences:			Thick Film silicon coatings .....	3.0
Carbon foam for aircraft and spacecraft .....	0.5	Advanced photonics composites .....	2.0	2.0	SHOTS .....	5.0
TechSat 21 .....	5.0	University optoelectronics .....	2.0	2.0	High data rate communications .....	5.0
Command, Control, and Communications:		Life Science Education and Research .....	5.0	5.0	Advanced RF technical development .....	4.0
Information protection and authentication .....	3.0	Molecular electronics .....	2.0	2.0	AEOS MWIR adaptive optics .....	3.0
Secure Knowledge management .....	5.0	University Research Initiatives:			Wafer scale (ultra flay) planarization .....	5.0
Advanced Materials for Weapons Systems:		Infotonics .....	4.0	4.0	High resolution color imaging .....	5.0
Low bandwidth medical collaboration .....	2.0	MEMS Sensor for rolling element bearings .....	1.5	1.5	Chemical and Biological Defense Program:	
Powdered programmable process .....	5.0	Nanoscience and nanomaterials .....	5.0	5.0	Bio-adhesion research .....	3.0
Assessing aging of military aircraft	2.0	Corrosion protection of aluminum alloys in aircraft .....	2.0	2.0	Advanced Chemical detector .....	6.0
Ceramic matrix composites for engines .....	5.0	Fastening and joining research .....	1.0	1.0	Agroterror prediction and risk assessment .....	5.0
Flight Vehicle Technology: E-SMART threat agent network .....	5.0	Secure Group communications .....	2.0	2.0	High intensity pulsed radiation facility for chem-bio defense .....	2.0
Aerospace Technology DEV/DEMO: Sensor Craft (UAV) .....	5.0	University Bioinformatics .....	2.0	2.0	Vaccine Stabilization .....	3.0
Aerospace Propulsion and Power Technology: Advanced Aluminum Aerostructures .....	4.0	Defense Experimental Program to Stimulate Competitive Research: DEPCOR .....	10.0	10.0	Special Technical Support: Graphic Oriented Electronic Technical Manuals .....	1.5
Crew Systems and Personnel Protection: TALON .....	5.0	Chemical and Biological Defense Program:			Generic Logistics R&D Tech. Demonstrations:	
Advanced Spacecraft Technology:		Bug to drug countermeasures .....	5.0	5.0	Fuel Cell Locomotive .....	1.0
Robust aerospace composite materials/structures .....	3.5	Chemical Warfare protection .....	1.2	1.2	Computer assisted technology transfer (CATT) .....	4.0
Thin amorphous solar arrays .....	10.0	Detection of chem-bio pollutant agents in water .....	5.0	5.0	Microelectronics testing technology/obsolescence program .....	10.0
MAUI space Surveillance System (MSSS):		Nanomulsions of decontamination .....	5.0	5.0	Ultra-low power battlefield sensors .....	25.0
MSSS Operations and Research .....	35.0	Bioprocessing Facility .....	7.0	7.0	Chameleon mini wireless system .....	5.0
PANSTARS .....	15.0	Historically Black Colleges and Universities:			Vehicle fuel cell program .....	10.0
Multi-Disciplinary Advanced Development Space Technology: Aerospace relay mirror system .....	7.0	American Indian Tribal Colleges ...	3.5	3.5	Agile Part Demonstration (CCDOT) .....	5.0
Conventional Weapons Technology: LOCAAS .....	7.0	Technical assistance program .....	3.0	3.0	New England Manufacturing supply chain .....	6.0
C31 Advanced Deployment: Fusion SIGNIT enhancements to ELINT ...	4.0	Embedded Software and Pervasive Computing: Software for autonomous robots (AE-02) .....	2.0	2.0	Advanced Electronic Technologies: Defense Tech Link .....	1.5
Pollution Prevention (DEM/VAL): 02 Diesel air quality improvement at Nellis, AFB .....	1.0	Biological Warfare Defense: Bioscience Center for Infoscience .....	2.1	2.1	Advanced lithography—thin film research .....	6.0
B-2 Advanced Technology Bomber: LO maintenance improvements .....	10.0	Chemical and Biological Defense Program: Chem-bio defense initiatives fund .....	25.0	25.0	Advanced Concept Technology Demonstrations: Guardian portable radiation search tool .....	5.0
EW Developments: BLAID upgrade to ALR-69 .....	14.7	Tactical Technology: CEROS .....	7.0	7.0	High Performance Computing Modernization Program	
MILSTAR LDR/MDR Satellite Communications: Painting and coating pollution prevention .....	1.0	Materials and Electronics Technology:			Missile Defense engineering and assessment center .....	20.0
Agile Combat Support: Deployable Oxygen System .....	2.5	Heat actuated coolers .....	2.0	2.0	High Performance visualization initiative .....	1.5
Life Support Systems:		Optoelectronics .....	5.0	5.0	MHPCC .....	5.0
Crew Seating .....	2.5	Fabrication of 3-D structures .....	4.0	4.0	Simulation Center HPC upgrades ...	2.0
SEE-RESCUE distress streamer .....	4.0	Strategic Materials .....	4.0	4.0	Sensor and Guidance Technology: Large Millimeter telescope .....	3.0
Distributed Mission Interoperability Toolkit (DMIT) .....	4.0	Friction stir welding .....	1.0	1.0	Joint Wargaming Simulation Management Office: Rapid 3-D visualization database .....	2.0
Combat Training System: Air Combat training ranges .....	3.0	WMD Defeat Technology: Deep Digger .....	3.0	3.0	Joint Robotics Program:	
Integrated C2 Application: ASSET/eWing .....	3.0	Explosive Demilitarization Technology:			Deployable/mission-oriented robots .....	5.0
RDT&E for Aging Aircraft: Landing gear life extension .....	10.0	Explosives demilitarization technology project .....	3.0	3.0	Tactical unmanned ground vehicle .....	2.0
Link-16 Support and Sustainment: 611th AOG enhanced tactical data display link .....	8.0	Hot gas decontamination HWAD .....	3.2	3.2	Unmanned ground vehicles .....	2.0
Major T&E Investment: Mariah II hypersonic wind tunnel .....	10.0	Innovative demilitarization technologies .....	4.0	4.0	CAL5 Initiative: CALS .....	7.0
AF TENCAP: GPS jammer deflection and location .....	3.0	Metal reduction and processing .....	1.5	1.5	Ballistic Missile Defense System Segment: Maintain T&E Levels .....	10.0
National Air Intelligence Center:		Rotary furnace—HWAD .....	0.6	0.6	Ballistic Missile Defense Terminal Defense: Arrow .....	80.0
NAIC space threat assessment .....	1.0	Water gel explosive/program delays .....	0.6	0.6	Ballistic Missile Defense Sensors: Airborne infrared surveillance (AIRS) .....	10.0
NAIC threat modeling .....	2.0	Combating Terrorism Technology Support:			Ramos solar arrays .....	10.0
Information Systems Security Program: Lighthouse cyber security program .....	7.5	Asymmetric warfare initiative .....	3.0	3.0	Joint Service Education and Training Systems Development: Academic advanced distributed learning co-lab .....	1.0
		Blast mitigation testing .....	5.0	5.0	Joint Electromagnetic Technology Program:	
		Counter-Terrorism ISR system (CT-ISR) .....	3.0	3.0	HIPAS observatory .....	3.0
		Electrostatic Decontamination System .....	9.0	9.0		
		NG multi-media security technology .....	2.5	2.5		

Delta Mine Training Center ..... 3.0  
 Joint Robotics Program—EMD:  
   Field testing support ..... 10.0  
   Tactical mobile robot ..... 4.8  
 General Support to C31: Pacific Disaster Center ..... 7.0  
 Classified Programs: Information Security Scholarships ..... 10.0  
 Development Test and Evaluation:  
   Big Crow test support activities ..... 5.0  
 Partnership for Peace (PFP) Info. Management: Information Systems Information Security System Program: Network, Information, and Space Security Center ..... 1.0  
 Global Command and Control System: Joint Information Technology Center ..... 4.0  
 Defense Imagery and Mapping Program:  
   Feature Level Database Development ..... 4.2  
   Intelligent spatial technologies for Smart Maps ..... 1.0  
   BRITE ..... 4.0  
   PIPES ..... 9.0  
 Defense Joint Counter Intelligence Program:  
   Joint Counterintelligence Assessment Group (JCAG) ..... 15.0  
 Industrial Preparedness: Laser additive manufacturing ..... 6.0  
 Special Operations Tactical Systems Development:  
   Joint threat warning systems ..... 1.8  
   Precision Target Locator Designator (PTLD) ..... 4.1  
   TACNAV light vehicle-mounted land nav system ..... 3.0  
 Special Operations Intelligence Systems Dev: Embedded IBS receivers  
 SOF Operational Enhancements:  
   Fusion goggle system ..... 5.0  
   Nano-technology research ..... 5.0  
 OPERATIONAL TEST & EVALUATION, DEFENSE  
 Test 7 Evaluation Technology: Test & Eval. Science & Tech. .... 4.0  
 Central Test and Evaluation Investment Development (CTEIP):  
   T&E Transfers from DOD—Wide Acquisition Programs ..... 70.0  
   Joint Directed Energy Combat Operations and Employment (JDECOE) ..... 1.0  
 Live Fire Testing:  
   Live Fire Test and Training Program ..... 4.0  
   Reality Fire Fighting/Homeland Security Training ..... 1.5  
 Total FY2003 Defense Appropriations Member Add-Ons = \$5.2 billion

The PRESIDING OFFICER. Without objection, it is so ordered.  
 Mr. MCCAIN. I yield the floor.  
 Mr. REID. Has the Senator completed his statement?  
 Mr. MCCAIN. I yield the floor.  
 Mr. REID. I ask unanimous consent that in addition to the 5 minutes for Senator MCCAIN, we have 5 minutes for the managers of the bill to speak in favor of the motion to table. I ask unanimous consent that be the case.  
 The PRESIDING OFFICER. That was part of the request of the Senator from Arizona.  
 Mr. REID. Excellent. Perfect.  
 The PRESIDING OFFICER. The Senator from Alaska.  
 Mr. STEVENS. Mr. President, the position of the Senator from Arizona is understandable from the point of view of not being really cognizant of the aging aspect of our aircraft. We found, for instance, on the tankers, the tankers that were flying nightly in and out of Afghanistan averaged more than 42 years of age. If you had told this Senator in 1944 to fly a plane that was made 42 years earlier, 1902, it would have been laughable. Today, to have our people flying airplanes that were made in Harry Truman's day, is laughable.  
 Just this past trip that we took to Europe, we flew on a plane that was 28 years old. It was one of these planes for this type of purpose, of carrying personnel, not cargo.  
 We looked at this problem and we found that should we start an acquisition program for these new aircraft, which was requested by the people from the Department of Defense who pointed out in many of these statistics to us that the capital cost would be so great that it would force out of the budget items that are absolutely essential to our war against terrorism and to the modernization of our military forces in other places.  
 We still have an absolutely difficult time replacing our ships—replacing them at a rate that is far less than is necessary to maintain the number of ships in the line that we have. But we are stuck in that kind of economics where we can't lease the kind of military vessels we need for the Navy. +But in this instance we are dealing with the world of aviation, and we can lease. We can lease planes, and we can also lease engines very competitively. There is a competitive market out there for both. There is a competitive market in the private sector for the planes we are talking about. We are not entering into a market where there is monopolistic practice at all.  
 But for us to try to do what the OMB and the Congressional Budget Office might have wanted originally would have required a massive new procurement program in order to get the planes, and we would be getting them one or two a year for 20 years. We are going to lease a fleet of these to meet the needs of the Department of Defense and retire these planes which are so old that the cost to merely maintain them

far exceeds their value now. Beyond that, their reliability is so low that I have been told in many places the concept of redlining—telling the pilots they cannot fly the plane because the plane won't pass even minimum standards—is so prevalent now in the Air Force that it is, in part, a matter of morale.  
 I believe we should do everything we can to shift the acquisition of aircraft that we cannot lease into procurement accounts and try to get those planes to meet our military needs. Those that we can lease in a competitive world, we should do so. When we do so, we lease them at an asset that can be returned to the commercial market at the end of the lease.  
 That is one of the things we have not been able to get real credit for yet in terms of the people who are reviewing this matter for the Senator from Arizona. We will pursue that further.  
 But in this instance Congress and the White House agreed with us in the last year—and previously—about the concept of leasing, that there are going to be other items that have to be leased.  
 When we were looking at some of the consequences of the terrible events of 9/11, we found that the NATO AWAX planes were bought to the United States and flown over our major cities for a substantial period of time. There were 19,000 to 20,000 hours put on those planes during a period where otherwise they probably would not be getting anywhere more than 100 hours a month. The engines on those planes have been effectively worn out.  
 We are going to have to go into that process. I would invite the Armed Services Committee to do some studying of its own. If it has a better way to get us the equipment we need now without breaking the budget, I am sure the Senator from Hawaii and I would be pleased to join.  
 The money for the leasing of these planes comes from the O&M account of the Department of Defense. It competes with all other things that O&M moneys are paid for. The Department is not going to be reaching out and leasing planes that are not needed. On the other hand, it is going to have to retire the planes that are so old now that their utility is so limited they should not be in the inventory of the U.S. Air Force.  
 I hope the Senate will support the position. I am prepared to make a motion to table.  
 I understand that it will be handled under a previous agreement. I shall make the motion to table before the evening is over. But it is my understanding that the amendment is pending. We will just leave it that way, and I will ask unanimous consent that it be put aside for the consideration of other matters that will come before the Senate this evening.  
 The PRESIDING OFFICER. Is there objection?  
 Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that prior to any vote tomorrow, at a time set by the majority, I be allowed 5 minutes and the managers of the bill be allowed whatever time they request.  
 The PRESIDING OFFICER. Is there objection?  
 Mr. REID. The unanimous consent was before final passage?  
 Mr. MCCAIN. Before the vote.  
 The PRESIDING OFFICER. The Senator from Arizona asked for 5 minutes before the vote on his amendment.  
 Mr. MCCAIN. Could I explain my request to the Senator from Nevada? Could I be recognized, Mr. President?  
 The PRESIDING OFFICER. The Senator from Arizona.  
 Mr. MCCAIN. I would like to speak for 5 minutes. The Senator from Alaska has indicated he will move to table the amendment. I would like 5 minutes, as the sponsor of the amendment, prior to the vote to table.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 4447

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 4447.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To set aside Defense-wide operation and maintenance funds for review and mitigation of domestic violence involving Department of Defense personnel)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) Funds appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" may be used by the Military Community and Family Policy Office of the Department of Defense for the operation of multidisciplinary, impartial domestic violence fatality review teams of the Department of Defense that operate on a confidential basis.

(b) Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", \$10,000,000 may be used for an advocate of victims of domestic violence at each military installation to provide confidential assistance to victims of domestic violence at the installation.

(c) In each of the years 2003 through 2007, the Secretary of Defense shall submit to Congress an annual report on the implementation of the recommendations included in the reports submitted to the Secretary by the Defense Task Force on Domestic Violence under section 591(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 639; 10 U.S.C. 1562 note).

Mr. WELLSTONE. Mr. President, I think all of us were deeply concerned about the four domestic violence homicides that occurred over the past 6 weeks at Fort Bragg in North Carolina. The tragic murder of these young women by their husbands within such a short period of time is devastating. It is devastating to the families of the victims. It is devastating to their friends. It is devastating to the military where soldiers and their families should be safe on base. And they should be safe in their homes.

The Defense Task Force on Domestic Violence, which is made up of 12 military and 12 civilian members, was charged by Congress to investigate domestic violence in the military and to make recommendations for the Secretary on how to reduce the violence. In the introduction in its first report, the task force wrote:

Domestic violence is an offense against the institutional values of the Military Services of the United States of America. It is an affront to human dignity, degrades the overall readiness of our Armed Forces, and will not be tolerated in the Department of Defense.

I don't think anyone who has followed the recent events in North Caro-

lina would disagree. In fact, the North Carolina incidents, while unusual in that they are clustered within such a short period of time, are not unique. The Naval Criminal Investigative Service reported 54 domestic homicides in the Navy and Marines since 1995. The Army reported 131 homicides since 1995 and the Air Force reported 32.

This is a problem that is by no means limited to the military, but its dimensions in the military are complex and need to be addressed. I know Secretary Rumsfeld and Deputy Secretary Wolfowitz share that view. I applaud the Secretary and the Deputy Secretary for the attention they have given to this issue and for the willingness they have shown to address it.

The amendment which I offer today would help the military reduce domestic violence in the ranks. In particular, it would ensure that funds are used to establish an impartial, multidisciplinary, confidential Domestic Violence Fatality Review Team at the Military Community and Family Policy Office. The team would be charged with investigating every domestic fatality in the military.

The purpose of the investigation would be twofold: First, the team would determine what intervention and services were provided to the victim and to the offender prior to the fatality; second, what interventions and services could have been provided to the victim and offender that could have prevented the fatality.

The team would also aggregate data from domestic violence fatalities to help determine patterns so as to develop systemic responses to domestic violence and prevent some tragedy from ever happening again.

The need for such a review is clear. The Defense Department Task Force found that "fatality reviews have yet to become an important element of DOD's overall response to domestic violence."

It would recommend the use of the Fatality Review Team in order to "provide a mechanism for ongoing review of domestic violence policies and case practices that may inadvertently contribute to the death of a victim or offender with the primary objective of contributing to systemic improvements in a military community's response to domestic violence."

While the military is conducting the review in the Fort Bragg case—and this is an important first step—I believe and the task force believes that such reviews must become routine—not just at Fort Bragg but all across the country.

The second part of this amendment would help the Department ensure that there are victims advocates at every military installation who provide confidential support and guidance exclusively to victims.

The Defense Task Force expressed concern about the "stark contrast between the availability of victim advocacy services in the military and civil-

ian communities." It later asserts that "Victims should have access to a well defined program for victim advocacy." And this should be in every military installation.

The Defense Department does provide excellent family advocacy programs to victims, but the Defense Task Force and other researchers have found that the Family Advocacy Program, while serving an important function, can in many cases erect barriers to women finding safety for themselves and their children.

Women have to be able to go to somebody where there is complete confidentiality. That is extremely important.

The problem, in many cases, with the current system is that when a victim reports abuse, that abuse must be reported to Command regardless of the victim's wishes. This lack of confidentiality has a profound effect on victims' willingness to come forward and find safety.

According to the task force, victims expressed "fears related to personal safety, loss of career and the belief that commanding officers generally appeared more supportive of the service member than the spouse who is the victim."

That is important data, I say to Senators.

Caliber Associates conducted two studies that also concluded that the No. 1 barrier to reporting domestic violence for victims is the fear of the negative impact on the offender's career.

Other concerns with the current system are that "the commanding officer's lacking knowledge of the complex dynamics of domestic violence led him/her to make decisions that placed the victim in unsafe circumstances with respect to the offender" and that the family advocates often work with both the victim and the offender, leading victims to believe that their safety concerns actually get lost or actually their safety concerns become more serious.

In sum, the task force reports, "When the Military Services do not have advocates exclusively for domestic violence victims, the current system often disempowers victims." It is for these victims that a victim advocate is necessary.

This amendment does not replace the Family Advocacy Program, nor is it meant to be critical of its very good work. Rather, the amendment ensures that victims whose lives are in danger have an alternative place to turn to that is confidential and where their needs can be met without qualification. The victim advocates would aid women through counseling, safety planning, and referral to civilian and military shelter, legal counseling, and medical and other relevant services so they can provide for their own safety and the safety of their families without fear.

Finally, this amendment would require that the Secretary report to the Congress on progress in implementing the regulations of the task force. Domestic violence is something that we

in Congress must constantly work to prevent, reduce, and eventually end. Having such reporting will help us work with the military to address domestic violence in one part of our society.

Colleagues, what happened at Fort Bragg should never happen again. This amendment represents a small step toward preventing future tragedies. I urge my colleagues to support it.

I ask unanimous consent to add Senator MIKULSKI as a cosponsor.

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

Mr. WELLSTONE. I say to the distinguished chair of the committee that I have had an opportunity to do a lot of work dealing with domestic violence, mainly because of my wife Sheila's work, and she has been my teacher. This is by no means an issue or problem just in the military. Some people say about every 15 seconds a woman is battered somewhere in our country, quite often in the home.

A home should be a safe place for women and children, but quite often it isn't. We passed the Violence Against Women Act, and we reauthorized it, and things are starting to change. It is not true, any longer, in communities, everybody is saying: Well, that's private business. It's not our business.

We do not turn our gaze away from this any longer. But, unfortunately, it is a huge problem, and also for these children who witness this violence.

I believe the Secretary Rumsfeld and Secretary Wolfowitz have shown great concern, and I appreciate that. This amendment is just an emphasis to put more focus on this and to have the Congress—the House and the Senate—working with our Defense Department. I believe it is a constructive amendment and a positive amendment.

I understand, although I wait to hear from the distinguished chair, that my colleagues are willing to accept the amendment. If that is the case, that is wonderful.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. The managers wish to commend the Senator from Minnesota for this amendment. And we are prepared to accept it.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I join on this. I have to say that I don't use this word too often, but I was appalled at that story about the violence. We all have tremendous respect for these young people representing our Nation abroad who get in harm's way and really are put under severe stress.

I hope it is not only associated with the concept of the victims of abuse, but we ought to find some way to have greater counseling available to our people when they come home. Those of us who have come home in the past know it is a traumatic experience for anybody, but for those who have been deeply involved in combat, it is really difficult.

We should be very moved by that story. I think this will be the first step in meeting that syndrome that has developed and trying to find some way to prevent it in the future.

So I commend the Senator for his amendment, and I, too, support it.

Mr. WELLSTONE. I thank both my colleagues. I cannot add to the words of the Senator from Alaska. He said it better than I could.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 4447) was agreed to.

Mr. INOUE. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

#### AMENDMENT NO. 4448

Mr. BYRD. Mr. President, I have an amendment. I send it to the desk.

Is there an amendment pending?

The PRESIDING OFFICER. That amendment has been set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. GRASSLEY, proposes an amendment numbered 4448.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: To provide certain requirements and limitations regarding the use of government purchase charge cards and government travel charge cards by Department of Defense personnel)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) LIMITATION ON NUMBER OF GOVERNMENT CHARGE CARD ACCOUNTS DURING FISCAL YEAR 2003.—The total number of accounts for government purchase charge cards and government travel charge cards for Department of Defense personnel during fiscal year 2003 may not exceed 1,500,000 accounts.

(b) REQUIREMENT FOR CREDITWORTHINESS FOR ISSUANCE OF GOVERNMENT CHARGE CARD.—(1) The Secretary of Defense shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card.

(2) An individual may not be issued a government purchase charge card or government travel charge card if the individual is found not credit worthy as a result of the evaluation under paragraph (1).

(c) DISCIPLINARY ACTION FOR MISUSE OF GOVERNMENT CHARGE CARD.—(1) The Secretary shall establish guidelines and procedures for disciplinary actions to be taken against Department personnel for improper, fraudulent, or abusive use of government purchase charge cards and government travel charge cards.

(2) The guidelines and procedures under this subsection shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are in-

consistent with the official business of the Department or with applicable standards of conduct.

(3) The disciplinary actions under this subsection may include—

(A) the review of the security clearance of the individual involved; and

(B) the modification or revocation of such security clearance in light of the review.

(4) The guidelines and procedures under this subsection shall apply uniformly among the Armed Forces and among the elements of the Department.

(d) REPORT.—Not later than June 30, 2003, the Secretary shall submit to the congressional defense committees a report on the implementation of the requirements and limitations in this section, including the guidelines and procedures established under subsection (c).

Mr. BYRD. Mr. President, the General Accounting Office has recently completed another in a long line of studies about financial mismanagement at the Department of Defense. A GAO report shows how Government-issued charge cards were abused for the personal gain of certain civilian employees and members of the Armed Forces.

This issue is not about irresponsible use of personal credit cards so much. This is about using a Government charge card for personal use and leaving the American taxpayers on the hook. In some instances of abuse, the U.S. Government is left with only the interest on personal purchases to pay. In the worst cases of abuse, the Pentagon actually uses the funds that are appropriated for national defense to pay off the questionable charges on these credit cards.

To understand the scale of the problem, it is important to understand how many charge cards are being used. According to the Department of Defense, it maintains 1.7 million charge cards that were responsible in fiscal year 2001 for—now hold on to your hat—\$9.7 billion in spending.

Neither the GAO nor I take issue with the well-regulated use of Government-issued charge cards. In the right hands, a charge card cuts through bureaucratic redtape, reduces paperwork, and limits the administrative costs of processing purchase orders. But put a government charge card into the hands of irresponsible individuals, and they can do some real damage.

Take for example the case of a junior enlisted soldier at Fort Drum in New York. He ran up a bill of \$10,029 on three travel cards, due mostly to charges made at a casino. Despite this serious abuse of the charge card, in October 2000, the soldier was allowed to be honorably discharged without punishment.

But that horror story is just the tip of the iceberg. One soldier ran up charges of \$1,058 in personal charges, including some from the Dream Girls Escort Service. Not to be outdone, another junior enlisted soldier ran up \$2,278 in debt, including \$110 from the Spearmint Rhino Adult Cabaret. According to the GAO, neither of those soldiers received any disciplinary action. These appear not to be isolated

incidents, either. The GAO says that it found about 200 individuals who charged \$38,000 in Fiscal Year 2001 alone at questionable establishments offering "adult entertainment."

Those soldiers ought to be ashamed of themselves. They have betrayed the trust of the public by using government money to fund their dalliances. It is a disgrace not only to the uniform that they wear, but also to their superior officers who were apparently asleep at their posts.

In addition to using the cards for personal purposes, some cardholders play games with paying back the money that they owe. One soldier in south Carolina ran up \$35,883 in debt, then bounced 86 checks, totaling \$269,301, in a phoney attempt to pay off the card. It is small consolation that this soldier is undergoing a court martial for his criminal behavior.

It appears that the astonishing lack of financial oversight in the Department of Defense has created a situation where it is easy to escape any kind of punishment. The GAO found 105 cardholders who held secret or top secret security clearances who had bad debt written off of their travel charge cards. Out of this group, 38 still had active security clearances even after they had experienced serious financial difficulties.

I remind my colleagues of the serious security risks posed by individuals with financial problems. Robert Hanssen, the former FBI agent, and Aldrich Ames, the mole at the CIA, betrayed their country for money. In 1998, a retired Army officer, David Sheldon Boone, was caught and accused of selling secrets to Russia. His excuse? He claimed that financial problems led him to spying.

The amendment that I offer today with Senator Grassley proposes to curb some of the most gross excesses of the charge card programs. First, the amendment limits the number of charge cards that can be made available to service members or civilian employees of the Department of Defense to 1.5 million, a 10 percent reduction in the number of cards that are now out there. This cap will eliminate unnecessary cards and reduce the chance that the charge card numbers will be stolen.

The amendment establishes a requirement that the Secretary of Defense evaluate the creditworthiness of an individual before issuing a charge card. It is astounding that this common-sense step has not been taken before. But it has not, and as a result, the GAO found that charge cards are getting in to the hands of individuals with a history of writing bad checks, making late payments on their personal credit cards, and even defaulting on loans. This must stop.

The amendment requires the Secretary of Defense to develop uniform disciplinary guidelines, so that members of each of the military services are held to the same standard of conduct for their use of charge cards. The

amendment includes specific language on security clearances, so that security officials will be informed of the financial wranglings of individuals who have access to classified information.

Finally, the amendment keeps the pressure on the Department of Defense to continue its financial reforms by reporting to the congressional defense committees not later than June 30, 2003, on the implementation of reforms to the charge card programs.

I have no doubt that Secretary Rumsfeld is serious when he says that he wants to straighten out the financial and accounting messes at the Pentagon. He did not create these problems. They did not occur on his watch. But it is now his watch. Someone has to be held accountable for these scandals. William Wordsworth once said, "No matter how high you are in your department, you are responsible for the actions of the lowliest clerk."

Congress has an important role in making sure that the money that we appropriate for our defense is well-spent. It is the Legislative Branch, after all, that is entrusted with the power of the purse. When money is wasted, we have an obligation to step in and take corrective action. The amendment that I have proposed with the Senator from Iowa Mr. GRASSLEY, takes common-sense steps to crack down on the abuse of government charge cards in the Department of Defense. I urge my colleagues to support the amendment.

I yield the floor.

Mr. GRASSLEY. Mr. President, I rise in support of the Byrd-Grassley Amendment regarding Department of Defense credit cards. Many of my colleagues will be aware of the ongoing oversight investigation that I have been involved with for over 2 years now looking into abuses of government purchase cards and travel cards issued by the Department of Defense. Working with the GAO, Chairman Horn's subcommittee in the House, and others, we have been able to uncover a disturbing number of instances where DoD issued credit cards have been abused. We're not just talking about little abuses either. These cards have been used to purchase everything from cars to Caribbean cruises. They have been used for mortgage payments and for cash in adult entertainment establishments. The horror stories go on and on.

It is unfortunate that we are just now finding out about many of these instances of fraud and abuse, but I am pleased that Secretary Rumsfeld appears to be taking this problem seriously. The Office of Management and Budget has announced a crackdown on credit card abusers and salary offsets and other tools are being used to recover funds from unauthorized charges. However, the question remains, "How were these abuses allowed to occur in the first place?" The answer is ineffective internal controls. Receipts are not always matched with statements and inventory is not checked to make sure

that DoD got what it paid for. We also know that the Army doesn't always ask for the credit cards back when individuals leave the service. If you leave the cookie jar unguarded with the lid off, people are going to reach in and help themselves when no one is looking.

Perhaps most alarming is the lack of credit checks. It seems obvious that credit checks should be done on individuals before issuing them a government credit card, but this is not currently the case. Not only is no one double checking to make sure these credit cards are used appropriately, but no one is checking to see if the individuals they are issued to are up to the responsibility. A little diligence up front could prevent millions of dollars in fraudulent purchases that leave the bank or the taxpayer holding the bill.

It is also true that once credit card abuses have been discovered, not enough is done to follow up. I am glad that DoD is finally recovering money that has been misspent, but this shouldn't be the end of the story. Those who abuse the trust that has been placed with them should not get off scott-free. There have been individuals who have been court marshaled for fraudulent transactions, while others with similar misdeeds have been promoted. In fact, many individuals with a record of questionable purchases continue to hold a security clearance. Under existing DoD rules, a person's level of financial responsibility is a key factor in determining whether that person holds a security clearance. Beyond simply requiring repayment, DoD needs to review the positions these people hold and consider disciplinary action. Failure to do so could even put our national security at risk.

The Byrd-Grassley Amendment requires the Department of Defense to take the initial steps necessary to address many of these problems that have been uncovered in our ongoing investigation. I commend Senator BYRD for his initiative and leadership in this area and I am pleased to associate myself with this amendment.

First, the Byrd-Grassley Amendment stems the tide of DoD credit cards, which are apparently being handed out willy-nilly to just about everyone, by limiting the number of government charge card accounts that may be issued in fiscal year 2003 to 1,500,000. The amendment also requires that DoD must evaluate the creditworthiness of an individual before issuing a government charge card and prohibits DoD from issuing a card to anyone found not credit worthy. Finally, the Byrd-Grassley amendment requires DoD to establish guidelines and procedures for disciplinary actions against DoD personnel for improper, fraudulent, or abusive use of government charge cards, including reviewing and possibly modifying or revoking security clearances. The Secretary of Defense would then be required to report to the congressional defense committees on the

implementation of these requirements by June 30, 2003.

The requirements in the Byrd-Grassley Amendment are all well founded based on what I and others have been able to uncover regarding DoD credit card abuses. They are all measures that should be put in place by DoD without delay as a starting point toward getting this credit card debacle under control and preventing future abuses. This amendment shouldn't be needed as one would think all of the provisions would be implemented by DoD out of simple common sense. However, I assure you that it is needed, and I urge my colleagues to join Senator BYRD and me in this important initiative.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Hawaii.

Mr. INOUE. Mr. President, I wish to commend the chairman of the committee on this most appropriate and timely amendment. As a manager of this measure, I am prepared to accept it.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I join the Senator from Hawaii and welcome the opportunity to vote to accept this amendment. I think it is a very modest step. The Senator from West Virginia has been restrained in terms of the abuses that we have heard about. This will start the process of putting us on a straight track.

I support the amendment and urge its adoption.

Mr. BYRD. Madam President, I thank both managers.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 4448.

The amendment (No. 4448) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4454

Mr. STEVENS. Madam President, I send an amendment to the desk on behalf of the distinguished Senator from Oklahoma, Mr. NICKLES, and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. NICKLES, proposes an amendment numbered 4454.

Mr. STEVENS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 4454

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

Of the funds appropriated in the Act under the heading "Operations and Maintenance, Air Force" up to \$2,000,000 may be made available for the Aircraft Repair Enhancement Program for the KC-135 at the Oklahoma City Air Logistics Center.

Mr. STEVENS. Madam President, I urge its adoption.

The PRESIDING OFFICER. Is there objection?

Mr. INOUE. Madam President, I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4454) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I appreciate the two managers withholding. The majority leader has asked me to announce that there will be no more rollcall votes tonight.

AMENDMENTS NOS. 4455 THROUGH 4462, EN BLOC

Mr. INOUE. Madam President, I have a series of amendments. None of these amendments calls for new appropriations, and all of these amendments are either earmarking or technical in nature. I will submit them en bloc to be considered and passed en bloc.

I will explain the amendments. One is an amendment of Senator MILLER earmarking \$1 million for an information data warehouse; an amendment for Senator SNOWE earmarking \$1.5 million for the Navy pilot human resources center; an amendment for Senator GRAHAM earmarking \$2.17 million for nanophotonic systems fabrication; an amendment for Senators SNOWE and SESSIONS earmarking \$5 million for kill vehicles; an amendment for Senators WARNER and INOUE earmarking \$5 million for the common affordable radar processing program; an amendment for Senator BOXER encouraging the Department of Defense to allocate the budgeted amount for the family advocacy program; an amendment for Senators TORRICELLI and CORZINE to earmark \$2.5 million for the disposal of material from Reach A at Earle Naval Weapons Station.

I send the amendments to the desk.

Mr. STEVENS. Madam President, I send to the desk an amendment of the Senator from Hawaii to add to that list. The amendment deals with obtaining a plan for refurbishing of the AWACS plane loaned to the United States after 9/11.

The PRESIDING OFFICER. Is there further debate on the amendments?

The amendments (Nos. 4455 through 4462) were agreed to en bloc, as follows:

AMENDMENT NO. 4455

(Purpose: To make available from amounts available for the Navy for research, development, test, and evaluation, \$1,300,000 for Trouble Reports Information Data Warehouse)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$1,000,000 may be available for Trouble Reports Information Data Warehouse.

AMENDMENT NO. 4456

(Purpose: To set aside Navy operation and maintenance funds for the Navy Pilot Human Resources Call Center, Cutler, Maine)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", for civilian manpower and personnel management, up to \$1,500,000 may be available for Navy Pilot Human Resources Call Center, Cutler, Maine.

AMENDMENT NO. 4457

(Purpose: To make available from amounts available for Defense-Wide research, development, test, and evaluation \$2,170,000 for the Nanophotonic Systems Fabrication Facility)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$2,170,000 may be available for the Nanophotonic Systems Fabrication Facility.

AMENDMENT NO. 4458

(Purpose: To make available for Defense-Wide research, development, test, and evaluation \$5,000,000 for small kill vehicle technology development (PE0603175C) for mid-course phase ballistic missile defense)

On page 223, between line 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for small kill vehicle technology development (PE0603175C) for midcourse phase ballistic missile defense.

AMENDMENT NO. 4459

(Purpose: To make available \$10,000,000 for the Common Affordable Radar Processing program under Title IV, Research, Development, Test and Evaluation)

On page 144, line 25, after the word "Forces", add the following: "Provided further, That of the funds provided under this section, up to \$5,000,000 may be made available for the Common Affordable Radar Processing program"

AMENDMENT NO. 4460

(Purpose: To provide additional resources to the Family Advocacy Program at the Department of Defense)

At the appropriate place, insert the following:

SEC. . Of the funds provided in this Act under the heading "Operation and Maintenance, Defense-wide," the Department of Defense should spend the amount requested for the Family Advocacy Program, with priority

in any increase of funding provided to bases that are experiencing increases in domestic violence.

## AMENDMENT NO. 4461

(Purpose: To make available from amounts available for the Navy for operation and maintenance \$2,500,000 for the disposal of materials dredged from Reach A at Earle Naval Weapons Station, New Jersey)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$2,500,000 may be available for the disposal of materials from Reach A at Earle Naval Weapons Station, New Jersey, to an appropriate inland site designated by the Secretary of the Navy.

## AMENDMENT NO. 4462

At the appropriate place in the bill, insert: Sec. . Not later than 60 days after enactment of this Act, the Commander in Chief of the United States European Command shall submit a plan to the congressional defense committees that provides for the refurbishment and re-engining of the NATO AWACS aircraft fleet: Provided, That this report reflect the significant contribution made by the NATO AWACS fleet in response to the attacks on the United States on September 11, 2001, and the invocation of Article V of the North Atlantic Treaty: Provided further, That the plan shall describe any necessary memorandum agreement between the United States and NATO for the refurbishment and re-engining of these aircraft.

Mr. INOUE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## AMENDMENT NO. 4463

Mr. INOUE. Madam President, I have an amendment on behalf of Senator HOLLINGS to require the transfer of administrative jurisdiction over the portion of former Charleston Naval Base, SC, comprising a law enforcement training facility of the Department of Justice.

The managers have looked over the amendment. We ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. HOLLINGS, proposes an amendment numbered 4463.

The amendment is as follows:

## AMENDMENT NO. 4463

(Purpose: To require the transfer of administrative jurisdiction over the portion of former Charleston Naval Base, South Carolina, comprising a law enforcement training facility of the Department of Justice)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Notwithstanding any provision 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) or any other provision of law, the Secretary of the Navy may transfer administrative jurisdiction of the portion of the former Charleston Naval Base, South Carolina, comprising a law enforcement training facility of the Department of Justice, together with any improvements thereon, to the head of the department of the Federal Government having jurisdiction of the Border Patrol as of the date of the transfer under this section.

Mr. INOUE. Madam President, I ask for its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. We accept the amendment.

Mr. INOUE. We accept it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4463) was agreed to.

Mr. INOUE. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## AMENDMENT NO. 4464

Mr. INOUE. Madam President, I send an amendment to the desk on behalf of Senator HARKIN to earmark \$2 million for Uniformed Services University of the Health Services Center.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. HARKIN, proposes an amendment numbered 4464.

The amendment is as follows:

## AMENDMENT NO. 4464

(Purpose: To make available from amounts available for the Defense Health Program for the Uniformed Services University of the Health Sciences Center (USUHS) \$2,000,000 for Complementary and Alternative Medicine Research for Military Operations and Healthcare (MIL-CAM))

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title VI under the heading "DEFENSE HEALTH PROGRAM," up to \$2,000,000 may be available to the Uniformed Services University of the Health Sciences Center (USUHS) for Complementary and Alternative Medicine Research for Military Operations and Healthcare (MIL-CAM).

Mr. INOUE. The managers have looked over the measure and we have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 4464) was agreed to.

Mr. INOUE. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 4465

Mr. STEVENS. Madam President, I send to the desk an amendment of the distinguished Senator from Colorado, Mr. ALLARD, and I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ALLARD, proposes an amendment numbered 4465.

The amendment is as follows:

## AMENDMENT NO. 4465

(Purpose: To set aside up to \$30,000,000 for the acquisition of commercial imagery, imagery products, and service from United States commercial sources of satellite-based remote sensing entities)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$30,000,000 may be appropriated for the competitive acquisition of commercial imagery, imagery products, and services from United States commercial sources of satellite-based remote sensing entities.

Mr. STEVENS. I believe this amendment has been accepted on both sides. I ask it be agreed to.

Mr. INOUE. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## AMENDMENT NO. 4466

Mr. INOUE. I send to the desk for immediate consideration an amendment by Senator TIM HUTCHINSON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUE) for Mr. HUTCHINSON, proposes an amendment numbered 4466.

The amendment is as follows:

## AMENDMENT NO. 4466

(Purpose: To set aside 9,000,000 for RDT&E. Defense-wide, for a Department of Defense facility for the production of vaccines for protecting members of the Armed Forces against the effect of use of biological warfare agents)

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to 9,000,000 may be

available for the development of an organic vaccine production capability to protect members of the Armed Forces against the effect of use of biological warfare agents.

Mr. INOUE. This measure has been studied by the managers. We approve it.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 4466) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### EPILEPSY RESEARCH

Mr. REID. Mr. President, I understand that the committee report includes a \$50 million Peer Reviewed Medical Research Program. The program funds medical research projects with clear scientific merit with direct relevance to military health.

Mr. INOUE. The Senator from Nevada is correct.

Mr. REID. Since military head injury is identified as the single most significant risk factor for the development of epilepsy, I would be interested in including epilepsy research among the projects specified in the bill. Would the chairman be willing to see that the conference committee includes epilepsy research as a suggested project for the Peer Reviewed Medical Research Program?

Mr. INOUE. I would be happy to address the Senator from Nevada's concerns relating to epilepsy research in the conference committee.

Mr. REID. I thank Chairman Inouye for his consideration.

#### DUCHENNE MUSCULAR DYSTROPHY RESEARCH

Mr. WELLSTONE. Mr. President, I am pleased to have the opportunity to discuss with my colleague the importance of research into Duchenne muscular dystrophy, the most common lethal childhood genetic disease worldwide. Progress on slowing the relentless progression of the disease has been nearly nonexistent, largely due to insufficient mechanisms to fund translational research. This research is closely linked to the broader investigation of muscle and nerve damage following toxin exposure, excessive exercise, and other motor neuron disease, all of which have significant implications and relevance for defense programs. For example, spinal cord injury is a major form of combat and training-related injury. Motor neurons and motor neuron disease is a potential target of bioterrorism. Muscle damage during training is a relatively common problem during basic training.

Recognizing this, the House of Representatives has included in the Defense Health Program in the Department of Defense appropriations \$4 million dollars in funding for muscular dystrophy research. While I filed and was prepared to offer an amendment to include this funding in our Senate bill,

I am willing to forgo this amendment if the chairman can assure me he supports this funding and will seek to ensure its inclusion in the bill's conference report.

Mr. INOUE. I agree with my colleague that this is an important area of research and that the House of Representatives has acted wisely in this regard. I appreciate his willingness to save us time here today, and I assure him I will do all I can to see that the House amount remains in the final conference bill.

#### MILITARY PERSONNEL MEDICAL RESEARCH

Mrs. MURRAY. Mr. President, I thank the Chairman of Defense Appropriations Subcommittee for his foresight and leadership with the FY2003 Department of Defense Appropriations bill. I commend the Chairman for including in this bill \$50 million in the Military Personnel Defense Health Program for a Peer Reviewed Medical Research Program. Our military personnel face numerous unknown risks each and every day. Providing funding to treat, mitigate or eliminate these risks is the least we can do for those who have agreed to dedicate their lives to defending our nation and freedom.

Mr. INOUE. I thank the senior Senator from the State of Washington for her kind remarks.

Mrs. MURRAY. The bill specifically directs the Secretary of Defense, in conjunction with the Service Surgeons General, to select medical research projects of clear scientific merit and direct relevance to military health. Included in the list of projects that could be funded through this project is an infectious disease tracking system.

In my home state of Washington, our military community has an urgent need for such a system, facilitating the quick response to potential life-threatening events. Public health has long been focused on the ability to quickly identify epidemic diseases and intervene to protect public safety rapidly and as efficiently as possible. Preparing for and responding to a biologic crisis requires a clear understanding of such dimensions as geography, time frames, population demographics, resources, severity, and outcomes. The problem, at this point, is that the public health arena lacks the type of information infrastructure in place that is needed to guide an immediate response to a bioterrorism event. Do you agree, that an information system to track infectious diseases is a vital and worthy area of research?

Mr. INOUE. I agree this is one area worthy of investigation.

Mrs. MURRAY. I point out that great strides have been made in the area of infectious disease tracking by Paladin Data Systems Corporation in Seattle, WA. They have the background and experience in healthcare information systems and could provide a real-time data repository to aid in the detection of outbreaks of epidemic diseases as part of an overall effort to avert bioterrorism crises. Again, I thank the Chairman for this foresight and leadership.

Mr. INOUE. I thank the Senator.

#### WAR-RELATED ILLNESSES

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2003 Department of Defense Appropriations Bill (H.R. 5010). This legislation makes a valuable contribution to our Nation's efforts to enhance the quality of life for our soldiers, sailors, airmen and Marines as well as their families, while continuing to transform our military forces to ensure that they are capable of meeting the threats to America's security now and in the future.

Mr. DASCHLE. Mr. President, I agree with my good friend from Michigan about the merits of this legislation. Once again, Chairman INOUE has produced an excellent bill that will ensure that our Nation's military remains the most capable fighting force in the world. Unfortunately, this Nation has unresolved issues with regard to previous conflicts, such as Operation Desert Storm, and I believe we must continue to pursue a better scientific understanding of war-related ailments.

Mr. INOUE. Mr. President, the Committee bill seeks to improve pay and benefits for our military personnel and makes considerable improvements in medical care that our men and women in uniform and their families receive. In addition, funding has been included to fund a "Peer Reviewed Medical Research Program" that addresses a wide-array of important medical programs.

Mr. HARKIN. Mr. President, I agree with the Senator from Hawaii about the significant efforts made by the Committee bill to address the well-being of our soldiers, sailors, airmen and Marines. Of particular interest to me is peer reviewed medical research that examines Gulf War Illnesses and their relationship to Chronic Multi-Symptom Illnesses. I believe that this research, which is conducted by the Center for Chronic Pain and Fatigue Research is providing valuable insights into undiagnosed post-deployment illnesses.

Mr. JOHNSON. Mr. President, my friend from Iowa is correct. For the past several years, the Center for Chronic Pain and Fatigue Research has conducted research that is unique in its focus on the internal mechanisms and most effective treatment of Gulf War Illnesses and other undiagnosed post-deployment illnesses. This research has been funded by Congress each year and overseen by the U.S. Army Medical Research and Materiel Command and its peer review process. Continued funding for this program will enable the continuation of research into a variety of illnesses reported by personnel upon returning from the Gulf War.

Mr. LEVIN. Mr. President, as the Senator from South Dakota has noted, many soldiers returned from the Gulf War with a variety of symptoms that have no discernible cause. Although specific environmental exposures in the Gulf War cannot be ruled out as a

cause, many believe that stresses triggering underlying conditions may have contributed to these illnesses. I hope that efforts will be made to ensure that this bill provides adequate funding to ensure the continuation of this important research.

Mr. INOUE. Mr. President, I understand the concerns that my colleagues have regarding poorly understood illnesses that have affected military personnel in nearly every conflict since the Civil War, and most recently in the Gulf War. As Chairman of the Defense Appropriations Subcommittee, I will work to ensure that adequate funding is provided for the Center for Chronic Pain and Fatigue Research in conference.

Mr. DASCHLE. Mr. President, we appreciate the Chairman's concern and support for this work. We believe it has important implications for future generations of military personnel and we look forward to working with him and the committee as this bill moves forward to do all we can to address this important issue.

#### THE USS SCRANTON DEPOT MODERNIZATION

Mr. GREGG. I thank the Chair for recognition. I would like to express my appreciation to Mr. INOUE, The Chair of the Senate Appropriations Subcommittee on Defense, and to Mr. STEVENS, the Ranking Member of the Subcommittee, for the fine work they have accomplished in crafting this important FY2003 Department of Defense Appropriations Bill. It has been my pleasure, as a member of the Appropriations Subcommittee on Defense, to work with them on this bill, as well as on the defense portions of the recently passed FY2002 Emergency Supplemental Bill, H.R. 4775. They certainly do a masterful job of setting priorities and balancing competing needs.

I am also pleased that the Appropriations Committee chose to specifically provide \$90 million in the FY2002 Emergency Supplemental bill to accelerate the depot modernization period of the USS *Scranton* at the Norfolk Naval Shipyard from FY2002 to FY2003, as it will result in dramatically improved fleet readiness. In addition, it will free up \$90 million in FY2003, which had been programmed for the USS *Scranton* to be used for other U.S. Navy critical submarine requirements. This could include returning back to FY2003 the important USS *Annapolis* depot modernization period at the Portsmouth Naval Shipyard, which the Navy was recently forced to slip from FY2003 to FY2004, because of a Navy funding shortfall.

I would like to direct a question to my friends, the chair and the ranking member of the Defense Appropriations Subcommittee. Is it the Subcommittee's understanding that the appropriation of the additional \$90 million to accomplish the USS *Scranton* depot modernization period in FY2002, now gives the U.S. Navy flexibility to allocate the FY2003 USS *Scranton* funds to meet other critical submarine requirements?

Mr. INOUE. The distinguished Senator from New Hampshire is correct. It is the understanding of the Defense Subcommittee that the FY2003 \$90 million that the Navy had requested for the USS *Scranton*, may now be available to the Navy to meet other critical submarine depot modernization requirements.

Mr. STEVENS. I would tell the Senator from New Hampshire that it is also my understanding that the Navy now has the flexibility to reprioritize those FY2003 funds.

Mr. JOHNSON. Mr. President, I would like to engage in a colloquy with the Majority Leader, Senator DASCHLE, and the Chairman of the Defense Appropriations Subcommittee, Senator INOUE, regarding the B-1 bomber.

The B-1 remains the backbone of our nation's bomber fleet by providing our military with a reliable, long-range bomber capable of delivering a large amount of munitions to targets thousands of miles away. Nowhere was the continued importance of the B-1 more clear than over the skies of Afghanistan during the major battles of Operation Enduring Freedom. Since October, B-1s have dropped more than 38 percent of the bombs in Operation Enduring Freedom while maintaining over a 78 percent mission capable rate. I am particularly proud of the accomplishments of the B-1 because a portion of the fleet is stationed at Ellsworth Air Force Base in my home state. On many occasions, I have had the opportunity to meet with the men and women who fly and maintain these planes, and each time I am struck by their dedication and professionalism.

In order to maintain the integral role the B-1 plays in our national security, the Department of Defense has committed to reinvest the savings from the consolidation of the fleet into the modernization of the remaining aircraft. Currently, the Air Force is in the midst of a multi-year plan to upgrade the B-1 to improve its reliability, survivability, and lethality.

One aspect of this ongoing effort is the Defense System Upgrade—DSUP—program which will replace the existing defensive system on the B-1 with components of the ALQ-214 Integrated Defensive Electronic Countermeasures—IDECM—system, the ALR-56M Radar Warning Receiver, and the ALE-55 Fiber Optic Towed Decoy, FOTD. Completion of this upgrade will greatly enhance the survivability of the B-1 and improve its long-range penetrating bomber capabilities.

During the course of the DSUP program, problems arose with the deployment of the towed decoy system. It should be noted that these problems were not unique to the B-1, but did slow progress on the upgrade program. However, I was pleased to learn recently that DSUP testing of the towed decoy has once again begun. On June 25, a test was conducted at Edwards Air Force Base in which two decoys were successfully deployed and towed from a

B-1. This was followed by a July 25 test in which a decoy was deployed and towed while the B-1 flew with varying wing sweep positions. It is my hope these tests demonstrate the DSUP program is back on track.

At the time the House and Senate Appropriations Committees were writing the Fiscal Year 2003 Defense appropriations bills, these DSUP problems had not been addressed. As a result, the bills currently contain reductions in funding for the B-1 program. The House version of the Defense appropriations bill rescinds \$67 million in Fiscal Year 2002 funding, and cuts the President's Fiscal Year 2003 request for the B-1 by \$82 million. These cuts would terminate the DSUP program completely and would cripple the B-1 modernization program. The Senate version of the Defense appropriations bill would rescind \$32 million in Fiscal Year 2002 funds and cut \$40 million from the B-1 request for Fiscal Year 2003. I would like to thank the Chairman for including report language that would allow the Air Force to request reprogramming of funds for the B-1 if the DSUP problems are resolved.

In the time since these bills were written, I believe we have seen progress within the DSUP program. It is my hope that we can address this funding issue within conference to restore funds for DSUP or provide additional funds for other aspects of the B-1 modernization programs.

Mr. DASCHLE. Mr. President, I share my colleague from South Dakota's support for the B-1 and believe maintaining the B-1's capabilities is in our national security interests. I am concerned that the cuts proposed, particularly in the House version of the bill, are imprudent and could do lasting damage to our nation's military capabilities. Although I have not yet been able to confer with the Air Force about the newest test flights with the towed decoy, the results would seem to obviate the need to delay or restructure this program. More tests are expected in the weeks to come, and I am hopeful that in conference we will find a way to restore DSUP funding. If that seems imprudent when this matter is taken up in conference, I urge the committee to transfer the proposed DSUP funding into other B-1 modernization programs. For example, the B-1 is next scheduled to have its radar replaced with a version of the system now used on the F-16. It is important to me that we retain the funds within the B-1 upgrade program and reinforce the Administration's pledge that all savings from fleet reduction will be reinvested in B-1 modernization.

Mr. INOUE. Mr. President, I share Senator JOHNSON's and Senator DASCHLE's continued interest in maintaining the B-1 as a long-range, penetrating bomber. This plane's recent performance in Afghanistan testifies to its ability to help the nation deal with the types of threats we face in the 21st century. I appreciate their bringing to

my attention the recent progress in the DSUP testing program. I will work with my colleagues from South Dakota to address B-1 funding issues when the defense appropriations bill goes to conference.

OPERATING ROOM OF THE FUTURE

Mr. SARBANES. Mr. President, will the distinguished chairman yield for the purpose of a colloquy concerning a program of great importance to ensuring the continued health and safety of our nation's Armed Forces?

Mr. INOUE. I would be happy to yield to my friend, the Senator from Maryland.

Mr. SARBANES. Mr. President, at present, the military lacks a process in which emerging medical technologies can be adapted and tested in real time emergency situations that replicate high velocity and surgical care settings. With the assistance of the Senator from Hawaii, Congress last year appropriated \$2.5 million to begin development of a national test bed to implement the U.S. Army Medical Research and Materiel Command's "Operating Room of the Future" strategy to remedy this situation. This test bed, to be based at the University of Maryland Medical Center, aims to improve the performance of these emerging technologies and expedite their transfer to medical care in the battlefield. This will be done via testing new approaches to video-assisted coordination, synchronized communications, mobile computing options, telesurgery techniques and distance learning. While spearheaded by UMMC, this program is linked via a number of collaborations with both industry and the military.

In its fiscal year 2003 Defense appropriations bill, the House has included \$3 million of the \$9 million necessary to continue work on the Operating Room of the Future initiative. The Senate bill directs the Secretary of Defense to consider the Operating Room of the Future for funding under the Defense Health Program's \$50 million Peer Reviewed Medical Research Program. I am pleased that both bills contain language supportive of the Operating Room of the Future, and I respectfully request that the Chair work with his colleagues on the conference committee to ensure that the continued funding needs of this critical program are being met.

Mr. INOUE. I certainly recognize the importance of this program and have been pleased to work closely with the Senator from Maryland on it in the past. Indeed, the Senator will recall that we recently visited the University of Maryland Medical Center to receive a briefing from both Army and hospital officials about the progress and importance of this project. You may be certain that I will continue to work on behalf of the Operating Room of the Future as we proceed to conference.

Mr. SARBANES. I thank the chairman for his continued efforts on behalf of our men and women in uniform, and I look forward to continuing to work closely with him on this vital project.

CHEMICAL AGENT WARNING NETWORK

Mr. CLELAND. Mr. President, I commend the committee's work to support very necessary research in the area of chemical and biological detection, response and defense. I also applaud the committee's recognition that there are many existing good ideas as well as ongoing initiatives worthy of consideration by the Department as it develops effective technologies for our Nation's chem.-bio defense. As you may know, one of these excellent efforts is a program that was initiated by the U.S. Marine Corps' Chemical Biological Incident Response Force, CBIRF, and authorized by the Senate in S. 2514. This program focuses on the development of emergency response technologies by first responders, the demonstration of a chemical agent warning network and the coordination of response among military and civilian assets. Will the Committee work to include in the list of programs to be considered under the Chem-bio Defense Initiatives Fund, this initiative to demonstrate a chemical agent warning network and other emergency response technologies for use by first response units?

Mr. INOUE. The Senator is correct. The committee will work to include this among the program initiatives to be considered within the Chem-bio Defense Initiatives Fund, the Marine Corps' CBIRF program to develop a chemical agent warning network and develop emergency response technologies for first responder units.

Mr. CLELAND. I thank the chairman for his hard work and consideration of this initiative.

Ms. MIKULSKI. Mr. President, I would like to engage my friend from Hawaii, the Chairman of the Defense Appropriations subcommittee, Senator INOUE in a colloquy on funding for the Advanced Seal Delivery System (ASDS). I am concerned over the decision to cut advanced procurement funds for this critical special operations program. This will delay this critical program. As you know this manned mini-submarine is used for the clandestine delivery of Special Operations Forces. It is a vast improvement over the current SEAL delivery system.

Mr. INOUE. I thank the Senator from Maryland for her interest in ASDS. As you are aware the first ASDS boat has encountered two technological challenges that must be overcome: screw noise and batteries. These issues require additional research and development. Since the budget was submitted, the Special Operations Command decided to restructure this program and has delayed procurement of the second ASDS boat until these issues have been solved. The Committee therefore reduced advanced procurement funding.

Ms. MIKULSKI. I am aware of the problems facing the ASDS. The Carderock Naval Research Laboratory and scientists at Penn State University are working on the solution for screw

noise. We believe a solution is well underway for this problem. A solution for the battery problem has been more elusive. The Navy has decided to develop Lithium-Ion batteries for this purpose, but funded only one Lithium-Ion battery developer and a solution has been slow at best. Is the Chairman aware that the ASDS prime contractor funded a competing effort to develop Lithium-Ion batteries? A leading U.S. manufacturer of Lithium-Ion battery technology is close to meeting the ASDS battery need. The Navy program manager is excited by this alternative. As you know, I requested that funds be added to the FY 03 Defense Appropriation bill in order to allow the Navy to fund an alternative solution to help resolve the battery issue.

Mr. INOUE. I share your concern over development of a Lithium-Ion battery for ASDS. The Committee provided an additional \$8 million for Procurement, Defense Wide at the request of the Senators from Maryland. We expect the Navy to use these funds to ensure competition to develop these Lithium-Ion batteries can take place and subsequently result in a more rapid solution to ASDS battery needs.

Ms. MIKULSKI. I appreciate the Committee's increase in procurement for ASDS batteries. As you are aware the House provided \$12 million for procurement of a Lithium-Ion Polymer battery and shifted \$22.5 million from advanced procurement to research and development. I hope we will be able to fulfill the Navy's request to move \$23.2 million from advanced procurement to research and development in Conference. Nonetheless, I am concerned that restricting the battery procurement to a Lithium-Ion Polymer battery will result in less competition.

Mr. INOUE. I thank the Senator from Maryland for her steadfast support of this program and appreciate her concern. I will explore the possibility of increasing research and development funding for ASDS and language that facilitates competition for the Lithium-Ion battery in conference, so that we can get this new technology deployed sooner.

Mr. BYRD. I rise to engage the managers of the FY 2003 Defense Appropriations bill, Senators INOUE and STEVENS, in a colloquy on Navy Basic Research funding.

Mr. INOUE. I would be glad to discuss this matter with the Chairman of the Appropriations Committee.

Mr. STEVENS. I, too, would be glad to join with my colleagues to review this matter.

Mr. BYRD. Earlier this year, I received information from our Appropriations Committee staff which caused me some concern about the Defense Department's budget request for Navy basic research in fiscal year 2003. The information indicated that over the past five years, funding levels for basic research have stayed at roughly the same level or have grown slightly, in real/constant dollar terms—that is,

excluding increases for inflation. Growth in funding for applied research, however, has been significant, averaging about 10% per year. Indeed, the perception and reality of a greater emphasis on applied research is common in both private and public labs. Just as we've found to be the case in the private sector, the federally funded labs have been forced to be better 'marketers' of their products. This has led to a greater emphasis on applied research because, by its very nature, the work being done in applied research is more product-oriented. For fiscal year 2003, the Defense Department proposes to cut funding for the Navy's basic research program—a cut of 1% in real terms.

This shift in emphasis to applied research is understandable. But, if this shift comes at the expense of funding basic research programs, our science and technology programs will suffer in the long run. Basic research is the fuel for the engine of invention. Without a growing understanding of the fundamentals of our physical environment—energy sources, molecular structures, materials, and biological systems, to name just a few—our scientific prowess will weaken and our technological edge will become dull.

Given these concerns, I believe it is prudent that Congress sustain funding for this important program at traditional levels. That is why I am pleased to report that this bill includes, at my behest, a \$6 million increase for the Navy Research lab. I want to thank the managers of the bill—the Chairman of the Defense Subcommittee, Senator INOUE, and the Ranking Member, Senator STEVENS—for agreeing with my recommendation and for their continuing efforts to enhance our military's technology edge.

Mr. STEVENS. I thank the Senator from West Virginia for bringing this matter to the Senate's attention and for his continuing support of America's armed forces.

Mr. INOUE. I also thank the Senator for his efforts regarding Navy basic research and the Navy Research Lab. This is an important initiative, and one that I am pleased that Senator STEVENS and I could include in the bill that we have brought before the Senate.

#### AEROSPACE WORKER TRAINING

Ms. CANTWELL. Mr. President, I rise today to thank the chairman for the tremendous job that he and the members of his subcommittee have done to craft this bill. I support their efforts to ensure that our Nation continues to have the best-trained and equipped military force in the world.

As the chairman knows, my State has a long history of achievement in the field of aviation and harbors an enormous pool of talented individuals capable of turning innovative technological discoveries into manufactured reality rapidly and efficiently. We also have one of the most highly skilled pools of aerospace workers in the world.

I believe that the security of our Nation and the future of the aviation industry will rely heavily on the development and implementation of highly advanced composite materials. But for the large-scale deployment of existing and future technologies to develop, it is critical that our Nation have the skilled workforce capable of understanding these next generation materials.

That is why I appreciate the subcommittee's support of a new initiative to train aerospace workers in the use and manufacturing of composite materials.

Edmonds Community College and Central Washington University in Washington State are developing a program aimed at improving the scientific and technical competencies of high school and college graduates in the area of materials used in manufacturing technologies. This program will develop a comprehensive curriculum to meet the growing demand for a workforce trained in materials science and will identify best practices for the industry.

We believe that this will become a model teaching and training program for the ever-changing materials technology field, and will involve future integration with advanced, cutting-edge basic research in composites materials and engineering conducted at the University of Washington. Taken together, this collaboration in Puget Sound educational resources in the material sciences will maintain and strengthen our country's foremost position in aerospace research, development and manufacturing.

This will provide a wealth of opportunities for incumbent aerospace workers to update their skills in newly developed processes, and may serve to pique the interest of students in material sciences and energize future generations to engage in math, science, manufacturing and engineering careers.

So I want to thank the chairman and the subcommittee for their recommendation that the Senate provide \$500,000 in this bill to implement the first phase of this program and confirm that it is the committee's intention that the funds provided in the Air Force Materials Science account be used for this program at Edmonds Community College. I further want to ask the chairman if he will work with me to ensure that the funding provided for this program is maintained in conference and expanded in future years to further this effort.

I thank the presiding officer and the chairman, and look forward to his response.

Mr. INOUE. Mr. President, the Senator is exactly right, it is the intent of the legislation to provide \$500,000 for the program in Washington.

I assure the Senator that I will work with my colleagues to support these funds.

Preparing for the use of innovate materials in future aircraft designs is crit-

ical to enhancing air superiority. I will work with the Senator to address these needs in this year's legislation and will carefully consider ways to enhance those efforts in years to come.

The PRESIDING OFFICER. The Senator from Nevada.

#### UNANIMOUS CONSENT AGREEMENT

Mr. REID. I ask unanimous consent that notwithstanding rule XXII, the Senate resume consideration of H.R. 5010, the Department of Defense authorization bill, at 2 p.m., Thursday, August 1; there be 50 minutes remaining for debate divided as follows: 10 minutes each for the two leaders or their designees and the two managers or their designees, and that the only first-degree amendments remaining in order be the McCain amendment, No. 4445 and the Committee-reported substitute; that there be 10 minutes of debate with respect to the McCain amendment with the time equally divided and controlled between the managers and Senator MCCAIN; that at the use or yielding back of that time, without further intervening action, the Senate vote in relation to the amendment; that if the McCain amendment is not tabled, then relevant second-degree amendments would be in order to the McCain amendment with no time limitation on the relevant second-degree amendments; that upon disposition of the McCain amendment the committee-reported substitute as amended be agreed to, the bill then be read a third time, and the Senate vote on passage of the bill; that Section 303 of the Congressional Budget Act be waived; that upon passage the Senate insist on its amendment, request a conference with the House on the disagreeing votes off the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, without further intervening action or debate.

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

#### AMENDMENT NO. 4445

Mr. STEVENS. Madam President, I ask the Chair lay before the Senate the McCain amendment.

The PRESIDING OFFICER. That amendment is pending.

Mr. STEVENS. I move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, before the two managers leave, I don't know how enough could be said about the way this bill was managed. This is the largest Defense bill in the history of the world and the United States. Yet we started this just a few hours ago, and it is finished and no one can complain about this not having been scrubbed. Staff from all the offices have had the opportunity to come and do what they believe is appropriate.

But the good work on the bill was not only done here on the floor but in subcommittee and the full committee—which has just been topped off by the remarkable good work of these two sensational Senators.

I speak for both sides of the aisle that if a chapter had to be written on how to manage a bill, it should go to Senators INOUE and STEVENS because that is how a bill should be managed. I have never seen anything like it.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, I thank my leader. But I believe that much credit should go to the staff. We have one of the finest staff members in the whole Senate. I refer to Charlie Houy on the majority side.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I repeat that. We are blessed with probably the hardest working staff in the Congress. I am grateful to my great friend and chief assistant, Steve Cortese, for his work.

But I would say this to the Senator from Nevada. For those of us who served in uniform, I think the greatest privilege there is is being able to manage this bill because it affects the people who have followed us, being willing to take up arms to defend our country. I know of no better group to work with and no group that really needs our help more than they do.

I thank the Senator for his kindness.

We would pay you for the job. It is like flying. I used to tell people they are paying me to fly and I would have paid them to let me fly. But I would pay for this job.

It is an amazing, amazing feeling to know we can accomplish some of the things we did tonight.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are all very proud of the men and women of the military as they have responded to the attacks of September 11 and as they continue to protect us here at home and around the world.

As we work on the Defense appropriations bill, we have an obligation to the men and women who are defending us to make sure they have the resources and the equipment they need.

Tonight, I rise in strong opposition to the McCain amendment on which this body will be voting tomorrow morning. The Senator from Arizona persists in his efforts to redefine an issue that this entire Congress has already endorsed and that the President has signed into law.

The McCain amendment addresses both the 767 and the 737 lease provisions that were endorsed by an overwhelming bipartisan margin less than 1 year ago.

Frankly, I am puzzled that this issue continues to come up. The Appropriations Committee engaged in this issue following consideration of the Defense authorization bill last year. The issue

came to light in part because of the terrorist attack on our country, the global war on terrorism, and the tremendous demand placed upon our air refueling fleet.

This issue was not a sleight of hand to undermine the authorizing committee. We acted out of necessity as our country responded to September 11 and to terrorism. We had a lengthy debate, thanks to the Senator from Arizona, and the Congress agreed to go forward using the lease option as the vehicle to give our men and women in uniform the asset they need.

Not long ago, the Senate considered the Defense authorization legislation. The Senator from Arizona sits on that committee. That was the bill to have this debate. The Senator complains that the appropriations bill is the wrong place to authorize. Yet here we are considering an authorizing amendment offered by the Senator from Arizona on an appropriations bill.

I read his amendment, and I want my colleagues to understand what is really at stake.

The Senator from Arizona wants us to open the doors to the Air Force and the Department of Defense to Airbus. It is quite simple to me. One U.S. company manufactures commercial aircraft of this type. One, and only one, U.S. company can meet the Air Force's needs.

The issue before the Senate is whether U.S. workers or European workers will manufacture U.S. military aircraft. That is the bottom line. That is what the vote will be about tomorrow.

Let me also say that the Senator from Arizona has a broader agenda than the language in this amendment. Listen to his rhetoric. He interchanges the 737 and the 767 lease programs approved by the Congress. The language in his amendment is about the 737 lease, but he references, time and again, the larger issue of the 767 tanker lease.

So let's talk about the 767 tanker lease. Since September 11, one piece of equipment has become more critical than ever, air refueling tankers. These flying gas stations allow us to project our military around the globe. In fact, tankers are the backbone of our air capability.

Just look at the war in Afghanistan. Our B-2 stealth bombers had to get from their base in Missouri to Afghanistan and back. They needed to be refueled in the air nine times. Our bombers, which left the airbase on Diego Garcia, had to be refueled three times to reach their targets 3,000 miles away. So we needed the tankers to get our aircraft over there.

We also relied on our tankers to keep our planes going during the fighting. During the heaviest bombing of the Afghanistan battles, 30 to 35 tankers were in the air nearly around the clock to refuel 100 tactical jets. Even carrier-based warplanes needed the aid of air tankers to strike their targets in Afghanistan.

Here at home, many of our cities were protected by combat air patrols. Those patrols relied on air refueling tankers.

As Air Force Lt. Gen. Plummer put it:

In the opening campaign of this war, every bomb, bullet and bayonet brought into the theater got there thanks to our aging refueling tanker fleet. . . .

Our reliance on tankers has grown 45 percent from fiscal year 2001. So whether it is projecting our force around the world or supporting our aircraft in the middle of a fight or keeping our homeland safe, the men and women of our military rely on our KC-135 tankers.

But there are serious problems with these tankers. They are old. In fact, they are among the oldest aircraft in the entire service. Because they are so old, they are not reliable, they are often down for repairs, and they cost a fortune to maintain.

Just look at the figures. The average age of these tankers is 41 years. One-third of the fleet is unfit to fly at any given time due to mechanical failure. Each plane requires a full year of maintenance for every 4 years spent on duty. A 41-year-old aircraft runs on parts that are not commercially available. Corrosion is also a significant problem. In fact, KC-135s spend about 400 days in major depot maintenance every 5 years.

So what we have are old planes that cost a fortune to keep flying and that are often down for repairs. That is not what you want in an aircraft that is used to protect your military around the world in the middle of a war.

Some have suggested that we just keep repairing the existing planes, and we could do that. But it does not make sense financially. It takes those planes out of service for a very long time. It would forfeit new planes that are more flexible, more reliable, and more efficient.

Let me share with the Senate something Secretary Rumsfeld said earlier this year:

We needed to begin moving out some of the older pieces of equipment that are—aircraft and various things that require so much upkeep and maintenance and so much on spare parts, that it is unwise to continue to try to maintain them.

Secretary Rumsfeld also said:

So you end up trying to take a 1934 Oldsmobile and prop it up for another five, six years, and there's a point beyond which that doesn't make good sense.

We have reached that point.

I show you a picture of an old Oldsmobile. I think it is actually a 1939 Olds, but it proves the same point.

We could keep repairing them, but it does not make sense to keep pumping money into a 41-year-old airframe. It is expensive. If you want to keep one of these old planes going, you probably are going to have to remove the plane's metal skin because these planes, as I said before, have a lot of corrosion.

I share with my colleagues a photograph showing some of the problems with the metal on these aging tankers.

To “re-skin” this airplane costs \$26 million. Does it make sense to do that to 100 planes? Mr. President, \$26 million is an awful lot of money to fix one problem with one 41-year-old plane.

After you have replaced the skin of the aircraft, it is probably going to need new engines. That is not cheap. To put a new engine in 100, 125 tankers is going to cost \$3 billion. That is a lot of money for a 41-year-old airplane.

There are other parts that need to be replaced. It would be one thing if you could fix them all today, but it takes a long time to overhaul these tankers. Right now, we are overhauling four a year. At a certain point, it is just not worth dumping money into these old planes.

K-135s were first delivered to the Air Force in 1957. On average, they are 41-year-olds, and we are paying for it. They have been around longer than most of the people who are flying them. There is no question they must be replaced with new tankers; the only question is when.

I would love for us to be able to buy these new tankers today, but there is not enough money in the Air Force's procurement budget. So many of us in Congress have worked very hard to work out a more flexible approach, an approach that is used with commercial aircraft all the time.

In December, Congress approved, and the President signed, legislation to authorize the Air Force to negotiate with Boeing on a 10-year lease of 100 new 767 aircraft to use as air tankers. Congress has authorized the lease program for both the 767 and the 737 aircraft. My colleagues will recall that the bill to authorize these lease programs for the Air Force was approved by this Senate 96 to 4.

I also want to remind my colleagues what the Secretary of the Air Force, James Roche, wrote to me in a letter. I will quote:

The KC-135 fleet is the backbone of our Nation's Global Reach. But with an average age of over 41 years, coupled with the increasing expense required to maintain them, it is readily apparent that we must start replacing these critical assets. I strongly endorse beginning to upgrade this critical warfighting capability with new Boeing 767 tanker aircraft.

That is from Air Force Secretary James Roche.

My home State of Washington is home to the 92nd Air Refueling Wing. There are approximately 60 air refueling tankers that are based outside of Spokane, WA. I have been to Fairchild. I have visited personally with the families. I know the difficult missions these crews handle for each one of us every single day. And I know the men and women of the 92nd Air Refueling Wing need these aircraft.

The Senator from Arizona talks about leasing aircraft as if the lives of our men and women in uniform were not at stake. I remind my colleagues that we are talking about equipping young American pilots and the missions they support to go forward with the greatest opportunity to succeed.

Mr. President, I encourage the Senate, tomorrow, to table the McCain amendment.

I thank my colleagues, and I yield the floor.

Mr. SMITH of Oregon. Mr. President, the events of the past 11 months have forced every American to become more vigilant against the threats to our nation's security. I want to commend the chairman, Senator INOUE, and the ranking member, Senator STEVENS, for bringing to the floor a bill that responds to such threats by better protecting our Nation's citizens as well as our servicemen and women.

Even before the attacks of September 11th of last year, however, our Nation's military began to see that traditional notions of warfare and defense would have to evolve to meet new and ever more dangerous threats. The bombing of the USS Cole in Yemen, for example, made clear to us that our naval forces must be equipped with the most advanced surveillance and response vessels available.

It is for this reason that I have an amendment in support of the Navy's development and demonstration of the SeaLion craft. This vessel, designed for coastal area operations here in the United States and abroad, has already begun to prove itself capable of meeting the challenges faced by our Navy today, and well into the future.

Military operations in coastal areas involve significantly different challenges from deep water operations, such as reduced operational space and environmental clutter. Accordingly, surveillance, weapon systems and naval tactics designed for deep water operations are inadequate for the complex environmental and dimensional aspects of the coastal battle space. In such areas, small boats can effectively protect coastal installations, combat blue water navies, and hinder freedom of navigation for these navies and their supply ships.

The rapidly evolving nature of maritime warfare, the threat of terrorist activities against our naval forces abroad, and the need to protect our own ports here at home: each of these challenges require that the United States make a concerted effort to maintain a solid lead in the development of advanced technologies for coastal operations.

The SeaLion craft is perfectly positioned to support this role. It is a high speed, low-radar-signature vessel whose unique versatility lends itself to a broad spectrum of mission applications, from surveillance to interdiction to engagement. The SeaLion has already received strong endorsement from the Naval Sea Systems Command for its utility in special operations, and is poised for further evaluation as part of the Navy's Littoral Combat Ship platform.

This amendment would allow \$8 million of funds appropriated by the bill to be used for the continued development, demonstration and evaluation of the

SeaLion vessel. I ask for my colleagues' support.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for 10 minutes each.

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

#### PLAYING CHESS WITH HOMELAND SECURITY

Mr. BYRD. Mr. President, if I may, while the ranking Republican member of the Appropriations Committee is completing an appointment outside the Chamber, I ask unanimous consent to speak out of order for not to exceed 30 minutes.

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

The Senator from West Virginia is recognized.

Mr. BYRD. I ask unanimous consent that my remarks appear at someplace in the RECORD other than in association with the Defense appropriations bill.

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

Mr. BYRD. Mr. President, in response to the terrorist acts of September 11, the Bush administration—like so many other administrations before it—has chosen to demonstrate its tough stand against something. In the case of the Bush administration, it is a tough stand against terrorism and its concern for the safety and well-being of the American people by boldly maneuvering the Federal chess pieces to create a new Department called Homeland Security.

It is an impressive move, Mr. President—this reorganization of the Government. Many say that it is the greatest reorganization during the past half century. I think it could very well be said that it is the greatest reorganization since the Founding Fathers reorganized the Government in 1787.

At that particular time, the 13 colonies—by then 13 States—had been under the operation of the Articles of Confederation. And many of those who served in the Senate in 1789 had been Members of the Congress under the Articles of Confederation and had been Members of the Continental Congress, which first met on September 5, 1774. The Framers of the U.S. Constitution reorganized our Government so that when their work product had been ratified by the States—the required number of nine for ratification—we then became the United States of America. We were no longer under the Articles of Confederation. That constituted a reorganization of our Government.

But I am talking about a reorganization that is being proposed today. I say that it is the most massive reorganization that has occurred since the Framers reorganized the Government

through the ratifying conventions and the ratifications by the requisite necessary number of States—reorganized the Government so that it was no longer a government under the Articles of Confederation. Rather, it was the United States Government under the United States Constitution.

As to the current proposal, it is no wimpy reorganization. To check terrorism within our borders, the administration has proposed to establish a massive new Department of Homeland Security. It will be a Department so large that it will affect an estimated 170,000 Federal employees and will constitute the largest Department—the third largest—after the Departments of Defense and Veterans Affairs.

From what I have read, the thousands of workers of this proposed Department will be doing essentially the same job they are already doing, but they will be doing it under a different newly consolidated roof with different lines of authority. Why the administration seems to think that these workers will perform their duties better just because they are transferred to a new agency has both bothered and baffled me until late last week.

Last week, President Bush let it be known that if any version of the Department of Homeland Security passes the Congress which ensures Civil Service protections, collective bargaining rights, and other provisions to safeguard Federal workers' rights and protections, he will veto it.

At first, I thought this was simply another of the usual pokes at Federal workers. There is the unfortunate implication in the President's veto threat that the current Federal workforce is so full of slackers—there are some there, no doubt—but it is so full of slackers and ineptitude that he may need to get rid of them all and hire a new Federal force.

But then as I thought about the President's claims that the Secretary of the Department of Homeland Security will need the ability—get this—to act “without all kinds of bureaucratic rules and obstacles,” I began to have other concerns about the Bush administration's intentions.

It may be that this White House crowd, comprised of CEOs, corporate managers, and other wealthy business elites, may be seeking to use the Department of Homeland Security to further their efforts to run the Federal Government more like a corporation, seeking freedom to hire and fire dedicated public servants, many of them experts in their fields, at will.

By the way, the actions of CEOs are not exactly models—and I am not talking about all CEOs, of course. But the actions of CEOs we have been reading about recently are not exactly models on which to run much of anything these days, and I hope that I am not detecting the same cavalier attitude about Federal pensions that we have seen in press accounts detailing the horrific pension ripoffs by some of our large corporations.

No one wants to deny the administration the ability to take reasonable steps to foster flexibility within the proposed new agency, but I question the real motivation behind the administration's objections to worker protections. Let's face it, the players in this administration do not have much of a reputation as champions of basic protections for workers.

President Bush is currently pushing the Congress to subject 425,000 Federal jobs to contractor competition by the end of his term. This administration has made it a goal to take Federal jobs and dole them out like candy to private firms, apparently.

In drafting its proposed reorganization, the administration started with a panel of four—four white collar political players; four white collar political players in the bowels of the White House, in the subterranean caverns of the White House.

Who were the geniuses behind this idea? Mr. Andrew Card, a fine gentleman—I like him, a very able man; former Gov. Tom Ridge, a fine gentleman, a very able official, who has had great experience in running the Governor's office in one of our larger States in the Union, one of the States that was among the first 13, by the way. Then there is the White House counsel, I believe his name is Gonzales. I am not sure I know him very well. And then the fourth in this quartet of master planners is none other than Mr. Mitch Daniels, the Director of the Office of Management and Budget.

So there is the quartet. Not quite the caliber, I would say—although one may wish to debate it—it may be worthy of argumentation—not quite the caliber of the committee of five that wrote the Declaration of Independence: Thomas Jefferson, Benjamin Franklin, John Adams, William Livingston, and Roger Sherman. Roger Sherman is the only one of the five who signed all of the founding documents of this great Nation. Now there was a committee of five.

So while there may be some argument as to how one would stack up against the other, I would put my bets on the committee of five that wrote the Declaration of Independence. I will stay with them. No disrespect intended, of course, to the White House committee of four, but they operated in secret in the bowels of the White House. I understand that when the President unveiled this massive monstrosity, some of the Department heads in the Government had not been in on the deal until the day that it was sprung.

It sprang like Aphrodite from the ocean foam. She sprang from the ocean foam and was carried on a leaf to the Island of Crete. She later appeared before the gods on Mount Olympus and, of course, they were dazzled by her beauty. This Homeland Security plan came into being about like that, or one might compare its sudden emergence with the goddess Minerva who sprang

from the forehead of Jove, the forehead of Jupiter. Minerva sprang fully armed and clothed from the forehead of Jove.

That is about the way this thing came into being. That was the genesis of it, down there in the White House. It was conceived in secret and was born in secret, and there we are.

So the administration has given these white-collar political players—there were four of them in the beginning—free rein to move Federal workers around from one agency to the other in the name of homeland defense. That same administration now appears poised to sabotage the pay, the health benefits, and the retirement benefits of the very Federal workers it wants to involve with safeguarding our homeland security.

There is nothing like threatening jobs and health benefits to give a boost, of course, to the morale of the employees of a new and very important Department. This is just what we need to energize our new Homeland Security Department, is it not? They will like that—jeopardize their benefits and their pay and their jobs. Imagine the concentration level of nail-biting employees concerned about where their next paycheck is coming from. Think about that. And what will happen to their families if the Bush administration prevails in freeing itself from the normal restrictions which safeguard Federal workers' rights?

For those who doubt my concerns, I ask them to examine the Bush administration's attitude toward Federal workers. It has been clearly expressed by recent comments. Administration spokesman Ari Fleischer, for example, has said that Federal workers need to be stripped of their rights and protections because managers in the Department of Homeland Security will need the ability to fire a worker who was drunk on the job and as a result allowed terrorists into the country. Great stuff! Great motivation, for a Federal workforce on whom we will rely for our safety, and those of our families and friends and associates, and people all over the country.

I do not see anyone defending drunken workers. Not me. I would not defend a drunken worker. We do not have to strip all Federal workers of their basic rights and threaten their pay and retirement benefits in order to deal with one worker who has been drinking on the job. I certainly do not defend that kind of behavior.

This comment was a needless and irresponsible cheap shot at hundreds of thousands of dedicated, hard-working Federal employees who are laboring day and night in many instances for far less money than they could be earning in the private sector. I think Mr. Fleischer owes them all an apology. Federal workers are not the problem. They are the unsung heroes who are protecting our homeland.

Pause for a moment and think about that. They are the Border Patrol agents. Federal workers are the Border

Patrol agents guarding our 6,000-mile-long borders when we think of both borders with Mexico and Canada. All day, and all night while the rest of us are sleeping, they are guarding those borders, guarding us. Those are Federal workers. They are the Customs Service inspectors who have been working around the clock since September 11 to prevent weapons of mass destruction from being carried in containers through our ports of entry. Those are Federal workers. They are the postal workers who have to think about delivering packages of anthrax. They are the Federal workers who have had to deal with the anthrax threat. What about the Center for Disease Control workers who must confront the hard reality of a possible bioterrorist attack every day?

Federal employees are the rank-and-file workers who do the bulk of the work in securing the homeland, and they will continue to do the bulk of the work in securing this country from sea to shining sea. They are the workers who will do the bulk of the work in securing the homeland but who will receive little of the credit and the glory that go to the administration's political appointees.

The President has asked these Federal employees to be the frontline soldiers in the war on terrorism. They are out there at every hour of the day and the night, somewhere, guarding the ports of this country, guarding the borders of this country, guarding the airports of this country, standing on guard. And the President would reward them by trying to take away their basic labor, civil service rights, and job protections?

I was especially alarmed by OMB Director Mitch Daniels' explanation for stripping Federal workers of their rights. Mr. Mitch Daniels said:

Our adversaries are not encumbered by a lot of rules. Al-Qaida does not have a three foot thick code. This department is going to need to be nimble.

This is a startling, as well as frightening, remark. Since when did al-Qaida become our role model for labor-management relations? I thought we were out to destroy al-Qaida, not emulate them. Ha, ha, ha, ha, ha. No, they do not have a 3-foot code of rules. Al-Qaida also does not have this code which I hold in my hand, the Constitution of the United States, but we do. We have this code, this Constitution.

Is this administration using the 19th-century industrial robber barons as its role model for labor-management relations? What is going on in the heads of these so-called administration spokesmen? The President had better rein in some of these spokesmen. Destroying the basic rights of Federal workers is not how we should be combating terrorism. The fight against terrorism does not have to be fought by workers stripped of basic labor rights. Denying basic rights and protections to workers always makes recruitment of skilled and experienced employees difficult.

But just as important as the necessity that our Federal workforce be a secure workforce, a workforce composed of employees who know they will be protected from politics, cronyism, and favoritism, it must be a workforce armed with protections that can allow them to speak out about mismanagement without fear of losing jobs.

It is rank-and-file Government workers, who are on the job every day and night, keeping Government operating, protecting you, Mr. President, protecting me, protecting our friends in the fourth estate there in the gallery. These are the Government workers who make the Government function, and they are the Government workers upon whom we now depend to protect us.

I can't help but think of those incredible workers at FEMA who have done such a tremendous job, time and time again, in response to floods in West Virginia and in crisis situations in every other State in the Union. It was a Federal employee of the Customs Service who apprehended a terrorist, Ahmed Ressam, with 134 pounds of explosives in December of 1999 at the border in the State of Washington. Later, the terrorist confirmed that it was his intent to bomb Los Angeles Airport during the 2000 New Year's celebration. These are the players that this administration threatens to strip of their rights and benefits.

The assertion that Federal workers cannot be disciplined under existing Federal guidelines is somewhat of a myth. There are strict performance requirements for Federal workers already in place. There are performance reviews annually and initial hires on probation for 1 year. No new rules are necessary. No new blanket exceptions for basic labor rights are needed by this administration. This administration has not even got legislation in place which clearly identifies the mission of this new Department, and this administration is already trying to blame the Federal workforce for any potential failures that might occur in the future.

Again, I say, slow down. Let's slow down. Let's slow down. Let's slow this proposed legislation down. I am not saying today that I am against a Department of Homeland Security. But what is the rush? What is the rush? Consider carefully a veto threat of any bill setting up a Department of Homeland Security which does not give this White House sweeping new powers, sweeping new powers to abolish workers rights and workers protections.

Imagine that; imagine a veto that would do that. I think the agenda of this White House is becoming very, very clear. And we had better pause, we had better stop, we had better look, and we had better listen. Talk about passing this massive new law, creating a massive, monstrous behemoth by September 11, by an artificial deadline! This legislation would emasculate certain portions of this Constitution

which I hold in my hand—emasculate it! Trample it into the dirt!

Mr. President, I have been here 50 years. I am not in the Senate today because I need a Senate salary. I could have retired 2 years ago when my 7th term was completed. I could be drawing a check today, a retirement check. I have been in the Senate and the House 50 years. I don't have to work here to put bread and butter on the table for my wife, to whom I have been wed 65 years and 2 months, the day before yesterday. I don't have to have it. Why am I here? I should be at home with her. I should be living with my grandchildren, my great-grandchildren, enjoying a little leisure at the end of a long, long worklife that began in the mining camps of southern West Virginia a long time ago.

No, I am here to protect this Constitution and this Institution of which you, Senator, from Minnesota, and you, Senator, from Hawaii, and 97 other Senators are a part. That is it. Some give their lives on the battlefield in wars. There are others of us who give our lives in public service. I am one of them.

Let's slow down. We don't know what the unintended consequences will be of the passage of this legislation. Study the House bill. Study the House-passed bill. The House passed a bill after 2 days of debate. I believe there were 132 Members of the House who voted against that bill. Were they against homeland security? No! Those Members of the House who voted against that bill were as much for homeland security as I am, as much as the President of the United States is. They were for homeland security. I am for homeland security. I defy anyone to say that the Senator in the chair, that the Senator who sits just behind me, or any other Senator, is against homeland security.

Many times I have stood before that desk up there and put my hand on the Holy Bible, and I have sworn to support and defend the Constitution of the United States against all enemies, foreign and domestic. That is why I am here. We are in too big a hurry to pass this bill. For what reason? Because there is an election coming on.

And then there were some well intentioned souls, but so gullible, as to suggest that we ought to do this big "thing" before September 11 or by September 11, the anniversary of the most horrendous attack against this country that has ever occurred. Why September 11?

We have a duty to discuss this bill at length. I say to all Senators, Republicans and Democrats, hear me, the people out there across this country are not clamoring for this legislation. The politicians are clamoring for it. The same people who will work under this new Homeland Security Department are already working today for homeland security in the various agencies that will be transferred to this department. They are already on the job. The Appropriations Committees of

both Houses have already acted to release funds for homeland security time and time again, last year and this year.

Then, the people of this country are being urged to pressure their representatives to act on this Department. This Department was conceived in the bowels of the White House by four Federal workers—four members of the White House staff!

Take time to study what we are about to do! Read title 8 of the House-passed bill. It scares me! Read title 8.

I think the agenda of this White House is becoming very clear. It is not homeland security that this White House is lusting after. Bin Laden is not the only target at which this administration is pointing its six-gun. Clearly in the bull's eye is also the job security of thousands of Federal employees and the core values of rights for the workers. And there it is. I will have more to say on this subject.

I am talking about the Constitution and about this Institution, Mr. President. Think of it! Think of the blood that has been shed by men and women over these past 216 years to uphold this Constitution, to protect the security of this country.

There is a man in the chair (Mr. CLELAND) who has given everything but his life for his country. I would be ashamed to run against him. I would be ashamed to be a candidate, put myself up against that man—or this man here behind me (Mr. INOUE).

We had better go slow. We can easily tear down in a few weeks what it has taken centuries to build.

I saw them tearing a building down,  
A group of men in a busy town;  
With a "Ho, heave, ho" and a lusty yell,  
They swung a beam and the sidewall fell.  
I said to the foreman, "Are these men skilled  
The type you'd hire if you had to build?"  
He laughed, and then he said, "No, indeed,  
Just common labor is all I need;  
I can easily wreck in a day or two,  
That which takes builders years to do."  
I said to myself as I walked away,  
"Which of these roles am I trying to play?  
Am I a builder who works with care,  
Building my life by the rule and square?  
Am I shaping my deeds by a well-laid plan,  
Patiently building the best I can?  
Or am I a wrecker who walks the town,  
Content with the labor of tearing down?"

#### CRISIS IN HAITI

Mr. DODD. First, I commend my colleague from Hawaii for his fine leadership on the pending matter before the Senate dealing with the Defense appropriations bill.

The matter that I wish to address regards the nation of Haiti, a tragedy that is unfolding a short distance from our own shores, literally only 90 or 100 miles away from the coast of the United States. As yesterday's New York Times article entitled "Eight Years After Invasion, Haiti's Squalor Worsens," written by David Gonzalez, makes abundantly clear, the people of Haiti in that article, as we know, are on the verge of despair.

I ask unanimous consent that the article written by David Gonzalez in the New York Times be printed in the RECORD.

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

#### EIGHT YEARS AFTER INVASION, HAITI'S SQUALOR WORSENS

Sonia Jean-Pierre's life is one of apocalyptic misery. With hardly any food or work, her only refuge is a concrete cell. The searing sun is blotted out by cardboard pasted over the windows. On the wall by her bed, she has scrawled, "Jesus Christ is coming soon," like a promise of salvation to greet her every morning.

Ms. Jean-Pierre and hundreds of neighbors live as squatters inside the old Fort Dimanche Prison once the brutally efficient killing chamber of the Duvalier dictatorships. A prison no longer, it has been renamed, hopefully, Village Democratie. The poor cram themselves into the dingy cells and even inside the old sentry towers that look out over the surrounding shanties, where 2,000 more souls live without water, schools or electricity. Some are so desperate they eat pancakelike disks of bouillon-flavored clay. Poverty is the only jailer.

"We are free prisoners," said Ms. Jean-Pierre, who rested one recent afternoon on the cool concrete floor. "We are still living like prisoners."

Nearly eight years after the United States led an invasion of Haiti to oust a military junta and restore President Jean-Bertrand Aristide to power, Village Democratie is just one measure of this country's despairing slide.

Increasingly exasperated with Mr. Aristide's government, which has yet to resolve a two-year-old deadlock with its opposition, the United States and European countries have blocked some \$500 million in aid, hoping to encourage greater democracy. Critics say the decision has merely eroded the hopes and deepened the poverty of this country's seven million or so people.

For a nation as poor as Haiti, withholding the money has become both carrot and stick. Haiti still lingers near the bottom of the United Nations' annual survey of living conditions. Life expectancy is less than 53 years. Preventable diseases go untreated. The yearly income of the average family is less than is needed to sustain a single person.

Mr. Aristide calls the withholding of the aid an "embargo." His American supporters, including the Congressional Black Caucus and well-paid lobbyists, say it is immoral to withhold the aid and punish the Haitian people, as government agencies go without budgets, plans or projects to provide water, health care and schools. Some \$150 million from the United States, they note, might not only improve roads, water and health but also create jobs.

Still, diplomats and aid officials say, Mr. Aristide's use of the term "embargo" reflects calculated rhetoric more than reality. Trade and travel continue, and relief, including contributions from the United States, flows into Haiti through nongovernmental groups.

Solving Haiti's problems, they argue, will take more than just an infusion of aid. Most important, they say Mr. Aristide has yet to prove that his government has escaped the corruption and destructive self-interest of governments past.

Meanwhile, the political stalemate, which arose over a disputed election, and the international response to it, have stalled what little functioning government democracy might have brought.

"The situation is getting worse for the majority of the people," said the Rev. Jan

Hanssens, a Roman Catholic priest who sits on the Justice and Peace Commission of the Bishops' Conference. "There is certainly no hope unless there is a drastic reassessment of Haitian society itself. If things simply go on as now, there is no chance."

Along the streets of Village Democratie, faith in politicians is as elusive as a decent job. Faded posters of Mr. Aristide, wearing the presidential sash and with his arms outstretched, are his only presence.

Laughing young men crouched at the entrance to the former prison and gambled a few wrinkled gourde notes, the country's currency. Inside, past corridors whose crumbled walls reveal a weed-choked courtyard, people walked home after church clutching hymnals titled "Songs of Hope."

Inside tiny rooms with cardboard walls, slim shafts of sunlight cut through the haze of charcoal smoke from braziers where pots of rice boiled. There are no sewers or running water anywhere in the neighborhood, and when the rains come they leave fetid puddles where malaria-carrying mosquitoes breed.

"Artistide said here is the room of the people," said Dorlis Ephesans. "But he has never showed his face here."

Some of the residents had tried to leave Haiti during the 1991 coup that ousted Mr. Aristide. Some made it to Miami, some died and others like Israel Arince, were caught at sea and returned.

The same America that sent him back to Haiti and restored Mr. Aristide to power in 1994, Mr. Arince said, now make life impossible.

"They have blocked the country from getting aid," he said. "We are human beings and we do not like to live like this. Only animals should live here."

In La Saline sum, down a busy road near the prison that is often choked with carts and traffic, pigs waded through streams of human waste and poked their snouts into mountains of garbage in a drainage canal. Young women dropped plastic buckets into a sewer and hauled out a gray water they would use to wash their floors. Potable water is too expensive.

"There is no way to be healthy here," said Elisena Nicolas, who spends a third of her income on water. "But you have to keep the children clean."

As hard as it is to conceive, people come to La Saline to escape rural misery. In the Central Plateau town of Cange, doctors with the Zanmi Lasante clinic and children commonly died from malaria or diarrhea, while tuberculosis and AIDS killed their parents. Even polio, once thought to have been eradicated, has resurfaced recently.

Although the clinic receives no international aid, doctors said they worked with many Haitian government clinics in nearby villages where the frozen aid has left them unable to cope. In recent years, their volunteer clinic's patient load has tripled to 120,000, with patients sometimes walking five hours for free care.

Dr. Paul Farmer, an American who helped found the clinic in the 1980's, said he could not prove that the blocked aid resulted in more suffering, but the deteriorating conditions were evident. International aid, provided on an emergency basis to charitable groups, was no substitute for a working government, he said.

"One of the world's most powerful countries is taking on one of the most impoverished," he said of the United States decision to withhold aid. "I object to that on moral grounds. Anybody who presides over this blockade needs to know the impact here already."

But Haiti's record of official corruption and mismanagement, regardless of who was in power, has given pause to many international aid officials. A recent study by the World Bank concluded that 15 years of aid

through 2001 had had no discernible impact in reducing poverty, since projects were carried out haphazardly and government officials did not sustain improvements.

Today, for instance, a maze of rat-infested pipes is all that is left of a potable water project after funds ran out before the pipes could be connected to the water main.

At the same time, political opponents and diplomats said, the government has money to provide cars for legislators or pay off neighborhood groups that are its foot soldiers and that the opposition charges, have been used to intimidate government opponents.

As a result, diplomats and aid officials said Mr. Aristide must not only resolve this political crisis, he must also show that he will allow economic and administrative reforms to guarantee that any forthcoming aid will be honestly spent.

"We are saying we want to help you," said a European diplomat, who noted that the European Union was ready to provide \$350 million. "But you must help us help you. You comply, I'll comply."

Absent any aid or a political pact, people scrape by as they have for years, sharing what little they have or sacrificing themselves for their children. In the neighborhood of Fort Sinclaire, a dilapidated maze of shacks, indigent teenagers with tuberculosis sleep on sheets spread out on hard concrete porches.

A soft carpet of soggy wood chips blankets the entrance to the neighborhood, as men carve wooden bowls to sell to tourists who have yet to return to Haiti. Lionel Agustain, a woodworker, sometimes earns two dollars a day, not enough to prevent him from losing his home a few years ago.

A friend lets him sleep on a rickety cot inside a gym where the weights are improved for gears and other car parts. The walls are tauntingly decorated with wrinkled posters of bodybuilders with bulging chest and bicep Mr. Agustian is thin, and he sometimes eats only a bowl of rice.

"We don't know when they are going to fix things," he said. "We suffer. And when you suffer enough, you die."

Mr. DODD. Madam President, I share with my colleagues briefly the situation in Haiti. This is one of the most desperate countries in the world, a few miles from our shore. There has been pending over the last 2 years a \$500 million request through the Inter-American Development Bank. The United States of America, and several of its allies, are holding up the disbursement of these funds to one of the poorest countries in the world. Seven million people in that country are suffering incredibly. It is being held up over a question of whether or not institutions in that nation are as strong as they ought to be, whether or not there is corruption, and whether or not the elections that occurred in 2000 were fair, open, and honest.

I am not going to argue about any of that. There is corruption. The agencies, administration, and structures are very weak. The elections in 2000 had major flaws in them. I am not arguing about that, either. But for the strongest, wealthiest nation in the world, that stands 90 to 100 miles away from one of the poorest nations in the world, and to have us deny Inter-American Development Bank funds, through our power and influence, to reach these desperately poor, dying people, where

life expectancy is age 53, where there are problems with malaria, diarrhea, and tremendous hardship—polio has re-emerged on this island—I think is terribly wrong.

This article, written by David Gonzalez, points out how desperate the situation is in Haiti. I will not read all of the article but he talks about shanties, he talks about the former prison at Fort Dimanche, a prison in Port-Au-Prince where now 2,000 people live without any water, schooling, or electricity. These are fellow human beings who are in great despair, living under the worst possible of circumstances.

In rural areas as well, local clinics have shut down and one clinic, according to David Gonzalez's article, in the Central Plateau town of Cange, doctors with the Lasante Clinic dealt with 120,000 patients who came to them in recent years. The clinic's patients tripled to 120,000, patients sometimes walking 5 hours for care.

As I mentioned, tuberculosis, malaria, and now even polio, once thought to be eradicated, is emerging. I am hopeful that the IDB, the Inter-American Development Bank, would listen to those who have been supportive of this Bank. I have been supportive, as many of my colleagues have, over the years. For the IDB to hold back on these funds any longer is wrong.

Haiti is sinking deeper and deeper into irreversible poverty. The extent of the heartache now being endured by the Haitian people is simply unspeakable. Their suffering is devastating and it is far reaching. In some places there is no potable water, there are no sewers, there are no basic medicines on hand to treat disease, no medical infrastructure in place to ward off otherwise easily preventable diseases.

Haiti ranks as one of the lowest on the U.N. survey of living conditions. As I mentioned, life expectancy is age 53. Of course, the despair and hopelessness which prey upon the victims of such suffering cannot be quantified.

It is the people of Haiti, in my view, who should be our concern today, not the flaws of their political institutions. I am deeply saddened and incensed in many ways that we are planning electoral negotiations over the clear, tangible plight of a people.

Ironically, it is the United States that has taken the lead in preventing Haiti from receiving assistance from the International Development Bank, the institution that is supposed to be the premier regional development agency. Proponents of withholding crucial IDB funding point to Haiti's weak institutions, to the need for drastic and timely economic and administrative reforms, as a prerequisite for restarting assistance.

It is true, Haiti is an impoverished nation with weak institutions. It is true there is corruption at high levels. I do not deny that. And, yes, there is a serious need for reform in these areas. It is also very true that poor countries breed weak institutions and seek to

strengthen themselves and help their people with the assistance of international humanitarian aid, but that is not the real reason that assistance is being withheld. The real reason funds are being withheld is political—namely, as leverage in an ongoing Organization of American States negotiations to resolve issues related to the May 2000 elections of that country.

The Secretary-General of the OAS has endeavored over the last 2 years to resolve the political stalemate in Haiti and the disputed 2000 parliamentary elections. He has put on the negotiating table a balanced and credible proposal for resolving the election dispute and is working to ensure the security and other matters of concern to the Haitian society that are being seriously considered by the Haitian Government. I believe they are.

That said, Haiti has flawed elections. Absolutely. We are talking about a country without a long historical tradition of democracy. While this worsens, and public faith in government is reduced to zero, what remains of the fragile democracy is eroded further. Even in the United States, with our proud history, peaceful transition of power, orderly elections, and representative governments, we have had significant troubles with our own elections. Merely look at what happened in the year 2000 in this country with our elections. No one is perfect.

In one of the most desperately poor nations in the world, it should not be a great surprise that institutions and electoral processes are not what we would like them to be. By not providing basic help, by the United States blocking the assistance reaching the desperately poor people, we are not strengthening the institutions but making it worse and harder for the Nation to get back on its feet.

I have always strongly opposed linkage between ongoing political dialog and the Haitian access to resources of the Inter-American Development Bank. These moneys have been held hostage for too long. The damage to the Haitian economy is devastating. The good-faith efforts of the Government in responding to the OAS initiative should be more than enough justification for beginning the process of loan disbursements from the Inter-American Development Bank. Although the state of despair in Haiti is all the justification that should be needed for an institution whose primary obligation, as the IDB, is to promote economic and social development in this hemisphere, and they are doing anything but that.

Shame on the Inter-American Development Bank for being used in this manner. It does not speak well for an institution that for the most part has a good reputation. Shame on the Government of the United States for pressuring the IDB to do so. Seven million people are desperately in need of help. We have gone on now for years denying this basic assistance. It is time to put

a stop to playing politics with Haitian lives, and it is time to respond to the unfolding crisis in Haiti. I urge the administration to withhold, to lift the embargo, on the dollars.

For those who have supported the IDB year in and year out, it has been terribly disappointing to me that they have continued to acquiesce in the demands of the Bush administration to deny the disbursements of these dollars. I hope they will take the action of saying they have waited long enough and they will provide the assistance needed to the Haitian people.

We are about to leave for a month and the situation is growing worse. I ask my colleague to take a look at the David Gonzalez article in the New York Times yesterday. This is a snapshot of what is going on in the country and what desperately poor people are suffering as a result of the lack of support. They would suffer anyway. I am not suggesting this will solve all their problems. It is hard to believe we are holding up the funds—seeing how these people live, how these children are being raised, only a few miles off our shore, when we could make a little bit of a difference. We could also strengthen the very institutions we are complaining so strongly about if we provided that kind of help.

#### VETERANS HEALTH CARE NETWORK

Mr. KERRY. Madam President, I regret to come to the floor today with a concern that I find absolutely extraordinary—even shocking.

This is a memorandum which represents an extraordinary broken promise to the veterans of our country. I want to share it with my colleagues who I think would share with me a sense of outrage over what is contained in this memorandum.

This is a memorandum from Laura Miller, Under Secretary of Veterans Affairs for Health for Operations and Management, which she circulated on July 18. It orders the directors of the Veterans Health Care Network in the country to end their veterans outreach activities.

Let me read from the memorandum. It says specifically:

In this environment, marketing the VA services with such activities as health fairs, and veteran open houses to invite new veterans to the facilities, or enrollment displays at VSO meetings are inappropriate. Therefore, I am directing each network director to ensure that no marketing activities to enroll new veterans occur within your networks.

In other words, the promise made to veterans and their families that these services will be available to them—and many of them don't know exactly what all the services are—that is why we put into place the outreach efforts in order to guarantee that people aren't denied those services which they might have forthcoming. Those services are not

now going to be provided. They are not going to be reaching out to veterans to make them aware of them. I find that absolutely extraordinary.

There are approximately 70 million people who are potentially eligible for VA benefits and services because they are veterans and family members or survivors of veterans. They stand to lose those benefits because the VA is simply going to hide or retreat from reaching out in the way that all of us here in Congress specifically codified and put into law that they do.

I know the Secretary of Veterans Affairs is a Vietnam veteran and is a distinguished, decorated veteran. I absolutely can't believe that he knows this went out. I can't believe that it went out under his order, particularly when you compare it to his own statement on the VA Web site. There is a statement by the Secretary that says:

Our goal is to provide excellence in patient care, veterans' benefits and customer satisfaction. We have reformed our department internally and are striving for high-quality, prompt and seamless service to veterans.

With respect to "prompt," in this memo the Deputy Under Secretary says:

The most recent enrollment shows a 13.5 percent increase in users this year compared to the same time last year, and a 15 percent increase in enrollment while expenditures rose 7.8 percent. Against the outcome of this situation is a waiting list for patients to be seen in many clinics across the country and general waiting times that exceed VHA's standard of 30 days. Moreover, actuarial projections indicate a widening gap in the demand versus resource availability.

"Demand versus resource availability"—those of us from New England sat with the Secretary several months ago and made it clear to the Secretary that there is an increasing crisis in our VA system because of the lack of resources.

The "greatest generation" veterans—those of World War II—are now demanding services of the VA in greater numbers than before. Our military efforts these days are increasing the awareness and the need of many people who served for those services. Yet here we are being told we have demand that is exceeding the resources.

The resources don't have to be exceeded. That is a matter of budgeting priority of this administration. There are many areas where it is obvious that the administration has decided it is more important to put money, rather than for the veterans, and in order to keep the promise to the veterans of the country.

In today's Greenfield Recorder in Massachusetts, a VA spokesperson said the reason the VA has cut these services is "because right now we can't give them the kind of care that they deserve."

That is an extraordinary statement in the face of the current situation

with troops in Afghanistan and other parts of the world, with the increasing demand of our military and with potential operations in Iraq that are the subject of hearings before the Senate Foreign Relations Committee today.

Under Secretary Miller's memorandum notes that enrollment has increased by some 15 percent. So the budget ought to reflect that. The budget ought to reflect that we need to keep the promise to our veterans. The fact is, almost every single budgeting effort in the last few years has been inadequate for the VA. The VA has consistently received less funding than necessary facing this growing demand.

In the fiscal year 2002 budget, there was initially an \$80 million shortfall for veterans medical care in New England alone. And although this region has confronted the most severe shortages, the situation throughout the country has been similarly bleak.

This year, and in previous years, colleagues in the Senate have fought to try to up that amount of money. Last week, Congress passed a supplemental with some additional \$417 million, but the fact is, the increase in this year's spending is not adequate to meet the demand. It is critical that we provide veterans services to nearly 5 million veterans in 2003.

It is almost so obvious that it should go without saying, but I hope this is going to be reversed immediately. I hope the administration is going to keep America's promise to our veterans. And I hope they will plus up that budget sufficiently to meet the demand and to keep faith with the promise made already to the past several generations of veterans and the promise that is today being made to the next generation of veterans.

I yield the floor.

MAJ. GEN. WILLIE B. NANCE, JR.,  
U.S. ARMY

Mr. COCHRAN. Mr. President, very soon one of our Nation's finest soldiers will retire from active duty after more than three decades of dedicated service to our country. Major General Willie B. Nance, Jr., will retire from the United States Army on November 1, 2002, after serving for 34 years. During his distinguished career, General Nance served in a remarkable range of roles, from buck private to two-star general, from foot soldier to the manger of one of the most sophisticated weapon systems our nation has ever built. General Nance, I am proud to say, is a native of Mississippi, and I believe it appropriate that the Senate take note of his distinguished career as his retirement approaches.

General Nance entered the Army in 1968 as a member of the Mississippi All-Volunteer Company, a group of 200 Mississippi volunteers who enlisted at the same time under an Army volunteer enlistment campaign. Having proven himself early as a soldier, he was recruited directly from Basic Training

into Officer Candidate School, from which he graduated as the honor graduate in 1969.

Commissioned into the Infantry as a second lieutenant, General Nance's early assignments included duties as a rifle company platoon leader, reconnaissance platoon leader, and battalion assistant operations officer in Korea. He also served twice as an instructor at the U.S. Army Infantry School at Fort Benning, GA. As a young captain, General Nance was a communications officer, battalion adjutant, and company commander in the 3rd Armored Division in Germany. Between these assignments, he completed Airborne training and was an honor graduate from the demanding Ranger course.

After 13 years of infantry service, General Nance was assigned to the Army Acquisition Corps. In repeated assignments to acquisition leadership positions, he developed expertise in every area of acquisition management. After serving as an Assistant Product Manager for three years, he became the Executive Officer to the Commanding General of the Department of the Army Research and Development Command, Europe. As a lieutenant colonel, he managed the Bradley Fighting Vehicle TOW missile subsystem. As a colonel, he managed both the Army Tactical Missile System and the Brilliant Anti-Tank munition programs. Between command assignments, General Nance taught acquisition strategy as a professor at the Defense System Management College.

In his first assignment as a general, General Nance served for two years as the Deputy Commander of the U.S. Army Space and Strategic Defense Command. In this position, he oversaw with efficiency, innovation, and compassion a significant reorganization and reduction of the technical element of the command.

From 1996 to 1998, General Nance served as the Army's Program Executive Officer for Tactical Missiles. In this position, he was responsible not only for managing many complex missile programs costing several billion dollars annually, but also for creating a strategic vision that would guide all army tactical missile programs through the Army's transformation process.

In 1998, General Nance undertook perhaps his most challenging professional task when he became Program Director and Program Executive Officer for National Missile Defense, and he took that post at a particularly difficult time. He inherited a program that had for years received inadequate funding, and although the missile threat to our nation continued to grow, there were still sharp disagreements among political leaders about how to respond to this threat. Every aspect of the program was under intense scrutiny by the administration, the Congress, and the media. General Nance directed a team of government and contract workers that stretched from Ala-

bama to Alaska, from Massachusetts to the Marshall Islands, and from Colorado to California to Hawaii. Under these difficult conditions, General Nance not only put the National Missile Defense program on sound footing, he guided it to dramatic successes. In October 1999, his team—on its first attempt—achieved the first successful intercept of a reentry vehicle in space by a missile defense kill vehicle. That feat has since been repeated three times. It now seems almost routine. But there is nothing routine about such complex technical accomplishments, nor the extraordinary leadership that made them possible.

In 2001, the Bush administration undertook a strategic review that opened the door to more capable missile defenses, and General Nance helped lead an intensive effort to develop and evaluate new approaches to defending the United States against missile attack. This effort resulted in a fundamental change in the nation's missile defense program. General Nance was selected to turn this new vision into reality when he became the first Program Executive Officer for the Ballistic Missile Defense System. In this role, he implemented the Secretary of Defense's guidance to create a single, integrated Ballistic Missile Defense System out of ten disparate missile defense programs already under way. That effort required a careful balancing of new concepts for missile defense with already ongoing technical work. Under General Nance's leadership in this, his final assignment, the missile defense program continued to make extraordinary progress toward protecting our nation and its armed forces, with the Ground-based Midcourse, Patriot PAC-3, and AEGIS missile defense systems all scoring successes in flight testing.

General Nance's vision of a single integrated missile defense system is becoming a reality today and it will be a lasting legacy of his service to our country. But his legacy goes far beyond even that important contribution. It extends to the soldiers he has touched throughout his career, to the example he has set, to the sacrifices he has made in long, distinguished, and selfless service to our nation.

I am very proud that General Nance is from Mississippi, and that his wife, Jonnie is also a Mississippian. We are very proud of both of them and we wish them much continued success and happiness together in the years ahead.

#### IRV KUPCINET: 90 YEARS OF A CHICAGO INSTITUTION

Mr. DURBIN. Mr. President, I rise today to honor a Chicago institution and a good friend, Irv Kupcinet, on the occasion of his 90th birthday on July 31, and to pay tribute to his outstanding contributions to the veterans of the Chicago area. While best known for his work in journalism, Kup has also dedicated a major part of his life to serving his community's veterans.

Born in 1912, Irv grew up in Chicago. Early on, he had a job cleaning Pullman Co. railroad cars so that he could earn money to attend college. He went on to receive his journalism degree from the University of North Dakota in 1934. While in college, he was involved as both the director of athletic publicity and as the quarterback of the football team. So, during the week, he wrote about sports and on Saturday, he played them. Initially he was headed toward a future in football. He was even selected for the 1935 College All-Star football team, which led him to begin a short career in professional football with the Philadelphia Eagles.

However, a shoulder injury led him to a new path in life, as he shifted from sports player to sports writer. Kup began as a writer for the Chicago Times in 1935. Chicago readers have been enjoying the writings of "Kup" ever since. After all these years, Irv still writes "Kup's Column" in the Chicago Sun-Times today.

Additionally, Kup broadcast Chicago Bears games on the radio for 24 years with another Chicago icon, Jack Brickhouse. In 1959, he debuted his own local television talk show which ran for 27 years. He has been honored with the coveted Peabody Award and has won a total of 16 local Emmy awards for his show.

Irv has been inducted into two halls of fame—one for journalism and one for Chicago sports. And, he also is recognized in the Hall of Fame at the University of North Dakota and the National Jewish Hall of Fame. In 1986, the Wabash Avenue Bridge in Chicago officially became the Irv Kupcinet Bridge in honor of his 50 years with the Chicago Sun-Times.

One of the things that has always impressed me about Kup is that despite all of his endeavors in sports and in journalism, he always made time to give back to his community, to give back to Chicago. That is what truly puts Irv Kupcinet in a league of his own. He is the founder and the host of the annual Chicago Sun-Times Purple Heart Cruise for veterans, which began in 1945 and continues today.

At the end of World War II, Irv wanted to recognize the soldiers who risked their lives for their fellow Americans. He found a way to do so in conjunction with the Purple Heart veterans organization. The Military Order of the Purple Heart of the U.S.A. is a Congressionally chartered national service organization for veterans that offers educational programs, outreach programs, computer training courses, and a long list of other programs aimed at serving our country's veterans. Illinois, alone, has over 860 Purple Heart veterans. With the Purple Heart and the Chicago Sun-Times, Irv has hosted this annual cruise. He said in his autobiography that his cruise "celebrates the veterans of all our wars, men and women who put their lives on the line so that the rest of us could live in peace and freedom." In a sense, this cruise is a reprise of the USO servicemen club, a one

day floating revival held each year sometime between Pearl Harbor and V-J Day. The veterans who attend the cruise leave with no less than 50 gifts when they step off the boat. That is a small gift compared to the sacrifices each veteran made for his or her country. Through Kup's initiative with the Purple Heart Cruise, Chicago is the only city that shows this brand of gratitude to our veterans. Irv has been recognized with the General John Logan Chicago Patriot Award for his service for the Purple Heart cruises.

Kup, on his 90th birthday and every day, serves as a role model to all who read his column, listened to his television and radio broadcasts, followed his sports career, and benefit today from his many good works.

A few weeks ago it was my good fortune to be invited to join Kup and his buddies for their Saturday brunch at a Michigan Avenue hotel. It was a great gathering of old friends, swapping stories, telling jokes and celebrating good times in life.

I extend my sincere congratulations to Kup on his 90th birthday, thank him for the difference he has made in his hometown of Chicago and ask that a great column by Bob Greene, written in his honor, be printed in the CONGRESSIONAL RECORD.

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

**THE DEADLINE DASH: KUP IS TURNING 90**

I suppose stranger things have happened than this—a column in the Sunday Tribune celebrating and praising a columnist for the Sun-Times—but special moments call for special gestures. Kup is about to turn 90.

Irv Kupcinet's 90th birthday is on the last day of this month. Kup's Column is now in its 60th year—he began writing it in 1943. He lost his dear wife Essee last year, and his health has not been so great, but he is as much a part of Chicago as . . .

Well, I was going to say as much a part of Chicago as the John Hancock Center, but Kup's Column was around way before the Hancock was constructed. I was going to say as much a part of Chicago as the Wrigley Building, but Kup was born years before the Wrigley went up. In the end, there is no comparison. You properly say that a person or an object is as much a part of Chicago as Kup, not the other way around.

He has always loved this city so. The son of a bakery truck driver, Kup set for himself a work ethic that is phenomenal. When he attended the University of North Dakota and played quarterback on its football team, he also served as the university's director of athletic publicity, writing press releases during the week and leading the team on Saturdays. The late Gene Siskel and I would often marvel to each other about Kup's work schedule. In essence, during his peak years, Kup worked a nine-day week: He wrote six newspaper columns a week, skipping only Saturdays; he taped his "Kup's Show" television program over two days; and on Sundays during football season he and Jack Brickhouse were the play-by-play men on Chicago Bears radio broadcasts on WGN.

Brick and Kup—there was nothing like them anywhere else in the country. It might not have sounded like a symphony, but it sure sounded like Chicago. Kup in his prime was this physically huge, commanding presence—he played professional football for the Philadelphia Eagles, and later was an on-field NFL head lineman. When he began

writing his column in Chicago, he became an instant and larger-than-life star.

He made the decision early to try to be fair both in print and on the air, and chose generosity over smallness. He was the biggest name in this town before anyone now working in any print or broadcast newsroom got started, yet he made a practice of going out of his way to be welcoming to new colleagues. When I was given a column at the Sun-Times at the age of 23, the first note I got was from him. Written in heavy copy pencil over a tearsheet of the story announcing the new column, the message was short: "Bob—Congrats! Kup." Did it matter? More than 30 years later, I still have it.

The pride of his life was Kup's Purple Heart Cruise. Each year he would take military veterans, many of them from hospitals, out on a boat in Lake Michigan for a day of entertainment, food and fun. He started the cruise while World War II was still raging, and it lasted for 50 years. Once I was with him on the cruise—there was Kup on the gangplank, wearing a commodore's cap—and an elderly former soldier said to him, "Kup, I bet you don't remember who I am." Not missing a beat, Kup gave him a hearty Kup backslap—I thought the old soldier was going to go tumbling into the water—and boomed out: "Of course I know you! You're a grand old veteran!"

Kup's interviewing style on "Kup's Show" was one of a kind—I remember him leaning close to Henry Kissinger once and thundering out, in that amazing Kup voice: "Henry, what the hell, pardon my French, is going on in Cambodia?"—and like everything else he did, it was pure Chicago.

I talked with him the other day. Like so many people who reach 90, he finds that most of his friends are gone; he said he spends most of his time at home, and that "I'm weak much of the time." He always worked so hard, he said, because "turnout out a good story was more fun than anything else I could think of." Feeling weak or not, he seems to have made a determination, based on the toughness and strength of the old Kup: A great and legendary era in Chicago newspapering is coming to an end, and he is going to be the last man standing.

In newsrooms not just in Chicago, but all over the country—newsrooms where people who once here are now employed—the mention of Kup brings a smile and thoughts of home. It's probably not possible to speak for all of those men and women—all of the editors, writers and photographers with a Chicago connection—but as he turns 90 I'll bet I speak for most of them right now. He has never liked fancy writing, and he has always tried to make his point directly and unambiguously with as few words as possible, so I'll say it that way:

We love you, Kup.

**BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2002**

Mr. LEAHY. Mr. President, last Thursday Senate and House conferees reached final agreement on the Conference Report for H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2002. I look forward to Senate consideration of this measure in September, following House action on the conference report.

It seems inevitable in a bill nearly five hundred pages in length, even with our most diligent efforts, that the conferees sometimes fail to catch all drafting errors. Shortly after the conference was concluded, it was brought to our attention that the effective date provision of Section 1234 contained an error.

Section 1234 is not a new provision of law but a reiteration of current law, which Senator BAUCUS offered as an amendment to the Senate-passed bill. The House and Senate conferees agree to retain the provision during our conference. This section makes clear that a claim that is in bona fide dispute over the existence of liability, or the amount of that liability, cannot be used as a weapon for bringing an involuntary bankruptcy action.

This clarification is consistent with the 1984 legislative history of this portion of Section 303 of the Bankruptcy Code. It also tracks the decisions of all five Courts of Appeals that have ruled on the bona fide dispute bar to the bringing of involuntary bankruptcy actions. Section 1234 restates and strengthens Congressional intent that an involuntary bankruptcy action should not be employed by creditors seeking to gain more leverage than they would have if they litigated contract disputes in the proper judicial forum. A party to a dispute over the amount or liability for a claim should not also be disadvantaged by the stigma and expense of an involuntary bankruptcy proceeding. Our overcrowded bankruptcy courts should not be burdened with such disputes.

In as much as Section 1234 restates existing law, it is given immediate effect upon enactment. As it currently reads, due to a drafting error, it would not apply to cases now pending before the bankruptcy courts. This mistake would have a particularly perverse effect in the five federal circuits that have already ruled that the bona fide dispute standard applies to both liability and the amount thereof.

As soon as the conferees became aware of this mistake, we worked to fashion a correction contained in a concurrent resolution to be adopted simultaneously with the conference report. In order to dispel any confusion regarding Congressional understanding and intent in this matter, I am placing the relevant portion of the agreed upon Concurrent Resolution in the RECORD. It directs the Clerk of the House to correct the enrollment of H.R. 333 by amending it as follows:

"Section 1234(b) of the bill by striking 'shall not apply with respect to cases commenced under Title II of the United States Code before such date' and inserting 'shall apply with respect to cases commenced under Title II of the United States Code before, on, and after such date'."

**ADDITIONAL STATEMENTS**

**HONORING AL SANTORO, SECRETARY-COMMISSIONER OF THE OCEAN COUNTY BOARD OF ELECTIONS**

• Mr. TORRICELLI. Mr. President, I rise today to recognize Al Santoro, who

has been a great public servant for the people of New Jersey and has served over twenty three years at the Ocean County Board of Elections. Mr. Santoro is retiring after many years of outstanding service from his position as Secretary-Commissioner with the Ocean County Board of Elections at the end of July.

Born and raised in Newark, Al Santoro became involved in civic duty at a young age under the wings of his father, Raymond Santoro, who served as a Councilman in Newark. After completing his education, Mr. Santoro served in the United States Army from 1958 to 1960 in Germany.

During his tenure at the Ocean County Board of Elections, Al Santoro has been an important part in making our democracy work. His efforts helped ensure that the electoral mechanisms in place succeeded and that our elections are fair and just to all. The lifeblood of our democracy is the assurance that our political process works and that its integrity is not in question. Al Santoro has helped to make that a reality for the citizens of Ocean County. Surely, there can be no higher calling in our Republic.

So, I join the people of Ocean County and the entire State of New Jersey in recognizing Al Santoro for his outstanding service to the community.●

#### A TRIBUTE TO JESSE W. ALLEN

● Mr. REID. Mr. President, I would like to take a minute to recognize a man whose lifelong dedication to civic, military, and religious service has enriched not just my State of Nevada but the Nation as a whole.

Jesse W. Allen grew up in the poverty-stricken era of the Great Depression in Chattanooga, Tennessee. After losing his father at the age of fourteen, Mr. Allen dropped out of grade school in order to support his family. His labor taught him responsibility, integrity, and the value of hard work. Mr. Allen embraced these values and imparted them on others throughout his life.

At age 17, Jesse Allen enlisted in the U.S. Navy. In his forty-one months of service, Jesse proudly served his country; first by dodging German submarines across the Atlantic Ocean aboard the U.S.S. *Texas*, and then by fighting off Japanese fire and suicide bombers as a gun captain in the South Pacific. By the time Mr. Allen was honorably discharged in 1945, he had received 13 Battle Stars, a Silver Star, and a Presidential Unit Citation.

After leaving the service, Jesse returned to Tennessee where he made up for his lack of a formal education by acquiring his GED and enrolling in Tennessee Temple Bible College. For three years, he worked full time at night in a woolen mill so that he could support his family while attending college on the GI Bill. This hard work paid off in 1948 when Mr. Allen was ordained as a minister.

Jesse began spreading Christian principles throughout the United States on street corners, in jails, nursing homes, home meetings, and even in the tuberculosis sanatorium. Eventually, he established many churches and drew such a following that his preaching was carried on radio stations throughout the Southeast.

Jesse lived by the same Christian values that he preached. He went into the bootleggers' back woods, where few dared to go, to bring out the sick and elderly who needed to see a doctor. He worked with families suffering from marriage problems and with troubled teens throughout the Nation. My home State, Nevada benefitted from his passion as Mr. Allen worked with abused, neglected, and abandoned children at the Southern Nevada Children's Home in Boulder City, and later, as he opened his own home to afflicted youths from Clark County. His group home achieved record success rates for Clark County Juvenile Services for five consecutive years, earning him a commission as an Honorary Deputy Constable.

Today, Mr. Allen is the father of four and the grandfather of fourteen. He has lived an exemplary life of patriotism, citizenship, and dedicated service. He overcame the obstacles of his impoverished upbringing to help others, using values that inspire those he touches to do the same. For this reason, I am proud to recognize Mr. Jesse W. Allen. Men like him are rare, but are one of our country's greatest assets.●

#### IN RECOGNITION OF THOMAS A. PANKOK, FORMER NEW JERSEY ASSEMBLYMAN

● Mr. TORRICELLI. Mr. President, I rise today to recognize Thomas A. Pankok. Mr. Pankok has been a great public servant and an outstanding member of the community over the years.

Mr. Pankok currently resides in Pennsville, New Jersey. He married Alma Land in 1958 with whom he has three children, Thomas Pankok Jr., Kathy and Timothy and seven grandchildren.

Thomas Pankok is a graduate of Salem High School and a veteran of the United States Navy. He served four years during the Korean conflict. In 1956, after his tour of duty, Thomas Pankok began a lengthy career with Bell Telephone Company, serving 30 years with the company.

In 1981, Thomas Pankok was elected to the State Assembly. As a member of the Assembly, Mr. Pankok served two terms and authored many important pieces of legislation. After his first term in the Assembly, he was awarded with the "Freshman Legislator of the Year" award, presented by the State Association of Counties.

In addition, to his work in the State Assembly, Thomas Pankok also served over 15 years as a Salem County Freeholder. The role of state and local government is vital to our democracy.

For our federal system of government to succeed, we must have effective and committed leaders at the state and local level. The United States Congress needs and relies on partners like Thomas Pankok in local government and I salute him and thank him for his efforts.

So, I join with Salem County and the entire State of New Jersey in recognizing Thomas A. Pankok, an outstanding public servant, citizen, veteran and father. His efforts upon the behalf of the people of Salem County have been vital to the community and are much appreciated.●

#### LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 7, 2000 in Los Angeles, CA. A woman ran over a 65-year-old Hispanic man, Jesus Plascencia, twice in a parking lot. Authorities say that the perpetrator made comments about her hatred of Hispanics after the death and referred to the victim as "dead road kill." The assailant was charged with murder and hate crimes in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

#### IN RECOGNITION OF DELAWARE FIREFIGHTERS SELFLESSLY FIGHTING NATIONAL BLAZES

● Mr. CARPER. Mr. President, I rise today to discuss the status of the National Fire Plan, the 2002 Wildfire season and the Delawareans who risked their lives to save others. Since January 1, over 47,000 wildfires have burned more than 3,200,000 acres around the country. The vast majority of these fires have been small, just a few acres at most; however, several have been massive fires consuming hundreds or thousands of acres. To those living nearest these fires, they have suffered a tremendous loss. But thanks to the outstanding effort and tireless dedication of firefighters from around the country, many of these large wildfires have been suppressed, and the smaller fires have been prevented from growing larger.

While wildfires tend to be a greater problem in the West, concern for the residents, for their health, for their

safety, and for their homes extends nationwide. In Delaware, we have not experienced the devastating effects of fires seen in other states, yet men and women from my state have been willing to stand shoulder to shoulder with their brothers and sisters in helping fight these devastating fires.

The Delaware Wildfire Fire Crew, a 20-member advanced firefighting group made up of eight Department of Agriculture Forest Services employees and twelve volunteers has been on the road for two weeks, battling fires in Wyoming, South Dakota, and Virginia. Most recently, the crew helped put out a lightning sparked fire that burned approximately 850 acres of the George Washington National Forest in Virginia.

Their heroism and their selflessness were apparent. I want you to know that my heart was filled with pride when I learned this convoy of Delaware firefighting personnel was en route to offer assistance. These men and women were willing to stop what they were doing at a moment's notice. They were willing to put their own lives on hold, leave their own families, and help those who needed help.

At some point, all of us need to look back and take stock of where we have been and where we are going. Have we lived our lives in the service to others, or merely for ourselves? Have we made clear our commitments and worked with purpose to fulfill them, or simply meandered in search of a cause? At the end of the day, can we say with confidence that we did our best and worked to our fullest potential?

For these firefighters, and the thousands of others fighting this season's wildfires, the answers are clear. They live a life of service. They embody a commitment to excellence that serves as an example and an inspiration to us all. Whether working to protect those of us here in Delaware, or risking their lives to fight the raging wildfires of the West, they proved to us that if a family is in trouble, if a fire threatens a home—Delaware's volunteer firefighters will be there for us—and for America—leading the way.●

#### TRIBUTE TO ROGER C. CLOUATRE

● Ms. LANDRIEU. Mr. President, I rise to pay a posthumous tribute to one of the most dedicated leaders of my State, the late Roger C. Clouatre. As a corporate executive of Vulcan Chemical Company, as well as a member of the Ascension Parish School Board, he demonstrated dedication, pride in his work, and a commitment to the well being of those he represented and served.

Much has changed in our Nation since September Eleventh. There is a growing, yet genuine enthusiasm for the things that are truly important, our family, our friends and the welfare

of our country. Long before these tragic events, however, the man I memorialize here today practiced these ideals. He leaves behind a proud family; a thankful community and a Nation better off, because he was an American citizen for 53 years.

His friends say he "completed 80 years of work in 53 years of life." It is a record of accomplishment that we can all learn from. Yet, even though he battled cancer for the last 12 years of his life, it did not diminish his devotion to his children, his compassion for his friends and his dedication to the work of the Ascension Parish School Board. His planning and execution were always based in reality, but he himself represented an idealist's view of a man serving God, family and friends. He made us all laugh and kept a positive attitude that always seemed to affect our daily outlook on life.

His son Spencer, a graduate of West Point, said eloquently at his father's funeral that although Roger has the potential for national service, he instead invested every moment of his energy on the community he dearly cared about, and the family he loved so much.

Roger and his wife Katherine were the proud parents of four children, Spencer, Stephanie, Styles and Stuart, each a blessing in their own right.

Though many awards and accolades found him in life, his service and dedication to his community were largely responsible for the public support of a \$30 million bond issue that is creating new schools and expanding educational facilities throughout the parish.

Again, his son Spencer put it best when he said:

"We were all very lucky to have him at the local level, for his capabilities surely could have affected state and national events. He was a leader—a Chief Executive Officer, a General—someone that we all wanted to follow, a role model we all emulated in some way or another."

His deflection of self at the height of the me-generation and the uncompromising support of others that he demonstrated throughout his life, even at times of unspeakable pain, should provide all of us with the inspiration to go forward in our work.

Unfortunately, all of my colleagues will not know Roger Clouatre. Looking back, I see how fortunate I happened to be to have had the occasion to seek the wonderful advice of this great American. Though he was seemingly lost in the deep fabric of this mighty Nation, he was in fact, a quiet hero. May Roger's star always reflect a wonderful luminescence upon our Nation and provide all of us with a reminder of the thousand ways in which we may all work to make this a greater Nation still.●

#### JACK F. OWENS, IN MEMORIAM

● Mr. CARPER. Mr. President, I would like to set aside a moment to reflect on

the life of Mr. Jack. F. Owens upon his passing. Jack was a good friend and a man who made remarkable contributions toward educational opportunities for thousands of Delawareans. He was a man with a kind heart, diverse interests, great abilities and boundless energy.

Jack was born in Easley, SC. After graduating from Easley High School where he excelled in various sports, Jack went to Furman University where he continued his academic and athletic exploits, lettering in three sports, and graduating in 1952.

After serving his country as a member of the United States Marine Corps, Jack returned to South Carolina and began a career in academia, first in the Pickens County School system and then at Greenville Technical College.

Responding to the call of then Delaware Governor Charles Terry, Jack came to Delaware to help open Delaware's Technical and Community College in Sussex County in March of 1967. He was the school's first administrator and headed the Sussex County campus for twenty-eight years, retiring in 1995. In 1993, Jack received Delaware's highest honor when he was awarded "The Order of the First State."

As Governor, I had the honor of signing into law legislation that named the Sussex Campus in Jack's honor. Today, it is called "The Jack Owens Campus." The energy and commitment found in the students and faculty at DelTech are, in large part, due to Jack's vision.

Even after his retirement, Jack remained committed to public service. He served on numerous boards and commissions including The Arthritis Foundation, the Veterans of Foreign Wars and Ducks Unlimited, and served as a board member of the Beebe Medical Center and as Chairman of the Delmarva Chicken Festival. He received honorary doctorate degrees from Wilmington College and the University of Guadalajara, Mexico, where he helped establish a community college system.

Jack leaves behind his wife Donna, 6 children and 6 grandchildren. He also leaves behind many friends, colleagues and several generations of students who are living more productive, satisfying lives today because Jack made the decision thirty-five years ago to come north to Delaware.

Jack's lifelong dream was that students in Sussex County would have the opportunity to receive undergraduate and advanced degrees in their home county. He lived to see that dream fulfilled.

Jack's legacy will live on in the lives of those he helped shape, in the halls of education facilities he helped build, and in the hearts of those who were lucky enough to call him their friend. I rise today to commemorate Jack's life, to celebrate his life, and to offer his family support. Jack embodied the best of Delaware. He will be sorely missed.●

IN RECOGNITION OF PASTABILITIES RESTAURANT AND THEIR OUTSTANDING COMMITMENT TO COMMUNITY REVITALIZATION

• Mr. CARPER. Mr. President, I rise today to recognize Wilmington's Pastabilities for its outstanding commitment to community service. The National Restaurant Association has recognized the restaurant as a finalist in their Restaurant Neighbor Award. The national distinction rewards restaurants for outstanding philanthropic work.

In his State of the Union address earlier this year, President Bush unveiled the USA Freedom Corps, challenging every American to commit at least 2 years of their life to serving their community and their country. Pastabilities, in Wilmington, Delaware has exceeded the President's call to action. Owner Luigi Vitrone recognizes the importance of neighborhood revitalization and preservation. He and his staff have spent years dedicating energy and resources to improving their community. The results have been outstanding.

Founder of the Little Italy Neighborhood Restaurant Association, LINA, Mr. Vitrone spearheaded the effort to save Wilmington's "Little Italy" from an economic downturn. Having lived and worked in the neighborhood for over a decade, the personal investment ran deep.

Established in 1997, LINA has raised \$4.8 million from public, state and private sources to help rejuvenate the neighborhood. The money raised has been used to add new light posts, brick sidewalks, banners, and flowerpots and to make important structural changes that make the neighborhood more handicapped accessible. Luigi Vitrone has successfully restored Delaware's "Little Italy" to the beautiful, unique, authentic community it once was.

Volunteer service is vital to the improvement of our community, and the Pastabilities family has lent their time and energy at every turn. Local businesses such as this one serve as role models for citizen action and make Delaware shine. I am proud to put a spotlight on one of the State's premier businesses.

I commend Pastabilities for their fantastic culinary work and thank Luigi Vitrone for his leadership and commitment to strengthening the community. This most recent honor bestowed upon the restaurant mirrors the pride felt by the neighborhood.●

IN RECOGNITION OF IRON HILL BREWERY AND RESTAURANT FOR OUTSTANDING COMMUNITY INVOLVMENT

• Mr. CARPER. Mr. President, I rise today to recognize Iron Hill Brewery and Restaurant for its outstanding commitment to community service. The National Restaurant Association has recognized the restaurant as a fi-

nalist in their Restaurant Neighbor Award. The national distinction rewards restaurants for outstanding philanthropic work.

In his State of the Union address earlier this year, President Bush unveiled the USA Freedom Corps, challenging every American to commit at least two years of their life to serving their community and their country. Iron Hill Brewery and Restaurant in Newark, Delaware has exceeded the President's call to action.

The restaurant takes its name from a historic Delaware landmark where Generals Washington and Lafayette battled with General Cornwallis to ensure American liberty and freedom. Today, Iron Hill carries on this tradition of fighting for freedom. For the past four years, Iron Hill has been a major sponsor of the "Race Against Family Violence" which takes place each year on Mother's Day weekend. The race benefits Child, Inc., a non-profit organization that helps free children and families from the threat of domestic violence through prevention, education, treatment and advocacy.

To date, the Iron Hill family has raised \$16,000 through the "Race Against Family Violence." The operation has also taken an active role in the revitalization of downtown Wilmington, donating food and services and raising money for organizations such as the March of Dimes. Iron Hill has turned the act of giving to the community into a tradition. Twice a year, they provide a complete dinner for Delaware Technical & Community College's culinary class.

Volunteer service is vital to the improvement of our community, and Iron Hill Brewery and Restaurant has lent their time and energy at every turn. Local businesses such as this one serve as role models for citizen action and make Delaware shine. I am proud to put a spotlight on one of the state's premier businesses.

I commend Iron Hill Brewery and Restaurant for their fantastic culinary work and thank them for their leadership and commitment to strengthening the community. The most recent honor bestowed upon the restaurant mirrors the pride felt by the community.●

IN RECOGNITION OF SALLY HAWKINS

• Mr. CARPER. Mr. President, I rise today to pay tribute to Sally Hawkins, owner and president of WILM NewsRadio in Delaware. On her 80th birthday she remains a vibrant and purposeful woman, a dedicated entrepreneur and a celebrated public servant.

Sally started and maintains what is now the only remaining privately-owned and operated all-news radio station in the country. In an era when single-station AM radio operations have all but disappeared, she built a respected news station from the ground up—earning my respect, and the respect of her peers along the way.

As chair of the National Governor's Association and now as the DLC's chair for Best Practices, I've spent some time touring the country and highlighting the nation's very best programs, businesses and innovators. WILM certainly ranks among the best. The inroads made by Sally and the family, her family, at WILM are unparalleled.

WILM News radio strives to reinforce the foundation of community radio. The station's programming transcends race, creed, income and political boundaries. Its commitment to community outreach and support of the arts and non-profits has helped keep organizations vital during the crucial development stages.

In a business environment in which the pressure to cut costs for the sake of profit is common, Sally has never wavered in her commitment to balanced coverage and public service. WILM is heavily committed to providing a neutral forum in which all political aspirants may enjoy equal time to debate issues in front of the public. Sally seeks to enlighten listeners, making them better citizens and more informed voters.

How many of us can say that we are proud of the life that we've lived and the service that we've provided to the community?

In a career that spans decades, Sally has led the National Association of Broadcasters Board, as well as the boards of the Better Business Bureau, the Delaware State Chamber of Commerce and the U.S. Small Business Administration. She has served on the executive committee of the Grand Opera House, the external affairs committee of Christiana Care, and on the boards of Blue Cross/Blue Shield, Goldey-Beacom College, the Delaware Council of Economic Education, the Girl Scout Advisory Council and the Delaware Community Foundation. Last year, she was named The Ledger's 2001 Entrepreneurial Woman of the Year. This remarkable woman, at the helm of one of our state's most important news outlets since 1972, has done much to pave the path for women who want both successful careers and families and for First State organizations who dare to dream big.

Fueled by dedication and determination, Sally Hawkins took control of WILM thirty years ago. Today she still runs the day-to-day operations of the station, writes copy, mentors and travels internationally.

Today, I commend Sally Hawkins for her talent and perseverance, and join all of those whom she has touched, in celebrating her life. Happy birthday, Sally.●

TRIBUTE TO VICE ADMIRAL THOMAS J. KILCLINE, SR.

• Mr. WARNER. Mr. President, I pay tribute to an exceptional leader—Vice Admiral Tom Kilcline, Sr., in recognition of his remarkable career of service

to our country. Tom served his country for over 50 years as a distinguished Naval Officer and as President of The Retired Officers Association, TROA. Having battled cancer for over three years, Tom passed away on July 11, surrounded by his family at the Naval Medical Center, Bethesda, MD.

In 1943, at the height of World War II, he enlisted in the Navy from Kokomo, IN and was appointed to the U.S. Naval Academy in 1945. Tom enjoyed a distinguished career as a Naval Aviator; he flew in Korea, became an accomplished Test Pilot, commanded a tactical carrier based squadron during Vietnam, and flew actively, including tactical jets, until his retirement as Commander Naval Air Forces, US Atlantic Fleet in 1983.

Admiral Kilcline was an incredible leader and tireless advocate for our Navy. During my tenure as the Secretary of the Navy, Tom headed the Office of Legislative Affairs and, while there, we worked closely together to push for legislative initiatives to improve readiness and to provide for much of the modern naval force you see today.

Following his retirement, he served as National President of The Retired Officers Association where he continued to work with Congress on behalf of thousands of our retired service personnel for nearly 10 years.

Tom's greatest ally and strength was his devoted wife of 52 years, Dornell Thompson of Pensacola, FL. Dornell, a daughter of a naval aviator, was by his side through all his battles, from championing the cause of our country and our military families, to his fight with cancer.

They have had four children: Rear Admiral Tom, Jr., on duty with the Naval Aviation Warfare Staff at the Pentagon; Lt. Patrick, lost in an F-14 accident; Lt. Kathleen, a Navy doctor killed in an auto accident; Mary, devoted daughter and navy wife of Captain Bob Novak; and seven loving grandchildren.

Admiral Tom Kilcline will be greatly missed by his family, friends and this Nation, but his legacy of devotion to family and service to his country remain with us forever.●

#### TRIBUTE TO JOHN NOWAK

● Mr. BUNNING. Mr. President, I rise today to recognize Mr. John Nowak of Fairview, KY. Mr. Nowak, who operates a farm outside of Hopkinsville, KY, has recently garnered national praise for his innovative and effective farming techniques.

Hay samples produced by Mr. Nowak earned the Best Pure Alfalfa, Best Alfalfa with Grass and Best of Show awards during the American Forage and Grassland Council held in Minneapolis earlier this month. These hay samples underwent a rigorous laboratory analysis for relative feed value, protein fiber and mineral content as a part of the criterion.

As every farmer in Kentucky knows first hand, the high level of humidity combined with irregular rainfall and nighttime dew can create a very taxing and unfriendly farming environment. Oftentimes, these factors result in an unproductive and unprofitable season, but this has not been the case for Mr. Nowak. Mr. Nowak, through hard work and inventive thinking, has been able to successfully overcome these unpredictable and intrusive obstacles. He has truly become a pioneer for commercial hay production in Kentucky and the entire United States.

John Nowak's practices have also been noticed by such noted agriculturists as Dr. Garry Lacefield, a University of Kentucky extension forage specialist at Princeton's Agriculture Research and Education Center. He is one of Nowak's most adamant supporters. Dr. Lacefield plans on working closely with Mr. Nowak in the future to further improve the sellability and commercial marketing of hay.

In a capitalistic society such as the one we have in the United States of America, innovation and ingenuity play such vital and important roles in our economic success. I applaud Mr. Nowak's entrepreneurial spirit and urge him to continue to find better and more improved ways of production.●

#### CONGRATULATIONS TO MS. MARSHA VAN HOOK

● Mr. BUNNING. Mr. President, I rise today among my colleagues to congratulate Ms. Marsha Van Hook of Somerset, KY. On July 16th, Marsha Van Hook was the proud recipient of the Ted Jaskulski National Public Policy Award. This award is presented annually to an individual who has contributed to public policy efforts on behalf of people with developmental disabilities. Ms. Van Hook was nominated by the 26 members of the Kentucky Developmental Disabilities Council, KDDC, for her advocacy efforts related to disabilities.

In keeping with the goals and values of the KDDC, Marsha Van Hook has tirelessly and selflessly worked to ensure that children and young adults throughout the Commonwealth suffering from developmental disabilities have the right to an education, the opportunity to work and support themselves, and the access to affordable health care and transportation in their respective communities. Specifically, Ms. Van Hook's strong advocacy and involvement at the local and state level has brought a heightened sense of awareness to local communities across Kentucky concerning people with developmental disabilities and the dilemmas they face on a daily basis. She has been the eloquent voice of reason for advocacy and has also been an instrumental force in getting legislation passed regarding transportation needs for the disabled.

This most recent accolade is not the first time Ms. Van Hook has been duly

recognized for positive influence on society. Both the Kentucky State Senate and House as well as many disability groups throughout the Commonwealth have presented her with awards.

Currently, Marsha Van Hook is employed by the Appalachian Regional Commission, ARC, where she is actively involved with their "Partners in Advocacy" training program. This program offers training and support to individuals and their families in developing and expanding much needed advocacy skills. She also participates in several commissions and committees at both the state and local level.

I ask that my fellow members of the Senate join me in congratulating Ms. Marsha Van Hook for this prestigious and noteworthy award and thank her for all that she has done and is doing to advance the cause of children and adults suffering from developmental disabilities.●

#### RECOGNITION OF DR. MIMI SILBERT

● Mrs. BOXER. Mr. President, I would like to take this moment to reflect on the work of a very special woman and friend, Dr. Mimi Silbert, whose extraordinary commitment and compassion have greatly enhanced the quality of life for so many people in California and across the Nation. The Jewish National Fund will present Mimi with its Woman of Valor Award on September 24 in Los Angeles.

Mimi serves as President, Chairman of the Board and CEO of the Delancey Street Foundation, which, since 1971, has helped thousands of substance abusers and get back on their feet. The foundation is known to be the largest of its kind in America.

The Delancey Street Foundation has centers in New York, New Mexico, North Carolina and Los Angeles, but its headquarters in San Francisco are the most well-known. Located on the San Francisco waterfront, the 400,000-square-foot complex is the largest self-help facility in the country. The complex houses 500 residents and contains Delancey's national moving company, catering company, a screening room, the Delancey Street Restaurant and Crossroads Café.

Although best-known for her work with the Delancey Street Foundation, Mimi also serves as a powerful voice for reform. She recently wrote, designed and implemented a new juvenile justice system for the city of San Francisco, which has served more than 2,000 young people. City agencies and community-based organizations worked together to create a one-stop Community Assessment Center for arrested young people, two afterschool facilities, and other programs. Mimi also used her extensive expertise to work as a prison psychologist and police trainer, as well as teach at the University of California at Berkeley, San Francisco State University, and the Wright Institute.

Mimi truly personifies the Jewish National Fund's Woman of Valor

Award. I am proud to be on her long list of admirers and friends. I extend to her my most sincere congratulations on this distinguished honor, and, as always, wish her every success as she continues her exceptional work.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8345. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Chelsea River Safety Zone for McArdle Bridge Repairs, Chelsea River, East Boston, MA" ((RIN2115-AA97)(2002-0167)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8346. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Captain of the Port Detroit Zone, Selfridge Air National Guard Base, Lake St. Clair" ((RIN2115-AA97)(2002-0166)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8347. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Saginaw River, MI" ((RIN2115-AE47)(2002-0072)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8348. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Docket No. FAA-2000-8460" (RIN2120-AH17) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8349. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, INC Model 396D, E, F, and FF Helicopters" ((RIN2120-AA64)(2002-0334)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8350. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Marietta Dobbins AFB, GA; Doc. No. 02-ASO-05" ((RIN2120-AA66)(2002-0117)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8351. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change Using Agency to Restricted Area RE-4305; Lake Superior, MN" ((RIN2120-AA66)(2002-0116)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8352. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFE Company Model CFE738-1-1b Turbofan Engines" ((RIN2120-AA64)(2002-0335)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8353. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International CFM56-2, 2A, 2B, 3, 3B, 3C, 5, 5B, 5C, and 7B Turbofan Engines" ((RIN2120-AA64)(2002-0332)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing 727 Series Airplanes" ((RIN2120-AA64)(2002-0333)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8355. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (129); Amdt No. 3011" ((RIN2120-AA65)(2002-0042)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (100); Amdt. 3013" ((RIN2120-AA65)(2002-0044)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell, In. Part Number HG1075AB05 and HG1075GB05 Inertial Reference Units" ((RIN2120-AA64)(2002-0337)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8358. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (47); Amdt. No. 3012" ((RIN2120-AA65)(2002-0043)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives: de Havilland, Inc., Models SHC 2 MK 1, DHC 2 Mk. II, and DHC-1 Mk III Airplanes" ((RIN2120-AA64)(2002-0336)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8360. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 100, 200, 300 Series Airplanes" ((RIN2120-AA64)(2002-0331)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 90 30 Airplanes" ((RIN2120-AA64)(2002-0330)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Jet Route; Doc. No.01-ASW-12" ((RIN2120-AA66)(2002-0115)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney PW 4000 Series Turbohaft Engines" ((RIN2120-AA64)(2002-0329)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes" ((RIN2120-AH03)(2002-0001)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8365. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pelagic Fisheries; Measures to Reduce the Incidental Catch of Seabirds in the Hawaii Pelagic Longline Fishery" ((RIN0648-AO35)(ID041700D)) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8366. A communication from the Assistant Administrator for External Affairs, Office of External Relations, Centennial of Flight Commission, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority" (RIN2700-AC54) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8367. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustment and Closures" received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8368. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Early Warning Data;

Final Rule" (RIN2127-AI25) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8369. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Closure and Inseason Adjustments for the Recreational and Commercial Salmon Seasons from Queets River, WA, to Humbug Mountain, OR" (ID081601B) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8370. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule to Implement Restrictions Under the Northeast Multispecies Fishery Management Plan" (RIN0648-AP78) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8371. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2002 Management Measures" (RIN0648-AP52; ID04902A) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8372. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 40th Annual Report of the activities of the Federal Maritime Commission for Fiscal Year 2001; to the Committee on Commerce, Science, and Transportation.

EC-8373. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Contractor Performance Information" (RIN2700-AC33) received on July 26, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8374. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the Annual Report Regarding the 2001 Activities of the Northwest Atlantic Fisheries Organization (NAFO); to the Committee on Commerce, Science, and Transportation.

EC-8375. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA-7785) received on July 26, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-8376. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, received on July 26, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-8377. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report concerning the order of up to 100,000 additional workstations under the Navy Maritime Corps Intranet (NMCI) contract; to the Committee on Armed Services.

EC-8378. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the annual report on the number of waivers granted to aviators who fail to meet the operational flying duty requirements ("gates") in title 37 USC 301a(b) for Fiscal Year 2001; to the Committee on Armed Services.

EC-8379. A communication from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Increases in Fees for Meat, Poultry, and Egg Products Inspection Services" (RIN0583-AC89) received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8380. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination and a nominations confirmed for the position of Secretary of Agriculture, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8381. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Deputy Secretary of Agriculture, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8382. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Member, Board of Directors, Commodity Credit Corporation, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8383. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination and nomination confirmed for the position of Under Secretary for Farm and Foreign Agricultural Services, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8384. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Member, Board of Directors, Commodity Credit Corporation, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8385. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Under Secretary for Marketing and Regulatory Programs, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8386. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Member, Board of Directors, Commodity Credit Corporation, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8387. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Under Secretary for Rural Development, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8388. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy and nomination for the position of Member, Board of Directors, Commodity Credit Corporation, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8389. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Under Secretary for Food, Nutrition, and Consumer Services, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8390. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Member, Board of Directors, Commodity Credit Corporation, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8391. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Under Secretary for Research, Education, and Economics, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8392. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Member, Board of Directors, Commodity Credit Corporation, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8393. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Under Secretary for Natural Resources and Environment, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8394. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Member, Board of Directors, Commodity Credit Corporation, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8395. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Under Secretary for Food Safety, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8396. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Assistant Secretary for Administration, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8397. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Assistant Secretary for Congressional Relations, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8398. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Administrator, Rural Utilities Service, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8399. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy, nomination, the discontinuation of service in acting role, and nomination confirmed for the position of Chief Financial Officer, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8400. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of General Counsel, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8401. A communication from the Acting General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Inspector General, received on July 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2132: A bill to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, and for other purposes. (Rept. No. 107-229).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute and an amendment to the title:

S. 2734: A bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought. (Rept. No. 107-230).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 486: A bill for the relief of Barbara Makuch.

H.R. 487: A bill for the relief of Eugene Makuch.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 3892: A bill to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2713: A bill to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 105-53 Treaty with Nieu on Delimitation of a Maritime Boundary (Exec. Report. No. 107-5)

Text of Committee-recommended Resolution of advise and consent:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Nieu on the Delimitation of a Maritime Boundary, signed in Wellington on May 13, 1997 (Treaty Doc. 105-53).*

By Mr. LEAHY from the Committee on the Judiciary.

Timothy J. Corrigan, of Florida, to be United States District Judge for the Middle District of Florida.

Jose E. Martinez, of Florida, to be United States District Judge for the Southern District of Florida.

Terrence F. McVerry, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Arthur J. Schwab, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

J.B. Van Hollen, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

Charles E. Beach, Sr., of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

Peter A. Lawrence, of New York, to be United States Marshal for the Western District of New York for the term of four years.

Richard Vaughn Mecum, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

Burton Stallwood, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1990.

By Mr. LEVIN for the Committee on Armed Services.

Vinicio E. Madrigal, of Louisiana, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

L.D. Britt, of Virginia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for the remainder of the term expiring May 1, 2005.

Linda J. Stierle, of Maryland, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2007.

William C. De La Pena, of California, to be Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2007.

John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2006.

Army nomination of Lt. Gen. James T. Hill.

Navy nomination of Vice Adm. Edmund P. Giambastiani, Jr.

Air Force nominations beginning Col. Charles J. Dunlap, Jr. and ending Col. Michael N. Madrid, which nominations were received by the Senate and appeared in the Congressional Record on March 21, 2002.

Air Force nomination of Maj. Gen. Robert R. Dierker.

Army nomination of Lt. Gen. Bryan D. Brown.

Army nomination of Maj. Gen. Philip R. Kensing, Jr.

Marine Corps nomination of Lt. Gen. William L. Nyland.

Army nomination of Lt. Gen. Paul T. Mikolashek.

Army nomination of Maj. Gen. Richard A. Cody.

Army nomination of Maj. Gen. Bantz J. Craddock.

Army nomination of Maj. Gen. William E. Ward.

Army nomination of Brig. Gen. William S. Crupe.

Marine Corps nominations beginning Brig. Gen. James F. Amos and ending Brig. Gen. Frances C. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2001.

Marine Corps nomination of Maj. Gen. Martin R. Berndt.

Navy nomination of Rear Adm. (1h) Steven B. Kantrowitz.

Navy nomination of Rear Adm. (1h) James Manzelmann, Jr.

Navy nomination of Rear Adm. (1h) Dennis M. Dwyer.

Navy nominations beginning Rear Adm. (1h) Richard A. Mayo and ending Rear Adm.

(1h) Donald C. Arthur, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2002.

Navy nomination of Capt. Gregory R. Bryant.

Navy nomination of Capt. Andrew M. Singer.

Navy nomination of Rear Adm. Michael D. Malone.

Navy nomination of Vice Adm. John B. Nathman.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Army nominations beginning Laura R Brosch and ending Connors A Wolford, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2001.

Army nominations beginning Ann L Bagley and ending Keith A Wunsch, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2002.

Army nominations beginning Robert C Allen, Jr. and ending Christina M Yuan, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2002.

Air Force nominations beginning John W. Baker and ending David E. Wilshek, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Marine Corps nominations beginning Michael J. Bissonnette and ending Daniel J. McClean, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2002.

Navy nomination of Duane W. Mallicoat.  
Navy nomination of Francis Michael Pascual.

Navy nomination beginning Larry D Phegley and ending Jeffrey Robert Vankeuren, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Navy nominations beginning Arthur Kelso Dunn and ending Wayne Tyler Newton, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Navy nominations beginning Mark Thomas Davison and ending Richard Shant Roomian, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Navy nominations beginning Jennith Elaine Hoyt and ending Robert A. Wood, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Navy nominations beginning Edmund Winston Barnhart and ending LM Silvester, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Navy nominations beginning Robert M Craig and ending Melanie Suzanne Winters, which nominations were received by the Senate and appeared in the Congressional Record on April 19, 2002.

Navy nominations beginning David Stewart Carlson and ending Michael Joseph Zulich, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Navy nominations beginning John Alda, Jr. and ending Kathryn Dickens Yates, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Navy nominations beginning Michael P Argo and ending Mark Steven Spencer, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Navy nominations beginning Ronald David Abate and ending Glenn L Zitka, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Navy nominations beginning David B Auclair and ending Ryan M Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Navy nominations beginning Kenneth C Alexander and ending Timothy G Zakriski, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Navy nominations beginning David F Baucom and ending Jonathan A Yuen, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Navy nominations beginning Robert D Bechill and ending Philip H Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Navy nominations beginning Lynn P Abumari and ending Susan Yokoyama, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Navy nominations beginning David W Anderson and ending Stephen R Steele, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Navy nominations beginning Barney R Barendse and ending Kristiane M Wiley, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nominations beginning Michael J Boock and ending Alexander W Whitaker IV, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nominations beginning Stephen T Ahlers and ending Kerry R Thompson, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nominations beginning Daniel C Alder and ending Eric J Zintz, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nominations beginning Alan T Baker and ending Douglas J Waite, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nomination of James T. Conen.

Navy nominations beginning Joseph D. Calderone and ending Richard A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nominations beginning Timothy G. Albert and ending Janice M. Stacywashington, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nominations beginning Warren Woodward Rice and ending Mark J. Sakowski, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nominations beginning Barbara S. Black and ending Douglas D. Wright, which

nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nominations beginning Michael R. Bonnette and ending David C. Phillips, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Navy nominations beginning Jose R. Almaguer and ending Kenneth M. Stinchfield, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Army nominations beginning Marvin P\* Anderson and ending Kenneth O\* Wynn, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2002.

Army nominations beginning John G. Angelo and ending Virginia D\* Yates, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2002.

Navy nominations beginning Roxie T. Merritt and ending Jacqueline C. Yost, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Trecci D. Dimas and ending David G. Simpson, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Stephen W. Bartlett and ending James M. Tung, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning David R. Arnold and ending Lori F. Turley, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Victor G. Addison, Jr. and ending Zdenka S. Willis, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Robert J. Ford and ending Edwin F. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning David A. Belton and ending James A. Thompson, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Jeffrey A. Bender and ending David E. Werner, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Alexander P. Butterfield and ending Elizabeth L. Train, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Terry J. Benedict and ending Edward D. White III, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Peter D. Baumann and ending Allison D. Webstergiddings, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Stephen C. Ballister and ending Jerome Zinni, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Vernon E. Bagley and ending Boyd T. Zbinden, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Weston J. Anderson and ending Stephen C. Woll, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Kathleen B. Daniels and ending Teriann Sammis, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning David A. Bondura and ending Wilburn T. Strickland, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Christian D. Becker and ending Scott M. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Julienne E. Almonte and ending Michael F. Webb, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Alfredo L. Almeida and ending Mark A. Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Jon D. Albright and ending Michael W. Zarkowski, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Todd A. Abler and ending Thomas A. Zwolfer, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Air Force nominations beginning Shelley R. Atkinson and ending Randy K. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Navy nomination of Roger E. Morris.

Navy nomination of Jane E. McNeely.

Navy nominations beginning Genaro T. Beltran, Jr. and ending Theodore T. Posuniak, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Navy nominations beginning Sevak Adamian and ending Clifford Zdanowicz, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Navy nominations beginning Pius A. Aiyelawo and ending George S. Wolowicz, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Navy nominations beginning Salvador Aguilera and ending Donald P. Troast, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Navy nominations beginning Daniel L. Allen and ending Michael J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Navy nominations beginning Daniel J. Ackerson and ending Johnny Won, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Navy nominations beginning Connie J. Bullock and ending Brendan F. Ward, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Navy nominations beginning Angelica L. C. Almonte and ending Lester M. Whitley, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Navy nominations beginning Kathryn A. Allen and ending John A. Zulick, which

nominations were received by the Senate and appeared in the Congressional Record on June 28, 2002.

Air Force nomination of Fredric A. Marks. Air Force nominations beginning Meredith L. \*Adams and ending Edwin W. \*Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2002.

Air Force nominations beginning Sara K. \*Achinger and ending Charles E. \*Wiedie, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2002.

Air Force nominations beginning Christopher R. \*Abramson and ending Annamarie \*Zurlinden, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2002.

Army nominations beginning William A. Bennett and ending Charles B. Templeton, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2002.

Army nominations beginning John W. Bailey and ending Joyce L. Stevens, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2002.

Army nomination of Alonzo C. Cutler. Army nominations beginning Dominic D. Archibald and ending Richard L. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2002.

Army nominations beginning Ricky W. Branscum and ending Frederick O. Stepat, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2002.

Army nominations beginning Curtis W. Andrews and ending Thomas F. Stephenson, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2002.

Air Force nomination of Kurt R.L. Peters. Navy nomination of William W. Crow. Navy nomination of Joel C. Smith. Navy nomination of Joseph R. Beckham. Navy nomination of Michael E. Moore. Navy nominations beginning Charles W. Brown and ending Tanya L. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2002.

Navy nominations beginning Todd E. Barnhill and ending Dominick A. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2002.

Navy nominations beginning Colleen M. Baribeau and ending Kim C. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2002.

Navy nominations beginning Vincent A. Augelli and ending Reese K. Zomar, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2002.

Navy nominations beginning Angel Bellido and ending Walter J. Winters, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2002.

Navy nominations beginning Michael P. Banaszewski and ensign Brian S. Zito, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2002.

Navy nominations beginning Stuart R. Blair and ending Jon E. Withee, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2002.

Navy nominations beginning William L. Abbott and ending Ryszard W. Zbikowski, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2002.

Air Force nominations beginning Buenaventura Q. Aldana and ending Andrew W. Tice, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Army nominations beginning Antonio Cortessanchez and ending Kimberly D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Army nominations beginning Henry G. Bernreuter and ending Mark D. Scraba, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Navy nomination of Steven D. Kornatz. Navy nomination of Mary B. Gerasch. Navy nomination of Baron D. Jolie. Navy nomination of Todd A. Masters. Navy nomination of Perry W. Suter. Navy nominations beginning William L. Abbott and ending Donald E. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

\*Donald L. Kohn, of Virginia, to be a Member of the Board of Governors of the Federal System for a term of fourteen years from February 1, 2002.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before and duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 2827. A bill to amend the Internal Revenue Code of 1986 to provide for capital gains treatment for certain termination payments received by former insurance salesmen; to the Committee on Finance.

By Mr. NICKLES (for himself and Mr. INHOFE):

S. 2828. A bill to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station"; to the Committee on Governmental Affairs.

By Mr. AKAKA:

S. 2829. A bill to authorize appropriations for the Merit Systems Protection Board and the Office of Special Counsel, to provide for the protection of certain disclosures of information by Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. THOMAS, and Mr. CRAPO):

S. 2830. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CARNAHAN:

S. 2831. A bill to provide assistance to certain airline industry workers who have lost their jobs, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN:

S. 2832. A bill to address claims relating to Horn Island, Mississippi; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 2833. A bill for the relief of the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE (for himself and Mr. LIEBERMAN):

S. Res. 312. A resolution recognizing the importance of American history and designating July as "American History Month"; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. Res. 313. A resolution to refer S. 2833, entitled "A bill for the relief of the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi" to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

By Mr. CLELAND:

S. Res. 314. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued commemorating registered nurses; to the Committee on Governmental Affairs.

#### ADDITIONAL COSPONSORS

S. 210

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 210, a bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 830

At the request of Mr. CHAFEE, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 858

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 858, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees.

S. 1298

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1298, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1785

At the request of Mr. CLELAND, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator

from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1924

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 2079

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2079, a bill to amend title 38, United States Code, to facilitate and enhance judicial review of certain matters regarding veteran's benefits, and for other purposes.

S. 2246

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2512

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2513, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2606

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2606, a bill to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers, and for other purposes.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2712

At the request of Mr. HAGEL, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Delaware (Mr. BIDEN), and the Senator from Florida (Mr. NELSON) were added

as cosponsors of S. 2712, a bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 2734

At the request of Mr. KERRY, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2742

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 2742, a bill to establish new non-immigrant classes for border commuter students.

S. 2760

At the request of Mr. ALLARD, his name was added as a cosponsor of S. 2760, a bill to direct the Securities and Exchange Commission to conduct a study and make recommendations regarding the accounting treatment of stock options for purposes of the Federal securities laws.

S. 2800

At the request of Mr. BAUCUS, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2800, a bill to provide emergency disaster assistance to agricultural producers.

S. 2816

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2816, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S.J. RES. 37

At the request of Mr. WELLSTONE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S.J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002.

S.J. RES. 40

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S.J. Res. 40, a joint resolution designating August as "National Missing Adult Awareness Month".

S. CON. RES. 124

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. Con. Res. 124, a concurrent resolution condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for victims of those practices.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES (for himself and Mr. INHOFE):

S. 2828. A bill to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station"; to the Committee on Governmental Affairs.

Mr. NICKLES. Mr. President, I rise today to honor the memory of Robert Wayne Jenkins, a U.S. Postal Service letter carrier who was tragically killed while serving the Tulsa community and to introduce legislation that would redesignate the Southside Station Postal Service facility in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station".

On December 21, 2001, Robert Wayne Jenkins said goodbye to his wife Amber and daughter Caitlyn and left home for work. Arriving with his usual friendly and positive attitude, Robert prepared for his mail route. Before leaving the office to deliver the mail on his route, Robert gave his customary message to a fellow letter carrier: "be safe". That afternoon, Robert was senselessly gunned down while on his route, dying instantly.

Robert Wayne Jenkins was in his ninth year of dedicated service in a job he truly loved. His co-workers respected his dedication and professionalism, and Robert was also greatly admired for his love and devotion to his wife and daughter. The spirit and vitality with which Robert served the U.S. Postal Service and his community will live on in the hearts of those who were privileged to know him.

Rededicating the southside station in Tulsa as the Robert Wayne Jenkins Station is an honor most appropriate for an American who asked for so little but who gave so much to his family, his friends, the United States Postal Service, and the Tulsa community.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2828

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

#### SECTION 1. DESIGNATION OF ROBERT WAYNE JENKINS STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, and known as the "Southside Station", shall be known and designated as the "Robert Wayne Jenkins Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Robert Wayne Jenkins Station.

By Mr. AKAKA:

S. 2829. A bill to authorize appropriations for the Merit Systems Protection Board and the Office of Special Counsel, to provide for the protection of certain disclosures of information by Federal employees, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President. Today I rise to introduce legislation reauthorizing the Office of Special Counsel, OSC, and the Merit Systems Protection Board, MSPB. These two agencies safeguard the merit system principles and protect Federal employees who step forward to disclose government waste, fraud, and abuse.

The Office of Special Counsel protects Federal employees and applicants from reprisal for whistleblowing and other prohibited personnel practices. OSC serves as a safe and secure channel for Federal workers who wish to disclose violations of law, gross mismanagement or waste of funds, abuse of authority, and a specific danger to the public health and safety. In addition, OSC enforces and provides advisory opinions regarding the Hatch Act, which restricts the political activities of Federal employees. It also protects the rights of Federal employee, military veterans and reservists under the Uniformed Services Employment and Reemployment Rights Act of 1994.

The Merit Systems Protection Board monitors the Federal Government's merit-based system of employment by hearing and deciding appeals from Federal employees regarding job removal and other major personnel actions. The Board also decides other types of civil service cases, reviews regulations of the Office of Personnel Management, and conducts studies of the merit systems. Together, OSC and MSPB act as stalwarts of justice for the dedicated men and women who serve the public.

In addition to reauthorizing these two important agencies, my bill would restore congressional intent regarding who is entitled to relief under the Whistleblower Protection Act, WPA. On several occasions, Congress has had to revisit the WPA to close loopholes in the law. Congress has been forced to specify that "any" disclosure truly means "any" disclosure. This is regardless of the setting of the disclosure, the form of the disclosure, or the person to whom the disclosure is made.

Since Congress amended the WPA in 1994, the Federal Circuit Court of Appeals, which has sole jurisdiction over the WPA, has continued to disregard clear statutory language that the Act covers disclosures such as those made to supervisors, to possible wrongdoers, or as part of an employee's job duties.

In order to protect the statute's foundation that "any" lawful disclosure that an employee or applicant reasonably believes is credible evidence of

waste, fraud, abuse, or gross mismanagement is covered by the WPA, language in this bill codifies the repeated and unconditional statements of congressional intent and legislative history. It specifically covers any disclosure of information without restriction to time, place, form, motive, or context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of any violation of any law, rule, or regulation, or other misconduct specified.

The bill also addresses another burden created by the Federal Circuit not found in the Whistleblower Protection Act. In interpreting the meaning of "reasonable belief," the Federal Circuit held that the reasonableness of the whistleblower's belief that the government violated the law or engaged in gross mismanagement must first begin with a presumption that public officers performed their duties correctly, fairly, in good faith, and in accordance with the law. However, this presumption can only be overcome by "irrefragable proof" to the contrary. The irrefragable standard is impossible to overcome and has a chilling effect on those who would disclose government wrongdoing. As such, this new provision states that any presumption that a public officer has performed their duties in good faith must be overcome by substantial evidence.

My bill also codifies an "anti-gag" provision that Congress has passed annually since 1988 as part of its appropriations process. The yearly appropriations language bars agencies from implementing or enforcing any non-disclosure policy, form, or agreement that does not contain specified language preserving open government statutes such as the WPA, the Military Whistleblower Protection Act, and the Lloyd Lafollette Act, which prohibits discrimination against government employees who communicate with Congress. Moreover, Congress unanimously has supported the concept that Federal employees should not be subject to restraint nor suffer retaliation for disclosing wrongdoing.

Now more than ever, Federal employees must feel comfortable coming forward with information concerning violations of law or actions that could cause substantial harm to public safety. We must support the brave men and women who come forward to report wrongdoing. We must ensure that such acts of bravery are not rewarded with retaliation.

Protection of Federal whistleblowers is a bipartisan effort. Enactment of the original bill in 1989 and the 1994 amendments enjoyed unanimous bicameral and bipartisan support. More recently, Senators LEVIN and GRASSLEY joined me in introducing S. 995, which makes many of the same amendments to the WPA as this bill. I urge my colleagues to join with me in clarifying the WPA

and supporting the reauthorization of two very important agencies.

At this time I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2829

**SECTION 1. AUTHORIZATION OF APPROPRIATIONS.**

(a) MERIT SYSTEMS PROTECTION BOARD.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking "1998, 1999, 2000, 2001 and 2002" and inserting "2003, 2004, 2005, 2006, and 2007".

(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking "1993, 1994, 1995, 1996, and 1997," and inserting "2003, 2004, 2005, 2006, and 2007".

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 2002.

**SEC. 2. DISCLOSURE OF VIOLATIONS OF LAW; RETURN OF DOCUMENTS.**

Section 1213(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking the last sentence; and

(2) by striking paragraph (3) and inserting the following:

"(3) If the Special Counsel does not transmit the information to the head of the agency under paragraph (2), the Special Counsel shall inform the individual of—

"(A) the reasons why the disclosure may not be further acted on under this chapter; and

"(B) other offices available for receiving disclosures, should the individual wish to pursue the matter further."

**SEC. 3. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.**

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting "without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting "without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation"; and

(3) by adding at the end the following:

"(C) a disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

“(III) a false statement to Congress on an issue of material fact; and

“(ii) is made to—

“(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates;

“(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

“(III) an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed.”

(b) COVERED DISCLOSURES.—Section 2302(b) of title 5, United States Code, is amended—

(1) in the matter following paragraph (12), by striking “This subsection” and inserting the following:

“This subsection”; and

(2) by adding at the end the following:

“In this subsection, the term ‘disclosure’ means a formal or informal communication or transmission.”

(c) REBUTTABLE PRESUMPTION.—Section 2308(b) of title 5, United States Code, is amended by adding after the matter following paragraph (12) (as amended by subsection (b) of this section) the following:

“For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee may be rebutted by substantial evidence.”

(d) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking “and” after the semicolon; and

(B) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

“(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and”

(e) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

“(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.”

(2) JUDICIAL REVIEW OR MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

“(e) The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board’s decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.”

#### SEC. 4. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) IN GENERAL.—Each agreement in Standard Forms, 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement shall contain the following statement:

“These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.”

Any nondisclosure policy, form, or agreement that does not contain the above statement may not be implemented or enforced to the extent that it conflicts with language in the above statement.

(b) PERSONS OTHER THAN FEDERAL EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 312—RECOGNIZING THE IMPORTANCE OF AMERICAN HISTORY AND DESIGNATING JULY AS “AMERICAN HISTORY MONTH”

Mr. DEWINE (for himself and Mr. LEIBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 312

Whereas July is an important month in American history because of the signing of the Declaration of Independence and various other events that have added to the rich heritage of our Nation;

Whereas learning American history is vital to attaining citizenship in our democratic republic;

Whereas we must encourage Americans of all ages and ethnicities to learn about the history and heritage of the United States;

Whereas the Senate recognizes the historical achievements and contributions of Americans from all walks of life, races, and ethnic groups;

Whereas an individual who has a strong knowledge of American history is likely to have a deeper appreciation of the need for historic preservation of properties, buildings, and artifacts;

Whereas many of the educators, parents, and concerned citizens of our Nation have cited a lack of American history knowledge in students of all ages from across the country;

Whereas surveys have shown that the next generation of American leaders and citizens is in danger of losing a fundamental knowledge of American history;

Whereas 1 survey showed that only 23 percent of college seniors could correctly identify James Madison as the “Father of the Constitution”, and 26 percent of those same students mistakenly thought that the Articles of Confederation established the division of powers between the States and the Federal Government; and

Whereas Congress affirmed its commitment to the teaching of American history by appropriating \$100,000,000 to teaching American history through the Leave No Child Behind Act of 2001 (Public Law 107-110): Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July as “American History Month”;

(2) recognizes that “American History Month” is an important time to recognize, reflect, and affirm the importance of learning and appreciating the history of the United States; and

(3) encourages parents and educators to actively expose children to the importance of American history and historic preservation.

##### SENATE RESOLUTION 313—TO REFER S. 2833, ENTITLED “A BILL FOR THE RELIEF OF THE HEIRS OF CLARK M. BEGGERLY, SR., OF JACKSON COUNTY, MISSISSIPPI” TO THE CHIEF JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A REPORT THEREON

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 313

*Resolved*, That—

(a) S. 2833, entitled “A bill for the relief of the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi” now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims; and

(b) the chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to the heirs of Clark M. Beggerly, Sr., of Jackson County, Mississippi.

SENATE RESOLUTION 314—EX-PRESSING THE SENSE OF THE SENATE THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED COMMEMORATING REGISTERED NURSES

Mr. CLELAND submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 314

Whereas registered nurses comprise the largest health care work force in the United States, numbering more than 2,700,000;

Whereas registered nurses are integral to health care across human lifespan, from the nurse midwives who attend deliveries, to staff nurses who care for us during times of acute injury or illness, to geriatric nurse practitioners who manage end-of-life care;

Whereas nursing is a rewarding profession that offers diverse career paths for men and women;

Whereas registered nurses provide direct patient care and manage teams of medical professionals in hospitals, clinics, community health centers, offices, nursing homes, and the homes of patients;

Whereas there is a growing disparity between the supply of and demand for registered nurses that is leading to an overwhelming shortage that will place great strains on our health care system;

Whereas this burgeoning shortage represents confluence of powerful demographic and social forces, including declining nursing school enrollment and increased exodus from the profession;

Whereas the lack of young people in nursing has resulted in a steady and dramatic increase in the average age of a registered nurse in the United States;

Whereas the average age of a working registered nurse is 43 years, meaning that the nursing workforce is aging at twice the rate of other occupations in the United States;

Whereas the Bureau of Labor Statistics estimates that 331,000 registered nurses, or 15 percent of the current workforce, will retire between 1998 and 2008;

Whereas the health care needs of the Nation are expected to increase greatly as the baby boom generation reaches retirement age;

Whereas a recent survey of hospitals across the Nation concluded that nursing shortages are already causing emergency department overcrowding, emergency department diversions, increase waiting time for surgery, discontinued patient care programs or reduced service hours, delayed discharges, and canceled surgeries;

Whereas 4 agencies under the Department of Health and Human Services recently demonstrated the relationship between registered nurses and patient care in a study that found strong and consistent evidence that increased registered nurse staffing directly relates to decreases in the incidence of urinary tract infections, pneumonia, shock, and upper gastrointestinal bleeding, and decreases in the length of hospital stays;

Whereas the Institute of Medicine and the Centers for Medicare and Medicaid Services have recently released reports detailing the need for increased registered nurse care in nursing facilities;

Whereas the American Nurses Association has identified a need to improve the recognition of the value of nursing and the image of the nursing profession;

Whereas registered nurses did not hesitate to respond to the extraordinarily dangerous situations resulting from the terrorist attacks of September 11, 2001, putting their own lives at risk and acting heroically to

help save as many lives as possible in the impact zones; and

Whereas registered nurses have historically cared for patients regardless of the risks of war, violence, or of contracting debilitating illnesses: Now, therefore, be it

*Resolved,*

**SECTION 1. SENSE OF THE SENATE.**

It is the sense of the Senate that—

(1) the United States Postal Service should issue a postage stamp commemorating registered nurses; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued not later than 1 year after the adoption of this resolution.

**SEC. 2. TRANSMITTAL TO CITIZENS' STAMP ADVISORY COMMITTEE.**

The Secretary of the Senate shall transmit a copy of this resolution to the chairperson of the Citizens' Stamp Advisory Committee.

Mr. CLELAND. Mr. President, I am very pleased to submit a resolution recognizing the value of nurses and the importance of the nursing profession to the Nation's health care system. My legislation expresses the Sense of the Senate that a Nurses Care for America postage stamp should be issued in appreciation of nurses and everything that they do on behalf of their patients.

Registered nurses, specifically, comprise the largest health care work force in the United States, numbering more than 2,700,000. These registered nurses provide direct patient care and manage teams of medical professionals in hospitals, clinics, community health centers, offices, nursing homes, and the homes of patients. Registered nurses did not hesitate to respond to the extraordinarily dangerous situations resulting from the terrorist attacks of September 11, 2001, putting their own lives at risk and acting heroically to help save as many lives as possible in the impact zones.

In all the years that we have acknowledged how much nurses mean to the delivery of health care and our quality of life, we have not done enough to ensure the viability of nursing as a profession. The 2001 American Nurses Association, ANA, National Survey revealed that 715 hospitals had 126,000 openings for nursing positions and an 11 percent vacancy rate. Nursing schools across the country report that enrollment has significantly decreased and the ANA also projects that 65 percent of present nurses will retire within this decade. These statistics signal a nursing crisis and that, in turn, means a health care crisis for this country. I am very proud of my Senate colleagues for passing crucial legislation, like the Nurse Reinvestment Act and the Veterans Affairs Nurse Recruitment and Retention Act, to help remedy this situation. We must continue to support measures which will promote nursing and enable nurses to provide needed care, which is why my legislation that encourages the creation of a postage stamp honoring this worthwhile and important profession is so important.

Please join with me and the American Nurses Association to support this

measure and recognize the vast contributions made by nurses who care for America. Thank you.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 4350. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4351. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4352. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4353. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4354. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4355. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4356. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4357. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4358. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4359. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4360. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4361. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4362. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4363. Mr. BREAUX submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4364. Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. DURBIN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra.

SA 4365. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4366. Mr. INHOFE submitted an amendment intended to be proposed by him to the

bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4367. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4368. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4369. Mr. DAYTON (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4370. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4371. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4372. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DOMENICI, Mr. HAGEL, Mr. GRAHAM, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4373. Mr. INOUE (for Mr. ALLEN) submitted an amendment intended to be proposed by Mr. Inouye to the bill H.R. 5010, supra.

SA 4374. Mr. INOUE (for Mr. BREAUX) proposed an amendment to the bill H.R. 5010, supra.

SA 4375. Mr. INOUE (for Mr. BENNETT) proposed an amendment to the bill H.R. 5010, supra.

SA 4376. Mr. INOUE (for Mr. CLELAND) proposed an amendment to the bill H.R. 5010, supra.

SA 4377. Mr. INOUE (for Ms. COLLINS) proposed an amendment to the bill H.R. 5010, supra.

SA 4378. Mr. INOUE (for Mr. CONRAD) proposed an amendment to the bill H.R. 5010, supra.

SA 4379. Mr. INOUE (for Mr. DAYTON) proposed an amendment to the bill H.R. 5010, supra.

SA 4380. Mr. INOUE (for Mr. DEWINE) proposed an amendment to the bill H.R. 5010, supra.

SA 4381. Mr. INOUE (for Mr. ENSIGN) proposed an amendment to the bill H.R. 5010, supra.

SA 4382. Mr. INOUE (for Mr. FRIST (for himself and Mr. THOMPSON)) proposed an amendment to the bill H.R. 5010, supra.

SA 4383. Mr. INOUE (for Mr. KYL) proposed an amendment to the bill H.R. 5010, supra.

SA 4384. Mr. INOUE (for Mr. SANTORUM (for himself and Mr. SPECTER)) proposed an amendment to the bill H.R. 5010, supra.

SA 4385. Mr. INOUE (for Mr. SANTORUM (for himself and Mr. SPECTER)) proposed an amendment to the bill H.R. 5010, supra.

SA 4386. Mr. INOUE (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 5010, supra.

SA 4387. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4388. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra.

SA 4389. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4390. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4391. Mr. SANTORUM submitted an amendment intended to be proposed by him

to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4392. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4393. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4394. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4395. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4396. Mr. THOMPSON (for himself and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4397. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4398. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4399. Mr. BYRD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4400. Mr. INOUE (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 5010, supra.

SA 4401. Mr. INOUE (for Mr. DORGAN) proposed an amendment to the bill H.R. 5010, supra.

SA 4402. Mr. INOUE (for Mrs. MURRAY) proposed an amendment to the bill H.R. 5010, supra.

SA 4403. Mr. INOUE (for Mr. REID) proposed an amendment to the bill H.R. 5010, supra.

SA 4404. Mr. INOUE (for Mr. WARNER) proposed an amendment to the bill H.R. 5010, supra.

SA 4405. Mr. INOUE (for Mr. DODD) proposed an amendment to the bill H.R. 5010, supra.

SA 4406. Mr. INOUE (for Mr. NICKLES) proposed an amendment to the bill H.R. 5010, supra.

SA 4407. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 5010, supra.

SA 4408. Mr. INOUE proposed an amendment to the bill H.R. 5010, supra.

SA 4409. Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 5010, supra.

SA 4410. Mr. INOUE (for Mr. CARPER (for himself and Mr. BIDEN)) proposed an amendment to the bill H.R. 5010, supra.

SA 4411. Mr. INOUE (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill H.R. 5010, supra.

SA 4412. Mr. REID (for Mr. WELLSTONE) proposed an amendment to amendment SA 4364 submitted by Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. DURBIN, and Mr. REID) to the bill H.R. 5010, supra.

SA 4413. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4414. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4415. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4416. Mr. SMITH, of Oregon (for himself, Mr. WYDEN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4417. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4418. Mr. SMITH, of Oregon (for himself, Mr. WYDEN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4419. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4420. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4421. Mr. HUTCHINSON (for himself, Mrs. LINCOLN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4422. Mr. INOUE (for Mr. AKAKA) proposed an amendment to the bill H.R. 5010, supra.

SA 4423. Mr. INOUE (for Mrs. CLINTON) proposed an amendment to the bill H.R. 5010, supra.

SA 4424. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 5010, supra.

SA 4425. Mr. INOUE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 5010, supra.

SA 4426. Mr. STEVENS (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 5010, supra.

SA 4427. Mr. STEVENS (for Mr. THOMPSON (for himself and Mr. FRIST)) proposed an amendment to the bill H.R. 5010, supra.

SA 4428. Mr. INOUE (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 5010, supra.

SA 4429. Mr. INOUE (for Mr. NELSON, of Florida (for himself and Mr. GRAHAM)) proposed an amendment to the bill H.R. 5010, supra.

SA 4430. Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 5010, supra.

SA 4431. Mr. INOUE (for Mr. KENNEDY) proposed an amendment to the bill H.R. 5010, supra.

SA 4432. Mr. INOUE (for Mrs. CARNAHAN) proposed an amendment to the bill H.R. 5010, supra.

SA 4433. Mr. STEVENS (for Mr. SMITH, of Oregon (for himself, Mr. WYDEN, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 5010, supra.

SA 4434. Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill H.R. 5010, supra.

SA 4435. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DOMENICI, Mr. HAGEL, Mr. GRAHAM, Mr. LEVIN, Mr. DODD, and Mr. MCCAIN) proposed an amendment to the bill H.R. 5010, supra.

SA 4436. Ms. SNOWE (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4437. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4438. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4439. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4440. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4441. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4442. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4443. Mr. MCCAIN proposed an amendment to the bill H.R. 5010, supra.

SA 4444. Mr. MCCAIN proposed an amendment to the bill H.R. 5010, supra.

SA 4445. Mr. MCCAIN (for himself and Mr. FEINGOLD) proposed an amendment to the bill H.R. 5010, supra.

SA 4446. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4447. Mr. WELLSTONE (for himself, Mr. CORZINE, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 5010, supra.

SA 4448. Mr. BYRD (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 5010, supra.

SA 4449. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4450. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4451. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4452. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4453. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 5010, supra; which was ordered to lie on the table.

SA 4454. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 5010, supra.

SA 4455. Mr. INOUE (for Mr. MILLER (for himself and Mr. ALLEN)) proposed an amendment to the bill H.R. 5010, supra.

SA 4456. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 5010, supra.

SA 4457. Mr. INOUE (for Mr. NELSON, of Florida (for himself and Mr. GRAHAM)) proposed an amendment to the bill H.R. 5010, supra.

SA 4458. Mr. STEVENS (for Ms. SNOWE (for himself, Mr. SESSIONS, and Ms. COLLINS)) proposed an amendment to the bill H.R. 5010, supra.

SA 4459. Mr. STEVENS (for Mr. WARNER) proposed an amendment to the bill H.R. 5010, supra.

SA 4460. Mr. INOUE (for Mrs. BOXER) proposed an amendment to the bill H.R. 5010, supra.

SA 4461. Mr. INOUE (for Mr. TORRICELLI (for himself and Mr. CORZINE)) proposed an amendment to the bill H.R. 5010, supra.

SA 4462. Mr. STEVENS proposed an amendment to the bill H.R. 5010, supra.

SA 4463. Mr. INOUE (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 5010, supra.

SA 4464. Mr. INOUE (for Mr. HARKIN) proposed an amendment to the bill H.R. 5010, supra.

SA 4465. Mr. STEVENS (for Mr. ALLARD) proposed an amendment to the bill H.R. 5010, supra.

SA 4466. Mr. INOUE (for Mr. HUTCHINSON (for himself, Mrs. LINCOLN, Mr. ROBERTS, and Mrs. HUTCHISON)) proposed an amendment to the bill H.R. 5010, supra.

#### TEXT OF AMENDMENTS

**SA 4350.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$6,000,000 may be available for the Center for Advanced Power Systems.

**SA 4351.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$2,170,000 may be available for the Nanophotonic Systems Fabrication Facility.

**SA 4352.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading "OTHER PROCUREMENT, NAVY", up to \$7,000,000 may be available for Composite Surface Ship Louvers.

**SA 4353.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$6,000,000 may be available for Marine Mammal Detection and Mitigation (MMDM).

**SA 4354.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending Sep-

tember 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$7,000,000 may be available for the Naval Environmental Compliance Operations Monitoring System.

**SA 4355.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "OPERATIONAL TEST AND EVALUATION, DEFENSE", up to \$10,000,000 may be available for the Digital Video Laboratory.

**SA 4356.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$15,000,000 may be available for Ballistic Missile Range Safety Technology (BMSRT).

**SA 4357.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading "PROCUREMENT, MARINE CORPS", up to \$20,000,000 may be available for the Lightweight Multi-Band Satellite Terminal (LMST).

**SA 4358.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$6,000,000 may be available for Human Systems Technology.

**SA 4359.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an

amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$750,000 may be available for Rapid Response Sensor Networking for Multiple Applications.

**SA 4360** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE" and available for Major T&E Investment (PE0604759F), \$2,500,000 shall be available for the Maglev upgrade program.

**SA 4361** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", for Servicewide Communications, \$6,000,000 may be used for the Critical Infrastructure Protection Program.

**SA 4362** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$2,500,000 may be available for the Army Nutrition program.

**SA 4263** Mr. BREAUX submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", \$7,000,000 may be used for the Human Resource Enterprise Strategy at the Space and Naval Warfare Information Technology Center.

**SA 4364** Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. DURBIN, and Mr. REID) submitted an amendment to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. CORPORATE EXPATRIATES. (a) LIMITATION.—None of the funds made available in this Act may be obligated for payment on any new contract to a subsidiary of a publicly traded corporation if the corporation incorporated after December 31, 2001 in a tax haven country but the United States is the principal market for the public trading of the corporation's stock.

(b) DEFINITION.—For purposes of subsection (a), the term "tax haven country" means each of the following: Barbados, Bermuda, British Virgin Islands, Cayman Islands, Commonwealth of the Bahamas, Cyprus, Gibraltar, Isle of Man, the Principality of Liechtenstein, the Principality of Monaco, the Republic of the Seychelles, and any other country that the Secretary of the Treasury determines is used as a site of incorporation primarily for the purpose of avoiding United States taxation.

(c) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to the Appropriations Committees of the House of Representatives and the Senate that the waiver is required in the interest of national security.

**SA 4365** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for the Maintainers Remote Logistics Network.

**SA 4366** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for the procurement of services from a small sub-orbital modular vertical takeoff/vertical landing reusable launch vehicle.

**SA 4367** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$6,500,000 may be available for the KC-135 Aircraft Boom Operator Weapons System Trainer (BOWST).

**SA 4368** Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", \$4,000,000 shall be available for Marine Corps program wide support (PE0605873M) for chemical and biological consequence management for continuing biological and chemical decontamination technology research for the United States Marine Corps Systems Command on a biological decontamination technology that uses electrochemically activated solution (ECASOL).

(b) The amount available under subsection (a) for the program element and purpose set forth in that subsection is in addition to any other amounts available under this Act for that program element and purpose.

**SA 4369** Mr. DAYTON (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) AMOUNT AVAILABLE FOR LIVE FIRE RANGE UPGRADES.—Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$3,700,000 may be available for Live Fire Range Upgrades.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available under this Act for that purpose.

**SA 4370** Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) INCREASE IN APPROPRIATION FOR OPERATION AND MAINTENANCE, NAVY.—The amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY" is hereby increased by \$2,500,000.

(b) AVAILABILITY OF AMOUNT FOR DISPOSAL OF CERTAIN MATERIALS AT EARLE NAVAL WEAPONS STATION, NEW JERSEY.—Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", as increased by subsection (a), \$2,500,000 shall be available for the disposal of materials from Reach A at Earle Naval Weapons Station, New Jersey, to an appropriate inland site designated by the Secretary of the Navy.

**SA 4371** Ms. LANDRIEU submitted an amendment intended to be proposed

by her to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) INCREASE IN AMOUNT FOR FIELD PACK-UP UNIT SYSTEM.—The amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY" is hereby increased by \$750,000, with the amount of the increase to be available for the Field Pack-Up Unit System.

(b) INCREASE IN AMOUNT FOR CONFIGURATION MANAGEMENT INFORMATION SYSTEMS.—The amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY" is hereby increased by \$500,000, with the amount of the increase to be available for Configuration Management Information Systems.

(c) INCREASE IN AMOUNT FOR ARMY NUTRITION PROGRAM.—The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" is hereby increased by \$250,000, with the amount of the increase to be available for the Army Nutrition Program.

(d) OFFSET.—The amount appropriated by title III under the heading "PROCUREMENT, DEFENSE-WIDE" is hereby decreased by \$1,500,000, with the amount of the decrease to be allocated to amounts available for SOF-Riverine Craft.

**SA 4372.** Mr. LUGAR (for himself, Mr. BIDEN, Mr. DOMENICI, Mr. HAGEL, Mr. GRAHAM and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) is amended—

(1) by inserting "(a) LIMITATION.—" before "No fiscal year"; and

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

"(b) WAIVER.—(1) The limitation in subsection (a) shall not apply to funds appropriated for Cooperative Threat Reduction programs for a fiscal year if the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate a written certification that the waiver of the limitation in such fiscal year is important to the national security of the United States.

"(2) A certification under paragraph (1) for fiscal year 2003 shall cover funds appropriated for Cooperative Threat Reduction programs for that fiscal year and for fiscal years 2000, 2001, and 2002.

"(3) A certification under paragraph (1) shall include a full and complete justification for the waiver of the limitation in subsection (a) for the fiscal year covered by the certification."

**SA 4373.** Mr. INOUE (for Mr. ALLEN) submitted an amendment intended to be proposed by Mr. INOUE to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$5,000,000 may be available for the Variable Flow Ducted Rocket propulsion system (PE063216F).

**SA 4374.** Mr. INOUE (for Mr. BREAUX) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", \$7,000,000 may be used for the Human Resource Enterprise Strategy at the Space and Naval Warfare Information Technology Center.

**SA 4375.** Mr. INOUE (for Mr. BENNETT) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

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

SEC. . Of the amounts appropriated in H.R. 4775, Chapter 3, under the heading "Defense Emergency Response", up to \$4,500,000 may be made available to settle the disputed takings of property adjacent to the Tooele Army Depot, Utah.

**SA 4376.** Mr. INOUE (for Mr. CLELAND) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$3,000,000 may be available for execution of the ferrite diminishing manufacturing program by the Defense Micro-Electronics Activity.

**SA 4377.** Mr. INOUE (for Ms. COLLINS) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", insert before the period the following: "Provided further, That of the funds appropriated by this paragraph, up to \$2,000,000 may be available for Structural Reliability of FRP Composites".

**SA 4378.** Mr. INOUE (for Mr. CONRAD) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be available for the Medical Vanguard Project to expand the clinical

trial of the Internet-based diabetes management system under that project.

**SA 4379.** Mr. INOUE (for Mr. DAYTON) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) AMOUNT AVAILABLE FOR LIVE FIRE RANGE UPGRADES.—Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$3,700,000 may be available for Live Fire Range Upgrades.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available under this Act for that purpose.

**SA 4380.** Mr. INOUE (for Mr. DEWINE) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$5,000,000 may be used for materials joining for Army weapon systems.

**SA 4381.** Mr. INOUE (for Mr. ENSIGN) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading "OTHER PROCUREMENT, ARMY", up to \$500,000 may be available for PRC-117F SATCOM backpack radios.

**SA 4382.** Mr. INOUE (for Mr. FRIST (for himself and Mr. THOMPSON)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124.—Of the total amount appropriated by this division for Operation and Maintenance, Army, up to \$5,000,000 may be used for Expandable Light Air Mobility Shelters (ELAMS).

**SA 4383.** Mr. INOUE (for Mr. KYL) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

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

SEC. . Of the amounts appropriated by Title IV under the heading "Research, Development, Test, and Evaluation, Navy", up to \$10,000,000 may be made available for extended range anti-air warfare.

**SA 4384.** Mr. INOUE (for Mr. SANTORUM (for himself and Mr. SPENCER)) proposed an amendment to the bill H.R. 5010, making appropriations

for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to \$3,000,000 may be available for Land Forces Readiness for Information Operations Sustainment.

**SA 4385.** Mr. INOUE (for Mr. SANTORUM) (for himself and Mr. SPETER)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$1,000,000 may be available for Space and Missile Operations for the Civil Reserve Space Service (CRSS) initiative.

**SA 4386.** Mr. INOUE (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", \$2,000,000 may be used for the Viable Combat Avionics Initiative of the Air Force.

**SA 4387.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, line 9, following the semicolon, insert the following: "of which not less than \$118,400,000 shall be available for the Family Advocacy Program, with priority in any increase of funding provided to bases that are experiencing increases in domestic violence;"

**SA 4388.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) Congress finds that—  
(1) the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Forces of the United States;

(2) the Medal of Honor was established by Congress during the Civil War to recognize soldiers who had distinguished themselves by gallantry in action;

(3) the Medal of Honor was conceived by Senator James Grimes of the State of Iowa in 1861; and

(4) the Medal of Honor is the Nation's highest military honor, awarded for acts of per-

sonal bravery or self-sacrifice above and beyond the call of duty.

(b)(1) Chapter 9 of title 36, United States Code, is amended by adding at the end the following new section:

**"§ 903. Designation of Medal of Honor Flag**

"(a) DESIGNATION.—The Secretary of Defense shall design and designate a flag as the Medal of Honor Flag. In selecting the design for the flag, the Secretary shall consider designs submitted by the general public.

"(b) PRESENTATION.—The Medal of Honor Flag shall be presented as specified in sections 3755, 6257, and 8755 of title 10 and section 505 of title 14."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"903. Designation of Medal of Honor Flag."

(c)(1)(A) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 3755. Medal of honor: presentation of Medal of Honor Flag**

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 3741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 3741 or 3752(a) of this title."

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3755. Medal of honor: presentation of Medal of Honor Flag."

(2)(A) Chapter 567 of such title is amended by adding at the end the following new section:

**"§ 6257. Medal of honor: presentation of Medal of Honor Flag**

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 6241 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 6241 or 6250 of this title."

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6257. Medal of honor: presentation of Medal of Honor Flag."

(3)(A) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 8755. Medal of honor: presentation of Medal of Honor Flag**

"The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 8741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 8741 or 8752(a) of this title."

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8755. Medal of honor: presentation of Medal of Honor Flag."

(4)(A) Chapter 13 of title 14, United States Code, is amended by inserting after section 504 the following new section:

**"§ 505. Medal of honor: presentation of Medal of Honor Flag**

"The President shall provide for the presentation of the Medal of Honor Flag des-

ignated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 491 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 491 or 498 of this title."

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 504 the following new item:

"505. Medal of honor: presentation of Medal of Honor Flag."

(d) The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36, United States Code, as added by subsection (b), to each person awarded the Medal of Honor before the date of enactment of this Act who is living as of that date. Such presentation shall be made as expeditiously as possible after the date of the designation of the Medal of Honor Flag by the Secretary of Defense under such section.

**SA 4389.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$1,000,000 may be available for Aerospace Technology Development/Demonstration for Three-Dimensional Bias Woven Preforms.

**SA 4390.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading "OTHER PROCUREMENT, AIR FORCE", up to \$1,000,000 may be available for C-E Equipment for the Mobile Emergency Broadband System.

**SA 4391.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$1,000,000 may be available for the Joint Robotics Program for key enabling robotics technologies for the support of the Army, Navy, and Air Force robotic unmanned military platforms.

**SA 4392.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes;

which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading "PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS", up to \$4,000,000 may be available for Artillery Projectiles for M795 ammunition for support of war reserve and training requirements.

**SA 4393.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to \$3,000,000 may be available for Land Forces Readiness for Information Operations Sustainment.

**SA 4394.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$2,000,000 may be available for Medical Advanced Technology for the National Tissue Engineering Center (NTEC) for ongoing biomedical research in support of defense-related regenerative therapies.

**SA 4395.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$1,000,000 may be available for Space and Missile Operations for the Civil Reserve Space Service (CRSS) initiative.

**SA 4396.** Mr. THOMPSON (for himself and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to \$2,000,000 may be available for the Communicator emergency notification system.

**SA 4397.** Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 5010, making ap-

propriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) Funds appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" may be used by the Military Community and Family Policy Office of the Department of Defense for the operation of multidisciplinary, impartial domestic violence fatality review teams of the Department of Defense that operate on a confidential basis.

(b) Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", \$10,000,000 shall be available for an advocate of victims of domestic violence at each military installation to provide confidential assistance to victims of domestic violence at the installation.

(c) Hereafter, for a period of 5 years, the Secretary of Defense shall submit to Congress an annual report on the implementation of the recommendations included in the reports submitted to the Secretary by the Defense Task Force on Domestic Violence under section 591(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 639; 10 U.S.C. 1562 note).

**SA 4398.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$5,000,000 may be available for the Integrated Chemical Biological Warfare Agent Detector Chip.

**SA 4399.** Mr. BYRD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) LIMITATION ON NUMBER OF GOVERNMENT CHARGE CARD ACCOUNTS DURING FISCAL YEAR 2003.—The total number of accounts for government purchase charge cards and government travel charge cards for Department of Defense personnel during fiscal year 2003 may not exceed 1,500,000 accounts.

(b) REQUIREMENT FOR CREDITWORTHINESS FOR ISSUANCE OF GOVERNMENT CHARGE CARD.—(1) The Secretary of Defense shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card.

(2) An individual may not be issued a government purchase charge card or government travel charge card if the individual is found not credit worthy as a result of the evaluation under paragraph (1).

(c) DISCIPLINARY ACTION FOR MISUSE OF GOVERNMENT CHARGE CARD.—(1) The Secretary shall establish guidelines and procedures for disciplinary actions to be taken

against Department personnel for improper, fraudulent, or abusive use of government purchase charge cards and government travel charge cards.

(2) The guidelines and procedures under this subsection shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or with applicable standards of conduct.

(3) The disciplinary actions under this subsection may include—

(A) the review of the security clearance of the individual involved; and

(B) the modification or revocation of such security clearance in light of the review.

(4) The guidelines and procedures under this subsection shall apply uniformly among the Armed Forces and among the elements of the Department.

(d) REPORT.—Not later than June 30, 2003, the Secretary shall submit to the congressional defense committees a report on the implementation of the requirements and limitations in this section, including the guidelines and procedures established under subsection (c).

**SA 4400.** Mr. INOUE (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE" and available for Major T&E Investment up to \$2,500,000 may be available for the Maglev upgrade program.

**SA 4401.** Mr. INOUE (for Mr. DORGAN) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

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

"Of the funds appropriated under the heading "RDT&E, Defense Wide", \$10,000,000 may be made available for the Chameleon Miniaturized Wireless System.

**SA 4402.** Mr. INOUE (for Mrs. MURRAY) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) AVAILABILITY OF AMOUNT FOR INDUSTRIAL SHORT PULSE LASER DEVELOPMENT.—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$7,000,000 may be available for continuing design and fabrication of the industrial short pulse laser development-femtosecond laser.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available under this Act for that purpose.

**SA 4403.** Mr. INOUE (for Mr. REID) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" up to \$4,000,000 may be available for Marine Corps program wide support for chemical and biological consequence management for continuing biological and chemical decontamination technology research for the United States Marine Corps Systems Command on a biological decontamination technology that uses electro-chemically activated solution (ECASOL).

(b) The amount available under subsection (a) for the program element and purpose set forth in that subsection is in addition to any other amounts available under this Act for that program element and purpose.

**SA 4404.** Mr. INOUYE (for Mr. WARNER) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VIII, add the following:  
SEC. 8124. (a) PRELIMINARY STUDY AND ANALYSIS REQUIRED.—The Secretary of the Army shall carry out a preliminary engineering study and environmental analysis regarding the establishment of a connector road between United States Route 1 and Telegraph Road in the vicinity of Fort Belvoir, Virginia.

(b) FUNDING.—Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$5,000,000 may be available for the preliminary study and analysis required by subsection (a).

**SA 4405.** Mr. INOUYE (for Mr. DODD) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be available for research on miniature and micro fuel cell systems.

**SA 4406.** Mr. INOUYE (for Mr. NICKLES) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

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

Of the funds appropriated in the Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" up to \$3,000,000 may be made available for the Supercritical Water Systems Explosives Demilitarization Technology.

**SA 4407.** Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of Title IV, Research, Development, Test & Evaluation, Defense-Wide, add the following:

**SEC. AGROTERRORIST ATTACK RESPONSE.**

(a) AVAILABILITY.—(1) Of the amount appropriated under Title IV for development, test, and evaluation, defense-wide, the

amount available for basic research, line 8, the Chemical and Biological Defense Program (PE 0601384BP) is hereby increased by \$1,000,000, with the amount of such increase to be available for research, analysis, and assessment of federal, state, and local efforts to counter potential agroterrorist attacks.

(2) The amount available under paragraph (1) for research, analysis, and assessment described in that paragraph is in addition to any other amounts available in this Act for such research, analysis, and assessment.

(b) OFFSET.—Of the amount appropriated under Title IV for research, development, test, and evaluation, Defense-wide, the amount available for Agroterror prediction and risk assessment, line 37, Chemical and Biological Defense Program (PE 0603384BP), is hereby reduced by \$1,000,000.

**SA 4408.** Mr. INOUYE proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

Effective upon the enactment of the Act entitled "An Act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes", section 309 of such Act is amended by striking "of" after the word "instead".

**SA 4409.** Mr. STEVENS (for Ms. COLLINS) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. The Secretary of Defense may modify the grant made to the State of Maine pursuant to section 310 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107-\_\_\_) such that the modified grant is for purposes of supporting community adjustment activities relating to the closure of the Naval Security Group Activity, Winter Harbor, Maine (the naval base on Schoodic Point, within Acadia National Park), and the reuse of such Activity, including reuse as a research and education center the activities of which may be consistent with the purposes of Acadia National Park, as determined by the Secretary of the Interior. The may shall be so modified not later than 60 days after the date of the enactment of this Act.

**SA 4410.** Mr. INOUYE (for Mr. CARPER for himself and Mr. BIDEN) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$8,000,000 may be available for the Integrated Biological Warfare Technology Platform.

**SA 4411.** Mr. INOUYE (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill H.R. 5010,

making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be available for the Rotary, Multi-Fuel, Auxiliary Power Unit.

**SA 4412.** Mr. REID (for Mr. WELLSTONE) proposed an amendment to amendment SA 4364 submitted by Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. DURBIN, and Mr. REID) to the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

Strike all after the first word, insert the following:

SEC. 8124. CORPORATE EXPATRIATES. (a) LIMITATION.—None of the funds made available in this Act may be obligated for payment on any new contract to a subsidiary of a publicly traded corporation if the corporation incorporated after December 31, 2001 in a tax haven country but the United States is the principal market for the public trading of the corporation's stock.

(b) DEFINITION.—For purposes of subsection (a), the term "tax haven country" means each of the following: Barbados, Bermuda, British Virgin Islands, Cayman Islands, Commonwealth of the Bahamas, Cyprus, Gibraltar, Isle of Man, the Principality of Liechtenstein, the Principality of Monaco, the Republic of the Seychelles, and any other country that the Secretary of the Treasury determines is used as a site of incorporation primarily for the purpose of avoiding United States taxation.

(c) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to the Appropriations Committees of the House of Representatives and the Senate that the waiver is required in the interest of national security.

(d) EFFECTIVE DATE.—Effective one day after enactment.

**SA 4413.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

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

"Of the funds appropriated under the heading Air Force, Operations and Maintenance, up to \$1 million may be made available for computer server consolidation at the Air Combat Command. These funds are in addition to any funds otherwise provided to that command."

**SA 4414.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Of the funds provided under the heading "Research and Development, Air Force," up to \$1,000,000 may be made available for research on nanoenergetic materials.

**SA 4415.** Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) AVAILABILITY OF AMOUNT FOR MUSCULAR DYSTROPHY RESEARCH.—Of the amount appropriated by title VI under the heading “DEFENSE HEALTH PROGRAM”, \$10,400,000 shall be available for muscular dystrophy research.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available under this Act for that purpose.

**SA 4416.** Mr. SMITH of Oregon (for himself, Mr. WYDEN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY” and available for Ship Concept Advanced Design (PE0603563N), up to \$12,000,000 may be available for the Sealion Technology Demonstration program for the purchase, test, and evaluation of a Sealion craft with modular capability.

**SA 4417.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. None of the funds appropriated by this Act may be used for leasing of transport/VIP aircraft under any contract entered into under any procurement procedures other than pursuant to the competition and Contracting Act.

**SA 4418.** Mr. SMITH of Oregon (for himself, Mr. WYDEN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY” and available for Ship Concept Advanced Design (PE0603563N), up to \$8,000,000 may be available for the Sealion Technology Demonstration program for the purchase, test, and evaluation of a Sealion craft with modular capability.

**SA 4419.** Mr. CRAIG submitted an amendment intended to be proposed by

him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Title VIII, insert the following:

“SEC. . Of the funds made available in this Act under the heading ‘Research, Development, Test and Evaluation, Defense-Wide’, up to \$3,000,000 may be made available to digitize, convert, index, and format captured foreign documentary materials (including legacy materials) into a standard, usable format, to enable the timely analysis and use of mission critical data by analytical and warfighter personnel.

**SA 4420.** Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Notwithstanding any provision 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) or any other provision of law, the Secretary of the Navy shall transfer administrative jurisdiction of the portion of the former Charleston Naval Base, South Carolina, comprising a law enforcement training facility of the Department of Justice, together with any improvements thereon, to the head of the department of the Federal Government having jurisdiction of the Border Patrol as of the date of the transfer under this section.

**SA 4421.** Mr. HUTCHINSON (for himself, Mrs. LINCOLN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) Of the total amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, \$15,000,000 shall be available for the actions authorized by section 1044(c)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat 1220; 10 U.S.C. 2370a note).

(b) The budget submitted to Congress for fiscal year 2004 under section 1105(a) of title 31, United States Code, shall include an amount for the implementation of a strategy for carrying out actions authorized by section 1044(c)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat 1220; 10 U.S.C. 2370a note).

**SA 4422.** Mr. INOUE (for Mr. AKAKA) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading “OPERATION

AND MAINTENANCE, NAVY”, for Servicewide Communications, \$6,000,000 may be used for the Critical Infrastructure Protection Program.

**SA 4423.** Mr. INOUE (for Mrs. CLINTON) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, AIR FORCE”, up to \$500,000 may be available for a contribution to the Griffiss Local Development Corporation (GLDC) for the renovation of Hangar Building 101 at former Griffiss Air Force Base, New York, in order to facilitate the reuse of the building for economic development purposes. Such renovation may include a new roof, building systems, fixtures, and leasehold improvements of the building.

**SA 4424.** Mr. STEVENS (for Mr. INHOFE) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE”, up to \$5,000,000 may be available for the Maintainers Remote Logistics Network.

**SA 4425.** Mr. INOUE (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to \$5,000,000 may be available for the Integrated Chemical Biological Warfare Agent Detector Chip.

**SA 4426.** Mr. STEVENS (for Mrs. HUTCHINSON) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

Of the funds provided under the heading “Research and Development, Air Force,” up to \$1,000,000 may be made available for research on nanoenergetic materials.

**SA 4427.** Mr. STEVENS (for Mr. THOMPSON (for himself and Mr. FRIST)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD”, up to \$2,000,000 may be available for the Communicator emergency notification system.

**SA 4428.** Mr. INOUE (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. The Secretary of Defense may, using amounts appropriated or otherwise made available by this Act, make a grant to the National D-Day Museum in the amount of \$5,000,000.

**SA 4429.** Mr. INOUE (for Mr. NELSON of Florida (for himself and Mr. GRAHAM)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$6,000,000 may be available for the Center for Advanced Power Systems.

**SA 4430.** Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place in the bill insert the following section:

SEC. Out of the Operation and Maintenance, Defense-Wide, funds appropriated, \$1,000,000 may be available to continue the Department of Defense's internal security-container lock retrofit program for purchasing additional security locks, which meet federal specification FF-L-2740A.

**SA 4431.** Mr. INOUE (for Mr. KENNEDY) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title V under the heading "NATIONAL DEFENSE SEALIFT FUND", up to \$10,000,000 may be available for implementing the recommendations resulting from the Navy's Non-Self Deployable Watercraft (NDSW) Study and the Joint Chiefs of Staff Focused Logistics Study, which are to determine the requirements of the Navy for providing lift support for mine warfare ships and other vessels.

**SA 4432.** Mr. INOUE (for Mrs. CARNAHAN) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, AIR NATIONAL GUARD", up to \$350,000 may be available for medical equipment.

**SA 4433.** Mr. STEVENS (for Mr. SMITH of Oregon (for himself, Mr. WYDEN, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 5010, mak-

ing appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY" and available for Ship Concept Advanced Design up to \$8,000,000 may be available for the Sealion Technology Demonstration program for the purchase, test, and evaluation of a Sealion craft with modular capability.

**SA 4434.** Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place in Title VIII, insert the following:

"SEC. . Of the funds made available in this Act under the heading 'Research, Development, Test and Evaluation, Defense-Wide', up to \$3,000,000 may be made available to digitize, convert, index, and format captured foreign documentary materials (including legacy materials) into a standard, usable format, to enable the timely analysis and use of mission critical data by analytical and warfighter personnel.

**SA 4435.** Mr. LUGAR (for himself, Mr. BIDEN, Mr. DOMENICI, Mr. HAGEL, Mr. GRAHAM, Mr. LEVIN, Mr. DODD, and Mr. MCCAIN) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) is amended—

(1) by inserting "(a) LIMITATION.—" before "No fiscal year"; and

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

"(b) WAIVER.—(1) The limitation in subsection (a) shall not apply to funds appropriated for Cooperative Threat Reduction programs for a fiscal year if the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate a written certification that the waiver of the limitation in such fiscal year is important to the national security of the United States.

"(2) A certification under paragraph (1) for fiscal year 2003 shall cover funds appropriated for Cooperative Threat Reduction programs for that fiscal year and for fiscal years 2000, 2001, and 2002.

"(3) A certification under paragraph (1) shall include a full and complete justification for the waiver of the limitation in subsection (a) for the fiscal year covered by the certification."

**SA 4436.** Ms. SNOWE (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for small light vehicle technology development (PE0603175C) for midcourse phase ballistic missile defense.

**SA 4437.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", for civilian manpower and personnel management, up to \$1,500,000 may be available for the Navy Pilot Human Resources Call Center, Cutler, Maine.

**SA 4438.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$30,000,000 may be appropriated for the acquisition of commercial imagery, imagery products, and services from United States commercial sources of satellite-based remote sensing entities.

**SA 4439.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) WAIVER OF TIME LIMITATION FOR AWARD OF MEDAL OF HONOR TO HENRY JOHNSON.—Any limitation established by law or policy for the time within which a recommendation for the award of a Medal of Honor must be submitted or the time within which the award must be made shall not apply to the award of the Medal of Honor to Henry Johnson of Albany, New York, for the service described in subsection (b), if the Secretary of the Army determines such action to be warranted in accordance with section 1130 of title 10, United States Code.

(b) COVERED SERVICE.—The service described in this subsection is the service of Henry Johnson as a member of the Army in France during the period of May 13 to 15, 1918.

(c) REVIEW BY SECRETARY OF THE ARMY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army—

(1) shall complete a review of the records of the service described in subsection (b) of Henry Johnson to determine whether the award of the Medal of Honor to Henry Johnson for such service is warranted; and

(2) if the Secretary determines that the award of the Medal of Honor to Henry Johnson is warranted for such service, shall ensure that—

(A) the appropriate recommendation for the award is prepared and is processed in accordance with section 1130 of title 10, United States Code; and

(B) notice of the Secretary's determination under such section is provided to Congress in accordance with such section.

(d) RELATIONSHIP TO ELIGIBILITY FOR DISTINGUISHED-SERVICE CROSS.—The Secretary of the Army shall complete the actions required under this section with respect to the service described in subsection (b) before an award of the Distinguished-Service Cross of the Army is made to Henry Johnson for the same service.

**SA 4440.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table, as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) COMPENSATION FOR MEMBERS OF ARMED FORCES AND OTHER GOVERNMENT PERSONNEL KILLED IN ACTIVITIES IN RESPONSE TO TERRORISM.—The Secretary of Defense shall pay, out of amounts available under subsection (h), compensation to the relatives of each individual described in subsection (b) who submit a claim for such compensation under subsection (d). The amount of such compensation shall be as provided in subsection (c).

(b) COVERED INDIVIDUALS.—An individual described in this subsection is as follows:

(1) A member of the Armed Forces, or an officer, employee, or contract employee of the United States Government, who was killed in or as a result of an offensive or defensive military operation under the Authorization for the Use of Military Force (Public Law 107-42; 115 Stat. 224) during the period beginning on September 11, 2001, and ending on the date of the enactment of this Act.

(2) A member of the Armed Forces, or an officer, employee, or contract employee of the United States Government, who was killed in or as a result of an accident connected with activities under the Authorization for the Use of Military Force during the period referred to in paragraph (1).

(c) AMOUNT OF COMPENSATION.—The amount payable under this section with regard to an individual described in subsection (b) is as follows:

(1) In the case of an individual described by paragraph (1) of that subsection, an amount equal to the amount that would be payable under the September 11th Victim Compensation Fund of 2001 (title IV of Public Law 107-42; 115 Stat. 237; 49 U.S.C. 40101 note) if the individual were an eligible individual under section 405(c)(2) of that Act (115 Stat. 239) by reason of death, including any economic and noneconomic losses.

(2) In the case of an individual described by paragraph (2) of that subsection, \$250,000.

(d) CLAIM FOR COMPENSATION.—(1) Relatives seeking compensation under this section shall submit to the Secretary a claim for such compensation containing such information as the Secretary shall require.

(2) Not more than one claim may be submitted under this section with respect to an individual described in subsection (b).

(3) No claim may be submitted under this section after the date that is two years after the date on which regulations are prescribed under subsection (f).

(e) REVIEW AND DETERMINATION OF CLAIMS.—(1) The Secretary shall review each claim submitted under subsection (d) in order to determine the eligibility of the rel-

atives submitting such claim for compensation under this section.

(2) To the maximum extent practicable, the Secretary shall conduct the review required by paragraph (1) in accordance with the provisions of section 405(b) of the September 11th Victim Compensation Fund of 2001 (115 Stat. 238), including the extension to relatives submitting such claims of the rights afforded claimants under paragraph (4) of that section.

(f) REGULATIONS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out this section.

(2) The Secretary shall prescribe regulations under this subsection in consultation with the Attorney General and the Special Master appointed under section 404(a) of the September 11th Victim Compensation Fund of 2001 (115 Stat. 237).

(g) RELATIVE DEFINED.—In this section, the term "relative", in the case of an individual described in subsection (b), means the spouse, children, dependent parents, and dependent grandparents of the individual.

(h) FUNDING.—Notwithstanding any other provision of this Act, amounts appropriated by title II under the heading "FORMER SOVIET UNION THREAT REDUCTION" shall be available, to the extent necessary, for the payment of compensation under this section.

**SA 4441.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table, as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) COMPENSATION FOR MEMBERS OF ARMED FORCES AND OTHER GOVERNMENT PERSONNEL KILLED IN ACTIVITIES IN RESPONSE TO TERRORISM.—The Secretary of Defense shall pay, out of amounts available under subsection (h), compensation to the relatives of each individual described in subsection (b) who submit a claim for such compensation under subsection (d). The amount of such compensation shall be as provided in subsection (c).

(b) COVERED INDIVIDUALS.—An individual described in this subsection is as follows:

(1) A member of the Armed Forces, or an officer, employee, or contract employee of the United States Government, who was killed in or as a result of an offensive or defensive military operation under the Authorization for the Use of Military Force (Public Law 107-42; 115 Stat. 224) during the period beginning on September 11, 2001, and ending on the date of the enactment of this Act.

(2) A member of the Armed Forces, or an officer, employee, or contract employee of the United States Government, who was killed in or as a result of an accident connected with activities under the Authorization for the Use of Military Force during the period referred to in paragraph (1).

(c) AMOUNT OF COMPENSATION.—The amount payable under this section with regard to an individual described in subsection (b) is as follows:

(1) In the case of an individual described by paragraph (1) of that subsection, an amount equal to the amount that would be payable under the September 11th Victim Compensation Fund of 2001 (title IV of Public Law 107-42; 115 Stat. 237; 49 U.S.C. 40101 note) if the individual were an eligible individual under section 405(c)(2) of that Act (115 Stat. 239) by reason of death, including any economic and noneconomic losses.

(2) In the case of an individual described by paragraph (2) of that subsection, \$250,000.

(d) CLAIM FOR COMPENSATION.—(1) Relatives seeking compensation under this section shall submit to the Secretary a claim for such compensation containing such information as the Secretary shall require.

(2) Not more than one claim may be submitted under this section with respect to an individual described in subsection (b).

(3) No claim may be submitted under this section after the date that is two years after the date on which regulations are prescribed under subsection (f).

(e) REVIEW AND DETERMINATION OF CLAIMS.—(1) The Secretary shall review each claim submitted under subsection (d) in order to determine the eligibility of the relatives submitting such claim for compensation under this section.

(2) To the maximum extent practicable, the Secretary shall conduct the review required by paragraph (1) in accordance with the provisions of section 405(b) of the September 11th Victim Compensation Fund of 2001 (115 Stat. 238), including the extension to relatives submitting such claims of the rights afforded claimants under paragraph (4) of that section.

(f) REGULATIONS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out this section.

(2) The Secretary shall prescribe regulations under this subsection in consultation with the Attorney General and the Special Master appointed under section 404(a) of the September 11th Victim Compensation Fund of 2001 (115 Stat. 237).

(g) RELATIVE DEFINED.—In this section, the term "relative", in the case of an individual described in subsection (b), means the spouse, children, dependent parents, and dependent grandparents of the individual.

(h) FUNDING.—Notwithstanding any other provision of this Act, amounts appropriated by title VII under the heading "PAYMENT TO KAHŌ'OLAWĒ ISLAND CONVEYANCE, REMEDIATION AND ENVIRONMENTAL RESTORATION FUND" shall be available, to the extent necessary, for the payment of compensation under this section.

**SA 4442.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table, as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) FINDINGS.—Congress finds the following:

(1) Members of the Armed Forces of the United States defend the freedom and security of our Nation.

(2) Members of the Armed Forces of the United States have lost their lives while battling the evils of terrorism around the world.

(3) Personnel of the Central Intelligence Agency (CIA) charged with the responsibility of covert observation of terrorists around the world are often put in harms' way during their service to the United States.

(4) Personnel of the Central Intelligence Agency have also lost their lives while battling the evils of terrorism around the world.

(5) Agents of the Federal Bureau of Investigation (FBI) and other Federal agencies charged with domestic protection of the United States put their lives at risk on a daily basis for the freedom and security of our Nation.

(6) United States military personnel, CIA personnel, FBI personnel, and other Federal agents in the service of the United States are patriots of the highest order.

(7) CIA officer Johnny Michael Spann became the first American to give his life for his country in the War on Terrorism declared by President George W. Bush following the terrorist attacks of September 11, 2001.

(8) Johnny Michael Spann left behind a wife and 3 children who are very proud of the heroic actions of their patriot Father.

(9) Under the September 11th Victim Compensation Fund of 2001, the average award as determined by the Special Master will be \$1,850,000.

(10) Members of the Armed Forces of the United States who lose their lives as a result of terrorist attacks or military operations abroad receive a \$6,000 death benefit.

(11) The current system of compensating spouses and children of American patriots is inequitable and needs improvement.

(b) DESIGNATION OF JOHNNY MICHAEL SPANN PATRIOT TRUSTS.—Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which otherwise meets all applicable requirements under law with respect to charitable entities and meets the requirements described in subsection (c) may be designated as a “Johnny Michael Spann Patriot Trust”.

(c) REQUIREMENTS FOR THE DESIGNATION OF JOHNNY MICHAEL SPANN PATRIOT TRUSTS.—The requirements described in this subsection are as follows:

(1) At least 85 percent of all funds or donations (including any earnings on the investment of such funds or donations) received or collected by any Johnny Michael Spann Patriot Trust must be distributed to (or, if placed in a private foundation, held for investment for) surviving spouses, children, or dependent parents or grandparents of 1 or more of the following:

(A) members of the Armed Forces of the United States;

(B) personnel, including personal services contractors or other contractors, of elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947;

(C) employees of the Federal Bureau of Investigation; and

(D) officers, employees, or contract employees of the United States Government, whose deaths occur in the line of duty and arise out of terrorists attacks, military operations, intelligence operations, or law enforcement operations or accidents connected with activities occurring after September 11, 2001 under the Authorization for Use of Military Force (Public Law 107-40; 115 Stat. 224).

(2) Not more than 15 percent of all funds or donations (or 15 percent of annual earnings on funds invested in a private foundation) may be used for administrative purposes.

(3) No part of the net earnings of any Johnny Michael Spann Patriot Trust may inure to the benefit of any private shareholder or individual based on their position as a shareholder or individual.

(4) No part of the activities of any Johnny Michael Spann Patriot Trust shall be used for carrying on propaganda or otherwise attempting to influence legislation.

(5) No Johnny Michael Spann Patriot Trust may participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office.

(6) Each Johnny Michael Spann Patriot Trust that receives annual contributions totaling more than \$1,000,000 must be independently audited annually by an independent certified public accounting firm. Such audits shall be filed with the Internal Revenue Service, shall be open to public inspection, and shall be conducted consistent with the protection of intelligence sources and meth-

ods and of sensitive law enforcement information.

(7) Each Johnny Michael Spann Patriot Trust shall make distributions to beneficiaries described in paragraph (1) at least once every calendar year beginning not later than 12 months after the formation of such Trust, and all funds and donations received and earnings not placed in a private foundation dedicated to such beneficiaries must be distributed within 36 months after the formation of such Trust.

(8)(A) Any funds distributed under a Johnny Michael Spann Patriot Trust may be reduced by the amount of any collateral source compensation that the beneficiary has received or is entitled to receive as a result of injuries arising out of terrorists attacks, military operations, or intelligence operations occurring after September 11, 2001.

(B) Collateral source compensation shall include all compensation from collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to injuries arising out of terrorists attacks, military operations, or intelligence operations occurring after September 11, 2001.

(d) TREATMENT OF JOHNNY MICHAEL SPANN PATRIOT TRUSTS.—Any Johnny Michael Spann Patriot Trust shall be treated as described in subparagraph (A) of section 323(e)(4) of the Federal Election Campaign Act of 1971 (as added by section 101(a) of the Bipartisan Campaign Reform Act of 2002, Public Law No. 107-155; 116 Stat. 81) for the purposes of such subparagraph.

(e) NOTIFICATION OF TRUST BENEFICIARIES.—Notwithstanding any other provision of law, the Secretary of Defense, the Director of the Federal Bureau of Investigation, or the Director of the Central Intelligence Agency, or their designees, may, with the permission of a spouse or other beneficiary eligible to receive funds from a Johnny Michael Spann Patriot Trust, notify such Trust on how to contact such spouse or other beneficiary, in a manner consistent with the protection of intelligence sources and methods, for the purpose of providing assistance from such Trust.

(f) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of the Central Intelligence Agency, shall prescribe regulations to carry out this section.

**SA 4443.** Mr. MCCAIN proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

Beginning on page 221, line 24, strike “60 days after”.

**SA 4444.** Mr. MCCAIN proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. None of the funds appropriated by this Act may be used for leasing of transport/VIP aircraft under any contract entered into under any procurement procedures other than pursuant to the Competition and Contracting Act.

**SA 4445.** Mr. MCCAIN (for himself and Mr. FEINGOLD) proposed an amendment

to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. The Secretary of the Air Force shall not enter into any lease for transport/VIP aircraft for any period that includes any part of fiscal year 2003 until there is enacted a law, other than an appropriation Act, that authorizes the appropriation of funds in the amount or amounts necessary to enter into the lease and a law appropriating such funds pursuant to such authorization of appropriations.

**SA 4446.** Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Notwithstanding any other provision of law, the Secretary of Defense shall, to the maximum extent practicable, ensure that the production facilities that would have been utilized for production of the Crusader artillery system are utilized instead for the system selected in lieu of the Crusader artillery system to meet the needs of the Army for indirect fire capabilities.

**SA 4447.** Mr. WELLSTONE (for himself, Mr. CORZINE, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) Funds appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” may be used by the Military Community and Family Policy Office of the Department of Defense for the operation of multidisciplinary, impartial domestic violence fatality review teams of the Department of Defense that operate on a confidential basis.

(b) Of the total amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, \$10,000,000 may be used for an advocate of victims of domestic violence at each military installation to provide confidential assistance to victims of domestic violence at the installation.

(c) In each of the years 2003 through 2007, the Secretary of Defense shall submit to Congress an annual report on the implementation of the recommendations included in the reports submitted to the Secretary by the Defense Task Force on Domestic Violence under section 591(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 639; 10 U.S.C. 1562 note).

**SA 4448.** Mr. BYRD (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) LIMITATION ON NUMBER OF GOVERNMENT CHARGE CARD ACCOUNTS DURING

FISCAL YEAR 2003.—The total number of accounts for government purchase charge cards and government travel charge cards for Department of Defense personnel during fiscal year 2003 may not exceed 1,500,000 accounts.

(b) REQUIREMENT FOR CREDITWORTHINESS FOR ISSUANCE OF GOVERNMENT CHARGE CARD.—(1) The Secretary of Defense shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card.

(2) An individual may not be issued a government purchase charge card or government travel charge card if the individual is found not credit worthy as a result of the evaluation under paragraph (1).

(c) DISCIPLINARY ACTION FOR MISUSE OF GOVERNMENT CHARGE CARD.—(1) The Secretary shall establish guidelines and procedures for disciplinary actions to be taken against Department personnel for improper, fraudulent, or abusive use of government purchase charge cards and government travel charge cards.

(2) The guidelines and procedures under this subsection shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or with applicable standards of conduct.

(3) The disciplinary actions under this subsection may include—

(A) the review of the security clearance of the individual involved; and

(B) the modification or revocation of such security clearance in light of the review.

(4) The guidelines and procedures under this subsection shall apply uniformly among the Armed Forces and among the elements of the Department.

(d) REPORT.—Not later than June 30, 2003, the Secretary shall submit to the congressional defense committees a report on the implementation of the requirements and limitations in this section, including the guidelines and procedures established under subsection (c).

**SA 4449.** Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$2,500,000 may be available for the disposal of materials from Reach A at Earle Naval Weapons Station, New Jersey, to an appropriate inland site designated by the Secretary of the Navy.

**SA 4450.** Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title VI under the heading "DEFENSE HEALTH PROGRAM" and available for research, development, test, and evaluation, up to \$4,000,000 may be available for the Acellular Matrix Research Orthopedic Trauma Program.

**SA 4451.** Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount appropriated by title VI under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by \$4,000,000 with the amount of the increase to be allocated to amounts available for research, development, test, and evaluation.

(b) AVAILABILITY OF AMOUNT FOR ACCELLULAR MATRIX RESEARCH ORTHOPEDIC TRAUMA PROGRAM.—Of the amount appropriated by title VI under the heading "DEFENSE HEALTH PROGRAM" and available for research, development, test, and evaluation, as increased by subsection (a), up to \$4,000,000 may be available for the Acellular Matrix Research Orthopedic Trauma Program.

**SA 4452.** Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$2,000,000 may be available for the CKEM, IMU program.

**SA 4453.** Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" and available for Medical Advanced Technology, up to \$2,000,000 may be available for the medical errors reduction initiative.

**SA 4454.** Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

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

Of the funds appropriated in the Act under the heading "Operations and Maintenance, Air Force" up to \$2,000,000 may be made available for the Aircraft Repair Enhancement Program at the Oklahoma City Air Logistics Center.

**SA 4455.** Mr. INOUE (for Mr. MILLER (for himself and Mr. ALLEN)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year end-

ing September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$1,000,000 may be available for Trouble Reports Information Data Warehouse.

**SA 4456.** Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", for civilian manpower and personnel management, \$1,500,000 may be available for the Navy Pilot Human Resources Call Center, Cutler, Maine.

**SA 4457.** Mr. INOUE (for Mr. NELSON of Florida (for himself and Mr. GRAHAM)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$2,170,000 may be available for the Nanophotonic Systems Fabrication Facility.

**SA 4458.** Mr. STEVENS (for Ms. SNOWE (for himself, Mr. SESSIONS, and Ms. COLLINS)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for small kill vehicle technology development (PE0603175C) for midcourse phase ballistic missile defense.

**SA 4459.** Mr. STEVENS (for Mr. WARNER) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 144, line 25, after the word "Forces", add the following: "Provided further, That of the funds provided under this section, up to \$5,000,000 may be made available for the Common Affordable Radar Processing program"

**SA 4460.** Mr. INOUE (for Mrs. BOXER) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Of the funds provided in this Act under the heading "Operation and Maintenance, Defense-wide," the Department of Defense should spend the amount requested for

the Family Advocacy Program, with priority in any increase of funding provided to bases that are experiencing increases in domestic violence.

**SA 4461.** Mr. INOUE (for Mr. TORRICELLI (for himself and Mr. CORZINE)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$2,500,000 may be available for the disposal of materials from Reach A at Earle Naval Weapons Station, New Jersey, to an appropriate inland site designated by the Secretary of the Navy.

**SA 4462.** Mr. STEVENS proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place in the bill, insert:  
SEC. . Not later than 60 days after enactment of this Act, the Commander in Chief of the United States European Command shall submit a plan to the congressional defense committees that provides for the refurbishment and re-engining of the NATO AWACS aircraft fleet: *Provided*, That this report reflect the significant contribution made by the NATO AWACS fleet in response to the attacks on the United States on September 11, 2001, and the invocation of Article V of the North Atlantic Treaty: *Provided further*, That the plan shall describe any necessary memorandum agreement between the United States and NATO for the refurbishment and re-engining of these aircraft.

**SA 4463.** Mr. INOUE (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Notwithstanding any provision 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) or any other provision of law, the Secretary of the Navy may transfer administrative jurisdiction of the portion of the former Charleston Naval Base, South Carolina, comprising a law enforcement training facility of the Department of Justice, together with any improvements thereon, to the head of the department of the Federal Government having jurisdiction of the Border Patrol as of the date of the transfer under this section.

**SA 4464.** Mr. INOUE (for Mr. HARKIN) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the amount appropriated by title VI under the heading "DEFENSE HEALTH PROGRAM," up to \$2,000,000 may be available to the Uniformed Services University of the Health Sciences Center (USUHS) for Complementary and Alternative Medicine Research for Military Operations and Healthcare (MIL-CAM).

**SA 4465.** Mr. STEVENS (for Mr. ALBARD) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. Of the total amount appropriated by the title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE," up to \$30,000,000 may be appropriated for the competitive acquisition of commercial imagery, imagery products, and services from United States commercial sources of satellite-based remote sensing entities.

**SA 4466.** Mr. INOUE (for Mr. HUTCHINSON (for himself, Mrs. LINCOLN, Mr. ROBERTS, and Mrs. HUTCHISON)) proposed an amendment to the bill H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 223, between lines 20 and 21, insert the following:

SEC. 8124. (a) Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for the development of an organic vaccine protection capability to protect members of the Armed Forces against the effect of use of biological warfare agents.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, August 1, 2002 in SR-328A at 9:30 a.m. The purpose of this business meeting will be to discuss the nomination of Mr. Tom Dorr to be Under Secretary of Agriculture for Rural Development at the U.S. Department of Agriculture and to consider disaster assistance legislation.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, August 1, 2002, at 10:00 a.m. in the Room 485 of the Russell Senate Office Building to conduct a business meeting to mark up S. 1344, a bill to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers; S. 2017, a bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program; and S. 2711, a bill to reauthorize and improve programs relating to Native Americans, to be followed immediately by an oversight hearing on the Interior Secretary's Report on the Hoopa Yurok Settlement Act.

The Committee will meet again on Thursday, August 1, 2002 at 2:00 p.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Problems Facing Native Youth.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 31, 2002, at 3 P.M., in open and possibly closed session to receive testimony on operation enduring freedom.

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

##### COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 31, 2002, immediately following the first rollcall vote, to conduct a mark-up on the nominations of Mr. Ben S. Bernanke, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System; and Mr. Donald L. Kohn, of Virginia, to be a member of the Board of Governors of the Federal Reserve System.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 31, 2002, at 9:30 a.m. on the nomination of Rebecca Dye to a Federal Maritime Commissioner and immediately following a Surface Transportation/Merchant Marine Subcommittee hearing on Railroad Shipper Issues.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate Wednesday, July 31, 2002 at 9:30 a.m. to hold a hearing on Iraq.

##### AGENDA—WITNESSES

###### PANEL I: THE THREAT

Mr. Charles Duelfer, Visiting Resident Scholar, Middle East Studies, Center for Strategic and International Studies, Washington, DC.

Dr. Khidir Hamza, Former Iraqi Nuclear Engineer, Director, Council on Middle Eastern Affairs, New York, NY.

Professor Anthony Cordesman, Senior Fellow and Arleigh A. Burke Chair in Strategy, Center for Strategic and International Studies, Washington, DC.

###### PANEL II: POSSIBLE RESPONSES

The Honorable Robert Gallucci, Dean, school of Foreign Service, Georgetown University, Washington, DC.

Additional witnesses to be announced.

## PANEL III: REGIONAL CONSIDERATIONS

Dr. Shirbley Telhami, Professor and Anwar Sadat Chair, Department of Government and Politics, University of Maryland, College Park, MD.

Dr. Fouad Ajami, Professor and Director of Middle East Studies, School of Advanced International Studies, Johns Hopkins University, Washington, DC.

Dr. Geoffrey Kemp, Director of Regional Strategic Studies, Nixon Center, Washington, DC.

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

## COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "the Prison rape Reduction Act of 2002," on Wednesday, July 31, 2002 in Dirksen Room 226 at 1:30 p.m.

## WITNESS LIST

## PANEL I

The Honorable Frank R. Wolf, United States Representative (R-VA).

## PANEL II

Linda Bruntmyer, Amarillo, Texas.  
Mark Earley, President and CEO of Prison Fellowship Ministries, Reston, Virginia.

Robert W. Dumond, Licensed Clinical Mental Health Counselor, Member, Board of Advisors, Stop Prisoner Rape, Inc., Hudson, New Hampshire.

Rabbi David Saperstein, Director, Religious Action Center of Reform Judaism, Washington, DC.

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

## COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Class Action Litigation," on Wednesday, July 31, 2002 in Dirksen Room 226 at 10 a.m.

## WITNESS LIST

Paul Bland, Staff Attorney, Trial Lawyers for Public Justice, Washington, DC.

Walter E. Dellinger, III, Partner, O'Melveny & Myers, Washington, DC.

Thomas Henderson, Chief Counsel and Senior Deputy, Lawyers' Committee for Civil Rights, Washington, DC.

Lawrence Mirel, Commissioner of District of Columbia, Department of Insurance and Securities Regulation, Washington, DC.

Shaneen Wahl, Port Charlotte, FL.  
Hilda Bankston, Jefferson County, MS.

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

## COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, July 31, 2002 at 9:45 a.m. in SD-226.

## TENTATIVE AGENDA

## I. NOMINATIONS

Priscilla Owen to be a U.S. Circuit Court Judge for the Fifth Circuit.

Timothy J. Corrigan to be a U.S. District Court Judge for the Middle District of Florida.

Jose E. Martinez to be a U.S. District Court Judge for the Southern District of Florida.

Terrence F. McVerry to be a U.S. District Court Judge for the Western District of Pennsylvania.

Arthur Schwab to be a U.S. District Court Judge for the Western District of Pennsylvania.

To be a U.S. Attorney: John Byron (J.B.) Van Hollen for the Western District of Wisconsin.

To be a U.S. Marshal: Charles E. Beach for the Southern District of Iowa; Peter Alan Lawrence for the Western District of New York; Richard Vaughn Mecum for the Northern District of Georgia; and Burton Stallwood for the District of Rhode Island.

## I. BILLS

S. 2480, Law Enforcement Officers Safety Act of 2002 [Leahy/Hatch/Feinstein/Thurmond/Cantwell/Grassley/Edwards/DeWine/Sessions/McConnell/Brownback].

S. 2127, A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States. [Inouye].

S. 2713, Judicial Improvements Act of 2002 [Leahy/Thompson].

H.R. 3892, Judicial Improvements Act of 2002 [Coble/Berman].

H.R. 809, Antitrust Technical Corrections Act of 2001 [Sensenbrenner/Conyers].

H.R. 486, For the relief of Barbara Makuch. [Reynolds].

H.R. 487, For the relief of Eugene Makuch. [Reynolds].

H.R. 807, For the relief of Rabon Lowry of Pembroke, North Carolina [McIntyre].

H.R. 3375, Embassy Employee Compensation Act [Blunt].

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 31, 2002 at 2:30 p.m. to hold an open hearing on S. 2659—Non-US persons/probable cause and S.2586—Exclude US persons from "foreign power" from Foreign Surveillance Act 1978.

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

## SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia be authorized to meet on Wednesday, July 31, 2002 at 10 a.m. for a hearing entitled "When Diets Turn Deadly: Consumer Safety and Weight Loss Supplements."

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

## SUBCOMMITTEE ON SUPERFUND, TOXICS, RISK AND WASTE MANAGEMENT

Mr. REID. Mr. President: I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund, Toxics, Risk and Waste Management be authorized to meet on Wednesday, July 31, 2002, at 10 a.m. to conduct a hearing in connection with the EPA Inspector General's report on the Superfund program

The hearing will be held in SD-406

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

## SUBCOMMITTEE ON WATER AND POWER

Mr. REID. Mr. President, I ask unanimous consent that the subcommittee

on Water and Power of the Committee on Energy and Natural Resources be authorized to hold a Hearing during the session of the Senate on Wednesday, July 31, 2002, at 2:30 p.m. in SD-366. The purpose of this hearing is to receive testimony on the following bills:

S. 934, to require the Secretary of the Interior to construct the rocky Boy's/North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water system and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes;

S. 577, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under the Act, and for other purposes;

S. 1882, to amend the Small Reclamation Projects Act of 1956, and for other purposes;

S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; and

S. 2696, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes.

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

## PRIVILEGES OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following staff members of the Appropriations Committee be granted floor privileges during consideration of H.R. 5010, the DOD appropriations bill: Steven Cortese, Sid Ashworth, Kraig Siracuse, Alycia Farrell, and Nicole Royale.

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

Mr. STEVENS. Mr. President, I also ask unanimous consent that Randy Rotte, a fellow in Senator HUTCHISON's office, be permitted on the floor of the Senate during debate on the Defense appropriations bill.

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

Mr. INOUE. On behalf of Senator MIKULSKI, I ask unanimous consent that Major Mark Hamilton, a Defense fellow in her office, be granted floor privileges during the debate of the Defense bill.

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

Mr. INOUE. Mr. President, I ask unanimous consent that Marko Medved, a fellow serving in Senator COCHRAN's office, be granted floor privileges during the duration of the consideration of the Defense bill.

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

Mr. REID. Mr. President, I ask unanimous consent that Barbara Morrow, a

fellow on my staff, be granted the privilege of the floor for the duration of the fiscal year 2003 Defense appropriations bill.

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

Mr. INOUE. Mr. President, I ask unanimous consent that MAJ James Clapsaddle, an Air Force fellow in the office of Senator CARNAHAN, be granted the privilege of the floor during the duration of the debate on the Defense appropriations bill.

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

Mr. INOUE. Mr. President, I ask unanimous consent that Ms. Elizabeth Schmid, a Presidential management intern assigned to the Appropriations Committee, and Ms. Lela Holden, a legislative fellow in my office, be granted the privilege of the floor during consideration of H.R. 5010.

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

Mr. STEVENS. Mr. President, I ask unanimous consent Senator MCCAIN's legislative fellow, Navy LCDR Paul Gronemeyer, be granted floor privileges during consideration of the Department of Defense Appropriations Act.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that Eric Wagner, a fellow in my office, be granted floor privileges for the remainder of the Senate's consideration of the Defense appropriations bill.

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

#### UNANIMOUS CONSENT AGREEMENT—H.R. 5010

Mr. REID. Mr. President, I ask unanimous consent that when the DOD debate takes place tomorrow as per the unanimous consent agreement already in effect, under the leader time, Senators CANTWELL and MURRAY be recognized each for 2 minutes. Under the agreement, the leader has 10 minutes, as I recall, so they would take 4 minutes of that.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent the Senate proceed to executive session to consider the following nominations:

The military promotions reported earlier today by the Armed Services Committee which are Executive Calendar Nos. 975 through 996; Calendar No. 969, Ben Bernanke to be a member of the Federal Board of Governors of the Federal Reserve System; Executive Calendar No. 997, Donald Kohn to be a member of the Board of Directors of the Federal Reserve System; and the nominations placed at the Secretary's

desk; that the nominations be confirmed; the motions to reconsider be laid on the table; any statements thereon be printed in the RECORD at the appropriate place as if given; that the President be immediately notified of the Senate's action; that the Senate then return to legislative session, with the preceding all occurring without intervening action or debate.

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

The nominations were considered and confirmed, as follows:

#### FEDERAL RESERVE SYSTEM

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1990.

#### ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be general

Lt. Gen. James T. Hill, 7734

#### NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be admiral

Vice Adm. Edmund P. Giambastiani, Jr., 8318

#### AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

#### To be brigadier general

Col. Charles J. Dunlap, Jr., 5759

Col. Michael N. Madrid, 3003

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Robert R. Dierker, 7380

#### ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Bryan D. Brown, 2565

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Philip R. Kensinger, Jr., 0022

#### MARINE CORPS

The following named officer for appointment as Assistant Commandant of the Marine Corps and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5044:

#### To be general

Lt. Gen. William L. Nyland, 8595

#### ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of im-

portance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Lt. Gen. Paul T. Mikolashek, 2507

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Richard A. Cody, 6483

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Bantz J. Craddock, 7782

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. William E. Ward, 9000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203601:

#### To be major general

Brig. Gen. William S. Crupe, 1989

#### MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

#### To be major general

Brig. Gen. James F. Amos, 1550

Brig. Gen. John G. Castellaw, 2524

Brig. Gen. Timothy E. Donovan, 4843

Brig. Gen. Robert M. Flanagan, 2865

Brig. Gen. James N. Mattis, 7981

Brig. Gen. Gordon C. Nash, 4684

Brig. Gen. Robert M. Shea, 3652

Brig. Gen. Frances C. Wilson, 7788

The following named officer for appointment in the United States Marine Corp to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Martin R. Berndt, 8515

#### NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

#### To be rear admiral

Rear Adm. (lh) Steven B. Kantrowitz, 3208

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

#### To be rear admiral

Rear Adm. (lh) James Manzelmann, Jr., 4656

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

#### To be rear admiral

Rear Adm. (lh) Dennis M. Dwyer, 4756

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

#### To be rear admiral

Rear Adm. (lh) Richard A. Mayo, 1835

Rear Adm. (lh) Donald C. Arthur, Jr., 7104

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

#### To be rear admiral (Lower Half)

Capt. Gregory R. Bryant, 4952

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (Lower Half)*

Capt. Andrew M. Singer, 1084

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Michael D. Malone, 2917

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. John B. Nathman, 6751

FEDERAL RESERVE SYSTEM

Donald L. Kohn, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2002.

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

AIR FORCE

PN1459 Air Force nominations (13) beginning JOHN W. BAKER, and ending DAVID E. WILSHEK, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002

PN1930 Air Force nominations (24) beginning SHELLEY R. ATKINSON, and ending RANDY K. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002

PN1988 Air Force nomination of Fredric A. Marks, which was received by the Senate and appeared in the Congressional Record of July 18, 2002

PN1989 Air Force nominations (38) beginning MEREDITH L. \* ADAMS, and ending EDWIN W. \* WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2002

PN1190 Air Force nominations (59) beginning SARA K. \* ACHINGER, and ending CHARLES E. \* WIEDIE, JR., which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2002

PN1991 Air Force nominations (1844) beginning CHRISTOPHER R. \* ABRAMSON, and ending ANNAMARIE \* ZURLINDEN, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2002

PN2002 Air Force nomination of Kurt R.L. Peters, which was received by the Senate and appeared in the Congressional Record of July 22, 2002

PN2031 Air Force nominations (3) beginning BUENAVENTURA Q. ALDANA, and ending ANDREW W. TICE, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002

ARMY

PN1279 Army nominations (20) beginning LAURA R. BROSCHE, and ending CONNORS A WOLFORD, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2001

PN1365 Army nominations (33) beginning ANN L BAGLEY, and ending KEITH A WUNSCH, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1366 Army nominations (93) beginning ROBERT C ALLEN, JR, and ending CHRISTINA M YUAN, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1863 Army nominations (30) beginning MARVIN P \* ANDERSON, and ending KENNETH O \* WYNN, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 2002

PN1864 Army nominations (188) beginning JOHN G \* ANGELO, and ending VIRGINIA D \* YATES, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 2002

PN1992 Army nominations (4) beginning WILLIAM A. BENNETT, and ending CHARLES B. TEMPLETON, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2002

PN1993 Army nominations (9) beginning JOHN W. BAILEY, and ending JOYCE L. STEVENS, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2002

PN1994 Army nomination of Alonzo C. Cutler, which was received by the Senate and appeared in the Congressional Record of July 18, 2002

PN1995 Army nominations (7) beginning DOMINIC D. ARCHIBALD, and ending RICHARD L. THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2002

PN1996 Army nominations (8) beginning RICKY W. BRANSCUM, and ending FREDERICK O. STEPAT, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2002

PN1997 Army nominations (9) beginning CURTIS W. ANDREWS, and ending THOMAS F. STEPHENSON, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2002

PN2033 Army nominations (2) beginning ANTONIO CORTESSANCHEZ, and ending KIMBERLY D. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002

PN2034 Army nominations (8) beginning HENRY G. BERNREUTER, and ending MARK D. SCRABA, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002

COAST GUARD

PN1986 Coast Guard nominations (2) beginning George H. Teuton, and ending Blake L. Novak, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2002

MARINE CORPS

PN1636 Marine Corps nominations (3) beginning MICHAEL J. BISSONNETTE, and ending DANIEL J. MCLEAN, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2002

NAVY

PN1670 Navy nomination of Duane W. Mallicoat, which was received by the Senate and appeared in the Congressional Record of April 16, 2002

PN1671 Navy nomination of Francis Michael Pascual, which was received by the Senate and appeared in the Congressional Record of April 16, 2002

PN1672 Navy nomination (2) beginning LARRY D PHEGLEY, and ending JEFFREY ROBERT VANKEUREN, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002

PN1673 Navy nominations (3) beginning ARTHUR KELSO DUNN, and ending WAYNE TYLER NEWTON, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002

PN1674 Navy nominations (4) beginning MARK THOMAS DAVISON, and ending RICHARD SHANT ROOMIAN, which nominations were received by the Senate and ap-

peared in the Congressional Record of April 16, 2002

PN1675 Navy nominations (3) beginning JENNITH ELAINE HOYT, and ending ROBERT A. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002

PN1676 Navy nominations (6) beginning EDMUND WINSTON BARNHART, and ending L M SILVESTER, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002

PN1677 Navy nominations (4) beginning ROBERT M CRAIG, and ending MELANIE SUZANNE WINTERS, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002

PN1678 Navy nominations (12) beginning ROBERT KENNETH BAKER, and ending RICHARD H RUSSELL, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 2002

PN1679 Navy nominations (18) beginning DAVID STEWART CARLSON, and ending MICHAEL JOSEPH ZULICH, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1680 Navy nominations (43) beginning JOHN ALDA, JR, and ending KATHRYN DICKENS YATES, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1681 Navy nominations (22) beginning MICHAEL P ARGO, and ending MARK STEVEN SPENCER, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1682 Navy nominations (194) beginning RONALD DAVID ABATE, and ending GLENN L ZITKA, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1815 Navy nominations (23) beginning DAVID B AUCLAIR, and ending RYAN M WILSON, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1816 Navy nominations (28) beginning KENNETH C ALEXANDER, and ending TIMOTHY G ZAKARISKI, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1817 Navy nominations (33) beginning DAVID F BAUCOM, and ending JONATHAN A YUEN, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1818 Navy nominations (33) beginning ROBERT D BECHILL, and ending PHILIP H WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1819 Navy nominations (36) beginning LYNN P ABUMARI, and ending SUSAN YOKOYAMA, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1820 Navy nominations (39) beginning DAVID W ANDERSON, and ending STEPHEN R STEELE, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1835 Navy nominations (19) beginning BARNEY R BARENDSE, and ending KRISTIANE M WILEY, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1836 Navy nominations (13) beginning MICHAEL J BOOCK, and ending ALEXANDER W WHITAKER, IV, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1837 Navy nominations (20) beginning STEPHEN T AHLERS, and ending KERRY R THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1838 Navy nominations (2) beginning DANIEL C ALDER, and ending ERIC J ZINTZ, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1839 Navy nominations (12) beginning ALAN T BAKER, and ending DOUGLAS J WAITE, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1841 Navy nomination of James T. Conen which was received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1842 Navy nominations (7) beginning JOSEPH D. CALDERONE, and ending RICHARD A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1843 Navy nominations (7) beginning TIMOTHY G ALBERT, and ending JANICE M STACYWASHINGTON, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1844 Navy nominations (2) beginning WARREN WOODWARD RICE, and ending MARK J SAKOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1845 Navy nominations (8) beginning BARBARA S BLACK, and ending DOUGLAS D WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1846 Navy nominations (2) beginning MICHAEL R BONNETTE, and ending DAVID C PHILLIPS, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1847 Navy nominations (38) beginning JOSE R ALMAGUER, and ending KENNETH M STINCHFIELD, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1903 Navy nominations (3) beginning ROXIE T MERRITT, and ending JACQUELINE C YOST, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1904 Navy nominations (5) beginning TRECIA D DIMAS, and ending DAVID G SIMPSON, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1905 Navy nominations (5) beginning STEPHEN W BARTLETT, and ending JAMES M TUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1906 Navy nominations (5) beginning DAVID R ARNOLD, and ending LORI F TURLEY, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1907 Navy nominations (6) beginning VICTOR G ADDISON, JR., and ending ZDENKA S WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1908 Navy nominations (7) beginning ROBERT J FORD, and ending EDWIN F WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1909 Navy nominations (8) beginning DAVID A BELTON, and ending JAMES A THOMPSON, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1910 Navy nominations (6) beginning JEFFERY A BENDER, and ending DAVID E WERNER, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1911 Navy nominations (11) beginning ALEXANDER P BUTTERFIELD, and ending ELIZABETH L TRAIN, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1912 Navy nominations (19) beginning TERRY J BENEDICT, and ending EDWARD D WHITE III, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1913 Navy nominations (13) beginning PETER D BAUMANN, and ending ALLISON D WEBSTERGIDDINGS, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1915 Navy nominations (40) beginning STEPHEN C BALLISTER, and ending JEROME ZINNI, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1916 Navy nominations (14) beginning VERNON E BAGLEY, and ending BOYD T ZBINDEN, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1917 Navy nominations (13) beginning WESTON J ANDERSON, and ending STEPHEN C WOLL, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1918 Navy nominations (11) beginning KATHLEEN B DANIELS, and ending TERIAN SAMMIS, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1919 Navy nominations (17) beginning DAVID A BONDURA, and ending WILBURN T STRICKLAND, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1920 Navy nominations (18) beginning CHRISTIAN D BECKER, and ending SCOTT M WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1921 Navy nominations (39) beginning JULIENNE E ALMONTE, and ending MICHAEL F WEBB, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1922 Navy nominations (57) beginning ALFREDO L ALMEIDA, and ending MARK A WISNIEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1923 Navy nominations (13) beginning JON D ALBRIGHT, and ending MICHAEL W ZARKOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1924 Navy nominations (521) beginning TODD A ABLER, and ending THOMAS A ZWOLFER, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 2002.

PN1931 Navy nomination of Roger E Morris, which was received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1932 Navy nomination of Jane E McNeely, which was received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1933 Navy nominations (5) beginning GENARO T BERLTRAN, JR., and ending THEODORE T POSUNIAK, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1934 Navy nominations (37) beginning SEVAK ADAMIAN, and ending CLIFFORD ZDANOWICZ, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1935 Navy nominations (43) beginning PIUS A AIYELAWO, and ending GEORGE S WOLOVICZ, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1936 Navy nominations (21) beginning SALVADOR AGUILERA, and ending DONALD P TROAST, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1937 Navy nominations (70) beginning DANIEL L ALLEN, and ending MICHAEL J WILSON, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1938 Navy nominations (114) beginning DANIEL J ACKERSON, and ending JOHNNY WON, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1939 Navy nominations (16) beginning CONNIE J BULLOCK, and ending BRENDAN F WARD, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1940 Navy nominations (29) beginning ANGELICA L CALMONTE, and ending LESTER M WHITLEY, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN1941 Navy nominations (33) beginning KATHRYN A ALLEN, and ending JOHN A ZULICK, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2002.

PN2003 Navy nomination of William W Crow, which was received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2004 Navy nomination of Joel C Smith, which was received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2005 Navy nomination of Joseph R Beckham, which was received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2006 Navy nomination of MICHAEL E MOORE, which was received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2007 Navy nominations (11) beginning CHARLES W BROWN, and ending TANYA L WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2008 Navy nominations (16) beginning TODD E BARNHILL, and ending DOMINICK A VINCENT, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2009 Navy nominations (16) beginning COLLEEN M BARIBEAU, and ending KIM C WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2010 Navy nominations (23) beginning VINCENT A AUGELLI, and ending REESE K ZOMAR, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2011 Navy nominations (23) beginning ANGEL BELLIDO, and ending WALTER J WINTERS, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2012 Navy nominations (38) beginning MICHAEL P BANASZEWSKI, and ending BRIAN S ZITO, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2013 Navy nominations (46) beginning STUART R BLAIR, and ending JON E WITHEE, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN2014 Navy nominations (158) beginning WILLIAM L ABBOTT, and ending RYSZARD W ZBIKOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2002.

PN 2037 Navy nomination of Steven D Kornatz, which was received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN 2038 Navy nomination of Mary B Gerasch, which was received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN2039 Navy nomination of Baron D Jolie, which was received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN2040 Navy nomination of Todd A Masters, which was received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN2041 Navy nomination of Perry W Suter, which was received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN 2042 Navy nominations (20) beginning WILLIAM L ABBOTT, and ending DONALD E WYATT, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 107-14

Mr. REID. Mr. President, still as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following protocol transmitted to the Senate on July 31, 2002, by the President of the United States:

Protocol to Amend Convention for Unification of Certain Rules Relating to International Carriage by Air (Treaty Document No. 107-14).

I further ask that the protocol be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith, for Senate advice and consent to ratification, the Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on October 12, 1929, done at The Hague September 28, 1955 (The Hague Protocol). The report of the Department of State, including an article-by-article analysis, is enclosed

for the information of the Senate in connection with its consideration of The Hague Protocol.

The Warsaw Convention is the first in a series of treaties relating to international carriage by air. The Hague Protocol amended certain of the Warsaw Convention Articles, including several affecting the rights of carriers of international air cargo. A recent court decision held that since the United States had ratified the Warsaw Convention but had not ratified The Hague Protocol, and the Republic of Korea had ratified The Hague Protocol but had not ratified the Warsaw Convention, there were no relevant treaty relations between the United States and Korea. This decision has created uncertainty within the air transportation industry regarding the scope of treaty relations between the United States and the 78 countries that are parties only to the Warsaw Convention and The Hague Protocol. Thus, U.S. carriers may not be able to rely on the provisions in the Protocol with respect to claims arising from the transportation of air cargo between the United States and those 78 countries. In addition to quickly affording U.S. carriers the protections of those provisions, ratification of the Protocol would establish relations with Korea and the five additional countries (El Salvador, Grenada, Lithuania, Monaco, and Swaziland) that are parties only to The Hague Protocol and to no other treaty on this subject.

A new Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (the "Montreal Convention") is pending on the Senate's Executive calendar (Treaty Doc. 106-45). I urge the Senate to give its advice and consent to that Convention, which will ultimately establish modern, uniform liability rules applicable to international air transport of passengers, cargo, and mail among its parties. But the incremental pace of achieving widespread adoption of the Montreal Convention should not be allowed to delay the benefits that ratification of The Hague Protocol would afford U.S. carriers of cargo to and from the 84

countries with which it would promptly enter into force.

I recommend that the Senate give early and favorable consideration to The Hague Protocol and that the Senate give its advice an consent to ratification.

GEORGE W. BUSH.  
THE WHITE HOUSE, July 31, 2002.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

#### ORDER FOR STAR PRINT—REPORT NO. 107-224

Mr. REID. Mr. President, I ask unanimous consent that a star print of report No. 107-224 be made to reflect the changes that are at the desk.

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

#### DEPARTMENT OF HOMELAND SECURITY—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to Calendar No. 529, H.R. 5005, and with that I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to H.R. 5005, a bill to establish the Department of Homeland Defense.

Tom Daschle, Harry Reid, Zell Miller, Joseph Lieberman, Tim Johnson, Debbie Stabenow, John Edwards, Jon Corzine, Susan Collins, Robert F. Bennett, Trent Lott, Pete Domenici, Rick Santorum, Fred Thompson, Peter Fitzgerald, Jim Bunning.

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

# Daily Digest

## HIGHLIGHTS

Senate agreed to S. 812, Greater Access to Affordable Pharmaceuticals Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S7617–S7766*

**Measures Introduced:** Seven bills and three resolutions were introduced, as follows: S. 2827–2833, and S. Res. 312–314. **Page S7744**

#### Measures Reported:

S. 2132, to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, with an amendment in the nature of a substitute. (S. Rept. No. 107–229)

S. 2734, to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought, with an amendment in the nature of a substitute. (S. Rept. No. 107–230)

H.R. 486, for the relief of Barbara Makuch.

H.R. 487, for the relief of Eugene Makuch.

H.R. 3892, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, with an amendment in the nature of a substitute.

S. 2713, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures. **Page S7742**

#### Measures Passed:

*Greater Access to Affordable Pharmaceuticals Act:* By 78 yeas to 21 nays (Vote No. 201), Senate passed S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, after agreeing to the following amendment proposed thereto: **Pages S7618–51**

Reid (for Dorgan) Amendment No. 4299, to permit commercial importation of prescription drugs from Canada, as amended. (By unanimous consent,

the pending cloture motion on the amendment was withdrawn.) **Pages S7618–33**

During consideration of this measure today, Senate also took the following actions:

By 49 yeas to 50 nays (Vote No. 199), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to approve the motion to waive the Congressional Budget Act of 1974 with respect to Graham Amendment No. 4345 (to Amendment No. 4299), to amend title XVIII of the Social Security Act to provide protection for all Medicare beneficiaries against the cost of prescription drugs. Subsequently, the point of order that the amendment violates section 302(f) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S7618–33**

By 66 yeas to 33 nays (Vote No. 200), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S7633–34**

**Department of Defense Appropriations Act:** Senate began consideration of H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto:

**Pages S7656–S7705, S7709–28**

#### Adopted:

Inouye (for Allen) Amendment No. 4373, to make available from amounts available for the Air Force for research, development, test, and evaluation \$5,000,000 for the Variable Flow Ducted Rocket propulsion system (PE063216F). **Pages S7687–88**

Inouye (for Breaux) Amendment No. 4374, to set aside funding under RDT&E, Navy, for the Human Resource Enterprise Strategy at the Space and Naval Warfare Information Technology Center.

**Pages S7687–88**

Inouye (for Bennett) Amendment No. 4375, to set aside from amounts available from H.R. 4775 to settle the taking of property adjacent to the Army Tooele Depot, Utah. **Pages S7687-88**

Inouye (for Cleland) Amendment No. 4376, to make available from amounts available for Defense-Wide research, development, test, and evaluation, \$3,000,000 for execution of the ferrite diminishing manufacturing program by the Defense Micro-Electronics Activity. **Pages S7687-88**

Inouye (for Collins) Amendment No. 4377, to set aside from amounts available for the Navy for research, development, test, and evaluation, \$2,000,000 for Structural Reliability of FRP Composites (PE0602123N). **Pages S7687-88**

Inouye (for Conrad) Amendment No. 4378, to set aside from amounts available for the Army for research, development, test, and evaluation, \$5,000,000 for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes managements system under that project. **Pages S7687-88**

Inouye (for Dayton) Amendment No. 4379, to make available from amounts available for the Army for operation and maintenance, \$3,700,000 for Live Fire Range Upgrades. **Pages S7687-88**

Inouye (for DeWine) Amendment No. 4380, to set aside funding under RDT&E, Army, for materials joining for Army weapon systems. **Pages S7687-88**

Inouye (for Ensign) Amendment No. 4381, to make available from amounts available to the Army for other procurement \$500,000 for PRC-117F SATCOM backpack radios. **Pages S7687-88**

Inouye (for Frist/Thompson) Amendment No. 4382, to make available from amounts available to the Army, up to \$5,000,000 may be used for Expandable Light Air Mobility Shelters (ELAMS). **Pages S7687-88**

Inouye (for Kyl) Amendment No. 4383, to set aside from amounts available for the Navy for research, development, test, and evaluation for Extended Range Anti-Air Warfare. **Pages S7687-88**

Inouye (for Santorum/Specter) Amendment No. 4384, to set aside from amounts available for the Army Reserve for operation and maintenance \$3,000,000 for Land Forces Readiness for Information Operations Sustainment. **Pages S7687-88**

Inouye (for Santorum/Specter) Amendment No. 4385, to set aside from amounts available for the Air Force for research, development, test, and evaluation \$1,000,000 for Space and Missile Operations for the Civil Reserve Space Service (CRSS) initiative. **Pages S7687-88**

Inouye (for Voinovich/DeWine) Amendment No. 4386, to set aside funding under RDT&E, Air Force,

for the Viable Combat Avionics Initiative of the Air Force. **Pages S7687-88**

Inouye (for Bingaman) Amendment No. 4400, to set aside from amounts available for the Air Force for research, development, test, and evaluation for Major T&E Investment (PE0604759F), \$2,500,000 for the Maglev upgrade program. **Pages S7688-89**

Inouye (for Dorgan) Amendment No. 4401, to provide funds for the Chameleon Miniaturized Wireless System. **Pages S7688-89**

Inouye (for Murray) Amendment No. 4402, to make available from amounts available for the Army for research, development, test, and evaluation, \$9,000,000 for continuing design and fabrication of the industrial short pulse laser development-femtosecond laser. **Pages S7688-89**

Inouye (for Reid) Amendment No. 4403, to make available from amounts available to the Navy for research, development, test, and evaluation \$4,000,000 for Marine Corps program wide support (PE0605873M) for chemical and biological consequence management for continuing biological and chemical decontamination technology research for the United States Marine Corps Systems Command on a biological decontamination technology that uses electro-chemically activated solution (ECASOL). **Pages S7688-89**

Stevens (for Warner) Amendment No. 4404, to require a preliminary engineering study and environmental analysis of establishing a connector road between United States Route 1 and Telegraph Road in the vicinity of Fort Belvoir, Virginia, and to earmark \$5,000,000 for the Army for operation and maintenance for that preliminary study and analysis. **Pages S7688-89**

Inouye (for Dodd) Amendment No. 4405, to make available from amounts available for the Army for research, development, test, and evaluation \$5,000,000 for research on miniature and micro fuel cell systems. **Pages S7688-89**

Stevens (for Nickles) Amendment No. 4406, to make available from amounts available for research, development, test, and evaluation, defense-wide \$3,000,000 for the Supercritical Water Systems Explosives Demilitarization Technology. **Pages S7688-89**

Stevens (for Roberts) Amendment No. 4407, to appropriate, with an offset, \$1,000,000 for research, analysis, and assessment of federal, state, and local efforts to counter potential agroterrorist attacks. **Pages S7688-89**

Inouye Amendment No. 4408, to make a technical correction to the supplemental appropriation for fiscal year 2002 (H.R. 4775). **Pages S7688-89**

Stevens (for Collins) Amendment No. 4409, to provide for the transition of the naval base on

Schoodic Peninsula, Maine, to utilization as a research and education center for Acadia National Park. **Pages S7688–89**

Inouye (for Carper) Amendment No. 4410, to make available from amounts available for the Navy for research, development, test, and evaluation \$8,000,000 for the Integrated Biological Warfare Technology Platform. **Pages S7688–89**

Inouye (for Biden) Amendment No. 4411, to make available from amounts available for the Army for research, development, test, and evaluation \$5,000,000 for the Rotary, Multi-Fuel, Auxiliary Power Unit. **Pages S7688–89**

Reid (for Wellstone) Amendment No. 4412 (to Amendment No. 4364), of a perfecting nature. **Pages S7690–S7700**

Subsequently, the adoption of the amendment was vitiated and the amendment was withdrawn. **Page S7700**

Wellstone Amendment No. 4364, to prohibit the use of funds made available in this Act for payment on any new contract to any corporate expatriate. **Pages S7686–87, S7689–S7700**

Inouye (for Akaka) Amendment No. 4422, to set aside \$6,000,000 of operation and maintenance, Navy, funds for Servicewide Communications for the Critical Infrastructure Protection Program. **Pages S7700–02**

Inouye (for Clinton) Amendment No. 4423, to make available from amounts available for the Air Force for operation and maintenance \$500,000 for a contribution to the renovation of Hangar Building 101 at former Griffiss Air Force Base, New York, in order to facilitate the reuse of the building for economic development purposes. **Pages S7700–02**

Stevens (for Inhofe) Amendment No. 4424, to make available from amounts available for Defense-Wide research, development, test, and evaluation \$8,000,000 for the Maintainers Remote Logistics Network. **Pages S7700–02**

Inouye (for Feinstein) Amendment No. 4425, to make available from amounts available for the Navy for research, development, test, and evaluation \$5,000,000 for the Integrated Chemical Biological Warfare Agent Detector Chip. **Pages S7700–02**

Stevens (for Hutchison) Amendment No. 4426, to make available from amounts available for Air Force research and development \$1,000,000 for research on nanoenergetic materials. **Pages S7700–02**

Stevens (for Thompson/Frist) Amendment No. 4427, to make available from amounts available for the Army National Guard for operation and maintenance \$2,000,000 for the Communicator emergency notification system. **Pages S7700–02**

Inouye (for Landrieu) Amendment No. 4428, to authorize a grant of \$5,000,000 to the National D-Day Museum. **Pages S7700–02**

Inouye (for Nelson (FL)) Amendment No. 4429, to make available from amounts available for the Navy for research, development, test, and evaluation \$6,000,000 for the Center for Advanced Power Systems. **Pages S7700–02**

Stevens (for Bunning) Amendment No. 4430, to allow the Department of Defense to obligate funds to secure its sensitive and classified materials to further enhance the national security of the United States. **Pages S7700–02**

Inouye (for Kennedy) Amendment No. 4431, to make available from the National Defense Sealift Fund \$10,000,000 for implementing the recommendations resulting from the Navy's Non-Self Deployable Watercraft (NDSW) Study and the Joint Chiefs of Staff Focused Logistics Study to determine the requirements of the Navy for providing lift support for mine warfare ships and other vessels. **Pages S7700–02**

Inouye (for Carnahan) Amendment No. 4432, to set aside from amounts available for the Air National Guard for operation and maintenance \$350,000 for medical equipment. **Pages S7700–02**

Stevens (for Smith (OR)) Amendment No. 4433, to make available from amounts available for the Navy for research, development, test, and evaluation \$8,000,000 for the Sealion Technology Demonstration program. **Pages S7700–02**

Stevens (for Craig) Amendment No. 4434, to provide for standardized digitizing, conversion, indexing, and formatting of captured foreign documentary materials. **Pages S7700–02**

Stevens (for Grassley) Amendment No. 4388, to provide for the designation of a Medal of Honor Flag and for presentation of that flag to recipients of the Medal of Honor. **Pages S7700–02**

Lugar Amendment No. 4435, to authorize the waiver of the prohibition on the use of Cooperative Threat Reduction funds for chemical weapons destruction. **Pages S7702–05**

McCain Amendment No. 4443, to remove the waiting period in the limitation on use of funds for conversion of the 939th Combat Search and Rescue Wing. **Page S7705**

McCain Amendment No. 4444, to prohibit the use of funds for leasing of transport/VIP aircraft under any contract not entered into pursuant to full and open competition. **Page S7709**

Wellstone Amendment No. 4447, to set aside Defense-wide operation and maintenance funds for review and mitigation of domestic violence involving Department of Defense personnel. **Pages S7718–19**

Byrd/Grassley Amendment No. 4448, to provide certain requirements and limitations regarding the use of government purchase charge cards and government travel charge cards by Department of Defense personnel. **Pages S7719–21**

Stevens (for Nickles) Amendment No. 4454, to make available from amounts available for the Air Force operations and maintenance \$2,000,000 for the Aircraft Repair Enhancement Program at the Oklahoma City Air Logistics Center. **Page S8821**

Inouye (for Miller) Amendment No. 4455, to make available from amounts available for the Navy for research, development, test, and evaluation, \$1,300,000 for Trouble Reports Information Data Warehouse. **Pages S7721–22**

Stevens (for Snowe) Amendment No. 4456, to set aside Navy operation and maintenance funds for the Navy Pilot Human Resources Call Center, Cutler, Maine. **Pages S7721–22**

Inouye (for Nelson (FL)/Graham) Amendment No. 4457, to make available from amounts available for Defense-Wide research, development, test, and evaluation \$2,170,000 for the Nanophotonic Systems Fabrication Facility. **Pages S7721–22**

Stevens (for Snowe/Sessions) Amendment No. 4458, to make available for Defense-Wide research, development, test, and evaluation \$5,000,000 for small kill vehicle technology development (PE0603175C) for mid-course phase ballistic missile defense. **Pages S7721–22**

Stevens (for Warner) Amendment No. 4459, to make available \$10,000,000 for the Common Affordable Radar Processing program under Title IV, Research, Development, Test and Evaluation. **Pages S7721–22**

Inouye (for Boxer) Amendment No. 4460, to provide additional resources to the Family Advocacy Program at the Department of Defense. **Pages S7721–22**

Inouye (for Torricelli/Corzine) Amendment No. 4461, to make available from amounts available for the Navy for operation and maintenance \$2,500,000 for the disposal of materials dredged from Reach A at Earle Naval Weapons Station, New Jersey. **Pages S7721–22**

Stevens Amendment No. 4462, to provide that the Commander in Chief of the U.S. European Command shall submit a plan to the congressional defense committees that provides for the refurbishment and re-engining of the NATO AWACS aircraft fleet. **Pages S7721–22**

Inouye (for Hollings) Amendment No. 4463, to require the transfer of administrative jurisdiction over the portion of former Charleston Naval Base, South Carolina, comprising a law enforcement training facility of the Department of Justice. **Page S7722**

Inouye (for Harkin) Amendment No. 4464, to make available from amounts available for the Defense Health Program for the Uniformed Services University of the Health Sciences Center (USUHS) \$2,000,000 for Complementary and Alternative Medicine Research for Military Operations and Healthcare (MILCAM). **Page S7722**

Stevens (for Allard) Amendment No. 4465, to set aside up to \$30,000,000 for the acquisition of commercial imagery, imagery products, and service from United States commercial sources of satellite-based remote sensing entities. **Page S7722**

Inouye (for Hutchinson) Amendment No. 4466, to set aside \$9,000,000 for RDT&E, Defense-wide, for a Department of Defense facility for the production of vaccines for protecting members of the Armed Forces against the effect of use of biological warfare agents. **Pages S7722–23**

Pending:

McCain Amendment No. 4445, to require authorization of appropriations, as well as appropriations, for leasing of transport/VIP aircraft. **Page S7709–17, S7726**

Motion to table McCain Amendment No. 4445, listed above. **Page S7726**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 2 p.m., on Thursday, August 1, 2002; that there be 50 minutes remaining for debate; that the only first degree amendments in order be McCain Amendment No. 4445, listed above, and the committee reported substitute; that there be 10 minutes of debate with respect to the McCain amendment, followed by a vote in relation to the amendment; that if the McCain amendment is not tabled, then relevant second degree amendments would be in order to the McCain amendment; that upon disposition of the McCain amendment, the Committee-reported substitute as amended, be agreed to, the bill then be read a third time, and the Senate then vote on passage of the bill; that the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. **Page S7726**

**Homeland Security Act:** Senate began consideration of the motion to proceed to consideration of H.R. 5005, to establish the Department of Homeland Security. **Page S7766**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote may occur on Friday, August 2, 2002. **Page S7766**

Subsequently, the motion to proceed was withdrawn. **Page S7766**

**Executive Reports of Committees:** Senate received the following executive report of a committee:

Report to accompany Treaty With Niue On Delimitation Of A Maritime Boundary (Treaty Doc. 105-53) (Ex. Rept. 107-5) **Pages S7763-64**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following protocol:

Protocol to Amend Convention for Unification of Certain Rules Relating to International Carriage by Air (Treaty Doc. No. 107-14).

The protocol was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S7766**

**Andean Trade Promotion and Drug Eradication Act Agreement Conference Report:** A unanimous-consent-time agreement was reached providing for further consideration of the conference report on H.R. 3009, to extend the Andean Trade Preference Act, and to grant additional trade benefits under that Act, at 9:30 a.m., on Thursday, August 1, 2002, and that at 10:30 a.m., the Senate vote on the motion to close further debate on the conference report. **Page S7705**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 64 yeas 35 nays (Vote No. 202), D. Brooks Smith, of Pennsylvania, to be United States Circuit Judge for the Third Circuit. **Pages S7651-56, S7706-08**

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1990.

Donald L. Kohn, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2002.

3 Air Force nominations in the rank of general.

8 Army nominations in the rank of general.

10 Marine Corps nominations in the rank of general.

10 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S7706-08**

**Nominations Received:** Senate received the following nominations:

Nancy P. Jacklin, of New York, to be United States Executive Director of the International Monetary Fund for a term of two years.

D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2004.

1 Army nomination in the rank of general.

Routine lists in the Air Force, Army, Navy.

**Pages S7705-06**

**Executive Communications:** **Pages S7740-42**

**Executive Reports of Committees:** **Pages S7742-44**

**Additional Cosponsors:** **Pages S7744-45**

**Statements on Introduced Bills/Resolutions:** **Pages S7745-48**

**Additional Statements:** **Pages S7735-40**

**Amendments Submitted:** **Pages S7748-61**

**Notices of Hearings/Meetings:** **Page S7761**

**Authority for Committees to Meet:** **Pages S7761-62**

**Privilege of the Floor:** **Pages S7762-63**

**Record Votes:** Four record votes were taken today. (Total—202) **Pages S7633, S7634, S7651, S7656**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 8:27 p.m., until 9:30 a.m., on Thursday, August 1, 2002.

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported the nominations of Vinicio E. Madrigal, of Louisiana, L.D. Britt, of Virginia, Linda J. Stierle, of Maryland, and William C. De La Pena, of California, each to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences; John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board; Lt. Gen. James T. Hill, for appointment in the United States Army to the grade of General while assigned to a position of importance and responsibility under title 10, U.S.C., section 601; Vice Adm. Edmund P. Giambastiani Jr., for appointment in the United States Navy to the grade of Admiral while assigned to a position of importance and responsibility under title 10, U.S.C., section 601; and 4,694 nominations in the Army, Navy, Marine Corps, and Air Force.

### OPERATION ENDURING FREEDOM

*Committee on Armed Services:* Committee concluded open and closed hearings to examine the status of Operation Enduring Freedom in Afghanistan, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; and Gen. Tommy R. Franks, USA, Commander in Chief, United States Central Command.

**NOMINATIONS**

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the nominations of Ben S. Bernanke, of New Jersey, and Donald L. Kohn, of Virginia, each to be a Member of the Board of Governors of the Federal Reserve System.

**NOMINATION**

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings on the nomination of Rebecca Dye, of North Carolina, to be a Federal Maritime Commissioner, after the witness testified and answered questions in her own behalf.

**RAILROAD SHIPPER CONCERNS**

*Committee on Commerce, Science, and Transportation:* Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine railroad shipper issues, including progress since the implementation of the Staggers Rail Act (P.L. 96-448), after receiving testimony from Linda Morgan, Chairman, Surface Transportation Board, Department of Transportation; John W. Snow, CSX Corporation, Richmond, Virginia; Terry Huval, Lafayette Utilities System, Lafayette, Louisiana, on behalf of the American Public Power Association and Consumers United for Rail Equity; Mark W. Schwirtz, Arizona Electric Power Cooperative, Inc., Benson; Charles E. Platz, Basell North America, Inc., Wilmington, Delaware; Steve Strege, North Dakota Grain Dealers Association, Fargo; and Dennis Williams, Roseburg Forest Products Company, Roseburg, Oregon.

**BUSINESS MEETING**

*Committee on Energy and Natural Resources:* Committee ordered favorably reported the following bills:

S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land, with an amendment in the nature of a substitute;

S. 1028, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, with an amendment in the nature of a substitute;

S. 1069, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, with amendments;

S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York, with an amendment in the nature of a substitute;

S. 1865, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Lower Los Angeles River and San Gabriel River watersheds in the State of California as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon,

S. 1943, to expand the boundary of the George Washington Birthplace National Monument, with an amendment;

S. 1944, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, with amendments;

S. 1999, to reauthorize the Mni Wiconi Rural Water Supply Project, with an amendment;

S. 2018, to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, with an amendment;

S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, with an amendment in the nature of a substitute;

S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, with an amendment in the nature of a substitute;

S. 2482, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road, with an amendment;

S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System, with an amendment;

S. 2571, to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, with an amendment in the nature of a substitute;

S. 2598, to enhance the criminal penalties for illegal trafficking of archaeological resources, with an amendment in the nature of a substitute;

H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails, with an amendment in the nature of a substitute;

H.R. 38, to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska;

H.R. 107, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, with amendments;

H.R. 695, to establish the Oil Region National Heritage Area, with an amendment in the nature of a substitute (As approved by the committee, the substitute amendment incorporates provisions of S. 1526, S. 1925, S. 1939, S. 2033, S. 2196, and S. 2576.);

H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico;

H.R. 1712, to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park;

H.R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas;

H.R. 1814, to amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System;

H.R. 1870, to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada;

H.R. 1906, to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park;

H.R. 1925, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System;

H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System;

H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to

authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington;

H.R. 2828, to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; and

H.R. 3048, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska.

## WATER AND POWER

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power concluded hearings on S. 1577/H.R. 2990, bills to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, S. 1882, to amend the Small Reclamation Projects Act of 1956, S. 934, to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho, S. 2696, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and S. 2773, to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, after receiving testimony from Senators Baucus and Crapo; John W. Keys III, Commissioner, Bureau of Reclamation, and Charles G. Groat, Director, U.S. Geological Survey, both of the Department of the Interior; Dan Keil, North Central Montana Regional Water Authority, Conrad; Peter A. Scholle, New Mexico Bureau of Geology and Mineral Resources, Socorro, on behalf of the High Plains Aquifer Coalition; Mayor Martin J. Chavez, Albuquerque, New Mexico; Bruce Sunchild, Sr., Chippewa Cree Tribe of the Rocky Boy's Reservation, Box Elder, Montana; Jeff Raybould, Fremont-Madison Irrigation District, St. Anthony, Idaho; Peter Carlson, Will and Calson, Inc., Washington,

D.C., on behalf of the Small Reclamation Program Act Coalition; and Wayne Halbert, Harlingen Irrigation District, Harlingen, Texas, on behalf of the Texas Water Conservation Association and Texas Irrigation Council.

### **SUPERFUND PROGRAM**

*Committee on Environment and Public Works:* Subcommittee on Superfund, Toxics, Risk, and Waste Management concluded oversight hearings to examine the Environmental Protection Agency Inspector General's Report on the Superfund Program, focusing on the clean-up of non Federal National Priority List sites, after receiving testimony from Senators Torricelli, and Bill Nelson; Nikki L. Tinsley, Inspector General, and Marianne Lamont Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, both of the Environmental Protection Agency.

### **IRAQ**

*Committee on Foreign Relations:* Committee held hearings to examine threats, responses, and regional considerations surrounding Iraq, receiving testimony from Gen. Joseph Hoar, USMC, (Ret.), Delmar, California, former Commander-in-Chief of U.S. Central Command; Lt. Gen. Thomas G. McInerney, USAF, (Ret.), Washington, D.C., former Assistant Vice Chief of Staff, U.S. Air Force; Richard Butler, New York, New York, and Morton Halperin, Washington, D.C., both of the Council on Foreign Relations; Khidhir Hamza, Council on Middle Eastern Affairs, New York, New York; Shibley Telhami, University of Maryland Department of Government and Politics, College Park; Anthony H. Cordesman and Charles Duelfer, both of the Center for Strategic and International Studies, Robert L. Gallucci, Georgetown University School of Foreign Service, Fouad Ajami, Johns Hopkins University School of Advanced International Studies, Geoffrey Kemp, Nixon Center, and Mark R. Parris, Baker, Donelson, Bearman, and Caldwell, all of Washington, D.C.

Hearings recessed subject to call.

### **WEIGHT-LOSS SUPPLEMENT SAFETY**

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings to examine consumer safety and weight loss supplements, focusing on the extent of the use of supplements for weight loss purposes, the validity of claims currently being made for and against weight loss supplements, and the structure of the current federal system of oversight and regulation for dietary supplements, after receiving testimony from Janet Heinrich, Director, Health Care—Public Health Issues, General Accounting Office; Joseph A. Levitt,

Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration, and Michael F. Mangano, Principal Deputy Inspector General, Office of the Inspector General, both of the Department of Health and Human Services; Cynthia T. Culmo, Association of Food and Drug Officials, Austin, Texas; Steven B. Heymsfield, Columbia University College of Physicians and Surgeons, New York, New York, on behalf of the St. Luke's-Roosevelt Hospital Center New York Obesity Research Center; Michael McGuffin, American Herbal Products Association, Silver Spring, Maryland; and Karen Ruiz, San Clemente, California.

### **BUSINESS MEETING**

*Committee on the Judiciary:* Committee ordered favorable reported the following business items:

S. 2713, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures;

H.R. 3892, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, with an amendment in the nature of a substitute;

H.R. 486, for the relief of Barbara Makuch;

H.R. 487, for the relief of Eugene Makuch; and

The nominations of Timothy J. Corrigan, to be United States District Judge for the Middle District of Florida, Jose E. Martinez, to be United States District Judge for the Southern District of Florida, Terrence F. McVerry, to be United States District Judge for the Western District of Pennsylvania, Arthur J. Schwab, to be United States District Judge for the Western District of Pennsylvania, and J.B. Van Hollen, of Wisconsin, to be United States Attorney for the Western District of Wisconsin, Charles E. Beach, Sr., to be United States Marshal for the Southern District of Iowa, Peter A. Lawrence, to be United States Marshal for the Western District of New York, Richard Vaughn Mecum, to be United States Marshal for the Northern District of Georgia, and Burton Stallwood, to be United States Marshal for the District of Rhode Island, all of the Department of Justice.

### **CLASS ACTION LITIGATION**

*Committee on the Judiciary:* Committee held hearings to examine class action litigation issues, including the misuse of class actions to escape accountability, the expansion of federal courts' jurisdiction to hear class actions, and related provisions of S. 1712/H.R. 2341, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, receiving testimony from Lawrence H. Mirel, District of Columbia Department of Insurance and Securities Regulation, F. Paul Bland, Jr., Trial Lawyers for Public

Justice, Walter E. Dellinger III, O'Melveny and Myers, and Thomas J. Henderson, Lawyers' Committee for Civil Rights Under Law, all of Washington, D.C.; Shaneen Wahl, Port Charlotte, Florida, on behalf of the Association of Trial Lawyers of America; and Hilda Bankston, Bankston Drug Store, Fayette, Mississippi.

Hearings recessed subject to call.

### PRISON RAPE REDUCTION

*Committee on the Judiciary:* Committee concluded hearings on S. 2619, to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape, after receiving testimony from Representative Wolf; Mark Earley, Prison Fellowship Ministries, Reston, Virginia; Robert W. Dumond, Franklin Pierce College, Hudson, New Hampshire, on behalf of Stop Prison Rape; Rabbi David Saperstein, Religious Action Center of

Reform Judaism, Washington, D.C.; and Linda Bruntmyer, Amarillo, Texas.

### FOREIGN INTELLIGENCE SURVEILLANCE

*Select Committee on Intelligence:* Committee concluded hearings to examine S. 2586, to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism, and S. 2659, to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion, after receiving testimony from Senator Schumer; James A. Baker, Counsel for Intelligence Policy, and Marion E. Bowman, Deputy General Counsel, Federal Bureau of Investigation, both of the Department of Justice; Frederic F. Manget, Deputy General Counsel, Central Intelligence Agency; and Jerry Berman, Center for Democracy and Technology, and Clifford S. Fishman, Catholic University of America Columbus School of Law, both of Washington, D.C.

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# House of Representatives

## Chamber Action

The House was not in session today. Pursuant to the provisions of S. Con. Res. 132, the House stands adjourned for the Summer District Work Period until 2 p.m. on Wednesday, September 4, 2002.

## Committee Meetings

No committee meetings were held.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of July 25, 2002, p. D835)

H.R. 3763, to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws. Signed on July 30, 2002. (Public Law 107-204).

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### COMMITTEE MEETINGS FOR THURSDAY, AUGUST 1, 2002

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Agriculture, Nutrition, and Forestry:* business meeting to mark up proposed legislation providing for

agricultural disaster assistance, and to consider the nomination of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, and to be Under Secretary of Agriculture for Rural Development, 9:30 a.m., SR-328A.

*Committee on Armed Services:* to resume open and closed (in Room SR-222) hearings to examine the implications of the Strategic Offensive Reductions Treaty (Treaty Doc. 107-8), 9 a.m., SD-106.

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on International Trade and Finance, to hold oversight hearings to examine the role of charities and non-governmental organizations in the financing of terrorist activities, 2:30 p.m., SD-538.

*Committee on Finance:* to hold hearings on the nomination of Pamela F. Olson, of Virginia, to be an Assistant Secretary of the Treasury, 10 a.m., SD-215.

*Committee on Foreign Relations:* business meeting to consider the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the "Montreal Protocol"), adopted at Montreal on September 15-17, 1997, by the Ninth Meeting to the Parties to the Montreal Protocol (Treaty Doc. 106-10); the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the "Montreal Protocol"), adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (the "Beijing Amendment") (Treaty Doc. 106-32); S. 2712, to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain

other foreign countries; S. Res. 309, expressing the sense of the Senate that Bosnia and Herzegovina should be congratulated on the 10th anniversary of its recognition by the United States; S. Con. Res. 122, expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots; H.R. 2121, to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media; H.R. 4558, to extend the Irish Peace Process Cultural and Training Program; and the nomination of Nancy J. Powell, of Iowa, to be Ambassador to the Islamic Republic of Pakistan, 9:30 a.m., SD-419.

Full Committee, to hold hearings to examine national security perspectives regarding Iraq, 10 a.m., SD-419.

Full Committee, to continue hearings to examine national security perspectives regarding Iraq, 2 p.m., SD-419.

*Committee on Health, Education, Labor, and Pensions:* business meeting to consider S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; S. 2394, to amend the Federal Food, Drug, and Cosmetic Act to require labeling con-

taining information applicable to pediatric patients; S. 2758, entitled "The Child Care and Development Block Grant Amendments Act"; S. 1998, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools; S. 2054, to amend the Public Health Service Act to establish a Nationwide Health Tracking Network; S. 2053, to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program; S. 2246, to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools; S. 2549, to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938; proposed legislation regarding the National Science Foundation Doubling Act; and the nominations of Edward J. Fitzmaurice, Jr., of Texas, and Harry R. Hoglander, of Massachusetts, each to be a Member of the National Mediation Board, 11 a.m., SD-430.

*Committee on Indian Affairs:* business meeting to consider S. 1344, to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers; S. 2017, to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program; and S. 2711, to reauthorize and improve programs relating to Native Americans; to be followed by oversight hearings to examine the Secretary of the Interior's Report on the Hoopa Yurok Settlement Act, 10 a.m., SR-485.

Full Committee, to hold oversight hearings to examine problems facing Native youth, 2 p.m., SR-485.

*Committee on the Judiciary:* to hold hearings on pending judicial nominations, 2 p.m., SD-226.

## House

No committee meetings were held.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, August 1

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m. on Wednesday, September 4

## Senate Chamber

**Program for Thursday:** Senate will resume consideration of the conference report on H.R. 3009, Andean Trade Promotion and Drug Eradication Act, with a vote on the motion to close further debate on the conference report to occur at approximately 10:30 a.m.

At 2 p.m., Senate will continue consideration of H.R. 5010, Department of Defense Appropriations Act.

## House Chamber

**Program for Wednesday:** To be announced.



## Congressional Record

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