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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

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Senate

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

PRAYER

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

Gracious God, You promised through Isaiah that ''You will keep him in perfect peace, whose mind is stayed on You, because he trusts in You.''—Isaiah 26:3. We need this peace, the peace that passes understanding; the peace that settles our nerves and gives us serenity in these perplexing times. Your promise through Isaiah reminds us that You are the source of perfect peace, true shalom/shalom. You stay our minds on You: Your grace and goodness, Your faithfulness, Your resourcefulness, and Your forgiving heart.

Therefore, we commit all our worries and concerns to You. True peace can never be separated from Your Spirit. You are peace! Lasting peace is the result of a heart filled with Your Spirit of peace. Take up residence within us and spread Your peace into every facet of our being. Help us to receive Your gift of peace and be peacemakers in our relationships in the Senate family. ''Shalom/shalom to you today!'' says the Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAUL WELLSTONE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 25, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, the Senate is going to resume consideration of the Department of Defense authorization bill. There will be 15 minutes of closing debate on the Bunning base closure amendment. The debate will be evenly divided between the proponents and the opponents of that matter. This debate will be followed by a vote on a motion to table the amendment.

There are going to be additional rollcall votes during the day. After this vote takes place, there will be a unanimous-consent request offered to again try to get a finite list of amendments. It is still the hope of the majority leader that we can complete this legislation by tomorrow. It would be great if we could do it tonight, but certainly by tomorrow we should be able to do that.

In addition to this very important legislation, before we finish tomorrow at 2 o'clock, we really need to take up the continuing resolution. We have a lot to do today. The Senate will be in recess from 12:30 until 2:15 for our party conferences.

There are a lot of very important hearings going on today. The Attorney General is here at 10 o'clock. The Secretary of State is here later in the day. People are going to have to work with us so we can have votes on these important amendments that are coming up on this legislation, some of which have already been filed.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1438, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Bunning amendment No. 1622, to strike title XXIX, relating to defense base closure and realignment.

Inhofe amendment No. 1594, to authorize the President to waive a limitation on performance of depot-level maintenance by non-Federal Government personnel.

Inhofe amendment No. 1595, to revise requirements relating to closure of Vieques Naval Training Range.

AMENDMENT NO. 1622

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 15 minutes of debate remaining on the Bunning amendment numbered 1622.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I note that the Senator from Arizona is here. I assume, since we oppose the Bunning amendment, that he, along with the two managers, will be controlling the time.

I yield myself 1 minute at this point to put into the RECORD a letter that I,

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

along with Senator WARNER, received from Gen. Shelton, who is the Chairman of the Joint Chiefs of Staff. These are his words:

. . . reiterate how critically important it is that Congress authorize another round of base closures and realignments.

We previously put in the RECORD a letter from the Secretary of Defense, Donald Rumsfeld, strongly supporting one additional round of base-closing authority to begin in the year 2003 and giving the reasons for that need.

I ask unanimous consent to have printed in the RECORD the letter I received this morning from the Chairman of the Joint Chiefs, Gen. Shelton.

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

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, September 25, 2001.

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

DEAR MR. CHAIRMAN: As the full Senate deliberates the FY 2002 Defense Authorization Bill I would like to reiterate how critically important it is that Congress authorize another round of base closures and realignments.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We cannot afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Sincerely,

HENRY H. SHELTON,
Chairman of the Joint Chiefs of Staff.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to read two paragraphs of this letter from the Chairman.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We cannot afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Mr. President, both the Secretary of Defense and the Chairman of the Joint Chiefs are acting in accordance with the Commander in Chief, the President of the United States. This BRAC issue is clearly one that our President needs at this time given the extenuating circumstances facing the United States of America.

I yield sufficient time as he may need to our colleague from Arizona, Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time is remaining and how is it divided?

The ACTING PRESIDENT pro tempore. There are 5 minutes remaining to the opponents and 7½ minutes remaining to the other side.

Mr. LEVIN. Mr. President, I ask unanimous consent that the opponents of the Bunning amendment be given an extra 2 minutes.

Mr. WARNER. Mr. President, I want to make sure Senator MCCAIN has adequate time. How much time would he like?

Mr. MCCAIN. I would like to request that Senator LEVIN have 2 additional minutes at the expiration of the 5 minutes I have. I ask unanimous consent for 2 additional minutes for Senator LEVIN and 2 additional minutes for the Senator from Kentucky, if he wishes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BUNNING. Mr. President, Senator DORGAN will be the first speaker.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Who yields time?

Mr. BUNNING. I yield 2½ minutes.

Mr. DORGAN. Mr. President, I do not doubt that when there is excess capacity with respect to military installations we ought to take action to deal with them. But I think it ought to be action that is targeted, thoughtful, and timely. In my judgment, there are two reasons why we ought to strike the language from this bill at this point: One is military and the other is economic.

First, we do not know what the force structure is going to be. We are undergoing a quadrennial review at this point and yet, before we talk about force structure, we already presumably know what the base structure should be.

With the issue of homeland security and all the other changes that will occur as a result of this country's determination to protect itself, we ought to, at this point, reserve the question of what should be our base structure. And for that reason, I do not think this is the time to do this.

Second, on the economic circumstances, the potential of having a base-closing commission that says to every military installation in the country, by the way, we are going to look at you for potential closure, is, in my judgment, an opportunity to stunt the economic growth of virtually every community in every region in the country that has a military installation.

At a time when we have an extraordinarily soft economy, and one that is in significant trouble, can you imagine anyone making a decision to invest in any military installation community in this country if they know the prospect might exist that installation will be closed? The answer is, they will not make that investment. They will decide they cannot in good conscience do it.

We have been through this before. If we just say that every base is at risk with respect to a commission, it stunts the economic growth of every community in which a base exists.

I say to the Pentagon, I think it would make much more sense to narrow the focus of where they have excess capacity. When that is narrowed, then let's have a commission that evaluates that excess capacity and how to deal with it. But I really believe that both for military and economic purposes this amendment ought to be agreed to and this provision ought to be stricken.

I disagree with my friend from Arizona. I think he is an American hero. I have the greatest respect for him—and he is a good friend of mine—but we disagree. I believe we ought to take a chunk out of this excess capacity at some point but not now, given the question of homeland security. I certainly do not believe now is the time, given what it will do to the economy, the economy of communities, regions, and our country, if we say every military installation is at risk of closure. That clearly will dry up investment that we need in this country to try to uplift the American economy.

For that reason, I intend to support the motion to strike.

The PRESIDING OFFICER. The Senator has used his 2½ minutes.

Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself 5 minutes.

Mr. President, I would like to very briefly address some of the arguments that have been made. One is that the economy is too soft right now to consider further base closings and couldn't absorb the loss of jobs. The fact is that the provision gives the President the authority to consider a base closure in 2003, not 2001. If our economy is still bad in the year 2003, we will have other problems besides a base-closing commission.

Taxpayers for Common Sense and the Center for Defense Information prepared an independent report that they released in September 2001. Some of this data may surprise some of my colleagues who are citing economic concerns as to why they oppose further base-closing rounds.

This objective study studied 97 bases closed in four base-closing rounds. Eighty-eight percent of the bases closed experienced per capita personal income growth, as high as 36 percent, and averaging nearly 10 percent. Seventy-five percent of the bases closed experienced gains in average earnings per job. Eighty-seven percent of the bases closed had positive employment rates. Sixty-eight percent beat the national average. The average job replacement rate of all these bases closed—all bases is 102 percent.

By the beginning of 2001, only 3 of the 97 counties had higher unemployment rates than the BRAC announcement year; and 53 percent had unemployment rates lower than the national average.

I will be glad to share this information with my colleagues.

Everything has changed with regard to BRAC. The argument is, and as my friend from North Dakota has said, everything is changed now as of September 11. That may be the view of some, but it is not the view of the Chairman of the Joint Chiefs of Staff and the Secretary of Defense. In fact, in their view, the opposite is the case—the opposite—that we need now to provide the Secretary of Defense with more flexibility because we may be called upon to do things very differently.

The argument is made that we do not know what the force structure will be absent the QDR—the Quadrennial Defense Review—so how can we vote on further base closure rounds? Maybe we ought to remember that this issue has been around since 1970.

In 1983, the Grace Commission made recommendations for base closures. In 1997, the QDR recommended that after four closure rounds we must shed excess infrastructure. The 1997 Defense Reform Initiative and National Defense Panel strongly urged Congress and the Department of Defense to move quickly the base realignment, and BRAC has been recommended—basic realignment—by Presidents Reagan, Bush I, Clinton, and now President George W. Bush.

Finally, Mr. President—and I think this is important—this is a time we should place trust in the judgment of the Commander in Chief and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. If we adopt the Bunning amendment, we will be acting in direct contradiction to their views. I think it is important that there is not a single military expert in this country of any credibility who doesn't believe that we need a base-closing round.

I ask my colleagues to consult anyone—Gen. Schwarzkopf—retired or active. Who does not believe we need another base closing round? I hope we will vote down the Bunning amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BUNNING. I yield Senator TED STEVENS 1 minute.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 1 minute.

Mr. STEVENS. Mr. President, I support the Bunning amendment to strike the base realignment and closure language from this year's Defense authorization bill.

It is my view that this is the wrong time for our country and our military to move forward with BRAC legislation.

There are serious questions about the adequacy of the costs and savings estimates upon which the Department bases its claims for savings in the near term.

My concern has been that over the past 12 years, we have spent over $22 billion to close and realign bases throughout the United States. These costs are substantial and must be figured into DOD's future budgets. There is still considerable work to be done to clean up previously closed bases.

However, the Department of Defense has not put aside funds in the future year Defense plan to pay for BRAC. They have not budgeted for the up-front costs. A reasonable estimate that an additional BRAC round would cost $3 to $4 billion a year—starting as early as 2004.

In recent General Accounting Office reports, they state that ''net savings from BRAC were not generated as quickly as initially estimated because the costs of closing bases and environmental cleanup were high and offset the savings.''

The up-front money must be found and it will most likely come from the Department's investment accounts. The diversion of billions of dollars to support an additional BRAC round could have a serious impact on the transformation of the services for the 21st century.

There has been a lot of discussion about savings. We found that in the past, most of the savings came from the elimination of civilian and military positions. This was consistent with the downsizing of our Armed Forces through the 1990s—not necessarily related to closing bases. Many of the military personnel were simply realigned to other bases.

Further, I know of no comprehensive assessment of the mission impact of the totality of the closure and realignment decisions made to date.

Particularly with the considerable uncertainty about the future size of the force and its requirements, it would seem the more prudent approach would delay this legislation until we have a better picture of our future requirements.

I urge you to vote to support the Bunning amendment to strike the BRAC language.

Mr. President, there will be a lot of discussion about the elimination of these bases and the impact on the economy. This is not the time to do it.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. KYL. Mr. President, I rise in opposition to the amendment proposed by my good friends and colleagues, Senators BUNNING and LOTT, concerning eliminating the authorization for another Base Realignment and Closure review in 2003.

In February of 2001, the Business Executives for National Security, a nonprofit organization focused on improving the Nation's defense business policies reported that nearly 70 percent of the defense budget is spent on support functions including bases and infrastructure.

In the 1997 Department of Defense Report on Base Realignment and Closure, Secretary Cohen noted that our force structure has been brought down significantly, 33 percent, but our domestic infrastructure has decreased only 21 percent.

In June of this year, Secretary Rumsfeld stated that he needed ''greater freedom to manage,'' and he pointed out that a ''reduction in excess military bases and facilities could generate savings of several billion dollars annually.''

This year, the Joint Chiefs testified before the Armed Services Committee, and each one—General Ryan, Admiral Clark, General Jones, General Shinseki—agreed to a need for an additional round of base closures or realignments. In their comments they pointed out that savings from excess capacity are real and that the excess infrastructure burdens their ability to efficiently execute their national strategy.

On September 3, 2001, Admiral David Jeremiah, former Vice Chairman of the JCS, and General Richard Hearney, former Assistant Commandant of the USMC wrote in commentary that ''Every billion not spent on unneeded bases is a billion that can be re-directed toward building an even stronger military.''

To those of my friends and colleagues who say that we are in a different time than in 1997, or in February 2001 or even August, and that we must support our military at this time, I say I agree with you. We must support our soldiers, sailors, airmen and women and Marines. We must give them the financial tools and operational and administrative flexibility to effectively carry out their mission, especially at this time.

I draw my colleagues' attention to September 21, 2001, as it is after the horrific events of September 11. On that date Secretary Rumsfeld communicated to the Congress, once again, his strong support for converting ''excess capacity into warfighting ability.'' My colleagues, a stronger more applicable comment could not have come at a more critical time.

To my colleagues who may point out that in that letter Secretary Rumsfeld noted that ''our future needs as to base

structure are uncertain . . .'' I point out that he goes on to emphasize that the DoD, ''simply must have the freedom to maximize the efficient use of our resources.'' By authorizing another round of realignments and closures we let our war fighters mold their infrastructure to fit their requirements. Let us not burden them for political reasons with infrastructure that should have been retired with the P–51, the Enfield rifle and the Sherman tank.

I stand with the Secretary, the Joint Chiefs of Staff, and the Senate Armed Services Committee in opposition to this amendment.

Mrs. BOXER. Mr. President, I support the amendment of the Senator from Kentucky to strike language from the fiscal year 2002 Defense authorization bill that would authorize a new base closure and realignment round in 2003.

I feel very strongly that the time is not right for another painful round of military base closures, and my opposition is only strengthened in the aftermath of the tragedy that occurred on September 11. As a result of the terrorist attacks at the World Trade Center and at the Pentagon, I believe we must reevaluate our military force structure needs—both at home and abroad—in a new and very different light.

In fact, I was extremely skeptical about the need for additional base closures even before the terrorist attacks. On August 14, Congressman GEORGE MILLER and I sent letters to the chairmen and ranking members of the House and Senate Armed Services Committees outlining our reasons for opposing a new base closure round. I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 14, 2001.

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

Hon. JOHN W. WARNER,
Ranking Member, Committee on Armed Services, U.S. Senate.

DEAR CHAIRMAN LEVIN AND SENATOR WARNER: We write to express our deep concern about the round of military base closures proposed by the Pentagon for 2003, and the enabling legislation that the Armed Services Committee will be considering. Since the late 1980s, in a series of Congressionally mandated base closures, 97 major military facilities have been closed or ''realigned''—29 of them in California.

These closures have been extremely painful for the communities involved, and it has proven extremely difficult to convert these bases to other, economically viable uses. As you know, the primary obstacles to converting closed bases are the enormous costs and huge technical challenges associated with cleaning them up. In our state of California, while some sites have made great progress, none of the 29 bases closed since 1988 have been fully cleaned up or converted to non-military uses. And until a base is cleaned up (or at least a fully funded clean up plan is in place), it is virtually impossible for a community to attract the vendors, developers and others who can help make a base's conversion an economic and social success.

We believe it would be unfair and inefficient to close even one more base while the Pentagon continues to raise financial and bureaucratic hurdles to communities that are doing everything in their power to adjust to new civilian economic realities. The Pentagon must work in good faith with communities in California and across the country to expedite and complete the clean up and conversion efforts now underway.

Instead of devoting time, money and energy to developing a new base closure round, we ask that you work with us and our communities to finish the job we started so long ago.

Sincerely,

BARBARA BOXER,
U.S. Senator.
GEORGE MILLER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 14, 2001.

Hon. BOB STUMP,
Chairman, Committee on Armed Services, House of Representatives.

Hon. IKE SKELTON,
Ranking Member, Committee on Armed Services, House of Representatives.

DEAR CHAIRMAN STUMP AND CONGRESSMAN SKELTON: We write to express our deep concern about the round of military base closures proposed by the Pentagon for 2003, and the enabling legislation that the Armed Services Committee will be considering. Since the late 1980s, in a series of Congressionally mandated base closures, 97 major military facilities have been closed or ''realigned''—29 of them in California.

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Instead of devoting time, money and energy to developing a new base closure round, we ask that you work with us and our communities to finish the job we started so long ago.

Sincerely,

BARBARA BOXER,
U.S. Senator.
GEORGE MILLER,
Member of Congress.

Mr. LEVIN. Mr. President, we have heard basically three arguments. One is that this is the wrong time to do this, following the events of September 11. It seems to me, the compelling answers are set forth in the letters from Secretary Rumsfeld and GEN Shelton on that issue.

Secretary Rumsfeld: ''the imperative to convert excess capacity into warfighting ability is enhanced, not diminished,'' because of those events because we need to maximize our resources—in his words—''the finite use of resources.'' And the authority to realign and close bases and facilities will be a critical element to ensure the right mix of bases and forces within our warfighting strategy.

We are asking our troops to take risks. It seems to me, at a minimum, we ought to be willing now to set aside our own back-home concerns and do what is essential in order to have the efficient use of resources. We cannot afford infrastructure which is excess at any time but surely when we are asking our troops to go into combat. There is no justification for us to continue to say we are going to preserve excess infrastructure. This begins in 2003. I emphasize this because some or our colleagues have said, if you don't know the force structure, how can you know the base structure? We don't know what our force structure is going to be. That is why in the bill itself we require that before 2003, before this base structure plan is put into place—and here the words of the bill are being quoted:

> The Secretary shall carry out a comprehensive review of the military installations of the Department of Defense . . . based on the force-structure plan submitted under subsection (a)2. . . .

There must be a force structure plan submitted under this law prior to the base restructuring proposal.

Finally, in terms of savings, we heard that at times you cannot prove the savings. We have shown, it seems to me, through GAO report after GAO report, that—and now I am going to quote from one of the more recent ones:

> Our work has consistently affirmed that the net savings for four rounds of base closure and realignment are substantial.

That is the GAO talking. And we have had a report from the Department of Defense, a very specific report, showing the savings in a chart which lays them out line by line. I ask unanimous consent that the Department of Defense chart showing specifically where the $6 billion annual recurring savings comes from be printed in the RECORD.

That is a significant amount of money. We cannot afford to waste this money. We cannot afford to ask our forces to go into combat if we ourselves will not do what is necessary to give them the resources.

This is excess baggage. They should not be going into combat with the belief that we are not willing to strip the excess, at least starting in the year 2003, at least starting after there is a new force structure that has been decided upon, if they are going to be taking the risks we are going to be asking them to take.

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

SUMMARY OF FY 2002 BRAC BUDGET ESTIMATES; SUMMARY OF ALL BRAC COSTS AND SAVINGS BY FISCAL YEAR—INCLUDES ANNUAL SAVINGS (INFLATED) AND ENVIRONMENTAL COSTS

[Current dollars in millions]

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	Total
ONE TIME IMPLEMENTATION COSTS													
Military Construction	345.6	478.8	298.1	812.4	985.5	915.6	1244.7	719.1	506.5	224.4	65.7	12.8	6,609.1
Family Housing—Construction	0.0	0.0	0.3	0.0	0.7	0.0	0.0	38.4	46.8	2.0	0.0	0.0	88.2
Family Housing—Operations	0.0	0.1	0.5	1.4	0.3	0.0	0.1	0.0	0.4	0.3	0.0	0.0	3.1
Environmental	0.0	366.4	621.9	487.3	540.5	643.1	847.0	676.9	830.5	750.4	360.7	770.1	6,894.8
Operations and Maintenance	111.8	120.6	98.9	409.3	784.6	1029.3	1513.9	1057.3	709.7	671.3	270.1	213.3	6,990.2
Military Personnel—PCS	0.3	1.3	2.2	13.7	23.7	26.9	14.8	17.9	11.9	19.7	1.5	5.4	139.4
Other	13.6	17.9	4.1	40.4	89.6	160.8	119.4	33.1	17.7	10.1	2.4	0.6	509.6
Homeowners Assistance Program	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0	13.5	18.5
AF Move Bill From O'Hare Airport	0.0	0.0	0.0	0.0	0.0	0.0	0.0	94.6	0.0	0.0	0.0	0.0	94.6
Commission Expenses	0.0	0.0	13.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	13.0
Prior Year Financing	0.0	0.0	0.0	0.0	0.0	0.0	1.3	3.5	0.0	19.0	0.0	0.0	23.8
Total One Time Costs	471.3	985.1	1,039.0	1,764.5	2,425.0	2,775.7	3,741.1	2,640.8	2,123.5	1,697.2	705.3	1,015.7	21,384.3
Estimated Land Revenues	(4.3)	(4.2)	(40.6)	(12.7)	(0.1)	(7.4)	(6.2)	(113.5)	(48.9)	(59.2)	(39.1)	(0.3)	(336.4)
Appropriations For 90–01	467.0	980.9	998.4	1,751.8	2,424.9	2,768.3	3,735.0	2,527.3	2,074.5	1,638.0	666.2	1,015.4	21,047.8
COST FUNDED OUTSIDE THE ACCOUNT													
Military Construction	0.0	0.0	23.2	0.0	5.9	0.4	0.0	0.0	0.0	0.0	0.0	0.0	29.4
Family Housing	0.0	0.0	0.8	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
Environmental	38.0	0.0	25.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	63.6
Operations and Maintenance	0.0	0.0	95.5	13.0	61.4	60.4	111.4	85.6	96.5	67.0	20.2	2.1	613.1
Other	0.0	0.0	12.2	4.9	0.0	4.8	2.4	2.9	2.1	2.0	0.0	0.0	31.2
Homeowners Assistance Program	0.1	0.1	0.2	51.1	30.9	98.7	2.3	2.3	0.0	0.0	0.0	0.0	185.6
Total Costs Outside of the Account	38.0	0.1	157.5	69.2	98.2	164.3	116.1	90.8	98.5	69.0	20.2	2.1	924.0
Total BRAC Cost [Incl. land revenues]	505.0	981.0	1,155.9	1,821.0	2,523.2	2,932.6	3,851.1	2,618.1	2,173.1	1,707.0	686.4	1,017.5	21,971.8
Cumulative BRAC Cost	505.0	1,486.0	2,641.9	4,462.9	6,986.1	9,918.7	13,769.8	16,387.8	18,560.9	20,267.9	20,954.3	21,971.8	
SAVINGS													
Military Construction	16.8	16.9	236.9	82.1	165.4	141.9	124.4	88.4	27.9	47.1	1.3	15.5	964.7
Family Housing—Construction	12.6	16.9	59.6	9.7	18.7	3.5	11.6	0.8	1.7	38.8	1.5	1.5	176.9
Family Housing—Operations	0.0	15.0	22.8	47.1	100.7	113.2	134.0	154.2	186.3	202.2	210.1	216.8	1,402.5
Operations and Maintenance	6.5	48.4	148.4	241.3	806.4	1,225.9	1,873.0	2,268.2	2,762.8	2,978.8	3,269.0	3,561.1	19,189.8
Military Personnel—PCS	(0.5)	25.4	78.7	362.6	722.0	925.0	1,152.2	1,357.8	1,489.3	1,572.4	1,627.2	1,682.9	10,994.9
Other	0.4	0.5	19.7	98.4	104.6	179.5	887.1	879.7	753.0	673.0	704.6	724.5	5,025.0
Total Savings	35.8	123.0	566.1	841.2	1,917.8	2,588.9	4,182.2	4,749.2	5,221.0	5,512.3	5,813.9	6,202.4	37,753.9
Cumulative Savings	35.8	158.9	725.0	1,566.2	3,484.0	6,073.0	10,255.2	15,004.4	20,225.4	25,737.7	31,551.5	37,753.9	
NET IMPLEMENTATION COSTS													
Net Cost/(Savings) [Incl. land revenues]	469.2	858.0	589.8	979.7	605.4	343.6	(331.1)	(2,131.1)	(3,048.0)	(3,805.2)	(5,127.5)	(5,184.9)	(15,782.1)
Cumulative Net	469.2	1,327.2	1,917.0	2,896.7	3,502.1	3,845.7	3,514.6	1,383.4	(1,664.5)	(5,469.8)	(10,597.2)	(15,782.1)	

Cost $B:22.0; Savings $B: 37.8; Net $B: 15.8; Recurring Savings $B: 6.2.

Mr. LOTT. Mr. President, I know we are about to vote. I yield myself some leader time.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. LOTT. Mr. President, it is no secret that I have always opposed the BRAC process. I think it is an abdication of the responsibility of the Congress. For years and years, the Pentagon made recommendations for Congress, and Congress considered them, acted on many of them, and bases were closed.

Second, we know for certain that the BRAC process severely disrupts the local economies of communities in States across the Nation. We also know there is still a question about the BRAC savings from the past base closures. For instance, I know that in the military construction appropriations bill that will be coming up, perhaps later today or tomorrow, there is $150 million for cleanup as a result of previous base closures, most of it going, I guess, to California, some to Texas, and some I think maybe to New York. We are still in the process of trying to expend money so that the process can be completed.

Also, I think the timing is bad. We are arguing about exactly what we should do now, but I saw an Air Force general talking the other day about how our fighters had been looking outward up until 2 weeks ago; now they have to look inward. The world did change. I think that at a time of our Reserves being called up, the National Guard being called up, communities being told to support the military, we are going to be together, we have been attacked, and we are going to respond appropriately, but we are going to say: By the way, we are going to look at closing your base.

I don't think the timing is good. While I have never supported BRAC, it is not to say I won't someday. I realize we have excess capacity and duplication. I think we could do this. Maybe we could even look at it in a few weeks or months when we see exactly what the force structure is going to be, what this conflict is going to look like. After more consultation, in my opinion, we will know about how this would look.

I was interested and appreciative of the language Senator LEVIN pointed out about the force structure. Obviously, before we go forward on this, we should match base infrastructure with force structure. We still have a lot of questions out there about this homeland defense. And Secretary Rumsfeld is still working on his strategic review and is currently executing the congressionally mandated quadrennial defense review. It is underway, but it is not completed.

Also, my concern is that every base, every community, every State is going to be affected by this. They are going to be alarmed by this. They are going to hire consultants and all kinds of people to make sure their case is made appropriately. I think that is the wrong way to go. Where we have excess capacity, identify it and say we are going to look here. Where we know we may not have sufficient capacity now, why have a question about that particular base?

I continue to wonder why we have not done more about overseas bases. We gave the Pentagon authority a few years ago to move in that area. Have they done it? No. Have they consolidated missions and looked at closing bases? No. Do we need bases in Europe? Yes. We need to have air and naval bases where we can project power from Europe. We have 523 activities in Europe, 116,000 troops. We have spent well over a half-billion dollars since 1997 on MILCON in Europe. So should we not take a look at that before, or at least at the same time we are looking at bases in our own country?

Mr. President, I support the Bunning amendment. I think this is a classic case of getting the cart in front of the horse. I am committed and prepared to work with Senator WARNER and Senator LEVIN and the Defense Department to see if there can be a way to do this. I don't think the way this is set up in the bill is appropriate. I think the timing could not be any worse.

I urge a vote for the Bunning amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky controls just under 6 minutes.

Mr. BUNNING. Mr. President, I want to make sure I get to close. Do we have any other speakers?

The ACTING PRESIDENT pro tempore. The time of the opponents has expired. The Senator would have the last word.

Mr. WARNER. Mr. President, I hope the Chair will recognize me for the purpose of a tabling motion at the conclusion of my colleagues' presentation.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, we are embarking on a new war like nobody has ever seen before. We are not experts in knowing what the landscape of the 21st century warfare will look like. None of us knows for certain that we need to downsize our military infrastructure under these extraordinary circumstances.

I have heard it said here today, and before, that DOD has a certain amount of savings. I show you two reports. One is from the GAO on military base closings. In the report, it says: The estimates are imprecise and should be reviewed as rough approximations and not likely savings. These prospects apply as well to the Department's updated net savings estimates.

So even the GAO and the CBO say the savings are not really savings because they didn't consider everything. They can't even back up their own numbers. If you agree with DOD on savings—and they also say the cost upfront actually is more, which was brought out by Senator STEVENS. BRAC has been a political football. Anybody who has been involved in it knows it has been a political football. First it was the commission; then it was the administration. So it cannot be done objectively.

I know our good chairman and the ranking member have tried to do that in this BRAC round. But I am not sure it won't become a political football again. So that is BRAC as usual, and I am not for BRAC as usual.

The new home security cabinet, as Senator LOTT has said, may decide they need these bases to make our homeland secure. I think it is very good that we keep in mind that when Governor Ridge is confirmed, he may decide how important certain bases are. Our economy and BRAC don't go hand in hand. If we slow it down, it may fall off the edge. I know that is not as necessary a reason, but it is a reason for not doing BRAC at this time.

The DOD's Quadrennial Defense Review is not even completed. It is premature to act on BRAC when we don't even know what the quadrennial report proposes regarding our infrastructure.

Please vote no on the tabling motion that is coming.

The ACTING PRESIDENT pro tempore. Does the Senator from Kentucky yield back his remaining time?

Mr. BUNNING. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I move to table the Bunning amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—53

Akaka	Graham	McCain
Allard	Gramm	Miller
Allen	Grassley	Nelson (FL)
Bayh	Hagel	Nickles
Biden	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Santorum
Chafee	Kennedy	Sessions
Corzine	Kerry	Smith (OR)
Daschle	Kohl	Stabenow
Dayton	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Leahy	Voinovich
Ensign	Levin	Warner
Enzi	Lieberman	Wellstone
Feingold	Lincoln	Wyden
Frist	Lugar	

NAYS—47

Baucus	Craig	McConnell
Bennett	Crapo	Mikulski
Bingaman	Domenici	Murkowski
Bond	Dorgan	Murray
Boxer	Durbin	Nelson (NE)
Breaux	Edwards	Roberts
Brownback	Feinstein	Sarbanes
Bunning	Fitzgerald	Schumer
Burns	Gregg	Shelby
Campbell	Hatch	Smith (NH)
Carnahan	Helms	Snowe
Cleland	Hutchinson	Specter
Clinton	Hutchison	Stevens
Cochran	Inhofe	Thomas
Collins	Inouye	Torricelli
Conrad	Lott	

The motion was agreed to.

CHANGE OF VOTE

Mr. DOMENICI. Mr. President, I ask unanimous consent that my vote on the last amendment be changed. I erroneously voted aye becasue I thought I was voting for the amendment. That was a tabling motion. I now ask unanimous consent to change my vote, and it will not in any way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe there is an order sequenced for two amendments. Am I correct?

AMENDMENT NO. 1594

The PRESIDING OFFICER (Mr. EDWARDS). The pending business is amendment No. 1594 offered by Senator INHOFE from Oklahoma.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1594, AS MODIFIED

Mr. INHOFE. Mr. President, we have talked about the amendment that is under consideration, No. 1594. We have agreed to change it. I send to the desk the amendment, No. 1594, as modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment (No. 1594), as modified, is as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) Section 2466(c) of title 10, United States Code, is amended to read as follows:

''(c) WAIVER OF LIMITATION.—(1) The Secretary of Defense may waive the limitation in subsection (a) for a fiscal year if—

''(A) the Secretary of Defense determines that—

''(i) the waiver is necessary for reasons of national security; and

''(B) the Secretary of Defense submits to Congress a notification of the waiver together with—

''(i) the reasons for the waiver; and

''(2) The Secretary of Defense may not delegate the authority to exercise the waiver authority under paragraph (1).''.

(b) The Secretary of Defense shall provide a report to Congress not later than January 31, 2002 that outlines the Secretary's strategy regarding the operations of the public depots.

Mr. WARNER. Mr. President, may we have a minute?

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

Mr. WARNER. Mr. President, the chairman has advised me that the Inhofe amendment is acceptable to the other side.

Would you restate the number of that?

Mr. INHOFE. Yes.

Mr. LEVIN. I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Amendment No. 1594.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

Mr. WARNER. Mr. President, can we adopt the Inhofe amendment?

Mr. INHOFE. Mr. President, we have reached agreement on the amendment having to do with depot maintenance. We have made two modest changes from that which was introduced. One is, instead of sending it to the President in lieu of the service chiefs, it now

goes to the Secretary of Defense. No. 2, it says we need to have the report from the Secretary of Defense as to the future use of depots. That is essentially it. It is agreed to, and I ask it be accepted.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

The question is on agreeing to the amendment, as modified.

Mr. LEVIN. I understand there is no objection to the amendment, as modified, on our side.

Mr. WARNER. I urge adoption of the amendment.

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

The amendment (No. 1594), as modified, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. 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 Virginia.

AMENDMENT NO. 1674

Mr. WARNER. Mr. President, I ask unanimous consent that I be allowed to send an amendment to the desk and ask for its immediate consideration.

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

The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1674.

The amendment is as follows:

Strike section 821 of the bill.

Mr. WARNER. Mr. President, this is an unusual step, but as a manager of the bill I have the responsibility to keep this bill moving. We have exercised good-faith efforts on both sides to reconcile an issue which is deserving of the attention of the Senate. The amendment of the Senator from Virginia would strike from the bill that language referred to generically as the prison issue of materials made by prisoners and sold to the Department of Defense.

I support the bill, and I am going to vote against my own amendment, but in order for the Senate to move expeditiously, to continue to have this bill go forward, because at the moment we cannot hope to achieve finalization of this bill—the desire of both the majority leader and the Republican leader—by tomorrow unless we get finalization on the list of amendments.

I do not, in any way, disparage my distinguished colleague who is exercising, perfectly within his rights, certain procedures. But I think this will enable the Senate to address this issue now and to come to some resolution on it so that we can move on with this bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I move to table the amendment.

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

Mr. WARNER. Mr. President, we need to have some debate, I think.

Mr. THOMAS. Mr. President, I would like to have some debate, so I will, at the appropriate time, move to table the amendment.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. WARNER. I thank my colleague. I think it is important that debate take place on this amendment, and at the appropriate time the Senator may seek recognition for that purpose.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me first say I want to make it clear that—reserving all of my rights under the rules of the Senate to offer substitutes or amendments—I am hopeful that in the midst of a national crisis we can find a way to gather new information and commit to make a decision on this divisive issue next year.

We have voted on this issue probably four or five times in the last decade. To this point, in each and every case we have preserved prison labor in America. Our new chairman of the Armed Services Committee, who has consistently sought provisions in the bill that would effectively end the current program, is now chairman of the committee and has the provision eliminating the program for all practical purposes—I will explain that—has put that in the bill itself which has produced the situation in which we find ourselves.

Now let me try to talk about this problem. I want to begin by talking about the history of prison labor in America. I want then to talk about the point at which we came to a fork in the road, and took the wrong fork, in my opinion. And that occurred during the Great Depression.

I want to talk about the Levin amendment, as to why it violates every principle in the bill. Then I want to outline the prison labor system and why it is so critically important to our system of criminal justice, and why the program, at least in our last study, which was in 1998, was given very high marks. At that point, I will have made this case, I hope.

We do have some Members of the Senate who are voting on this issue for the first time, and I believe it is important that a full presentation be made.

Let me begin with de Tocqueville. We all remember that de Tocqueville came to America and wrote the greatest critique ever on democracy in America, the great classic which people read even today to understand the special nature of America and to understand the genius of our economic and political system.

Many of us forget that de Tocqueville came to America not to study democracy but he came to America to study our prison system. In fact, his first book was about the American prison system. He basically concluded that we had the finest prison system in the world, and the foundation of the excellence of the American penal system, as de Tocqueville found in the 1830s, was a comprehensive program where, for all practical purposes, every prisoner in America worked.

We had a system where prisoners engaged in manufacturing, prisoners engaged in agriculture, and substantial amounts of the cost of incarceration were paid for by prison labor, lifting the burden on the taxpayers of the 1830s in America to fund our prison system; but most important, in de Tocqueville's opinion, was the humaneness of labor in prisons. In fact, de Tocqueville went to great lengths to talk about the prison system and to talk about how humane it was that people in prison in America, unlike Europe, worked.

Let me read you a quote from de Tocqueville:

It would be inaccurate to say that in the Philadelphia Penitentiary labor is imposed. We may say, with more justice, that the favor of labor is granted. When we visited this penitentiary, we successively conversed with all its inmates. There was not one single one among them who did not speak of labor with a kind of gratitude and who did not express the idea that without the relief of constant occupation, life would be insufferable.

In 19th century America when someone went to prison, they went to work, and they worked 12, 14 hours a day, 6 days a week, and in working several good things happened. One, they weren't idle. And as we all know from Poor Richard's Almanac, ''idle hands are the devil's workshop.''

Secondly, they produced food, they produced products that could be sold, and they dramatically reduced the cost of incarceration in 19th century America. From 1900, where virtually every prisoner in America worked—and I would have to say there is some justice to requiring people in prison to work and to share the burden of their incarceration with working people who today pay $30,000 per Federal inmate to put people in prison and keep them there. It is cheaper to send somebody to Harvard University than it is to send somebody to the Federal penitentiary.

Now, by the turn of the century, we had an effective prison system all over America. In Texas, I am proud to say, we had a model program where every prisoner worked, and they worked hard. They grew their own food, they made their own clothes, and they produced products that were sold in the economy. Attention was given not to glut local markets, so generally products were not sold in areas where prisons were located. And by all accounts, beginning with de Tocqueville and ending with anybody who studied the penal systems of the world, at the turn of the century, in 1900, we had far and away the finest prison system in the world. And the recidivism rate relative

to the current day was low because prison was not an experience that people wanted to repeat. They had generally accumulated productive skills in prison by working, and they were blessed that when they left prison, they knew how to do something and it gave them a chance to go back to society and to try to do it—and do it for pay.

This system took a dramatic turn in the 1930s. In the 1930s, we passed three laws: Hawes-Cooper in 1929, Summers-Ashurst in 1935, and Walsh-Healy in 1936. The Hawes-Cooper Act made it illegal to sell prison-produced goods in America across State lines. The Summers-Ashurst Act made it illegal to transport prison goods in interstate commerce. The Walsh-Healy Act, in essence, said, if you produce things in prison, you have to pay prisoners union scale.

The net result of these three laws was it killed the prison industry in America. So, today, we have 1.2 million people in prison. Almost all of them are young men in their peak years, in terms of ability to work. Yet all over America, they are idle because of prohibitions against prison labor. So it is all right to let working people work, it is all right to tax people at confiscatory rates to pay $30,000 a year to have people in the Federal penitentiary. But it is not all right to force them to work and to have a process whereby there is productive work to be done.

The only vehicle left—the only work that is currently done in America by prisoners is work to produce items that are purchased by the Government. That is a pale comparison with the program that we had in 1900. But it is all that is left today.

Now, the Levin amendment would effectively kill that program with regard to the Defense Department, which is the largest purchaser of goods from our Federal prison industry. Senator LEVIN is going to say that all we want is competition. But I am sorry that I have to say that nothing in this bill is aimed at competition except the prison labor standard. This bill is full of provisions that ban competition, that force the Defense Department to pay a higher price. Not one contractor in America can bid for a job with the Defense Department unless that contractor pays union wages, unless that contractor pays the highest wage scale that anyone is paying in that labor market.

That is not competition. You are going to later hear Senator LEVIN say: All we want is competition.

All his bill has is the absence of competition. The only place it calls for ''competition'' is in the prison labor industry. This, in reality, is not a competition provision; this is a special interest provision supported by organized labor and supported by private manufacturers. Senator LEVIN and proponents of this provision will say: What could be wrong? Business and labor are together on this issue, and if the two great special interests of America are for it, surely it must be America's interest.

I beg to disagree. The special interests of labor and business are not in America's interest. And I remind my colleagues that by idling these prisons who are beginning to pay victims restitution, who are beginning to pay funds that displace taxpayers' money, what we are going to do is to impose a heavier and heavier burden on the American taxpayer. We are going to destroy the only system we have that effectively trains prisoners so when they get out, they can go out and get a job and hope to hold a job—and America will be a loser.

Part of the problem here is that all the political interests are on the side of the amendment that is now in this bill. I am proud to say that in the last decade we have voted on this thing four or five times, and each time we have saved prison labor in America. I don't know where the votes are here, and I would have to say that I am profoundly disappointed that in a year where we are facing an imminent crisis, that instead of focusing on defense, we have a special interest provision in this bill that is aimed at killing prison labor.

I want my colleagues to know that I have proposed doing an independent study through the General Accounting Office where the report would be made in May and where we could have a comprehensive debate and, hopefully, have a compromise that would allow us to solve this problem once and for all. Senator LEVIN and I have fought over this issue for a decade.

Let me go back and complete the story. Where we are is that we have a provision in the bill that basically claims that the Defense Department is a loser from the prison labor system. I want my colleagues to understand the Defense Department did not ask for the Levin amendment. You might ask: How come they didn't send a letter down here saying they opposed it? If you were the Secretary of Defense and the chairman of the Armed Services Committee in the Senate had a provision related to prison labor, would you write a letter saying you are against it? No, you would not.

I want my colleagues to understand, the Secretary of Defense did not ask for this provision, and the Attorney General and the Justice Department are adamantly opposed to the provision in Senator LEVIN's amendment.

Senator LEVIN apparently is going to make the argument, which he has made for the last decade, that the prison labor system is unfair to the Defense Department. I simply make two comments: One, how come every other noncompetitive purchasing provision in the pending bill is not unfair to the Defense Department? Why only prison labor? What is this about?

I can tell you what it is about. It is about greedy special interest. That is what it is about.

Let me tell you what the facts are, and they are old facts. One of the reasons we ought to do a study is to update the facts so we know exactly what we are talking about. There was an audit report mandated by the Congress that was submitted to Congress on August 5, 1998, 3 years ago. It was submitted by the Office of Inspector General of the Department of Defense. This is basically what it concluded. It was a comprehensive study. I have the study here if anybody would like to look at it.

Basically, what the study concluded was that when they looked at a random sampling of procurement by the Defense Department from the Federal Prison Industries Program, in 78 percent of the products they looked at, the price the Defense Department got from the Federal Prison Industries was lower than the competitive market price. In 20 percent of the cases, it was higher. In 2 percent of the cases, it was the same.

Also, when they looked at waivers—that is where the Defense Department concluded that the property that was being procured was not being sold at a competitive price or at competitive quality or on a timely basis—in over 80 percent of the cases where the Defense Department sought a waiver because they believed it was not a good deal, that waiver was granted.

When you look at the overall aggregate situation that existed in 1998 when we last studied the Federal Prison Industries, in 78 percent of the cases, the Prison Industries sold the product at less than the competitive price in the private sector; 20 percent of the time, it was more; 2 percent of the time, for all practical purposes, it was the same. The quality of the product was found to be excellent. There were problems in terms of deliverability and, in fact, in 1998, a series of reforms were implemented to try to deal with the deliverability problem.

Senator LEVIN will say that all his amendment does is require competition. My answer is, let's require competition in everything the Defense Department buys from anybody. If the Senator will change his amendment to simply give the Secretary of Defense the ability to buy competitively so that the Secretary can have competitive bidding and buy the highest quality product at the lowest price across the board, I will support that amendment. But that is not going to happen because this bill is not a competition bill. This bill is full of restrictions on competition everywhere except prison labor.

Another provision I would support and would rejoice to the heavens about would be to eliminate the Federal Prison Industries Program at the Department of Defense and in the rest of the Government and let's allow the Federal Prison Industries to compete with anybody else in Government procurement with no special arrangement, but then, subject to simple restrictions, let's let them sell in the private sector.

What would those restrictions be? A, you cannot sell in the area where the

prison is located because you do not want to glut the market; B, you cannot sell products that are in excessive supply where the price is falling precipitously; and C, let's focus production where prisoners are producing things we are importing—component parts, for example.

Unless I am sadly misinformed by the last 10 years of the debate, I do not expect the proponents of the provision in the bill to say they want competition. In fact, not only do they not want prisoners to work and produce things to sell in the private sector, they do not want prisoners to work to produce things in the public sector. That is our dilemma.

We have before us a provision in the bill which was not sought by the Defense Department, which is adamantly opposed by the Attorney General and the Department of Justice, a provision that the Federal Prison Industries Program believes will be extraordinarily detrimental to their program. It is a provision which is now a part of the entire bill. If there were a provision in the bill that said the Secretary of Defense, in promoting the public interest, shall be driven by the same motivation which motivates every consumer and every producer in America, and that is to buy the best quality product at the lowest possible price and they shall be in no other way constrained, I would support that amendment, and I would think it was enlightened policy.

I want my colleagues to remember when they hear this impassioned argument about competition, there is no competition in this bill save for prison industry. If the bill had a general competition provision, I would be for it because the benefits to America of having competitive procurement in defense would greatly outweigh the problems it would produce in the American prison industries, but there is no competition in this bill, save an effort to kill the prison industries in America.

Part of our problem in this debate, and it has been one for the whole decade—I do not know why it is that I always end up on these issues where there is no constituency—the taxpayers, by and large, hardly know this issue is even being debated today. In fact, they would be stunned. If somebody turned on the television, they would say: What in the world is that guy doing standing up talking about prison labor when the Nation is hearing the drumbeat and the bugle to march off to war? I wonder why we are doing that, too. I did not bring this up.

The point is, the American public does not understand we have an effort underway to kill what is left of prison labor. So we have 1.2 million young men, at their peak productive period, who are rotting away in prison and not working. Why is this being killed? Because of the power of special interests, the two biggest ones in America, labor and business.

If anybody cares, I want to make an additional argument, and that is about recidivism. I am sorry I did not offer this amendment today. I was getting ready to debate it when it was offered by the ranking member of the committee, and so I have to thumb through my book to try to find it, but let me summarize it rather than reading the number. Those prisoners who work have a dramatic decline in the recidivism rate or, in English, if people work in prison, they are far less likely to come back to prison when they leave. Why? For one thing, because they accumulate skills in prison.

What we really ought to be debating today and every day is turning our prisons into industrial parks. We ought to have American manufacturers in joint ventures with our prison systems producing the component parts in prison that we are buying from other parts of the world. We ought to have every prisoner working 10, 12 hours a day, 6 days a week, bringing down the cost of incarceration and building up the skill level, and when they are not working, they ought to be going to school, building up the skill level, so when they get out of prison, they know how to do something.

Amazingly—almost astounding to me—is not only are we not going in that direction but we are trying to kill the last remaining vestige of prison labor.

I want to ask my colleagues, on the basis of a couple of things, to support the Warner amendment to strike this provision.

No. 1, I am willing to support a comprehensive study. We have not had one since 1998. In all fairness, the study was done by the inspector general of the Department of Defense, and that is part of the same executive branch that is for prison labor. So what I proposed, which has not yet been accepted—I am hoping it will be—is we have the General Accounting Office, which is part of the legislative branch of Government, do a comprehensive study of the prison labor system and procurement by the Defense Department and report back to us by May, so we have it for next year, how competitive is prison labor production? What is the quality like?

We know in 1998 that 78 percent of the time it was cheaper, 20 percent oftimes more expensive, 2 percent oftimes about the same.

We should have a report on quality. We know in 1998 quality was excellent. And we should have a report on the problem that was uncovered in 1998, which was deliverability.

With that report, I then commit to seeking a compromise within our Government, or voting one way or the other on the program.

So I hope my colleagues will vote to strike this provision now, knowing we will have an opportunity next year, hopefully under very different circumstances than today, to deal with this problem.

The second thing I ask people is to not kill the remaining vestige of prison labor in America. I know my colleagues are hearing from furniture manufacturers, from some electronics manufacturers, saying: We do not want to compete with prison labor. We want to force prison labor into a—we want to eliminate the special status they have.

I say, and have said to manufacturers in my State: Look, if you will let prison labor compete in selling in the private sector, in a no glutting of the market system, then I will support taking away their special relationship with government. I would support that. But they do not want to do that. They do not want to compete with prison labor anywhere.

The problem is, if you do not let prisoners work, you have 1.2 million young men idle—idle hands are the devil's workshop—and you eliminate the building programs of victims' restitution and self-funding of prisons. In fact, since the 1930s we have largely destroyed the greatest prison system in history by destroying prison labor.

Finally, let me ask my colleagues to look very closely at the recidivism rates. Look at what is happening with people who are working in prison and what is happening when they leave prison versus people who are not privileged to work in prison and their recidivism rate. What you are going to find is the probability of people coming back to prison when they are released falls dramatically if they have worked in prison; it goes up dramatically if they have not worked in prison.

So I understand we do not have any prisoner PACs. We do not have any organized lobby from people in prison.

I am not sympathetic to people in prison. I think they ought to have to work. I am sympathetic to working people who are going to have to work harder to pay this $30,000 a year to keep people in prison because special interests want to kill off the prison labor system because some desk that the Defense Department is buying or some component part of some item the Defense Department is buying is being produced by prison labor.

So remember, if the issue were, let us buy everything competitively in the Defense Department and have the Secretary constrained in no way, save by the best product, the lowest price, put me down as a cosponsor, but there is no such provision in this bill. In fact, there are pages in this bill that prohibit competition. If I am a paving contractor and they are paving a road at the Pentagon or a parking lot at the Pentagon, I cannot even bid on pouring of the concrete unless I pay the highest wages in the region. What kind of competition is that?

So when you hear this chest thumping about all we want is competition—that is all they want—where is it? Where is it except for Prison Industries?

Secondly, if people think Prison Industries should not have a special agreement with the Government to buy products it produces, let Prison Industries produce and sell in the private

sector and eliminate the special privilege. But there is no proposal for competition. There is no proposal for allowing Prison Industries to sell in the private sector.

Cloaked in the righteousness of competition—and what special interest in American history has ever cloaked itself in anything other than the public interest?—cloaked in the public interest is this demand by unions and by manufacturers to kill the prison labor system in America. Reform it, yes. Study it and find better ways of doing it, yes. Bring competition to defense procurement in general, yes. Let anybody bid on a prison contract based on pricing and quality, yes. But kill prison labor in America, no. That is what the issue is.

I urge my colleagues to vote for this amendment and let us settle this issue. But this issue will not be settled if this amendment is rejected because there are other amendments and other ways of doing this, and I think it is very important. We are talking about the lives of real people. We are talking about the burden on taxpayers. They are not represented. I assume no taxpayers know what is going on here. Nobody has heard from one. I don't take calls from prisoners myself, so they are not busy lobbying. But the AFL–CIO and furniture manufacturers, in particular, are very active on this issue.

One will say: All they want is competition. What about competition in selling to the private sector? They do not want that. This is a special interest provision aimed at killing or dramatically reducing the Federal Prison Industries. I think that is a mistake. It is wrong. I am opposed to it.

This is a debate that ought to be taking place, but on another day, on another bill, not on our defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I rise in support of tabling this amendment. I have listened to my esteemed friend from Texas. I am not going back to Plato. I will start closer to the current situation. I am surprised, when we talk about giving the private sector an opportunity to compete for contracts put out by the Defense Department, that that is special interest. That is difficult for me to understand.

This is defense authorization. It is absolutely the appropriate place to talk about how we do that, how we pay for it, and who does the work. It is also important we get moving with this program.

This is not an amendment that came in; this language is in the committee bill.

I have worked for several years, as many have, on a fair amendment designed to give the private sector an opportunity to bid on Government businesses. We have been successful. We have had many agencies look at what they are doing instead of doing it internally, instead of putting it out for contract. It seems reasonable. This is competition. The prisons will continue to have the opportunity to compete under a very unfair—for them, favorable—situation. They don't have to pay taxes; they don't have to pay minimum wage; they don't have to do any of the things they do in the private sector.

This has been in place since 1934. Talk about a study. The study was not even made by the congressional group. The study did not come up with the real facts. It is time to do something. It is time to deal with this idea that the private sector ought to be able to participate, to compete. That is the bottom line.

As to the notion that this does away with Federal Industries, only 18 percent of the Federal prisoners are involved. The other 82 percent are doing food service, plumbing, carpentry, other things. It is not a fact that this does away with the industry. As a matter of fact, as a good example, New Mexico, a State that had a mandatory source situation such as this, lifted it. The New Mexico Prison Industries operated under that until the State legislature reformed it. They are very happy with the result of that transformation which does, indeed, provide for competition, which is exactly what we want.

The Senator from Texas, a proponent of the private sector for the most part, is calling the private sector private interest. That is peculiar. We have a Government monopoly and we are saying this is an opportunity for people to compete. This does not eliminate the prison production. It makes it competitive.

As I mentioned, there are a number of opportunities for them. The competitive advantages are retained: Inmate wages, from $.23 to $1.15, compared to the private sector; factory space furnished by the host prison, with no cost to the actual production; equipment, utilities, taxes, insurance, workplace benefits—none of those things offered. Yet they will be able to compete. That is what it is, competition.

We have had meetings about the private sector and trying to strengthen the economy. Yet we seem to be reluctant to allow the private sector to help the economy by moving into this area. It is very timely and appropriate to do it on this bill. The idea of setting it off I don't think makes much sense.

There are many other products beyond defense, less vital to the time. We have had, for 45 years, a policy in this Government that we ought to go to the private sector to provide for governmental needs. That has been the policy. Yet we still have a monopoly to do it the other way. There are plenty of jobs prisoners can do. I, too, support the idea that there ought to be work for prisoners. But there are lots of jobs that can be done in the prison realm that would be outside of this competitiveness as to who can do the supplies and the necessary equipment for the defense.

This idea is also supported as a special interest by the U.S. Chamber of Commerce, by the small business NFIB, by labor unions, which also favor all these opportunities for the private sector to supply the needs of Government. It is not a new idea. It makes sense to me.

Also, we will find it is difficult for the Defense Department to have various contracts. They are not the ones that supervise the contract. They lose some control when it goes to this prison authority. It is difficult when we have a mandatory source for the needs that are required in defense.

I don't know that we need to go into a great deal of detail. The facts are that prison workers can still continue. Most support the idea that we ought to have competition for these expenditures. Most support the idea the private sector ought to have an opportunity to compete with Government in any circumstance where the private sector can do that. That is what strengthens it.

We are in a time that anything we can do to increase the activity of the private sector is good for the economy. We are fighting on two fronts: terrorism on one side and strengthening the economy on the other. These are the things we need to do.

The policy for doing this is 46 years old. We have strengthened that in the last several years to get more emphasis on the idea that there needs to be competition, there needs to be private sector involvement. In my view, the more the private sector can do in terms of the Government realm, the better off we are. What the Government ought to do is strengthen their ability to let contracts and review the contracts and make sure it is done that way.

Prison Industries has been in place since 1934. I think it has not been improved. This is not going to change it. Only 18 percent are involved out of 22,000.

So we are going to find ourselves with an opportunity that they can find ways to continue to do it. We will find a way to put the private sector in, have more efficiency, less cost, and if they cannot compete, then the prisons will continue.

I am not going to take an awful lot of time. It seems to me the issues here are fairly basic. Let me just review them again. This was not an amendment. This was part of the bill of the committee. This is a time when we ought to be looking for more opportunities for the private sector. This is a time when we ought to have competition. I think we have an opportunity to do that here and yet continue to have a program which works for the prisoners.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, if I may speak for a couple of brief moments about the Gramm amendment?

Mr. WARNER. Mr. President, the Senator's remarks are welcome even though they might be contrary to the views of the Senator from Virginia. But I arranged this debate. It is quite unusual to put on a fellow Senator's amendment, but it was necessary to keep this bill moving. We welcome the debate. I shall be voting against it eventually. My distinguished colleague from Wyoming will be seeking recognition for purposes of a tabling motion in due course.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I will not keep the body long. I do rise in support of the amendment of Senator GRAMM of Texas regarding Prison Industries. This has come after some considerable review, and visiting the prison in Kansas at Leavenworth, the Federal Penitentiary of Leavenworth. I note: visiting, not occupying. This is a maximum security facility. Men are in this facility for years, frequently for life, and at these Prison Industries at this facility.

I visited with the warden about 2 months ago—a month and a half ago, actually—about this particular issue, and also with the head of Corrections for the Federal Government. Both insisted that if we do not allow Prison Industries to effectively be able to compete—there are questions about that in the language, but if we don't allow Prison Industries to effectively compete, they are going to have difficulty at the penitentiary keeping these gentlemen occupied, working with them, and being able to effectively run that prison. Otherwise, these men are going to be sitting around, and idle hands present a great deal of difficulty.

I have worked with the Senator from Wyoming on privatization efforts within the Federal Government. I think he is absolutely on the mark on these issues. From a personal perspective and the perspective of Kansas, having a penitentiary that has long-term inmates, people who are going to be incarcerated frequently for life, or at least 10 to 20 years, prisoners need something that is going to keep them occupied and working or else we are going to have a great deal of difficulty with them.

Prison Authorities don't know what they are going to do with these inmates otherwise, and they pleaded with me, saying: Don't allow this to go forward. This is going to be very difficult for us in the system.

I bring that word to my colleagues from a State with a major Federal penitentiary facility housing long-term inmates. They don't know how they are going to be able to handle it. Some say it will still allow them to compete and do the work all right, but reading this, within the system, it will cut back their ability to effectively have jobs for these inmates, and they need jobs for these inmates. It helps with restitution pay, helps them build self-worth; more than anything, it helps manage this population that is very violent, very difficult, and if you do not give them anything to do, the idle hands are the devil's playground. This has a great deal of difficulty.

I appreciate my colleagues allowing me to put those sentences forward, and I will be supporting the Gramm amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the amendment that strikes section 821 of our bill. Section 821 is a good government provision. It simply says the private sector should be allowed to compete when it comes to selling items to the Department of Defense and that Federal Prison Industries should not establish a monopoly and say the Department must buy an item made in the prison, even though the private sector might be able to make it more cheaply.

I think everybody wants prisoners to work. But I hope everyone also wants the private sector to be able to survive and compete and be able to offer products to its own Government. I think if anything would shock taxpayers, it would be that the private sector—private businesses, private industry—is precluded from bidding on items the Department of Defense wants to buy.

I think it also would come as a shock that the private sector can produce something more cheaply than can a prison at times. The Senator from Texas said about 20 percent of the time the prices are lower in the private sector, according to a study, than they are from a prison. That is not bad savings—20 percent of the time.

Of course we want prisoners to work. The Senator from Kansas just said we should not stop the prisons from competing for purchases by the Department of Defense. We are not stopping the prisons from competing. What we are trying to do in this legislation is allow the private sector to compete, instead of saying Prison Industries can establish a ''must buy from us'' policy.

The Senator from Texas also said this is the only provision in the bill which talks about competition. There are probably dozens of provisions in this bill that promote competition explicitly. This is but one of them. The Senator from Texas said: Why don't we, then, say competition will be everywhere; eliminate Davis-Bacon—which of course he favors anyway. If he wants to offer an amendment to eliminate Davis-Bacon, that is his right. But that is not in this bill. What is in this bill is the opportunity for private businesses to bid. If they are underbid by prisons, that is the way it is.

Prisons have tremendous economic advantages when it comes to bidding. Obviously, 25 cents or 50 cents or a dollar an hour is an incredible advantage to prisons when it comes to bidding. But even with that advantage, the private sector can produce things more cheaply and at better quality at times. At those times, how in Heaven's name can we tell a Government agency that they must buy from a prison if they can buy more cheaply from the private sector? How in the name of Heaven can we tell someone in a private business, or an employee in a private business, that he cannot bid on something that his Government is buying? That is all this language does. It doesn't end the Prison Industries program, or come close.

There are all kinds of things prisoners can and should be doing, by the way, including focusing on things the Government buys that it currently imports. There are all kinds of opportunities.

We talk to Federal Prison Industries about this year after year. They always say they are going to do something about it, and they have not.

The Senator from Texas says let's do a study. We just had a study, in 1999, April. This is what the joint study of the Department of Defense and the Federal Prison Industries did. This is the result of that study:

On price, 54 percent of Department of Defense electronics buyers, 70 percent of Department of Defense clothing and textile buyers, 46 percent of Department of Defense furniture buyers, 53 percent of Department of Defense office case goods buyers, and 57 percent of Department of Defense systems furniture buyers rated the Federal Prison Industries prices as average, fair, or poor. There is a lot of room in there to save money for the Department of Defense.

On delivery, the figures are approximately the same: Roughly 50, 60 percent say: average, fair, or poor. On quality, about 50 percent say average, fair, or poor. Those are averages. These are buyers at the Department of Defense.

So we ought to be very clear what this provision does and does not do. It allows, for the first time in a long time, a private person who is working hard on the outside of prison to make a product and be able to bid when his Government is buying that product and not be stopped from bidding by an establishment of a monopoly by Federal Prison Industries.

There are letters which we received, to which I think my friend from Virginia will also refer. I will place one of the letters in the RECORD. It comes from the AFL-CIO, urging us to oppose any effort to weaken or eliminate the Federal Prison Industries reforms contained in the bill. It says at the end that the AFL-CIO supports prison work programs and recognizes that they make prisons safer for correctional staff. They say:

> However, we do not believe that the Federal Prison Industries should enjoy a monopoly that unilaterally deprives other firms and workers of job opportunities. Section 821 represents a more balanced policy and we urge you to support it.

Finally, my friend from Texas talks about letting prisons sell in the private

sector. We have laws going back 50 years which say that they can't. The reason we say that is because it is obviously totally unfair to say that 25 cents or 50 cents an hour should be able to compete commercially against people who provide products when they are paying a decent wage. We prohibit imports from China that are made with prison labor. Yet the suggestion of the Senator from Texas is, hey, let's just, across the board, allow prisoners to make anything that goes into the commercial world at the scale that they are paid.

In that case, he said he would favor the language and broaden it to include anything. He says that is real competition. That sure is. That is totally unfair competition.

You can't compete. If an employer pays a decent wage to somebody, you can't possibly compete with somebody who is paying 25 cents or 50 cents an hour. Yet that is the approach which the Senator from Texas really favors and says so openly on this floor.

That is not an approach which too many of us—I hope—would favor. I surely don't favor that. To hold that up as being what is desirable, and short of that we should not allow a private business in this country to offer to supply its own Government a product because Federal Prison Industries has said you may not bid because we have a monopoly on this item, it seems to me, is just highly wrong.

The language in the bill has been carefully constructed; it simply allows for competition. It doesn't say that Federal Prison Industries can't compete at all, as the Senator from Kansas suggested. That is not what it says at all. It simply says, allow private businesses to compete, as I think most Americans would think that the private sector surely can now compete when it comes to providing the Department of Defense with products.

We received many letters from owners of businesses across this country. From an office supply company in Biloxi, MS:

I could go on and on about how we could have sold the product much cheaper which would have saved taxpayers' money, faster delivery, which would have increased productivity, and, finally, better service. You get the picture.

From Tucson, AR:

The Prison Industries' representatives routinely refuse waivers. The answer is the standard ''we have products which will meet your needs.'' No explanation. They refuse to answer waiver requests in a timely fashion. I had a $110,000 order for the Arizona Air National Guard in Tucson literally taken away by Prison Industries. The representative demanded the designs—the company's—and said that Prison Industries would fill the request. No waiver, no discussion.

Fairfax, VA:

You know, it is not just the impact that Federal Prison Industries has had on our businesses. It is the waste of everybody's tax dollars when furniture costs more and doesn't even do the job.

According to Economy Office Products of Fairfax, VA:

Federal Prison Industries tells their customers what the customer can have rather than the needs of the customer.

I hope this language will remain in the bill and that the effort to table it on the part of Senator GRAMM will fail. When the time comes for a tabling motion, I hope that tabling motion is agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thoroughly support what my distinguished chairman has said, and indeed the Senator from Wyoming.

For purposes of clarity, I submitted the amendment to keep the bill moving and to frame the issue so it could be debated. We have now had a very good debate on this subject.

Just for clarity, I will be voting against my own amendment, which I said at the time I introduced it. There will be a motion to table, and therefore Senators who desire to have the bill remain intact would then support the motion to table.

The distinguished chairman alluded to certain letters. I think it is important that colleagues understand that while the labor unions, which Senator LEVIN addressed, are strongly in favor of keeping the bill intact, there is an equal strength among the private sector organizations.

The National Federation of Independent Business, the voice of small business, addressed a letter to the Senate signed by the senior vice president.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD, together with a letter from the Chamber of Commerce, which I will shortly address.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, September 20, 2001.

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

DEAR MR. CHAIRMAN: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for your language in the FY 2002 National Defense Authorization Act that would allow the Department of Defense to purchase products from the private sector rather than from Federal Prison industries if it would benefit the taxpayer and the DOD. We will oppose any effort to strike this language from the defense authorization bill.

Eighty-nine percent of NFIB members do not believe that prisons should receive preference over small businesses for federal contracts. NFIB's members have long fought against unfair government competition with the private sector. Federal Prison Industries (FPI) has become one of the most egregious examples of unfair government competition. FPI, also known by its trade name UNICOR, is a government-owned corporation operated by the Federal Bureau of Prisons. From a small program when it was established in 1935, FPI has grown to be a large enterprise. According to its most recent annual report, FPI operates a centrally managed chain of over 100 prison factories that employed 20,966 inmate workers in 1999. With sales to the Federal Government of $566.2 million, FPI would rank 36th among the top 100 contractors to the Federal Government.

FPI would be a formidable competitor for even the most accomplished small business experienced in the Federal market, but FPI does not have to compete. FPI simply takes its contracts from its captive Federal agency ''customers.'' Under FPI's Depression-era statute, FPI is a mandatory source for all Federal agencies, meaning that they are not required to compete with private businesses for Federal contracts. A Federal agency must actually obtain FPI's authorization, a so-called ''waiver,'' before it can even solicit competitive offers from the private sector. FPI, rather than the Federal agency, determines whether FPI's product, delivery schedule, and non-competitive price meet the agency's needs.

FPI's advantages don't stop there. FPI pays its workers at hourly rates of $1.25 per hour or less, rather than market-driven wages. FPI's facilities are built as part of a prison. FPI has access to production equipment excess to other Government agencies at no-cost. Congress even gave FPI direct access to the Treasury with authority to borrow up to $20 million, at rates far below what would be available to even the largest commercial enterprise.

Your language provides for fundamental change, making FPI less predatory to small business government contractors and a more responsible supplier to Federal agencies and taxpayers. it would require that FPI compete for its contracts with the Federal government. small businesses do not want to prohibit prison industries from entering the market, they just want a fair and level playing field upon which to compete against the FPI. Thank you for your support for small business and fair competition.

Sincerely,

DAN DANNER,
Senior Vice President, Public Policy.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, September 20, 2001.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: The United States Senate is expected to very shortly consider A. 1416, the Fiscal 2002 National Defense Authorization Act. Contained in that measure is a provision (Section 821), based on legislation authored by Senators Carl Levin and Craig Thomas, that would allow the Department of Defense to purchase goods and services in the private sector rather than from Federal Prison Industries (FPI), if doing so would be in the best interests of the taxpayer and DOD. Be aware that efforts may be made to strike or alter this provision.

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million organizations of every size, sector, and region urges you to support Section 821 and oppose amendments to weaken or strike this pro-defense, pro-business, pro-taxpayer, pro-worker provision.

Under current law, federal agencies, including the Department of Defense (DOD), must purchase needed goods from FPI rather than buy them following a competitive procurement process. As a result, DOD and other Federal agencies subject to the FPI monopoly, waste taxpayers dollars purchasing inferior-quality prison made goods and services at inflated costs.

By supporting the Levin-Thomas FPI provision you will signal your support for freeing up needed defense dollars for other vital needs and you will save jobs in your state just as many workers and their employers are facing layoffs and cutbacks.

Prisoners should work and learn skills, but can be occupied with work and skills development activities that do not mean that DOD and other agencies waste taxpayers dollars and cost jobs in the private sector.

The language in Section 821 has broad bipartisan support as well as support from both the business community and organized labor. Please join the U.S. Chamber, the AFL–CIO, and scores of other organizations, large and small, in opposition to any attempt to strike or amend Section 821. The U.S. Chamber may use votes on or in relation to Section 821 in our annual ''How They Voted'' guide to Congress.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President.

Mr. WARNER. Mr. President, it says:

On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for your language in the FY 2002 National Defense Authorization Act that would allow the Department of Defense to purchase products from the private sector rather than from Federal Prison Industries if it would benefit the taxpayer and the DOD. We will oppose any effort to strike this language from the defense authorization bill.

Eighty-nine percent of NFIB members do not believe that prisons should receive preference over small businesses for federal contracts.

That is what we are talking about here.

The Chamber of Commerce:

The United States Senate is expected to very shortly consider S. 1416, the Fiscal 2002 National Defense Authorization Act. Contained in that measure is a provision (Section 821), based on legislation authored by Senators Carl Levin and Craig Thomas, that would allow the Department of Defense to purchase goods and services in the private sector rather than from Federal Prison Industries (FPI), if doing so would be in the best interests of the taxpayer and DOD. Be aware that efforts may be made to strike or alter this provision.

On behalf of the Senator from Wyoming and myself, I move to table the amendment.

Mr. GRAMM. 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. WARNER. 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. WARNER. Mr. President, the Senator from Texas has been very cooperative on this unusual procedure. He advises the managers that he and two other Senators wish to participate in this important debate, that debate by these total of three Senators could be concluded prior to 2:15. The leadership is prepared to agree to have a vote at 2:15.

Mr. REID. Mr. President, the Secretary of State is going to be here for a briefing at 2:30. We would have to have that vote at 2:15. The time between now and 12:30 when we recess would be taken. I understand the Senator from Texas says he has at least one other person who wants to come to speak in addition to him. I am sure the two managers will fairly divide the time between now and when we recess. But if we could have an agreement, we first ask for the yeas and nays on Senator WARNER's motion to table and then agree that the vote would be at 2:15 this afternoon. I ask that in the form of a unanimous consent request.

Mr. WARNER. I ask the Senator from Texas, is that agreeable? We would now ask unanimous consent that a vote would occur on the tabling motion which I, together with the Senator from Wyoming, will make at 2:15, subject, however, to a continuation of this debate up until, should we say, no later than 1 o'clock.

Mr. GRAMM. That is fine.

Mr. REID. Why don't you make it 12:40 or something.

Mr. LEVIN. 12:30.

Mr. WARNER. 12:30.

Mr. GRAMM. That is fine. All I want to do is answer the three speeches that have been given. I have two other people who say they may want to speak. They may not get over to the Chamber. If they cannot, they cannot.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. REID. Mr. President, I only ask unanimous consent that we vote at 2:15, that the time until 2:15 be divided between the two managers, and that prior to that motion to table there be no amendments in order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request proposed by the Senator from Nevada?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been trying to get an amendment up, amendment No. 1595. That is the Vieques amendment, not the energy amendment. And this somehow got in front of me.

Mr. REID. This has nothing to do with that amendment.

Mr. INHOFE. I understand that. After that vote, could we then take up this amendment?

Mr. REID. It recurs automatically, so we do not have to do anything.

Mr. INHOFE. OK.

The PRESIDING OFFICER. Is there objection to the unanimous consent request propounded by the Senator from Nevada?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I don't object. I would just like to be recognized.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, I have listened to our three speeches. In listening to them, you get the idea that what they want is competition in defense procurement. I would, therefore, like to ask unanimous consent that the pending resolution be set aside and that an amendment be adopted by unanimous consent, which says the following:

All defense procurement shall be on a competitive basis, and the Secretary of Defense shall buy products at the highest possible quality at the lowest possible price.

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Mr. President, I wanted that objection because I wanted to make a point. And that point is, this bill is completely full of noncompetitive provisions. This bill is full of provisions that say who can do business with the Pentagon and who cannot. This bill prohibits someone from even bidding on a contract with the Pentagon unless they pay the highest wage rates paid in their region. There is no price competition in this bill. This bill is the antithesis of price competition. When our colleagues talk about price competition, their bill has none, save they want to destroy Prison Industries.

The point I want to make is the following: This amendment has nothing to do with price competition. This bill has to do with killing Prison Industries. Now, look, if you listen to our colleagues, it sounds as though they are saying, we do not want to compete with prisoners. It sounds as if prisoners are getting all this money that would have gone to some private sector producer.

Mr. President, I ask unanimous consent that a letter from The National Center for Victims of Crime be printed in the RECORD.

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

THE NATIONAL CENTER FOR
VICTIMS OF CRIME,
Washington, DC, September 24, 2001.

Hon. PHIL GRAMM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAMM: The National Center for Victims of Crime wishes to express its strong opposition to Section 821 of the National Defense Authorization Act for Fiscal Year 2002 (S. 1438), concerning purchases from federal prison industries. This amendment raises a panoply of concerns at both the federal and state levels, and will literally take desperately needed funds away from victims who are trying to piece their lives back together in the aftermath of crime.

At the federal level, we are deeply concerned that this provision would thwart the Federal Bureau of Prisons' (BOP) efforts to collect millions of dollars each year to support victim assistance and pay crime victim restitution.

In addition, we have spoken to state officials who are extremely concerned that this federal provision may set precedent for state level action, significantly affecting the ability of crime victims to collect restitution. Many states require a percentage of money deposited into inmate accounts—including inmate earnings from prison industries—to be collected to support statewide funds for crime victim assistance programs as well as to satisfy court-ordered restitution for victims. For example, in California, during fiscal 2000–2001, the state Prison Industry Authority (PIA) deducted 20% of the inmate

wages and transfers (or the balance of victim restitution orders of court-ordered fines, whichever was less) to pay for crime victim assistance programs and restitution orders. The total payment from PIA wages for crime victim restitution during that year was $440,000 dollars. In Florida, the statewide private Prison Rehabilitative Industries and Diversified Enterprises (PRIDE) collected $264,000 in crime victim restitution during the last fiscal year. To take away those desperately needed victim assistance funds is a slap in the face of the already wounded.

Furthermore, we believe that prison work programs can prepare inmates for a productive return to society, reducing recidivism. Section 821, by introducing competitive bidding into the procurement process, will reduce the availability of prison work. The result will be fewer prisoners returning to society with the necessary skills and work history to gain employment.

We strongly urge you to support restitution for victims of crime and oppose Section 821 of the National Defense Authorization Act.

Sincerely,

SUSAN HERMAN,
Executive Director.

Mr. GRAMM. The point of this letter is, some of the money that is being earned by producing goods in prison is going for restitution to their victims. Prisoners get approximately 5 percent of the value of the products that are sold. This is not benefiting prisoners in any real sense. Who it is benefiting really boils down to three groups of people: One, restitution to victims, where some of the money goes for that purpose; two, we are beginning to develop a program whereby we can pay some of the $30,000 per-prisoner cost of keeping somebody in the Federal penitentiary by having them work; and, finally, indirectly prisoners benefit by a reduced recidivism rate.

Our colleagues say: Well, look, why should the Government give to Prison Industries the right of first offering to sell products to the Government? Why shouldn't we just do it competitively?

Let me say, Madam President, I would be perfectly happy—in fact, I ask unanimous consent that the current amendment be set aside and that the following amendment be adopted:

The Federal Prison Industry Program and its special relationship to the Defense Department shall be terminated and the Federal Prison Industies shall have every right to sell products in the private sector of the economy except with two limitations: No. 1, no products shall be sold in the immediate vicinity of the prison; and, No. 2, no products shall be sold in a market where price has declined more than 10 percent in the last year.

I ask unanimous consent that be adopted.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection?

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Madam President, I wanted that objection because I wanted to make the point that when our colleagues are talking about wanting prison labor to compete; they do not want prison labor to compete; they do not want it to work. The unions and the furniture manufacturers pound their chest and talk about: We want to compete with prison labor. But they are not telling the truth. They want to take away the only market that is left for prison labor.

They killed off the market for prison labor in the 1930s where virtually everybody in American prisons worked and where they produced their own food, where they produced their own clothes, where they paid for part of the cost of their incarceration, and where they learned skills. So having killed that, now they want to kill the last vestige of prison labor; and that is selling to the Federal Government. They cloak themselves in the righteousness of competition, but they want no competition.

Now, lest anybody think the relationship the Federal Prison Industries has is a relationship which is unfair to the Government, I remind my colleagues that in the 1930s we killed the prison industry as it related to producing and selling goods in the private marketplace with three Federal statutes: One, forbid the sale of prison goods in interstate commerce; another, forbid the transportation of prison goods in interstate commerce; and another one said: You can work, but you have to pay them union wages. The simple English was: Prisoners are not going to work. What happened? We drove up the cost of keeping people in prison.

The only thing left is Government procurement. Every other kind of production by prisoners is now illegal in the United States of America.

Let me recite these facts: In the last comprehensive study by the Office of the Inspector General, Department of Defense—let me remind my colleagues, the Defense Department did not ask for the Levin amendment. The Justice Department is adamantly opposed to the Levin amendment. But you get the idea in listening to the proponents of this provision that, well, these prison products are overpriced and are no good. When we did a comprehensive study that was reported to Congress on October 5, 1998, here is what it found:

In 78 percent of the procurements that the Defense Department engaged in with Federal Prison Industries, the cost of the product was actually lower than the cost of the product that was available in the private sector. So 78 percent of the time it was cheaper buying from the prisons; 20 percent of the time, in the survey, it was higher; 21 percent of the time it was roughly the same.

When the cost is higher, the Defense Department has the ability to apply for a waiver so that they don't have to buy from Prison Industries if they think it is not a good deal. Well, in listening to the proponents of this provision, you would get the idea that the answer every time they asked for a waiver was no. The plain truth is that in 89 percent of the cases where they said they didn't want this product from Prison Industries, that waiver was granted.

Let me summarize by making the following points: First of all, by roughly a 4-to-1 margin in the surveys that have been done, it is cheaper to buy from Prison Industries than from the private sector.

Secondly, in those cases where it is not cheaper, almost 90 percent of the time a waiver was granted so that the Pentagon did not have to purchase the item from Prison Industries.

Our colleagues talk about competition, but they don't want competition. When I asked unanimous consent to have competition for the Pentagon to buy the best quality at the lowest price, just as Mr. and Mrs. America try to do every day—and as every business in America tries to do every day—they claim it is what they want, but when I ask that we do it by unanimous consent, they object. They say they want prison labor to have to compete, but when I ask unanimous consent that it be able to compete for both Government contracts and private contracts, save the limitation that you could not sell things right around the prison when you glut the market and you could not sell in markets where prices were falling because of an excess supply—when I tried to take the principle they argue on and apply it across the board, they object.

So what is the principle? The principle is, having killed prison labor in the private sector, having gone from a system where virtually every prisoner in America worked 12 hours a day, 6 days a week to pay restitution to victims, to pay for their incarceration—having killed that in the private sector, we have an effort before us today to kill it in the public sector. That is what this amendment is about. It is not about competition.

Now, it is true that our colleagues hold up letters from the AFL-CIO and from the NFIB, and those letters say they are for this bill, and that is true. We do have a letter from labor unions. We have a letter from people who produce items and who would like to see prison labor killed so that they can sell the items to the Federal Government. But I ask my colleagues, who benefits from that? It is true that the workers of a furniture manufacturing plant that might get more jobs or higher wages by killing the Federal Prison Industries—maybe they will benefit. It is probably true that the furniture manufacturer who would sell the product if we kill Federal Prison Industries will benefit. But there are 285 million people in America who are paying $30,000 per year to incarcerate one person in a Federal penitentiary. We have 1.2 million people nationwide in prison. Does that cost, borne by 285 million people to keep someone in prison, carry no weight? Do we only care about the labor unions and the manufacturers who would benefit by killing the Federal prison system? And do we not care about the 285 million people who would lose by losing victim restitution, by losing our ability to develop a system

where prisoners will help pay some of that $30,000 a year? Do we only hear from the voices of the few who would benefit by killing the Federal prison system and not hear from the 285 million people who would lose?

What a skewed debate this is. But the problem is, the unions know who they are; they have sent letters and they have called Members of the Senate. My dear friends at the NFIB—one of the great organizations in America, which is a special interest organization—have sent out letters, and they have called and lobbied. Where are the lobbyists for the 285 million people who are going to pay $30,000 a year to keep somebody in prison? Have we heard from them? No. They can't figure out why we are talking about killing Federal Prison Industries when the Nation hears the drum roll and the bugle of war. They don't even know this is being debated.

So we have Members of Congress, and over their left shoulder are all those special interest groups that want to kill the last vestige of prison labor in America. They are all going to send letters back home telling people—whether you care about the manufacturer or the labor union, they are going to send those letters. Nobody is going to send a letter back home saying that you cared about 285 million taxpayers because the American public thinks that we are in a crisis and they are paying attention to it.

That is how bad laws are made. I urge my colleagues to defeat the Levin amendment. We had a very unusual thing happen. I must say, in all the time I have been here I don't remember it happening before, but it is perfectly within the rules. We had the Senator from Virginia offer a tabling amendment on behalf of another member—in this case, myself—before I was ready to debate the issue, before I could get together my supporters to come speak on behalf of it. I am sure that was not his intention. His intention was to get on with this bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Did we have a unanimous consent agreement dividing the time? If so, I did not hear it.

The PRESIDING OFFICER. The time was to be equally divided.

Mr. GRAMM. That was in the unanimous consent request?

The PRESIDING OFFICER. Yes, it was.

Mr. GRAMM. I ask unanimous consent for one additional minute.

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

Mr. GRAMM. The issue is not going to be decided on this tabling motion unless this provision is stricken because I have not yet had an opportunity to offer an amendment. I would like to have a compromise. I would like to get new data, and I would like to try to improve the Federal prison system. I would like to respond to the legitimate concerns that have been raised. But I am not willing to step aside and allow prison labor to be killed in America. We have 1.2 million people sitting around in idleness, and the cost of keeping people in prison is driving up taxes all over America.

If, in fact, this amendment is taken out of this bill, it will settle this issue for this year, but if it is not taken out of this bill, it will not settle this issue for this year. I urge the distinguished chairman of the committee to compromise, to come to a reasonable solution so we can deal with the Nation's problems.

This is an important issue. There are 285 million people paying $30,000 a year to keep people in prison. We have 1.2 million people in prison. I just cannot be indifferent about that. As a result, I am opposed to the Levin amendment. I will vote against this tabling motion. If it is not tabled, the amendment will be pending and it can be amended. If it is tabled, then another amendment can be offered, so I do not know that we have settled anything.

We have had a good debate, and I think the more people hear about this, the better off we are. I cannot imagine an objective American siding with killing the Federal Prison Industries.

I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Madam President, very briefly, there are a number of points which the Senator from Texas has made which deserve, again, to be refuted. I will pick two of them.

First he says Mr. and Mrs. America, if they only knew, they surely would say that we have to allow the Prison Industries to establish a monopoly so that the Defense Department must buy a product from Prison Industries, even though the Defense Department is paying more for it from Prison Industries than they do from a private firm.

I think Mr. and Mrs. America would be stunned, would be shocked if they heard that a private firm is not allowed to bid on a product that the Government is buying.

I think Mr. and Mrs. America would probably shake their heads in disbelief and say: Wait a minute, you mean that the office supply company down the street my husband or wife works at is not allowed to bid even if they have a lower price than Prison Industries at 50-cents-an-hour labor? You mean that firm, that company, where my spouse has a job, cannot even bid on it? Talk about being stunned. That would stun Mr. and Mrs. America.

There is something else, by the way, about Mr. and Mrs. America to which I want to make reference. We do not allow Americans to buy products made by Chinese prison labor. We prohibit it. We just do not think it is right that we should be competing with Chinese prison wages. It is tough enough to be competing with wages of people who are not in prison in other countries, but we have a prohibition on that.

Yet our friend from Texas says we ought to let prison labor sell in the private sector. That is really what is at issue by the way. The issue is much more than the language which is in this bill which would simply allow the private sector to compete. What the Senator from Texas is really after and has said he would support would be a provision that would let prison labor make products and sell in the private sector.

I want to see whether or not the American public will support a system where our workers not in prison have to compete with prison wages. I do not think they want to do it any more than we want to compete with Chinese prison wages. I do not think they want to do it. Yet that is what the Senator from Texas says he will support.

I hope this Senate will reject that as being really what the Senator from Texas is after and, according to his own words, something he will support.

The issue before us is a narrower issue. Although the issue I mentioned may be the underlying issue, the narrower issue is the language in this bill. The language in this bill simply says that if a private firm wishes to bid on a product that the Department of Defense is buying, it ought to be allowed to do so and that Prison Industries should not be able unilaterally to say a private company may not bid, that Prison Industries is going to have a monopoly.

The Senator from Texas repeated perhaps 20 times that the effort here is to kill prison labor, kill Prison Industries. Of course, it is not. It is to permit the private sector to compete. Indeed, the statistics, which he cited a number of times, support our language. It was his statistics which said that in 78 percent of the procurements by the Department, the price paid to Prison Industries was actually lower. Fine. We are not trying to change that. All this language does is take care of the other 20 percent, which is also one of the statistics cited by the Senator from Texas.

In the other 20 percent, according to the Senator from Texas, it would actually be cheaper for the Department of Defense to buy from the private sector than it would from Prison Industries. He cites that statistic as proving that in most cases it would be cheaper for the Department to buy from Prison Industries. Fine. We are not trying to stop that. We are not trying to stop the Prison Industries from competing. We just want to allow the private sector to compete so that in 20 percent of the cases where the Department of Defense would save money by buying from the private sector, it would be allowed to do so.

Madam President, I hope this language will stay in the bill. It has broad support. It is also, it seems to me, so fundamentally fair that American citizens not in prison be allowed to bid on items that their Government is buying. That to me is so obvious and so fair that it would come as a shock to American citizens to learn that is anything other than what the current system is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER FOR RECESS SUBJECT TO CALL OF THE CHAIR

Mr. REID. Madam President, I ask unanimous consent that following the 2:15 p.m. vote, the Senate be in recess subject to the call of the Chair as a result of the briefing that will take place by Secretary of State Colin Powell.

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

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, we have a minute before we recess. I feel so strongly about this notion that we favor private enterprise, that we favor the opportunity for competition, and that we have worked at this problem for a number of years and now to pick out a portion of it and say somehow private competition should not work surprises me a great deal.

I understand the number of Federal prisons in Texas. Talk about special interests. It is there. What we ought to do is follow the policy we have had for a very long time and see if we can move as much activity to the private sector as possible when they can compete, when they can make the best product, and that is the case here.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, we have a couple minutes remaining, and I would like to have that time, if I may.

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

Mr. GRAMM. Madam President, first of all, I am not in a Federal prison, and I do not have any kinfolk in a Federal prison, so I do not know how I would benefit from that.

Second, it is interesting, all this concern about competition. The Defense Department sent the chairman a recommendation that they be allowed to be more competitive in purchasing items by not requiring defense contractors to pay inflated wage rates in order to bid. They estimated that next year they could save $180 million if they were allowed to be more competitive, and that provision was struck and not included in this bill.

The Defense Department sent the chairman and the ranking member a letter saying: If you will just let us have a little bit more leeway in getting competitive bidding on small contracts of less than $1 million, that could have saved $180 million in 1 year.

Our colleagues who are so concerned about competition today say basically we do not want to save $180,000 if it means competition, and so they rejected that provision. Yet when it comes to Federal Prison Industries, now all of a sudden everything should be different.

So I hope my colleagues will vote on this on the merits. Do you want to kill Federal Prison Industries or not? Do you think a handful of workers and a handful of manufacturers who would benefit by killing Federal Prison Industries are more important than the 285 million taxpayers who are paying $30,000 a year to keep somebody in prison where those costs can be ultimately partially paid by prisoners working and where we could use some of the money for victims' restitution? That is the issue, and I hope people will vote on that basis.

Mr. VOINOVICH. Madam President, I rise today in support of the preservation of the Federal Prison Industries Program. Language that is currently in the Defense authorization bill would gut this program within the Bureau of Federal Prisons, effectively withdrawing hope for thousands of incarcerated Federal prisoners and fostering a dangerous number of idle hands within our Federal prison system.

Today, the Federal Prison Industries Program employs and provides valuable skills training to the greatest practicable number of inmates incarcerated within the Federal prison system. Overall, FPI has some 21,000 inmates in more than 100 Federal prisons working in 100 industries, from textiles to electronics to graphic design. In Ohio, the Federal Correctional Institute at Elkton has up to 450 inmates working in data processing and electronics recycling. This employment of prisoners does more than just occupy time, it teaches prisoners the skills they need to obtain a job once they leave prison.

By giving prisoners an opportunity to change their lives, the FPI program contributes to security inside prisons, and it reduces the rate of recidivism among those it trains. Indeed, inmates in FPI's work programs are 24 percent less likely to be repeat offenders after being released. In addition, 55 percent of inmates' wages go toward meeting their financial obligations, such as victim restitution, child support, and court fees.

When I was Governor of Ohio, we had a similar program to FPI and saw firsthand the success and value of giving inmates a second change at being productive members of society. In Ohio, we had inmates who had been trained in horticulture take part in groundskeeping throughout the Governor's residence. We had inmates working in the Governor's office mailroom and copy center operations, where they put together news clippings, distributed mail and did a good portion of the photocopying. Overall, I had an extremely good experience with the work these inmates did, and I have to say that for the most part, the work they performed was excellent. For some inmates who had exemplified themselves, I even wrote letters of recommendation to help them get jobs when they got out of prison.

The experience that I have had at the State level by employing State inmates is one that is replicated at the Federal level through the FPI program.

I understand that some private sector companies desire to compete for FPI contracts, however, I believe that FPI provides an invaluable opportunity for inmates, and the communities to which they will eventually return, that cannot be ignored.

While I find merit in pursing possible reforms to the FPI program, I do not believe the answer is to completely obliterate FPI, as the current language does. Therefore, I urge my colleagues to support to ensure the viability of FPI, the safety of our Federal prisons and the rehabilitation of our Federal inmates.

Mr. BYRD. Madam President, I oppose section 821 of the Fiscal Year 2002 Defense authorization bill because I fear that this section would undermine what has proved to be a successful program in helping to manage Federal prisoners.

Section 821 would effectively eliminate the mandatory source requirement for the Department of Defense, which ensures that Federal prisoners are employed in sufficient numbers, and thus is fundamental to the security of our Federal prisons.

Moreover, since this section would significantly affect our Federal prisons, it is an issue that the Senate Judiciary Committee should first consider before the Senate takes action on it after only 2 hours of debate.

I support competition for the provision of goods and services to the Federal Government. However, this competition should not be sought at the expense of a successful prisoner management program, and that program should certainly not be repealed without some alternative program to replace it.

Mr. BROWNBACK. Madam President, I rise to support my colleague from Texas in his effort to strike section 821 from S. 1438. I have outlined why I believe that the Federal Prison Industries is important for the continued orderly function of our prisons.

Today I have received a letter from Fraternal Order of Police President Steve Young. In his letter, Mr. Young made an interesting point that a healthy Federal Prison Industries is not only important for the orderly function of our prisons but also for the safety of our corrections officers.

I ask unanimous consent that Mr. Young's letter be printed in the RECORD.

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

FRATERNAL ORDER OF POLICE,
Washington, DC, September 25, 2001.

Hon. SAM BROWNBACK,
U.S. Senate,
Washington, DC.

DEAR SENATOR BROWNBACK: I am writing on behalf of the more than 299,000 members of the Fraternal Order of Police to advise you of our strong support for Amendment No. 1674 to strike Section 821 from S. 1438, the ''FY 2002 National Defense Authorization Act;'' and therefore urge a ''no'' vote on the motion to table this important amendment.

Reform of Federal Prison Industries has been an issue which has received much attention over the past several years. For our

organization, any reform proposal put before the Congress must be viewed from the perspective of its potential impact on both the safety of Federal correctional officers, and the safety of the public from recidivist offenders.

With the large number of Federal prisoners incarcerated in Bureau of Prison (BOP) facilities, now is the time to seek increased opportunities for inmates to gain meaningful employment through FPI. In so doing, we can reduce the rate of recidivism, enhance public safety, provide restitution to victims of crime and their families, and require these inmates to truly pay their debt to society at no additional cost to the American taxpayers. In addition, it will create a safer environment for the thousands of correctional officers who work in BOP facilities.

On behalf of the membership of the Fraternal Order of Police, I wish to thank you for your continuing leadership on this issue and your support of America's law enforcement officers. Please do not hesitate to contact me, or Executive Director Jim Pasco, if we can provide you with any additional information or assistance.

Sincerely,

STEVE YOUNG,
National President.

Mr. THURMOND. Madam President, I rise to express my strong support for the amendment to strike section 821, the Federal Prison Industries provision of the Defense Authorization Act. I commend Senator GRAMM for his leadership and excellent remarks today on this critical issue.

FPI or UNICOR is an essential correctional program that keeps thousands of prisoners working every day without any cost to taxpayers. It helps maintain prison safety and security because inmates that are productively occupied are less likely to be involved in mischief and violence.

FPI has existed since the 1930s, but it has never been more important than it is today in these times of rising prison populations. Just on the Federal level, the prison population today is twice what it was in the late 1980s. While the number of inmates in State prisons may be leveling off now, the number of Federal prisoners is continuing to rise and is expected to expand by 40 percent in the next seven years. The Congress is approving 28 more medium or high-security prisons to accommodate this continuing increase, which is needed to keep our streets safe and keep the crime rate declining. It is prisons of this type that most need the work programs that FPI provides.

Moreover, Prison Industries helps provide prisoners a future when they are released. The program teaches inmates meaningful job skills that they can use when they return to society, and has proven to be the most successful government initiative in helping prevent prisoners from returning to a life of crime. It is an extremely popular work program, through which inmates volunteer to participate. In fact, the prisons have long waiting lists for inmates to be involved. It is worth repeating that FPI requires no government funding and sustains itself as a government corporation.

We should not destroy what keeps the growing correctional population occupied in a way that benefits prisoners and protects the prisons and our communities. Yet, Section 821 of the Defense authorization bill could do just that. It would essentially exclude the Defense Department from FPI and endanger this program and its essential mission.

The Defense Department is critical to FPI's continued success. It is one of FPI's most important customers, constituting about 60 percent of FPI sales. Also, FPI is an important part of the military supply network. DOD and FPI have a good working relationship, and there is no basis for us to create a special carve out of DOD from FPI's very long-standing Federal Government preference in procurement.

Section 821 would eliminate the preference that FPI has over the private sector for sales less than $2,500, for products that are part of a national security system, or for products that are components of items that FPI does not sell. This would essentially exclude Defense from the mandatory source because the great majority of DOD orders fit into one of these three categories. In fact, for any remaining purchases, DOD would be required to conduct ''market research'' before making purchases. This provision is simply unworkable in practice and, considering that DOD constitutes about 60 percent of FPI sales, would severely harm FPI, and even endanger the program.

The arguments that opponents of Prison Industries are making are certainly not new. These issues were raised by Senator LEVIN years ago in a previous Defense authorization bill, and the Congress required the Defense Department and the Justice Department to complete a major study regarding their relationship. The results of that joint study were released in 1999, and show that the changes we are considering today are not warranted. The study found that they have a beneficial and cooperative relationship, and the suggestions it made for improvement have been implemented. It specifically concluded that no statutory changes in the procurement process are warranted, which the provision we are considering today entirely disregards.

Moreover, the current Bush administration opposes this type of piecemeal effort to harm FPI, just as the Clinton administration and others did in the past. The Bush administration has expressed great concern about the effect that Section 821 could have on the safe and effective administration of Federal prisons.

This concern is entirely appropriate. The fact is that Section 821 would eliminate many FPI jobs and create problems for the safe and efficient operation of Federal prisons. Also, many opportunities for inmates to earn marketable job skills would be lost or have to be subsidized with scarce Government funds. Given the severe budget constraints and demands for Federal money caused by the September 11 terrorist attacks, this is definitely not the time to be creating an additional need for Federal dollars.

The operation of Federal prisons is a matter within the jurisdiction of the Judiciary Committee, and that committee is the appropriate place to consider matters related to FPI. In fact, reform legislation that we should consider in the Judiciary Committee is currently pending there.

I agree that it is time to move away from the mandatory source preference that FPI has in the Federal market. However, we must do so in a reasoned, comprehensive way that creates more opportunities, not less.

Senator HATCH and I have introduced a bill that is pending in the Judiciary Committee which would eliminate the mandatory source in a way that would not endanger FPI. Our legislation, S. 1228, would give private businesses the opportunity to partner with FPI to make products in the private sector.

Most importantly, it would permit prisoners to make products for private companies that otherwise would be made overseas, such as electronic toys and televisions. This has the potential to return jobs to America that have been lost to foreign labor. FPI already purchases over $400 million per year in raw materials and equipment from United States companies, most of which comes from small businesses. This bill would expand those opportunities for private industry.

Also, under S. 1228, when inmates made products in the domestic market, they would earn comparable locality wages. Additional money that they earned would be used to pay restitution, child support, and a portion of their room and board costs. This would be in addition to the millions of dollars that FPI inmates already contribute annually to their families and to crime victims. I think we should make FPI a partner with the private sector as part of a comprehensive solution to this long-standing issue.

Any argument about forced labor, whether in FPI today or in this bill, has absolutely no merit. FPI is a program that inmates volunteer to participate in, and S. 1228 would require that participation be voluntary. Also, the facilities would comply with standards established by OSHA, the International Labor Organization, and the American Correctional Association.

I am prepared to work with all interested parties to help resolve this matter once and for all. However, the Defense Authorization Act is not the right place and section 821 is clearly not the right approach to reforming Prison Industries. With the recent terrorist attack, many want to limit the Defense authorization bill to our military and national security needs. This bill certainly should not be used to interfere in the orderly operation of Federal prisons. Thus, I encourage my colleagues to support this important amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, do I have any time remaining?

The PRESIDING OFFICER. There is no time remaining.

Mr. LEVIN. I ask unanimous consent for an additional 2 minutes.

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

Mr. LEVIN. Madam President, if the Senator from Texas wants to offer an amendment to modify the Davis-Bacon law to accomplish what he talked about, he ought to offer it. Nobody offered it in committee, but the Senator from Texas is free to offer it.

What troubles me is we have a bill which is of critical significance to the Armed Forces of the United States. We have pay increases in the bill. We have housing allowances. What the Senator from Texas is saying is, unless he gets his way on this issue, he is not going to allow that bill to go forward. It seems to me that is wrong, and that is the problem. That is what has caused this particular situation.

That is the only reason the Senator from Virginia obviously offered the amendment and moved to table it, to see whether or not there is support for the position of the Senator from Texas. If the Senator from Texas prevails on his position, fine. If he does not prevail on his position, this bill is too important, has too much in it that matters to the security of this country, to be held up by one Senator who insists he is going to get his way even if the majority of the Senate disagrees with him. That is what the issue is. It seems to me that is the overriding issue.

Back to competition, if the Senator from Texas believes there should be an amendment that would modify Davis-Bacon, I would urge him to offer that. Let us debate it. Let us vote it, but let us not hold up the Defense bill as his position would.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I ask unanimous consent that the request of the Defense Department that they have the right to engage in competitive bidding on contracts of less than a million dollars be accepted.

Mr. LEVIN. I object. I have said very clearly that the Senator should offer the amendment if he wants to do so. Send the amendment to the desk. Let's debate that amendment. Win or lose, modify Davis-Bacon if he wishes. Send an amendment to the desk. We will debate it. But what I object to is holding up the Defense bill on this ground. We do not do this by unanimous consent.

Mr. GRAMM. Not to keep dragging this dead cat back across the table, but I am not asking for any special privilege. I wanted to offer my own amendment, which someone else offered. The Senator can deal with his bill as he chooses. I have been a private in the Army, but I believe I am a private in the right. I want this issue to be heard, and I want to debate it. I don't understand why that is somehow unreasonable.

When people want to pass special interest legislation, they can cloak themselves in the righteousness of the moment. I do not understand why it is even in this bill. I think, quite frankly, people ought to be embarrassed that it is in this bill.

In any case, I am not asking for any special privilege whatsoever. I want to exercise my right as 1 of 100 Senators. That is all I am doing.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 12:34 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to ordered by the Presiding Officer (Mr. NELSON of Nebraska).

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. For the interest of all Senators, we will stand in recess immediately following this vote in order to accommodate Senators who wish to attend the briefing that will be held in room 407 this afternoon. That briefing will be to hear the Secretary of State give an update on the current circumstances.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2002

Mr. DASCHLE. I ask unanimous consent the Senate proceed to the consideration of H.J. Res. 65, a continuing resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 65) making continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be read three times, passed, and the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 65) was considered read the third time and passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Virginia, Mr. WARNER, No. 1674.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. WARNER. We have no objection.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Delaware (Mr. CARPER) are necessarily absent.

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

The result was anounced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—74

Akaka	Domenici	Lugar
Allard	Dorgan	Mikulski
Allen	Edwards	Miller
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bingaman	Frist	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Bunning	Hagel	Rockefeller
Burns	Harkin	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kyl	Thomas
Craig	Landrieu	Torricelli
Crapo	Leahy	Warner
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden
Dodd	Lincoln	

NAYS—24

Bond	Graham	McConnell
Brownback	Gramm	Murkowski
Byrd	Hatch	Roberts
Chafee	Hutchison	Santorum
DeWine	Jeffords	Stevens
Durbin	Kohl	Thompson
Ensign	Lott	Thurmond
Fitzgerald	McCain	Voinovich

NOT VOTING—2

Biden	Carper

The motion was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 2:48 p.m., recessed subject to the call of the Chair and reassembled at 4:06 p.m., when called to order by the Presiding Officer (Mr. MILLER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand the amendment of the Senator from New Mexico has now been cleared on both sides. We welcome that news. He has been working hard on this

amendment for a number of years to provide some equity to some people who have had severe losses. I have always commended him on his efforts and supported him. I think we have worked it out within the budget constraints of the bill.

Perhaps the Senator from Oklahoma would agree that his amendment will be temporarily laid aside so the Senator from New Mexico could offer an amendment.

Mr. WARNER. Mr. President, I join the chairman. We have known of the years and years of work and the foundation laid by our colleague from New Mexico. He provided for it in the budget amendment long before the current situation developed. We support it.

AMENDMENT NO. 1672

Mr. DOMENICI. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BINGAMAN, Mr. DASCHLE, and Mr. ALLARD, proposes an amendment numbered 1672.

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

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

The amendment is as follows:

(Purpose: To provide permanent appropriations with fiscal year limits to the Radiation Exposure Compensation Trust Fund to make payments under the Radiation Exposure Compensation Act)

At the appropriate place, insert the following:

SEC. . RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''(e) APPROPRIATION.—

''(1) IN GENERAL.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.

''(2) LIMITATION.—Amounts appropriated pursuant to paragraph (1) may not exceed—

''(A) in fiscal year 2002, $172,000,000;
''(B) in fiscal year 2003, $143,000,000;
''(C) in fiscal year 2004, $107,000,000;
''(D) in fiscal year 2005, $65,000,000;
''(E) in fiscal year 2006, $47,000,000;
''(F) in fiscal year 2007, $29,000,000;
''(G) in fiscal year 2008, $29,000,000;
''(H) in fiscal year 2009, $23,000,000;
''(I) in fiscal year 2010, $23,000,000; and
''(J) in fiscal year 2011, $17,000,000.''.

Mr. DOMENICI. Mr. President, we are going to do something that is very fair that will eliminate a serious problem that is out there among a few thousand Americans, some of whom have walked into meetings with the U.S. Government carrying an IOU. The IOU is that the Federal Government owes them the money they were supposed to receive months ago, because either the person there or one of their spouses have died or is seriously ill with an ailment that is charged and relates directly to having been in the uranium mining activity for years and years in the early days of the nuclear weapons program.

What happened was, we put money in a trust fund and we made this an entitlement, but it was not funded. The trust fund was a given amount of money. They adjudicated these claims. We did it so they could do them quickly; they didn't have to spend a lot of money on lawyers.

The Government ruled quickly, even though in some cases, with some of them listening in the Four Corners area, they did go through an awful lot of trouble to get their claim. But then, the insult: they produced their claim and said, where is the money? The U.S. Department of Justice said, oops, sorry, we don't have any. These people are walking around, some of them almost in a daze, because they cannot believe that their Federal Government they read about every day, spending hundreds of billions of dollars, huge amounts for defense, huge amounts for other things, is telling them for a claim that is theirs, that has been adjudicated, that says the U.S. Government of America owes Jimmy Jones $100,000, there is no money. And this is what they bring to our meetings.

We do not take very long in agreeing with them. We try to give them the history, the fact it has to be funded. Every time we sought funding for one reason or another, we received just enough for a month or two. This claim got mixed up in jurisdictional problems as to which committee ought to fund it.

I say to the Senate, when we were working on the budget resolution, we allocated in that budget to the Armed Services Committee the money that was necessary to keep this program going for a substantial period of time. We said, even though it is allocated to the defense part of our budget, this amount of money should be used for the claimants I am talking about under the Radiation Exposure Compensation Fund.

Under this bill, there is $172 million in the defense account that has not been used because it is for these claimants. A little bit of it was used in the process of producing this bill. I do not choose to argue about that. That is all right with me. I just want this amendment adopted so nobody uses the rest of the money that is in this bill for these people.

For anybody who is interested, we are about to do something for a lot of Americans, principally in the Four Corners area, some in the Dakotas. Those claimants ought to know the best we can do is to put it on this bill. This bill has a long way to go, but the Senator from New Mexico does not know where else to put it that will get it into their hands any sooner.

We will be watching and observing, and if for some reason this authorization bill cannot get through the process—through the House to the President and signed—we will try to find another way. We did not succeed totally. We do not make this a completely mandatory program.

We are taking jurisdiction away from no one. If this bill is in the Judiciary Committee, they will retain jurisdiction. We are going to pay for it out of an allocation that went to this committee's work on defense, and we are just about to say that this money will now go to whom it was intended: those people to whom the Government is clearly indebted and owes money.

I offered this amendment that will make funding for the Radiation Exposure Compensation Fund mandatory.

From the 1940s through 1971, uranium miners, Federal employees, who participated in above-ground nuclear tests, and downwinders from the Nevada Test Site were exposed to dangerous levels of radiation. As a result of this exposure, these individuals contracted debilitating and too often deadly radiation-related cancers and other diseases.

In 1990, Congress recognized their contribution by passing the Radiation Exposure Compensation Act to ensure that these individuals and their families were indemnified for their sacrifice and suffering. However, the RECA Trust Fund ran out of money in May, 2000. Consequently, for over a year most eligible claimants received nothing more than a five-line IOU from the Justice Department explaining that no payments will be made until Congress provides the necessary funds. Some of these claimants died while awaiting their payments. This is simply unconscionable.

Fortunately, we were able to secure the necessary funds in this year's supplemental to pay the IOUs and all claims approved by September 30, 2001. Nonetheless, many claims will be filed and approved over the coming years, and it is time we make all payments to this fund mandatory so that these people who have suffered so greatly for our Nation's security are not again shortchanged by the political complexities of the annual congressional appropriations process. If we do not adopt this amendment, more of these men will die holding nothing but a Government IOU.

In a time when our Nation is at war, it is imperative that we do not forget those citizens who have contributed so much to the strength and security of our Nation. After all, these folks helped build our nuclear arsenal, the nuclear arsenal that is responsible, at least in part, for ending the cold war and leading to America's place as the world's only superpower.

Moreover, it is important that we show those who are now being called on to protect our Nation that the Senate cannot and will not forget their efforts and sacrifice. By turning our backs on some of yesterday's heroes we will be sending the wrong message to the heroes of today.

This is the appropriate time to raise this issue because we assumed this spending in the Senate budget resolution and the funding was allocated to the Armed Services Committee for this purpose. It is important to note that under this amendment, these mandatory payments are capped at the amounts allocated to the Armed Services Committee and will not exceed $172 million in any one year.

Those who helped protect our Nation's security through their work on our nuclear programs must be compensated for the enormous price they paid. Anything less is unacceptable.

Mr. President, there were a lot of Senators involved. If they want to be a cosponsor, we will be glad to ask they be made original cosponsors. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our good friend from New Mexico. He and Senator BINGAMAN and others have fought hard and long for equity in this area. We intended to do it for some time, but it has always been subject to appropriation.

The Senator from New Mexico made sure that in the budget resolution there was an allocation that would make this possible on this bill. He has done his homework, as he always does. It is very gratifying.

I know the people he represents, plus a lot of other people for whom justice will finally be done. I commend him for his work and support on the amendment.

Mr. BINGAMAN. Mr. President, I am an original cosponsor of this amendment by Senator DOMENICI and strongly supportive of it because it takes important steps to fully fund the Radiation Exposure Compensation Act, or RECA.

RECA was originally enacted as a means of compensating thousands of individuals who suffered from exposure to radiation as a result of the Federal Government's nuclear testing program and Federal uranium mining activities. While the Government can never fully compensate for the loss of a life or the reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended in 1990 to the victims of the radiation tragedies. This amendment is critical to ensure that the Federal Government finally lives up to that commitment of providing a compassionate program of compensation to these workers and their families.

Unfortunately, for years the Federal Government's commitment to RECA has been half-hearted. The fund has been consistently shortchanged, so much so that the Justice Department was until recently shamefully issuing IOU's to sick and dying workers. This amendment will assure uranium millers, miners and ore transporters that the Federal Government values the service they gave to our country and is committed to ensuring they receive compassionate compensation for that service.

The amendment provides $655 million over 10 years to workers and their families that are eligible through RECA. This goes a long way toward the Federal Government fully living up to its promise when we passed RECA 11 years ago. Unfortunately, the Congressional Budget Office estimates that we need $812 million over the same period. So, while I urge the Congress to recognize we are making important and critical strides to fully funding this commitment, we remain around $150 million short and we must all work to ensure that the program is fully funded throughout the 10-year period. We must never reach a point of issuing IOU's rather than actual financial assistance to these workers and their families again.

I would also like to thank Chairman LEVIN and Senator WARNER for their hard work on this issue. They have, from the beginning, recognized the importance and fairness involved in passage of this amendment and I am appreciative of their help and support.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1672) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the senior Senator from Michigan. I yield the floor.

Mr. DASCHLE. Mr. President, I am delighted that the Senate has adopted an amendment I cosponsored with Senator DOMENICI to provide $665 million over the next 10 years to fund the Radiation Exposure Compensation Act.

Hundreds of former uranium workers in South Dakota and thousands across the Nation have developed cancer and other life-threatening diseases as a result of their work producing uranium on behalf of the U.S. Government. Although the Federal Government knew this work put the health of these men and women at risk, it failed to take appropriate steps to warn or protect them.

The Radiation Exposure Compensation Act is designed to compensate these individuals, or their surviving family. Although Congress has already committed to the compensation, adequate funding has never available to fund this program. In fact, the Federal Government at times has been sending IOUs to eligible beneficiaries because Congress has not been providing enough money to pay these claims.

The amendment just adopted by the Senate takes a significant step toward addressing this problem. It provides $665 million over the next 10 years to pay these claims. While this amount is not sufficient to cover all those expected to apply for benefits, it will cover the vast majority of claims. I plan to work with my colleagues to ensure that any remaining funds that prove to be necessary are provided.

I want to express my thanks to Senator DOMENICI for his work on this issue, and to Senators BINGAMAN, REID and HATCH for their consistent efforts to support uranium workers.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Congressional Budget Office is required to prepare a cost estimate for spending legislation reported by committees. The cost estimate for the bill reported by the committee, S. 1416, was not finished at the time the report on this bill was filed. The CBO cost estimate is now available. I ask unanimous consent that the Congressional Budget Office cost estimate for the Defense authorization bill reported by our Committee on Armed Services be printed in the RECORD.

Because the four sections removed from S. 1416 should not affect the funding levels in the bill, this CBO cost estimate will also apply to S. 1438 which we are presently considering.

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

SEPTEMBER 19, 2001.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1416, the National Defense Authorization Act for Fiscal Year 2002.

The CBO staff contact is Kent Christensen, who can be reached at 226–2840. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1416—National Defense Authorization Act for Fiscal Year 2002

Summary: S. 1416 would authorize appropriations totaling $343 billion for fiscal year 2002 for the military functions of the Department of Defense (DoD) and the Department of Energy and certain other defense-related programs. It also would prescribe personnel strengths for each active duty and selected reserve component of the U.S. armed forces. CBO estimates that appropriation of the authorized amounts for 2002 would result in additional outlays of $338 billion over the 2002–2006 period.

The bill also contains provisions that would raise the costs of discretionary defense programs over the 2003–2006 period. CBO estimates that those provisions would require appropriations of $10 billion over those four years.

The bill contains provisions that would reduce direct spending, primarily through revised payment rates for some services offered under the Tricare for Life program and certain asset sales. We estimate that the direct spending savings resulting from provisions of S. 1416 would total $209 million over the 2002–2006 period and $86 million over the 2002–2011 period. Those totals include estimated net receipts from asset sales of $144

million over the next five years and $120 million over 10 years. Because it would affect direct spending, the bill would be subject to pay-as-you-go procedures.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that subtitle F (Uniformed Services Overseas Voting) of title V is excluded because the provision would enforce an individual's constitutional right to vote. The bill contains one private-sector mandate; however, the costs of that mandate would not exceed the threshold as specified in UMRA ($113 million in 2001, adjusted annually for inflation).

The remaining provisions of the bill either contain no mandates or are excluded, as specified in UMRA, because they would be necessary for national security. The bill also would affect DoD's Tricare long-term care program by increasing costs in state Medicaid programs by about $1 million in 2002 and over $2 million in 2003. Such costs would not result from mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1416 is shown in Table 1. Most of the costs of this legislation fall within budget function 050 (national defense).

TABLE 1.—BUDGETARY IMPACT OF S. 1416, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

[By fiscal year, in millions of dollars])

	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Defense Programs:						
Budget Authority [1]	316,051	0	0	0	0	0
Estimated Outlays	301,602	107,667	36,099	13,839	6,256	3,308
Proposed Changes:						
Estimated Authorization Level	0	342,647	0	0	0	0
Estimated Outlays	0	226,562	76,529	23,636	8,254	3,008
Spending Under S. 1416 for Defense Programs:						
Estimated Authorization Level [1]	316,051	342,647	0	0	0	0
Estimated Outlays	301,602	334,229	112,628	37,475	14,510	6,316
DIRECT SPENDING (EXCLUDING ASSET SALES)						
Estimated Budget Authority	0	32	−200	61	25	17
Estimated Outlays	0	32	−200	61	25	17
ASSET SALES [2]						
Estimated Budget Authority	0	−40	−114	−16	−5	31
Estimated Outlays	0	−40	−114	−16	−5	31

[1] The 2001 level is the amount appropriated for programs authorized by the bill.
[2] Asset sale receipts are a credit against direct spending.

Note.—This table excludes estimated authorizations of appropriations for years after 2002. (Those additional authorizations are shown in Table 3.)

Basis of Estimate

Spending Subject to Appropriation

The bill would authorize appropriations totaling $343 billion in 2002 (see Table 2). Most of those costs would fall within budget function 050 (national defense). S. 1416 also would authorize appropriations of $71 million for the Armed Forces Retirement Home (function 600—income security) and $17 million for the Naval Petroleum Reserves (function 270—energy).

Title XIII would make $15.2 billion of the authorizations in the bill contingent upon either a procedural action taken by the Chairman of the Committee on the Budget in the Senate or a procedural waiver agreed to by three-fifths of the members of the Senate. The estimate assumes that one of these actions would occur and that $343 billion will be appropriated near the start of fiscal year 2002. Outlays are estimated based on historical spending patterns.

The bill also contains provisions that would affect various costs, mostly for personnel, that would be covered by the fiscal year 2002 authorization and by authorizations in future years. Table 3 contains estimates of those amounts. In addition to the costs covered by the authorizations in the bill for 2002, these provisions would raise estimated costs by $10 billion over the 2003–2006 period. The following sections describe the provisions identified in Table 3 and provide information about CBO's cost estimates for those provisions.

Multiyear Procurement. In most cases, purchases of weapon systems are authorized annually, and as a result, DoD negotiates a separate contract for each annual purchase. In a small number of cases, the law permits multiyear procurement; that is, it allows DoD to enter into a contract to buy specified annual quantities of a system for up to five years. In those cases, DoD can negotiate lower prices because its commitment to purchase the weapons gives the contractor an incentive to find more economical ways to manufacture the weapon, including cost-saving investments. Funding would continue to be provided on an annual basis for these multiyear contracts, but potential termination costs would be covered by an initial appropriation.

TABLE 2. SPECIFIC AUTHORIZATIONS IN S. 1416

[By fiscal year, in millions of dollars]

Category	2002	2003	2004	2005	2006
Military Personnel:					
Authorization Level	82,342	0	0	0	0
Estimated Outlays	77,105	4,611	165	82	0
Operation and Maintenance:					
Authorization Level	125,702	0	0	0	0
Estimated Outlays	94,195	24,527	4,092	1,703	506
Procurement:					
Authorization Level	62,217	0	0	0	0
Estimated Outlays	16,037	22,489	13,471	5,112	2,011
Research, Development, Test, and Evaluation:					
Authorization Level	46,616	0	0	0	0
Estimated Outlays	25,286	17,229	3,019	662	191
Military Construction and Family Housing:					
Authorization Level	10,478	0	0	0	0
Estimated Outlays	2,712	4,027	2,312	785	338
Atomic Energy Defense Activities:					
Authorization Level	14,285	0	0	0	0
Estimated Outlays	9,669	3,849	767	0	0
Other Accounts:					
Authorization Level	2,512	0	0	0	0
Estimated Outlays	1,778	431	166	74	20
Unspecified Reductions (DoD):					
Authorization Level	−1,630	0	0	0	0
Estimated Outlays	−617	−582	−236	−104	−38
General Transfer Authority:					
Authorization Level	0	0	0	0	0
Estimated Outlays	280	−60	−120	−60	−20
Total:					
Authorization Level [1]	342,522	0	0	0	0
Estimated Outlays	226,445	76,521	23,636	8,254	3,008

[1] These specific authorizations comprise nearly all of the proposed changes shown in Table 1; they do not include estimated authorizations of $83 million for the Coast Guard Reserve, and $42 million for payments to WWII slave laborers, which are shown in Table 3.

TABLE 3.—ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN S. 1416

[By fiscal year, in millions of dollars]

Category	2002	2003	2004	2005	2006
MULTIYEAR PROCUREMENT					
F/A–18E/F Engines	−10	−10	−10	−10	−10
C–17 Aircraft	0	−117	−293	−272	−252
FORCE STRUCTURE					
DoD Military Endstrengths	262	542	560	576	594
Coast Guard Reserve Endstrengths	83	0	0	0	0
Grade Structure	20	41	47	53	55
COMPENSATION AND BENEFITS (DOD)					
Military Pay Raises	1,026	1,420	1,490	1,558	1,624
Expiring Bonuses and Allowances	564	457	257	171	114
Housing Allowances	230	712	407	84	0
Travel and Transportation Allowances	84	88	93	99	104
Increase Incentive Pay and Bonuses	49	71	75	81	87
New Bonuses	38	24	21	21	22
Subsistence Allowances	6	15	8	3	0
Uniform Allowances	4	4	4	4	4
Commissary Benefits for Reservists	3	3	3	4	4
Education and Training	22	26	30	35	41
DEFENSE HEALTH PROGRAM					
Payment Rates	−144	−90	0	0	0
Long-Term Care Rules	−44	0	0	0	0
Travel Reimbursements	5	5	5	5	5
OTHER PROVISIONS					
Strategic Forces	−20	−70	−140	−200	−220
Voluntary Separation and Early Retirement Incentives	0	145	6	0	0
Payments to World War II Slave Laborers	42	37	31	4	4
Purchase Alternative Fuel Vehicles for DoD	0	0	0	23	21
TOTAL ESTIMATED AUTHORIZATIONS					
Estimated Authorization Level	2,220	3,303	2,594	2,239	2,197

Note.—For every item in this table except the authorization for the Coast Guard reserve and for payments to WWII slave laborers, the 2002 levels are included in the amounts specifically authorized to be appropriated in the bill. Those amounts are shown in Table 2. Amounts shown in this table for 2003 through 2006 are not included in Table 1.

Section 122 would authorize DoD to enter into a multiyear contract to buy engines for F/A–18E/F aircraft starting in 2002. The Navy currently purchases the aircraft from Boeing under a multiyear contract covering the 2000–2004 period, while the engines are purchased separately from General Electric under annual contracts. Each engine costs about $4 million today. According to the Navy, it plans to purchase 48 aircraft a year over the next five years starting in 2002. CBO estimates that the savings from buying F/A–18E/F engines under a multi-year contract would total about $50 million over the 2002–2006 period, or about 3 percent of total engine costs. This estimate assumes that the Navy would buy 96 engines a year (two engines for every aircraft purchased) over the five-year period and that there would be no up-front investment required to implement the multiyear contract.

Section 131 would authorize DoD to enter into a new multiyear procurement contract to buy up to 60 additional C–17 aircraft. Under the current multiyear contract, the Air Force will buy 15 aircraft in 2002 and another 8 aircraft in 2003. Assuming that the Air Force would proceed with follow-on procurement of up to 60 additional aircraft, CBO estimates that savings from buying 60 additional C–17s under a multiyear contract arrangement would total $934 million or an average of about $250 million a year over the 2003–2006 period. Funding requirements would total just under $8.3 billion instead of the almost $9.2 billion needed under annual contracts. This estimate assumes that the Air Force would purchase the 60 additional aircraft starting in 2003 at a rate of 15 a year.

Force Structure. The bill contains various sections that affect endstrength and personnel grade structure.

Endstrengths. The bill would authorize active and reserve endstrengths for 2002. The authorized endstrengths for active-duty personnel and personnel in the selected reserve would total about 1,387,000 and 865,000, respectively. Of those selected reservists, about 67,000 would serve on active duty in support of the reserves. The bill would specifically authorize appropriations of $82.4 billion for the costs of military pay and allowances in 2002. Of that amount, discretionary authorizations for military pay and allowances would total $82.3 billion, while $0.1 billion would be provided to cover mandatory costs. The authorized endstrength represents a net increase of 3,152 servicemembers that would boost costs for salaries and other expenses by $262 million in the first year and about $600 million annually in subsequent years, compared to the authorized strengths for 2001.

The bill also would authorize an endstrength of 8,000 in 2002 for the Coast Guard Reserve. This authorization would cost about $83 million and would fall under budget function 400 (transportation).

Grade Structure. Sections 402, 415, and 502 would increase the number of servicemembers in certain grades. Under section 402, the number of servicemembers in pay grade E–8 in the Navy would increase. Section 415 would change the grade structure of active-duty personnel in support of the reserves. Section 502 would reduce the time-in-grade required for promotion to captain in the Army, Air Force, and Marine Corps, and lieutenant in the Navy when service staffing needs require. These changes would not increase the overall endstrength, but would result in more promotions to these ranks. CBO estimates these provisions would cost $20 million in 2002, rising to $55 million by 2006.

Compensation and Benefits. S. 1416 contains several provisions that would affect military compensation and benefits.

Military Pay Raises. Section 601 would raise basic pay by 5 percent across-the-board and authorize additional targeted pay raises, ranging from 1 percent to 10 percent, for individuals with specific ranks and years of service at a total cost of about $3.1 billion in 2002. Because the pay raises would be above those projected under current law, CBO estimates that the incremental costs associated with the larger pay raise would be about $1 billion in 2002 and total $7.1 billion over the 2002–2006 period.

Expiring Bonuses and Allowances. Several sections would extend DoD's authority to pay certain bonuses and allowances to current personnel. Under current law, most of these authorities are scheduled to expire in December 2001, or three months into fiscal year 2002. The bill would extend these authorities through December 2002. CBO estimates that the costs of these extensions would be as follows:

Payment of reenlistment bonuses for active-duty personnel would cost $327 million in 2002 and $174 million in 2003; enlistment bonuses for active-duty personnel would cost $91 million in 2002 and $140 million in 2003.

Various bonuses for the Selected and Ready Reserve would cost $64 million in 2002 and $73 million in 2003.

Special payments for aviators and nuclear-qualified personnel would cost $52 million in 2002 and $55 million in 2003.

Retention bonuses for officers and enlisted members with critical skills would cost $23 million in 2002 and $13 million in 2003.

Authorities to make special payments to nurse officer candidates, registered nurses, and nurse anesthetists would cost $7 million in 2002 and $2 million in 2003.

Most of these changes would result in additional, smaller costs in subsequent years because payments are made in installments.

Housing Allowances. Section 605 would limit the out-of-pocket cost of housing for servicemembers receiving basic allowance for housing (BAH) within the United States. Currently, DoD pays members BAH rates which cover about 85 percent of the cost of adequate housing in the United States. DoD plans to reduce the average out-of-pocket housing expense for members by increasing BAH by about 4 percent annually, until BAH covers the full cost of adequate housing by 2005, adjusting the rate each January. Section 605 would accelerate DoD's plan by limiting out-of-pocket costs to 7.5 percent in 2002 and eliminating average out-of-pocket costs in 2003, adjusting the rates on January 1, 2002, and October 1, 2002, respectively. CBO estimates that accelerating the increase in BAH would cost $230 million in 2002 and $1.4 billion over the 2002–2006 period.

Travel and Transportation Allowances. Sections 631 through 634 would affect travel and transportation allowances by expanding eligibility or increasing benefits. CBO estimates that the cost of these changes would be as follows:

Expanding eligibility to receive the basic allowance for housing (BAH) to junior enlisted members in grades E–3 and below who are on leave or traveling between permanent duty stations would cost $34 million in 2002 and $182 million over the 2002–2006 period.

Expanding eligibility for temporary subsistence allowance to officers would cost $6 million in 2002 and $30 million over the 2002–2006 period.

Authorizing dislocation allowances (DLA) for married servicemembers without dependents where the spouse is a member of the military, would cost $4 million in 2002. Expanding eligibility to receive DLA to members with dependents moving to their first duty station would cost $34 million in 2002. Authorizing a $500 allowance to compensate members who must move for government convenience (e.g., because of housing privatization or renovation) would cost $6 million in 2002. CBO estimates that these three provisions would cost $256 million over the 2002–2006 period.

In total, these provisions affecting travel and transportation allowances would cost $84 million in 2002 and $468 million over the 2002–2006 period.

Increases in Incentive Pay and Bonuses. Sections 537, 616, and 617 would expand eligibility for bonuses and increase pay for personnel with special skills. Section 537 would expand the population eligible to receive stipends under the Health Professional Stipend Program to include medical and dental school students. Assuming the number of participants would increase gradually, at about 5 percent a year, CBO estimates that implementing section 537 would cost less than $500,000 in 2002 and $7 million over the 2002–2006 period.

Section 616 would raise the maximum pay rates for servicemembers performing submarine duty. CBO estimates this pay increase, effective October 1, 2002, would have no cost in 2002, cost $21 million in 2003, and cost $111 million over the 2003–2006 period.

Under section 617, certain officers and enlisted servicemembers would become eligible to receive career sea pay, regardless of their rank, time-in-service, or time-at-sea. CBO estimates section 617 would cost $49 million in 2002 and $245 million over the 2002–2006 period. Together, these increases in incentive pay and bonuses would cost $49 million in 2002 and $363 million over the 2002–2006 period.

New Bonuses. Sections 619 and 661 would authorize new bonuses for commissioned officers and enlisted members with critical skills. Section 619 would authorize a new officer accession bonus for officers with critical skills. The bonus, limited to $20,000, could be paid in a lump sum or installments. This authority would expire on December 31, 2002. Based on information from DoD, CBO expects that the Air Force and the Navy would use this authority starting in 2002, and that the provision would cost $18 million in 2002 and $22 million over the 2002–2006 period.

Under section 661, the Secretary of Defense could purchase United States savings bonds for certain officers and enlisted members with critical skills, who agree to extend their period of service for a minimum of six years. The face value of the bonds would range from $5,000 to $30,000, depending on the members' years of service and prior receipt of this benefit. Based on DoD's use of similar bonuses, CBO estimates that section 661 would cost $20 million in 2002 and $104 million over the 2002–2006 period.

Together, CBO estimates these new bonuses would cost $38 million in 2002 and $126 million over the 2002–2006 period.

Subsistence Allowances. Section 604 would extend the current authority to provide an additional subsistence payment when rations-in-kind are not available. DoD plans to prescribe this incremental subsistence allowance until payments may be fully offset by the annual increases in basic allowance for subsistence (BAS). CBO estimates that under DoD's plan, additional subsistence payments would end in 2005. This section also would delay the termination of BAS transition authority by three months, making termination effective on January 1, 2002, and saving an estimated $15 million in 2002. CBO estimates the combined effects of implementing these provisions would cost $6 million in 2002 and $32 million over the 2002–2006 period.

Uniform Allowances. Section 607 would loosen restrictions on eligibility of officers to receive an additional $200 clothing allowance by doubling the cap on the dollar amount a member may receive in an initial clothing allowance over the prior two years. Under current law, officers are ineligible to receive the additional allowance if they have received more than $200 in an initial clothing allowance during the past two years. Raising the cap would increase the number of officers eligible for the additional $200 allowance. CBO estimates that implementing this provision would cost $4 million in 2002 and $20 million over the 2002–2006 period.

Commissary Benefits. Section 662 would allow new members of the ready reserve to use the commissary benefit up to 24 times a year. CBO estimates that implementing this section would cost about $3 million in 2002 and $17 million over the 2002–2006 time period. Currently, new reservists do not automatically qualify for commissary benefits, since they have not had sufficient time to accumulate the necessary annual training points. Under this section, new reservists would be allowed to visit the commissary two times a month until they meet the eligibility requirements which CBO estimates to be about six months. Based on data from DoD, CBO estimates that up to 70,000 reservists would become eligible for this benefit each year. Allowing up to 70,000 more customers to shop at commissaries would increase the administrative costs associated with the commissary system, which are paid out of appropriated funds and are estimated by CBO to be about $8 per reservist per month.

Education and Training. Several sections of the bill would affect education and training by expanding eligibility. CBO estimates that the cost of these changes would be as follows:

Section 532 would remove the cap on the number of Junior Reserve Officers' Training Corps (JROTC) units. DoD plans to have 3,185 units in 2002, less than the current cap of 3,500 units. Based on recent growth rates, CBO expects the number of units would exceed 3,500 in 2005. CBO estimates implementing section 532 would increase JROTC costs by $2 million in 2005, rising to $5 million in 2006.

Section 536 would increase the number of international students authorized to be admitted to the service academies and would eliminate the restrictions on full tuition waivers. CBO estimates that this section would cost $17 million over the 2002–2006 period. Removing the restrictions on tuition waivers would allow about 70 additional international students to receive full tuition assistance each year. This figure includes students admitted because of the higher number of international slots made available under this section, as well as slots that are currently receiving only partial tuition assistance. The current cost of tuition for an international student is about $62,000 a year, and the annual cost of implementing this section would be about $4 million.

Section 539 would provide DoD with the authority to allow certain military personnel the option to transfer up to 18 months of their entitlement to Montgomery GI Bill (MGIB) educational assistance to any combination of spouse and children. To be eligible for this benefit, servicemembers would have to have a critical skill or speciality, to have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, the service would be required to deposit an amount equal to the net present value of the transferred MGIB benefit into the Defense Education Trust Fund when a servicemember was granted this benefit.

Under current law, participants in MGIB who serve at least three years on active duty are entitled to receive $650 a month if they are full-time students. CBO estimates that the value of 18 months of MGIB benefit would be $11,700 in 2002. In estimating the net present value of transferring a portion of an individual's MGIB benefit, CBO assumes that one-third of the benefit transfers would be to spouses and two-thirds would be to children, that spouses would begin using the benefit after two years and children after 16 years, and that 75 percent of the amount available for transfer would be transferred and used. Using these assumptions, CBO estimates that the cost to DoD of the transferred benefit would be an average of $6,640 per person in 2002 and, because of the automatic cost-of-living increases in the MGIB benefit, the cost of the transferred benefit would increase to $7,365 in 2006.

CBO expects that DoD would use the authority in 2002 to enhance retention in those areas where the maximum authorized retention bonuses are currently being paid and that the benefit would be offered to a larger population in subsequent years. Based on information from DoD, about 20,300 servicemembers, with six or more years of service, will receive a selective re-enlistment bonus in 2002. Under section 539, CBO assumes that about 3,000 of those would receive the MGIB transfer benefit, and that this number would increase to 4,400 by 2006. Thus, CBO estimates implementing this provision would cost $20 million in 2002, and about $130 million over the 2002–2006 period. (There would also be direct spending costs of about $91 million over the 2004–2011 period for outlays from the Defense Education Trust Fund as the transferred MGIB benefit is used. CBO's estimate of those outlays is discussed below under the heading of ''Direct Spending.'')

CBO notes that, because this section offers a benefit to the families of servicemembers, it is possible that the demand for equal treatment across families might cause the services to offer this benefit more widely than CBO has estimated. If this benefit were offered to the entire eligible population by 2011, CBO estimates the cost could be more than $200 million over the 2002–2006 period.

Defense Health Program. Title VII contains several provisions that would affect DoD health care and benefits. Tricare is the name of DoD's health care program and the spending under Tricare for beneficiaries under age 65 is subject to appropriation. Spending under Tricare for beneficiaries age 65 and over, often called Tricare for Life (TFL), is subject to appropriation in 2002, but beginning in 2003 this spending will be paid out of a trust fund and will not be subject to appropriation.

Payment Rates. Under current law, DoD has the regulatory authority to set maximum allowable rates for medical services to limit how much the Tricare program pays to health care providers. Although DoD has set maximum rates for many services, it has not yet set rates for hospital outpatient diagnostic services, including clinical lab work and radiation services, and long-term care services such as skilled nursing and home health care services. As a result, Tricare currently pays 75 percent of billed charges for these services. DoD has started the regulatory process to establish maximum rates

for the services listed here and estimates it will take upwards of two years to implement the changes by regulation.

Section 713 would require DoD to implement these rates by October 1, 2001. Under this provision, DoD would be able to lower its costs for both hospital outpatient and long-term care services over the 2002–2003 period before the regulations would have been implemented. These savings would affect spending subject to appropriation as well as direct spending for retirees of the other uniformed services in 2002 and 2003 and the TFL trust fund that starts operation in 2003. CBO estimates that the total savings in spending subject to appropriation for hospital outpatient and long-term care services would be about $230 million over the 2002–2003 period, assuming appropriations are reduced by the estimated amounts. Section 713 would affect two different programs: Tricare (under 65) and Tricare for Life. Those two effects are discussed below.

By lowering payment rates for hospital outpatient diagnostic services, DoD would be able to reduce spending on its beneficiaries under age 65. (This portion of the provision would not affect beneficiaries age 65 and over because Medicare is first payer for these services and TFL would only be responsible for the Medicare deductible and copayments.) Using data from DoD, CBO estimates that making payment rates for hospital outpatient diagnostic services equivalent to Medicare rates would lower Tricare spending for these services by about 30 percent. CBO estimates that lowering the payment rates for hospital outpatient services would save about $150 million over the 2002–2003 period, assuming appropriations are reduced by the estimated amounts.

Under section 713, DoD also would lower the rates paid for skilled nursing and home health care. This change would primarily affect the TFL program since beneficiaries under age 65 do not use much long-term care (DoD spent only $10 million on long-term care for those under 65 in 2000). Savings arise because Tricare's skilled nursing benefit has no time limit while Medicare's benefit expires after 100 days. The change in payment rates would have no impact on Tricare for the first 100 days because Tricare would only be liable for the deductibles and copayments charged under Medicare. However, this provision would lower the amount that Tricare would pay for those beneficiaries who need more than 100 days of skilled nursing care. Additionally, Tricare would reduce its costs for providing skilled nursing and home health care to those beneficiaries who use these services without a prior hospital stay and are thus not Medicare-eligible.

CBO estimates the savings to Tricare would initially be low because the Tricare for Life program does not actually begin operation until the start of fiscal year 2002 and CBO expects that it will take about a year before all beneficiaries take full advantage of the program. CBO estimates that lowering payment rates for skilled nursing and home health care would save DoD about $80 million in 2002, assuming appropriations are reduced by the estimated amounts. (There also would be direct spending savings of about $7 million over the 2002–2003 period for the other uniformed services, and about $215 million in 2003 for DoD when the trust fund begins operation. CBO's estimates of those savings are discussed below under the heading of ''Direct Spending.'')

Long-term Care Rules. Tricare does not currently require a hospital stay prior to using long-term care services such as skilled nursing and home health care. Requiring prior hospitalizations would reduce the number of beneficiaries who use long-term care. DoD has stated the regulatory process to require such prior hospitalizations and expects to complete the process by the start of fiscal year 2004.

Section 703 would require DoD to structure the Tricare long-term care program to resemble Medicare, which requires prior hospitalization before being eligible for skilled nursing and home health care. Under section 703, DoD would be required to implement this provision on October 1, 2001. Requiring prior hospitalization under Tricare's long-term care program would reduce the benefit for those beneficiaries who would otherwise have used long-term care and would save DoD the cost of providing this care over the 2002–2003 period before DoD's new long-term care rules would have gone into effect under DoD's plan. CBO estimates that some of those beneficiaries would likely be able to get a prior hospitalization before seeking care. In those instances, Medicare would become the first payer while a few beneficiaries would end up using Medicaid. Thus the savings to DoD would be partially offset by increased costs to both Medicare and Medicaid (discussed below).

Using data from DoD and the Agency for Healthcare Research and Quality, CBO estimates that about 3,500 beneficiaries, who would have used skilled nursing without a hospital stay, would be affected by these new rules along with about 24,000 beneficiaries who would have used home health care. CBO estimates that some of those beneficiaries would pay for the long-term care through Medicare or Medicaid, while others would pay the costs themselves, use other insurance, or do without the long-term care. For those beneficiaries who would be covered by Medicare, DoD would not save the full cost because Tricare would be liable for all deductibles and copayments. Taking this information into account, CBO estimates that, under section 703, Tricare spending would be reduced by about $40 million in 2002, assuming appropriations are reduced by the estimated amounts. (There would also be direct spending savings of about $120 million for both the trust fund and the other uniformed services in 2003 and Medicare and Medicaid costs in both 2002 and 2003.)

Travel Reimbursement. Under current law, if the military health care system refers an active-duty servicemember to a new doctor or hospital greater than 100 miles from the member's home or duty station, the servicemember is reimbursed for the costs of traveling to the new doctor or hospital. Section 712 would require the Secretary of Defense to also reimburse reasonable travel expenses for a parent, guardian, or responsible family member when the covered beneficiary is a minor. Based on data provided by the department, CBO estimates that this provision would apply about 10,000 times each year and expects that reimbursements would average about $500 per occurrence, although those costs would rise with inflation. CBO estimates that implementing this provision would cost about $5 million a year, assuming appropriation of the necessary amounts.

Strategic Forces. Section 1011 would repeal section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), to allow DoD to initiate actions to retire or dismantle the Peacekeeper intercontinental ballistic missile force. CBO estimates that implementing this provision would yield net savings of $650 million over the 2002–2006 period. Those savings would come from eliminating the cost to operate the missiles starting immediately in 2002, eventually saving about $200 million a year. These savings would be partially offset by the costs of removing the missiles and warheads from the silos and the costs of monitoring the silos. CBO assumes that the retirement process would take about three years and that the missiles would be completely retired by the end of 2004. CBO estimates missile retirement costs would total about $100 million over the 2002–2004 period.

Voluntary Separation and Early Retirement Incentives. S. 1416 contains several provisions that would allow DoD and the Department of Energy (DOE) to offer voluntary separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates implementing these provisions would cost $145 million in 2003 and $6 million in 2004.

Section 1113 would provide DoD with the authority to offer its civilian employees early retirement annuities as well as separation incentive payments of up to $25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be provided only during fiscal year 2003 and would be limited to 4,000 employees. Assuming that 4,000 DoD employees would participate in the buyout program, CBO estimates that the buyout payments would cost $100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRDF) for every employee who takes a buyout. The payments would equal 15 percent of the final basic pay of each employee and come out of the agency's appropriated funds. CBO estimates these payments would cost $29 million in 2003. (CBO estimates that enacting this section also would increase direct spending for federal retirement and retiree health care benefits by a total of $46 million over the 2003–2011 period. CBO's estimate of those outlays is discussed below under the heading of ''Direct Spending.'')

Section 3153 would provide the Department of Energy with authority to offer payments of up to $25,000 to employees who voluntarily retire or resign in calendar year 2003. Current buyout authority for DOE is scheduled to expire on December 31, 2002. CBO assumes that about 600 DOE employees would participate in the buyout program in calender year 2003. CBO estimates that the cost of the buyout payments would total $11 million in 2003 and $4 million in 2004. Like DoD, DOE also would be required to make a payment to the CSRDF for every employee who takes a buyout payment. CBO estimates these payments would cost $5 million in 2003 and $2 million in 2004. (CBO estimates that enacting this provision also would increase direct spending for federal retirement and retiree health care benefits by $16 million over the 2003–2011 period. CBO's estimate of those outlays is discussed below under the heading of ''Direct Spending.'')

Payment to World War II Slave Laborers. Section 1064 would authorize the Secretary of Veterans Affairs (VA) to pay a gratuity of $20,000 to certain veterans and civilians who were held as prisoners of war (POWs) or prisoners of Japan during World War II and sent to Japan to perform slave labor. Section 1064 also would authorize VA to pay this gratuity to a surviving spouse if the claimant is deceased. During the war, thousands of American POWs and civilians who were employees of the United States (either directly or through contractors) were forced to provide slave labor for Japanese corporations. While the precise number of people who might qualify for this gratuity is not known because many Japanese documents are still unavailable for examination, at least one historian has estimated that as many as 25,000 Americans were forced to perform slave labor for about 40 different Japanese companies, and thus would qualify for this gratuity.

Based on historical and actuarial data about the veteran and civilian populations, CBO estimates that about 6,000 claims would be made for the $20,000 payment resulting in a cost of about $118 million over the 2002–2006 period. (CBO assumes that surviving spouses who have subsequently remarried would not be eligible for this benefit, a standard VA policy. Should this rule not apply for this benefit, CBO estimates that an additional 2,000 claims would be made and costs would increase to $161 million over the 2002–2006 period.)

Purchase of Alternative Fuel Vehicles for DoD. Section 317 would increase the number of alternative-fuel light duty trucks purchased for DoD use above the levels set forth in the Energy Policy Act of 1992. CBO estimates that implementing this section would cost about $23 million in fiscal year 2005 and $44 million over the 2005–2006 period.

Based on data from the General Services Administration (GSA), CBO estimates that about 11,500 light duty trucks are purchased annually for DoD use. CBO also estimates that to meet the levels specified in section 317, GSA would need to purchase about 7,700 alternative-fuel light duty trucks for DoD in 2005 and every year thereafter. These vehicles would be purchased in lieu of conventional gas or diesel vehicles and do not include vehicles purchased to satisfy the terms of the Energy Policy Act. Based on data provided by GSA, CBO estimates that in 2005 the average alternative-fuel light duty truck would cost about $3,000 more than a conventionally powered vehicle. When this cost differential is multiplied by the 7,700 trucks estimated to be purchased under this section, CBO estimates that the net annual cost to the department would be about $24 million a year. This cost would be partially offset by savings in DoD's fuel purchases. CBO estimates fuel savings would average about $2 million a year over the 2005–2006 period or about $300 per vehicle per year.

Emergency Response Equipment. Section 1063 would allow DoD to give state and local governments equipment needed for responding to emergencies involving weapons of mass destruction. Only states and local governments in possession of this equipment prior to enactment of this bill would be eligible for this transfer. CBO estimates that this provision would have no budgetary impact because giving equipment to a state or local government would not result in additional spending or cause the federal government to forgo receipts, nor would it affect DoD's authority under current law to lend equipment to other governments. It is possible, however, that giving this equipment away now could lead to DoD experiencing shortages in equipment later, but CBO projects that any future spending would occur after 2011.

Reduction in Authorizations of Appropriations for DoD Management Efficiencies. Section 1002 would authorize a $1.6 billion reduction to the amounts authorized for procurement, research and development, and operation and maintenance in the bill to reflect savings that should be achieved through implementation of the provisions in title VIII and other management efficiencies. Specifically, section 802 would set savings goals for the procurement of services (other than construction) within DoD. Section 802 specifies savings goals beginning in fiscal year 2002 (3 percent) that increase annually until 2011 when DoD would be expected to achieve a 10 percent cost savings in the procurement of services. CBO has no basis for estimating the extent to which those savings targets could be achieved. CBO notes that the department has undertaken similar savings initiatives in the past and that there is little evidence that these initiatives produced the savings levels that were promised. If the total of the authorization amounts in the bill are appropriated in 2002 and the savings goals for next year are not achieved, then the department would need to reduce funding elsewhere in its budget to achieve the $1.6 billion reduction called for by section 1002.

Direct Spending

The bill contains provisions that would reduce direct spending, primarily through revision to payments rates for certain defense health care program services and certain asset sales from the National Defense Stockpile. The bill also contains a few provisions with direct spending costs. On balance, CBO estimates that enacting S. 1416 would result in net savings in direct spending totaling $209 million over the 2002–2006 period (see Table 4).

Medical Care Trust Fund. Sections 703 and 713 would change the way DoD administers long-term care and the way it pays for that care under the Tricare for Life program. DoD has the regulatory authority to make the changes that are directed in these sections but thinks it will take upwards of two years to implement the changes by regulation. Both sections would require that the changes take effect on October 1, 2001. Accordingly, DoD would save money over the roughly two-year period before the regulations would have been implemented. The Tricare for Life program will begin on October 1, 2001, but the trust fund will not begin operation until one year later, so only the savings to DoD in fiscal year 2003 would be considered direct spending savings. There also would be some minor savings in 2002 for retirees of the other uniformed services.

Payment Rates. Under current regulations, the Tricare for Life program will pay all deductibles and copayments associated with Medicare's skilled nursing benefit and will pay for skilled nursing care in excess of the Medicare benefit (100 days). Additionally, Tricare will pay for skilled nursing and home health care even if the beneficiary does not have a prior hospital admission. (Tricare will pay 75 percent of billed charges, with no maximum charge, until the beneficiary has paid $3,000 in out-of-pocket costs and then will pay 100 percent of billed charges after that point.) Section 713 would require DoD to set maximum allowable charges for skilled nursing and home health care, which would lower its cost of providing long-term care. CBO estimates that implementing new charges based on Medicare rates would lower what DoD pays for skilled nursing and home health care by about 30 percent. Under section 713, CBO estimates that direct spending from the trust fund for DoD retirees would decline by about $215 million in 2003. (The discretionary savings for 2002 are discussed earlier in the ''Spending Subject to Appropriation'' section under the heading of ''Defense Health Program.'')

TABLE 4.—ESTIMATED DIRECT SPENDING FROM HEALTH CARE AND OTHER PROVISIONS IN S. 1416, AS REPORTED

[By fiscal year, outlays in millions of dollars]

	2002	2003	2004	2005	2006
CHANGES IN DIRECT SPENDING (EXCLUDING ASSET SALES)					
Medical Care Trust Fund:					
Payment Rates	−2	−220	0	0	0
Long-Term Care Rates	21	−47	0	0	0
Voluntary Separation and Early Retirement Incentives (DoD)	0	44	35	3	−6
Voluntary Separation and Early Retirement Incentives (DOE)	0	6	7	2	(1)
Improvements to Energy Employees Compensation Program	11	14	14	13	13
Transferability of MGIB Education Benefits	0	0	2	5	8
Armed Forces Retirement Home Fees	2	2	2	2	2
Land Conveyance of Navy Property in Maine	0	1	1	0	0
Subtotal	32	−200	61	25	17
ASSET SALES[2]					
National Defense Stockpile—New Sales	−2	−2	−2	−2	−2
National Defense Stockpile—Accelerated Cobalt Sales	−20	−30	−14	−3	33
Authority to Transfer Naval Vessels	−18	−82	0	0	0
Subtotal	−40	−114	−16	−5	31
TOTAL CHANGES IN DIRECT SPENDING					
Estimated Outlays	−8	−314	45	20	48

[1] Less than $500,000.
[2] Asset sale receipts are a credit against direct spending.

The Tricare for Life program also covers retired members of the Coast Guard and retired uniformed members of the Public Health Service and the National Oceanic and Atmospheric Administration. Health care spending for these retirees is considered direct spending. Under section 713, CBO estimates that the other uniformed services would save about $2 million in 2002 and $5 million in 2003.

Long-Term Care Rules. Under current law, Medicare will not pay for skilled nursing and home health care unless the beneficiary has been hospitalized before receiving that care. Tricare, on the other hand, will pay for long-term care without a prior hospitalization. For those cases, Tricare becomes the primary insurance because Medicare will not pay. Section 703 would require DoD to structure its long-term care benefit to resemble Medicare's, which requires prior hospitalization. Implementing this provision would lower DoD's costs because fewer beneficiaries would be eligible for skilled nursing and home health care. CBO estimates that under section 703, direct spending from the

trust fund would decline by about $120 million in 2003. CBO also estimates that, under section 703, the other uniformed services would save less than $500,000 in 2002 and about $1 million in 2003. (There would also be discretionary savings of about $40 million, as discussed earlier.)

The Tricare for Life program would be able to lower costs by shifting many of those costs to their beneficiaries and other government programs, primarily Medicare. CBO estimates that about 50 percent of individuals who would have used long-term care without a prior hospital stay would be able to qualify under the Medicare rules (about 1,600 for skilled nursing and about 12,000 for home health care). CBO further estimates that the average cost of skilled nursing is about $250 a day, and for home health care about $2,300 for 60 days of care, which is the Medicare benefit. Accordingly, CBO estimates that under section 703 direct spending for Medicare benefits would increase by $20 million in 2002 and $70 million in 2003. In addition, a few beneficiaries would eventually become eligible for Medicaid, which also provides long-term care benefits. CBO estimates that Medicaid costs under section 703 would be $1 million in 2002 and $3 million in 2003.

Voluntary Separation and Early Retirement Incentives. S. 1416 contains several provisions that would allow the DoD and DOE to offer voluntary separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates enacting these provisions would increase direct spending for federal retirement and retiree health care benefits by $50 million in 2003 and $62 million over the 2003–2011 period.

Section 1113 would provide DoD with authority to offer its civilian employees early retirement annuities as well as separation incentive payments of up to $25,000 for employees who voluntarily retire or resign in fiscal year 2003. The authority under this section is provided only during fiscal year 2003 and is limited to 4,000 employees. CBO estimates that enacting section 1113 would increase direct spending for federal retirement and retiree health care benefits by $44 million in 2003 and $46 million over the 2003–2011 period.

Section 3153 would provide DOE with authority to offer payments of up to $25,000 to employees who voluntarily retire or resign in calendar year 2003. Current buyout authority for DOE is scheduled to expire on December 31, 2002. CBO estimates enacting section 3153 would increase direct spending for federal retirement and retiree health care benefits by $6 million in 2003 and $16 million during the 2003–2011 period.

DoD Retirement Spending. CBO assumes that 4,000 DoD employees would participate in the buyout program in 2003. CBO further assumes most workers who take a buyout would begin collecting federal retirement benefits an average of two years earlier than they would under current law. Inducing some employees to retire earlier initially would result in additional retirement benefits being paid from the Civil Service Retirement and Disability Fund. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. Under section 1113, CBO estimates direct spending for retirement benefits would increase by $38 million in 2003 and $34 million over the 2003–2011 period. (The discretionary costs for 2003 associated with the buyout payments were discussed earlier in the ''Spending Subject to Appropriation'' section under the heading of ''Voluntary Separation and Early Retirement Incentives.'')

DoD Retiree Health Care Spending. Enacting section 1113 also would increase direct spending on federal benefits for retiree health care because many employees who accept the buyouts would continue to be eligible for coverage under the Federal Employee Health Benefits (FEHB) program. The government's share of the premium for these retirees—unlike current employees—is mandatory spending. Because many of those accepting the buyouts would convert from being an employee to being a retiree earlier than under current law, mandatory spending for FEHB premiums would increase. CBO estimates these additional FEHB benefits would increase direct spending by $6 million in 2003 and $12 million over the 2003–2011 period.

DOE Retirement Spending. CBO assumes that about 600 DOE employees would participate in the buyout program in calender year 2003 and that most workers who take a buyout would begin collecting federal retirement benefits an average of two years earlier than they would under current law. Inducing some employees to retire earlier initially would result in additional retirement benefits being paid from the CSRDF. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. Under section 3153, CBO estimates direct spending for retirement benefits would increase by $6 million in 2003 and $15 million over the 2003–2011 period.

DOE Retiree Health Care Spending. Section 1113 also would increase direct spending on federal retiree health benefits because many employees who accept the buyouts would continue to be eligible for coverage under the FEHB program. CBO estimates these additional FEHB benefits would increase direct spending by less than $500,000 in 2003 and by $1 million in 2004.

Energy Employees Compensation. Section 3151 would make technical changes to the Energy Employees Occupational Illness Compensation Program (EEOICP) created by Public Law 106–398, which enacted the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. CBO estimates that enacting this provision would increase direct spending for EEOICP by $11 million in 2002, $65 million over the 2002–2006 period, and $108 million over the 2002–2011 period.

Section 3151 would establish more relaxed criteria for determining whether a claimant suffers from chronic silicosis. Specifically, this section would reduce the required pneumoconiosis classification of a claimant to a more lenient category. CBO estimates that relaxing this criteria would allow about 550 new claimants, who were not previously eligible, to receive compensation from EEOICP.

Under current law, successful claimants are entitled to a one-time, lump sum payment of $150,000. CBO estimates that relaxing the criteria for chronic silicosis would increase direct spending for EEOICP by about $55 million over the 2002–2006 period, and $83 million over the 2002–2009 period. CBO assumes these payments would be spread evenly throughout the 2002–2009 period because screening programs are still ongoing and will need several years to identify all potential claimants.

Additionally, under current law, once a claim is approved EEOICP becomes the primary payer for all medical bills related to a claimant's condition. CBO estimates that the average annual cost for treatment of chronic silicosis is about $4,000. After considering mortality rates associated with this disease, CBO estimates that medical costs paid under EEOICP would increase direct spending by about $1 million in 2002, $5 million over the 2002–2006 period, and $21 million over the 2002–2011 period.

Section 3151 also would make other changes to EEOICP. The age requirement for those claimants afflicted with leukemia attributable to occupational exposure to radiation would be lowered to include those whose initial exposure occurred before age 21. CBO estimates that lowering the age requirement would create a negligible number of additional claims. Section 3151 would also clarify the rules for making payments to survivors of former energy workers. Currently, widows or children can claim the entire $150,000 payment in the event that the former employees are deceased. Grandparents, grandchildren, and siblings can claim the payment if they can prove dependency on the deceased employee. Section 3151 would allow these other relatives to make such claims without proving dependency. CBO estimates that only about 2.5 percent of all survivors would be someone other than a widow or child, generating about 25 additional claims. CBO estimates that the relaxed restrictions on survivors would increase direct spending for EEOICP by less than $500,000 in 2002, and $4 million over the 2002–2006 period. CBO expects that almost all these additional claims would be paid in the 2002–2006 period.

Transfer of Entitlement to MGIB Education Assistance. Section 539 would provide DoD with the authority to allow certain military personnel to transfer up to 18 months of their entitlement to MGIB educational assistance to any combination of spouse and children. To be eligible, servicemembers would have to have a critical skill or speciality, to have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, an amount equal to the net present value of the transferability option would be deposited into the Defense Education Trust Fund when a service member was granted this benefit, and would be paid to the Secretary of Veterans Affairs as the benefit was used. The monies deposited into the trust fund are subject to appropriation and were discussed earlier under the heading of ''Spending Subject to Appropriation.''

CBO expects that DoD would use the authority in 2002 to enhance retention in those areas where the maximum authorized retention bonuses are currently being paid and that the benefit would be offered to a larger population in subsequent years. Based on information from DoD, about 20,300 servicemembers, with six or more years of service, will receive a selective re-enlistment bonus in 2002. Under section 539, CBO assumes that about 3,000 of those would receive the MGIB transferability benefit, and that this number would increase to 7,100 by 2011. CBO also assumes that two-thirds of the transfers would be used by children. Since most selective re-enlistment bonuses go to servicemembers with 10 or fewer years of service, few of their children would be of an age to use post-secondary education benefits over the next 10 years. CBO's estimate of mandatory outlays for this benefit, therefore, focuses on the use of the remaining one-third of the transfers that would go to spouses.

CBO expects the spouses would, on average, begin training two years after the transferability option was granted, and that they would train, on a part-time basis, over a period of several years. Based on these assumptions, CBO estimates that about 700 spouses would receive an average annual benefit of $2,400 in 2004 and that, by 2011, almost 840 spouses would receive an annual MGIB benefit of about $2,800. Thus, CBO estimates that enacting this provision would increase direct spending for MGIB education benefits by $2 million in 2004, $15 million over the 2004–2006 period, and $91 million over the 2004–2011 period.

Changes to Armed Forces Retirement Home Fee Structure. Section 1045 would authorize changes to the fees levied on residents of the Armed Forces Retirement Home. These fees are deposited into the Armed Forces Retirement Home Trust Fund, which pays the operating and maintenance costs of the U.S. Soldiers' and Airmen's Home in Washington, D.C., and the U.S. Naval Home in Gulfport, Mississippi. The legislation would change the percentage of monthly income charged to residents of the two homes and alter the monthly caps on resident fees. Section 1045 would also authorize the Chief Operating Officer of the Armed Forces Retirement Home, in consultation with the Secretary of Defense, to make additional changes in the resident fees in accordance with the financial needs of the Retirement Home. However, Armed Forces Retirement Home staff have indicated that no significant changes in the fee structure, other than those indicated by the bill, are anticipated in the near future.

Information provided by the Armed Forces Retirement Home indicates this provision would reduce fees for more than 1,200 residents, almost 80 percent of all residents. CBO estimates the affected residents would see their fees reduced by an average of about 15 percent in 2002. Therefore, CBO estimates that section 1045 would reduce offsetting receipts (a credit against direct spending) by $2 million in 2002 and a total of $20 million over the 2002–2011 period.

Land Conveyances. Title XXVIII would authorize a variety of property transactions involving both large and small parcels of land.

Enacting this bill would result in direct spending by authorizing a conveyance that would reduce offsetting receipts collected by the federal government. Under section 2823, the Navy would be authorized to convey 485 acres of property to the state of Maine or other governmental jurisdictions. Under current law, however, the Navy will declare that property excess to its needs and transfer it to the General Services Administration for disposal. Under normal procedures, GSA sells property not needed by other federal agencies or by nonfederal entities in need of property for public-use purposes such as parks or educational facilities. Information from GSA indicates that portions of the land will likely be sold under current law after the entire parcel is screened for other uses in 2002. As a result, CBO estimates that the conveyance in the bill would result in forgone receipts totaling about $1 million in 2003 and $1 million in 2004.

CBO estimates that other conveyances would not significantly affect offsetting receipts because according to DoD some of the properties have values of less than $500,000 while others are not likely to be transferred to GSA for disposal.

Concurrent Receipt. Upon passage of qualifying, offsetting legislation, section 651 would allow total or partial concurrent payment of retirement annuities together with veterans' disability compensation to retirees from the military, the Coast Guard, the Public Health Service, and the National Oceanic and Atmospheric Administration who have service-connected disabilities. The provision also would discontinue special compensation for certain uniformed service retirees who are severely disabled.

Under current law, disabled veterans who are retired from the uniformed services cannot receive both full retirement annuities and disability compensation from the Department of Veterans Affairs. Because of this prohibition on concurrent receipt, such veterans forgo a portion of their retirement annuity equal to the nontaxable veterans' benefit.

Section 651 would become effective only upon passage of legislation that would fully offset its costs in each of the first 10 fiscal years after passage of the offsetting legislation. If qualifying, offsetting legislation were enacted in 2001, CBO estimates that implementing this section in 2002 would increase direct spending for retirement payments and veterans' disability compensation by about $3 billion in 2002, $17 billion over the 2002–2006 period, and $41 billion over the 2002–2011 period. Because those effects are contingent upon subsequent legislation, they are not included in Table 4.

In addition, the military retirement system is financed in part by an annual payment from appropriated funds to the military retirement trust fund, based on an estimate of the system's accruing liabilities. If section 651 were implemented, the yearly contribution to the military retirement trust fund (an outlay in budget function 050) would increase to reflect the added liability from the expected increase in annuities to future retirees. CBO estimates that implementing this provision would increase such payments by about $1 billion in 2002, and $6 billion over the 2002–2006 period, assuming appropriation of the necessary amounts.

Other Provisions. The following provisions would have an insignificant budgetary impact on direct spending:

Section 314 would extend a pilot program for the sale of air pollution emission reduction incentives. DoD would be allowed to spend all receipts less than $500,000 on environmental programs. Any receipts above $500,000 would go to the Treasury.

Section 505 would allow officers whose mandatory retirement has been deferred for medical reasons to further postpone their retirement for up to 30 days.

Section 515 would allow disability retirement for reservists whose disability was incurred or aggravated while remaining overnight before inactive-duty training, or between successive periods of such training. Currently, reservists are only covered during overnight stays for such periods if they are outside reasonable commuting distance of their residences.

Section 552 would require the military to review the records of certain Jewish American war veterans to determine if any of these veterans should be awarded the Medal of Honor. A $600 a month pension is available to living Medal of Honor recipients. Based on similar reviews in the past, CBO estimates that a small number of awards would be presented (many posthumously), resulting in an increase in direct spending of less than $500,000 a year.

Section 586 would allow DoD to accept voluntary legal services as a way to provide legal help to DoD beneficiaries. Although the service is voluntary, in the event of a legal malpractice suit the government would be liable for any claims against the legal volunteer. Payment of those claims is considered direct spending, but CBO estimates that this provision would cost less than $500,000 each year.

Section 1111 would provide federal retirement credit to certain former employees of Nonappropriated Fund Instrumentalities (NAFI). Under current law, most workers who transfer from NAFI employment to regular federal employment may transfer any NAFI retirement service credits earned as NAFI employees to the appropriate federal retirement program. However, under certain circumstances, some former NAFI employees have not been permitted to transfer NAFI retirement credits to their federal service. Section 1111 would permit many of these employees to use NAFI credits that otherwise would not have been credited to their federal service in order to qualify for retirement annuities under the Civil Service Retirement System or the Federal Employees' Retirement System.

Although workers would be able to use these credits in order to qualify for federal retirement benefits earlier than they would have otherwise, the provision mandates that annuities be actuarially reduced. The actuarial reduction would be calculated in such a way that the present value of a retiree's benefits would be actuarially equivalent to the value of the annuity that would have been provided without the NAFI service credit. Information provided by the Department of Defense and Office of Personal Management indicates that only between 5 and 15 employees would claim NAFI service credit under this provision in any given year. Therefore, CBO estimates that Section 1111 would increase direct spending for federal retirement benefits by less than $500,000 a year.

Section 1112 would provide greater pension portability for certain civilian employees who have been employed by a NAFI employer and then become federal workers. The provision would eliminate the requirement that workers who move between a NAFI employer and the civil service must be fully vested in order to transfer any accrued service credits from one retirement system to another. According to the Department of Defense, relatively few workers would be affected by this provision; thus, CBO estimates that Section 1112 would increase direct spending by less than $500,000 per year.

Section 2804 would expand DoD's ability to substitute in-kind payments for cash from the lease of its property. The provision would raise direct spending because it would lower the amount of cash that DoD receives and deposits in the Treasury as offsetting receipts. CBO estimates that the loss of offsetting receipts would total less than $500,000 annually.

Asset Sales

The bill would authorize various asset sales totaling $144 million over the 2002–2006 period.

National Defense Stockpile. Section 3301 would authorize DoD to sell certain materials contained in the National Defense Stockpile that are obsolete or excess to stockpile requirements. CBO estimates that DoD would be able to sell the materials authorized for disposal and achieve receipts totaling about $2 million in 2002, $10 million over the 2002–2006 period, and $20 million over the 2002–2011 period.

Section 3302 would amend previous authorization bills allowing managers of the stockpile to achieve near-term sales in excess of the established interim targets. Because actual sales have already exceeded those targets and because the bill would not increase total program targets, CBO estimates that enacting this provision would have no net budgetary impact.

Section 3303 would accelerate by one year the disposal of cobalt that was previously authorized for sale in the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85). The 1998 bill authorized the sale of all remaining cobalt starting in 2003. The sales of cobalt authorized for disposal under earlier bills are projected to be completed this year. This bill would allow all remaining cobalt to be sold starting in 2002, thus avoiding a one-year gap in sales. CBO estimates that DoD would be able to expedite that disposal without impacting current market prices, resulting in more receipts from asset sales over the next five years, but no net budgetary impact over the 2002–2011 period.

Naval Vessels. Section 1216 would authorize the transfer of 13 naval vessels to foreign countries. It would authorize the sale of six vessels; the other seven would be given away. Information from DoD indicates that the

asking price for the six ships would be approximately $175 million. There is significant uncertainty as to whether all six vessels would be sold and what the sale price might be. Reflecting this uncertainty, CBO estimates that receipts from these sales would total $18 million in 2002 and $82 million in 2003.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in direct spending that are subject to pay-as-you-go procedures are shown in Table 5. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

TABLE 5. ESTIMATED IMPACT OF S. 1416 ON DIRECT SPENDING AND RECEIPTS

	By fiscal year, in millions of dollars—										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays	0	-8	-314	45	20	48	51	19	21	15	17
Changes in receipts	Not applicable										

Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that subtitle F (Uniformed Services Overseas Voting) of title V is excluded because the provision would enforce an individual's constitutional right to vote.

Section 1062 of the bill would prohibit possession of significant former military equipment that has not been demilitarized and require the Secretary of Defense to notify the Attorney General of any known cases of persons holding such equipment. The Attorney General would be given the authority to require holders of such equipment either to ensure that the equipment is demilitarized or returned to DoD for demilitarization. In either case, those requirements would be considered mandates. If the equipment is not returned to DoD for demilitarization, the recipient must bear the costs of demilitarizing the equipment. However, the instances in which this provision would be used are expected to be small; in most cases DoD demilitarizes equipment prior to transferring ownership. Consequently, the costs of this mandate would be minimal.

The remaining provisions of the bill either contain no mandates or are excluded, as specified in UMRA, because they would be necessary for national security. The bill also would affect DoD's Tricare long-term care program by increasing costs in state Medicaid programs by about $1 million in 2002 and over $2 million in 2003. Such costs would not result from mandates as defined by UMRA.

Previous CBO estimates: On August 22, 2001, CBO transmitted a cost estimate for H.R. 2586, the National Defense Authorization Act for Fiscal year 2002, as ordered reported by the House Committee on Armed Services on August 1, 2001. The House bill also would authorize approximately $343 billion in defense funding for fiscal year 2002. Both H.R. 2586 and S. 1416 would reduce direct spending over the 2002–2006 period, but the Senate bill contains less such savings.

On May 22, 2001, CBO prepared cost estimates for S. 170 and H.R. 303, identical bills titled the Retired Pay Restoration Act of 2001. S. 170 and H.R. 303 would provide identical benefits to those specified in Section 651 of S. 1416. If section 651 is implemented by October 1, 2001, the costs would be identical to those estimated for S. 170 and H.R. 303. As noted above, however, the provisions of section 651 cannot be implemented until additional legislation is enacted (to offset the section's costs). S. 170 and H.R. 303 do not contain such a contingency requirement.

Estimate prepared by: Federal Costs: Military Construction and Other Defense: Kent Christensen (226–2840); Military and Civilian Personnel: Dawn Regan (226–2840); Civilian Retirement: Geoffrey Gerhardt (226–2820); Stockpile Sales and Strategic Forces: Raymond Hall (226–2840); Military Retirement: Sarah Jennings (226–2840); Health Programs: Sam Papenfuss (226–2840); Multiyear Procurement: Raymond Hall (226–2840); Naval Petroleum Reserves: Lisa Cash Driskill (226–2860); Operations and Maintenance: Matthew A. Schmit (226–2840). Impact on State, Local, and Tribal Governments: Elyse Goldman (225–3220). Impact on the Private Sector: R. William Thomas (226–2900).

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. LEVIN. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1595

Mr. INHOFE. Mr. President, I have amendment No. 1595 before the Senate. I am very distressed right now over some things that are happening. I have an amendment before the Senate that will change our relationship with and the understanding many people have concerning the island of Vieques. The island of Vieques has been a live range for us for over 50 years. It has had a very successful record. There has only been one civilian killed during that time period. Contrast that with a range in the State of Oklahoma. In the State of Oklahoma we have had a live range much longer than that, and we have lost eight civilians during that period of time—because of purely political reasons and in a lust for the votes and a mistaken notion that if you vote to close a range as a result of people who are protesting, breaking the law, people who are former terrorists, such as Mrs. Lebron, who led a bunch of terrorists into the House of Representatives many years ago and opened fire, wounding five of our Members of the House of Representatives, and others now protesting, trespassing on property that we own, property owned by the U.S. Navy, where we train our troops for their deployments from the east coast to the Persian Gulf.

When we deploy battle groups to the Persian Gulf, those troops are going to see combat. The chances are better than 50–50 they will see combat. They have relied on this live-fire training for a long time. It has always been there. It is the only place we can do that type of training. We have had all kinds of committees to find another place that is just as good, but they cannot do it.

The reason they cannot find a new range is because there has to be unified training: a battle group of aircraft carriers and the F–14s, F–18s, using live munitions, bombing, and at the same time our Navy using live munitions, and at the same time our Marine expeditionary units going in under that live fire.

For those of us in this room—and I do not know how many besides the two I am looking at have actually been in the service —there is a huge difference between inert and live ammunition. I can remember when I was in basic training. It is easy to crawl under that barbed wire when it is not real bullets, but when it is real ammunition, that is different. That is exactly what we have to have to train these people who are going off to the Persian Gulf.

We have been unable to do it because of these protests. This is the first time in the history of America we have allowed a bunch of illegal protesters to change our policy. They will not be successful, but if they were successful, think about our other ranges. I have talked to the chiefs of every service. The Air Force is in desperate need of ranges right now.

I have talked to people in Lawton, OK. There are 100,000 people who live right next to a live range, and a few of them said: All you have to do is protest and they close the range?

There is a clear right and wrong. I have 2½ years of my life in this issue. I have been around the world. I have looked at every possible area where we could have an alternative training source. Some people say let us send the F–18s over there and let them go to England or some place and drop their loads. Let us train over here with live fire and let us let the marines train over in this area, and I was suggesting at least that notion to some of the Navy pilots that were on one of the—this is probably over a year ago—on one of the aircraft carriers on which they were supposed to be training, and he said, well, wait a minute, that is like having the very best football players you can have anyplace in the world; you have the best quarterback, the best halfback, the best defense but they never scrimmage together. So what happens on the day of the opening game? They lose it. They have to train together.

Now, people say you get the same training with inert. You do not get the same training with inert, but when we allowed that bunch of illegal trespassers to take us out of live fire and put us in inert, we lost five American lives. Did we lose these lives because of that? Yes, we did. They had to go over and they were trying to carry out an exercise in Kuwait. It did not work,

and six people died, five of whom were Americans.

I have the investigation. It shows clearly those individuals who were unable to have live fire training—they had inert training on Vieques but not live fire training. There is a huge difference. Talk to anyone in the Navy who has to handle those live missiles. When they are deploying them, when they are handling live ordnance, it is a big difference from inert. Anyway, we have already lost that many, and I am hoping we will be able to resolve this problem.

Senator CORZINE is going to offer an amendment if I bring up my amendment. It is a second-degree amendment, and that amendment would have the effect of killing what I am trying to do. That would make it so we would not have a range to practice at or to train on on these deployments from the east coast. I have had to think long and hard about this as to whether or not it is better not to have an amendment at all and resolve this problem in conference, or whether we go ahead and succumb to the second-degree amendment.

I say to Senator CORZINE, I think the votes are there to pass his amendment. If we did that, we would be closing the range and at the same time we would be giving that responsibility to the President on a year-by-year basis. If one stops and thinks about the 200-and-some ranges we have, if the President had to go through and debate this every year as to whether or not to allow that range to stay open as a live range, he would not have time to do anything else. That would not work.

Secondly, that puts politics right back in it. My amendment is a good amendment. It said call off the referendum. We should never have had a referendum. Then it says we will use the range we own—and at this very time we are in the middle of war—to train our troops until such time as both the CNO of the Navy and the commandant of the Marine Corps certify we do not need it. Those are military people. They are not political people.

I have this gnawing feeling that the way this is worded I would lose that amendment, and rather than have the Corzine language in there, we are far better off not to have any language at all.

I regrettably say I think we will end up in the same situation as we would be if we passed this amendment, or if we did not pass it or if we just left it like it is in conference.

As we speak, in Puerto Rico they are considering a resolution. That resolution says we, Puerto Ricans, as proud American citizens with the same responsibilities as our brethren in the continental United States, have the obligation of contributing to this fight, allowing and supporting military training and exercises in the island municipality of Vieques.

This may not pass. It is being debated right now. But certainly there is a very large number of people saying—and that number is much larger today after September 11 than it was before—we are American citizens first. We have to train our people and we have to train them with quality training so they do not lose their lives when they get over to the Persian Gulf.

That is my situation. That is the dilemma that we have right now.

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

Mr. INHOFE. I will be glad to yield.

Mr. WARNER. Mr. President, frankly, there is no Senator in this Chamber, on either side of the aisle, who has worked more conscientiously on this extremely complex issue than our distinguished colleague from Oklahoma, Mr. INHOFE.

I had indicated to him I felt his amendment was one that certainly merited my support, and my support remains. I wonder if we laid his amendment aside, perhaps in further consultations we could come up with some affirmation of a position that fostered, No. 1, the current obvious willingness among responsible people in Puerto Rico to recognize the extenuating circumstances in which our American servicemen are now preparing to embark, as we speak, for various points worldwide in response to an issue taken by a very courageous and bold President of the United States.

I wonder if we could lay it aside, enabling the Senator from Oklahoma to counsel with our colleague from New Jersey in the hopes that perhaps he could reach a position again that would foster the strengthening of this opportunity to continue the use of this base as the Puerto Ricans at the present time are doing.

Mr. INHOFE. I appreciate that counsel, and I think it is very wise counsel. If I could count the votes, and I knew I could defeat the Corzine amendment and have mine, I would do it, but I think we would be in far worse shape if we had that language.

For that reason, I am down to two choices: one to go ahead and withdraw my amendment, and the other to lay it aside so we can talk to see if something can happen. I think I will choose the latter and ask at this time to lay aside amendment No. 1595 for a period of time.

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

Mr. WARNER. Mr. President, the chairman of the committee and I will confer on what matter we next have at hand.

Mr. LEVIN. I wonder if we have any cleared amendments we can take up?

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1677

Mr. LEVIN. On behalf of Senators CLELAND and HUTCHINSON, I offer an amendment which would give the Secretary of Defense direct hiring authority for certain health care professionals, and I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, for himself, and Mr. HUTCHINSON, proposes an amendment numbered 1677.

Mr. LEVIN. 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 authorize the Secretary of Defense to exempt certain health care professionals from examination for appointment in the competitive civil service)

On page 377, between lines 3 and 4, insert the following:

SEC. 1124. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.

(a) AUTHORITY TO EXEMPT.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination

''(a) AUTHORITY TO EXEMPT.—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303, 3321, and 3328 of such title) an individual who has a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

''(b) COVERED HEALTH-CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

''(1) Physician.
''(2) Dentist.
''(3) Podiatrist.
''(4) Optometrist.
''(5) Pharmacist.
''(6) Nurse.
''(7) Physician assistant.
''(8) Audiologist.
''(9) Expanded-function dental auxiliary.
''(10) Dental hygienist.

''(c) PREFERENCES IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.''.

Mr. WARNER. We both urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1677) was agreed to.

Mr. LEVIN. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1678

Mr. WARNER. On behalf of Senators COLLINS and LANDRIEU, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Ms. COLLINS, Ms. LANDRIEU, and Mr. ALLARD, proposes an amendment numbered 1678.

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

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

The amendment is as follows:

(Purpose: To authorize waivers of a prohibition of requirement for a nonavailability of health care statement or a preauthorization of health care, and to make other modifications regarding the prohibition)

At the end of subtitle B of title VII, add the following:

SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) CLARIFICATION OF COVERED BENEFICIARIES.—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–184) is amended by striking ''covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard,'' and inserting ''covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code,''.

(b) REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.—Subsection (b) of such section is repealed.

(c) WAIVER AUTHORITY.—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

''(b) WAIVER AUTHORITY.—The Secretary may waive the prohibition in subsection (a) if—

''(1) the Secretary—

''(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

''(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

''(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

''(2) the Secretary provides notification of the Secretary's intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

''(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

''(4) 60 days have elapsed since the date of the notification described in paragraph (3).''.

(d) DELAY OF EFFECTIVE DATE.—Subsection (d) of such section is amended—

(1) by striking ''take effect on October 1, 2001'' and inserting ''be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002''; and

(2) by redesignating the subsection as subsection (c).

(e) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

MEDICAL TECHNOLOGY

Ms. COLLINS. Mr. President, I rise today to bring to the attention of our distinguished chairman of the Senate Armed Services Committee an issue that we must consider as potential military action is taken to address our national crisis. There are many aspects to consider in taking care of our soldiers, sailors, airmen and Marines who are sent into harm's way. However, there is an immediate and critical area that may not seem like a high priority in these times of deployment and mobilization of our armed forces, an area that in times of war becomes absolutely necessary in preserving their well-being. I am speaking of medical technology and research as it concerns the battlefield.

I have recently been made aware of two efforts that could dramatically improve the current medical challenges involved in blood and tissue preservation. These programs would aim to develop stable blood products, organs, and wound-repairing tissues that could enhance human survivability under conditions of trauma, shock, anoxia and other extreme conditions that are common in combat.

Mr. LEVIN. The Senator from Maine is quite correct in her observation and assessment that medical treatment is a part of war that sometimes may be taken for granted, and that the medical care of our service men and women is an area of defense that should not be overlooked. Particularly in the area of military combat casualty care, the Department must consider any initiative that could have benefits for saving the lives of men and women whose service to our nation puts them at risk of severe injury.

Ms. COLLINS. I have recently been briefed on these two medical research efforts and would like to offer a couple of comments on their potential impact in combat casualty care. They are research initiatives by our research laboratories and universities across the country, which could provide a unique capability to develop new tissue products that are vitally important for the military. Recent U.S. military actions have resulted in stationing troops in harsh climates, from Kuwait to Bosnia to Saudi Arabia. Future locations and missions will require new capabilities in combat casualty care, and these capabilities would include stable blood products, organs, and wound repairing tissues that will enhance human survivability under conditions of trauma, shock, anoxia and other extreme conditions, including extreme environment. These projects aim to develop tissue with a long shelf life that are necessary for combat casualty care. Additionally, the research would serve as a large-scale source of murine models for the scientific community to utilize mouse genetics in understanding how the products of multiple genes interact to develop and maintain entire physiological systems. I would strongly urge the Department to investigate research that would permit the long-term storage of blood cells and tissues in deployed environments.

Mr. LEVIN. I thank the distinguished Senator from Maine for highlighting the critical nature of this research, and for voicing her support for investments in the well-being of a most precious national asset—our men and women in uniform, who will fight and risk their lives for each of us.

Mr. WARNER. Mr. President, this authorizes the Secretary of Defense to waive the prohibition against requiring statements of nonavailability to authorized health care services other than mental health services of beneficiaries receiving care under TRICARE standard. It is my understanding this amendment is cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1678) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1679

Mr. LEVIN. Mr. President, on behalf of Senator FEINGOLD, I offer an amendment which requires the Under Secretary of Defense to provide a report on certain matters pertaining to the V–22 Osprey Program before the aircraft is returned to flying status, and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FEINGOLD, proposes an amendment numbered 1679.

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

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

The amendment is as follows:

(Purpose: To require a report on the V–22 Osprey aircraft before a decision to resume flight testing)

At the appropriate place in title II, insert the following:

SEC. ___. REPORT ON V–22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.

Not later than 30 days before the planned date to resume flight testing of the V–22 Osprey aircraft, the Under Secretary of Defense

for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V–22 Osprey Aircraft, including—

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

(B) a description and assessment of the actions taken to redress such deficiencies.

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

(3) An assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

Mr. LEVIN. This amendment has been cleared by the other side.

Mr. WARNER. Mr. President, if we can hold.

Mr. LEVIN. I ask unanimous consent this amendment be temporarily laid aside.

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

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

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I see colleagues coming to the Chamber. I will not be lengthy. I surmise we may be debating an amendment. But until we do, let me just take this time to present kind of a bit of an overview—I see the Senator from Virginia.

Mr. WARNER. Mr. President, perhaps we can just go into morning business for a period of time.

Mr. WELLSTONE. That is fine. I appreciate that.

I ask unanimous consent that we go into morning business for 10 minutes so that I may speak.

Mr. WARNER. I reserve the right to object.

Can we stipulate some time period?

Mr. WELLSTONE. I say to my colleague, 10 minutes.

Mr. WARNER. No objection.

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

(The remarks of Mr. WELLSTONE are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, I have talked to the managers of the bill about two amendments I intend to offer. I would like to comment about these matters now and will be glad to get into a greater discussion about them later. I believe that these amendments address issues that are extremely important and directly relate to our fighting men and women and those service members who have disabled children.

First, I want to thank the committee, especially Senators LEVIN and WARNER, for taking the first step toward ensuring that disabled families of our active-duty military have greater access to the health care they deserve. The first amendment I intend to offer is another step toward achieving that goal.

Early last year, a young man in the U.S. Air Force, SGT Faye, drove over 12 hours with his wife and disabled 4-year-old daughter to testify how important it was to make Medicaid more accessible. Why? The military health care system does not provide for his daughter's needs, and Medicaid does.

Unfortunately, in order to continue her eligibility for Medicaid, this service member could not accept a promotion to the next rank. No member of the Armed Forces who risks their life for our country should ever be put in a position of having to decide between health care for a disabled child and doing their job for our country, nor should these families have to rely on Medicaid to find health care that works.

My amendment corrects the injustices these families have suffered by giving these families in TRICARE what they effectively receive in Medicaid. It allows disabled dependents to receive the health care that is necessary to maintain their function and prevent further deterioration of their disability, provides community-based services so disabled dependents can stay at home with their families and live in their communities rather than being institutionalized. This is no different from what Medicaid provides. The amendment includes respite care and hearing aids which can help a disabled person stay or become independent. It includes more flexible mental health services, and also gives the physician the final decision regarding what health care services are necessary.

These guarantees are effectively what are in existence under the Medicaid program. But what harmed SGT Faye was that in order to be able to get these kinds of services for his 4-year-old child, he had to decline his promotion to the next rank a promotion that would have raised his family's income above the Medicaid threshold. SGT Faye had outstanding recommendations and the Air Force wanted to promote him, but he couldn't accept it because it meant giving up the health care his daughter needed.

Right now, the President is activating many servicemen and women who face these very same circumstances. We clearly know that these servicemen and women should not have to worry about finding adequate health care for their children, especially when their children have a disability. Half of all the members of the Armed Forces are married, more than half have children, and many of those children are under 10 years of age. As in any population, a number of those children are special needs children and require the services I have outlined.

This amendment ensures that servicemen and women don't have to go to Medicaid to get the health care their children need.

We know how far we have come, over many decades, to guarantee that disabled people have the health care and independence they need to be participating members of their communities. Our military families with disabled dependents should not be denied that opportunity. These improvements to TRICARE are some of the most significant steps we can take in this Congress. They offer a new and better life to large numbers of military families. I commend Senator CLELAND, who did a great deal of work in this area and provided great leadership in the development of a number of different programs to reach out to children with special needs.

This amendment gives servicemen and women and their disabled family members the health care they need.

My other amendment also addresses the needs of our military families, but from a different angle. It relates to the needs of the families of servicemen and women who will be impacted by the call up of the National Guard and Reserves components. As we examine the immediate and long-term needs of our military, we cannot forget the families, especially the children, whose daily lives and routines are disrupted by their parents' commitments to preserving America's freedoms. Husbands and wives, parents and children, will be separated more frequently and for longer periods during the coming months and years. These separations will be filled with uncertainty about the safety of their loved ones, and the families will be profoundly affected.

Today, over half of the active-duty members are married, almost half have children. There are 2 million family members of active-duty personnel and 900,000 family members of those in the Reserve. There are nearly half a million children under the age of 6 of active-duty members, and a majority need some type of child care.

Families of reservists will also be affected because they often lack the support provided by military installations. Reserve members are located in more than 4,400 communities nationwide. More than half of them live at least 75 miles from a military installation. Support is especially critical to provide needed assistance to these geographically isolated families.

This amendment uses the lessons learned from Desert Storm and Bosnia

to authorize additional wartime support for military families. Included are provisions for child care and youth programs and family support programs, such as parent education, to help families cope with the stress of deployments. It also provides assistance for Reserve families geographically separated from military installations, as well as support for security for DOD schools and children's facilities in areas of high risk for terrorist attacks.

We have a number of children attending schools that are off base that come to mind immediately. In Turkey, children of U.S. service members ride in buses through areas which could put these children at risk should there be any deterioration in the security conditions we are facing throughout the world. This amendment would also provide additional resources for protecting these children in overseas schools.

Many husbands and wives share child care responsibilities. When a service member deploys, the burden is left to one spouse, and in some cases a guardian. The need for child care is greater. If a spouse works irregular hours, such as nights or weekends, the challenge is even more difficult. In many instances, the base operating hours are extended and longer shifts are required. Additional operating funds are needed for the non-traditional care in centers and family child care homes.

Guard and Reserve families do not typically live close to the military bases where they can obtain military child care. We should do all we can to offer these families the same assistance with child care that we are offering active-duty personnel on their bases. We can do so through a cooperative agreement with The National Resource and Referral networks. Modeled on a project called ''AmeriCorps Care'' established by the National Service Corporation. Child care assistance can be provided on the same sliding fee scale available to military families on base. This step will prevent financial hardships for many young reservists called to active duty.

With parents not available, youth, especially young teens, are stranded, with no place to go after school or no way to get to after school activities. Families not located close to installations find child care problems after school. Youth are often left home alone after school. During Desert Storm, to help give parents peace of mind that children were engaged in positive after school activities, transportation and activities were provided free to over 17,500 Guard and Reserve families through a partnership between DOD and the Boys and Girls Clubs of America. The youths participated in after school programs, sports and recreational activities, and received help with homework. We ought to be prepared to provide those kinds of services to these Guard and Reserve families. This is what was done during the Persian Gulf War. It worked well then and was good for the morale of the Reserve and the Guard who were serving overseas.

My amendment doesn't reinvent the wheel. We had many of these programs in place before. We simply need to reauthorize them for today's deployments.

During Desert Storm, additional aid funds were provided to civilian community schools when large units were deployed. We also learned during Desert Storm that there is a need for counselors for family support activities. This amendment authorizes the additional funds for counselors.

There are serious school security issues on our overseas bases, including safety on school buses in foreign countries. Approximately 40 percent of military families living overseas live off their bases. Their children are bused to schools, either on the base, or, in many cases, to schools in unprotected foreign communities that are potential targets for terrorist attacks. We also need to fund bus safety personnel and equipment for school buses to ensure the personnel are adequately trained to identify risk.

Military families face an extended period of anxiety and sacrifice for our Nation. It is our responsibility to ensure they have the support they need in the face of this extreme danger and sacrifice.

I urge the Senate, when we have the opportunity, to support my amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

AMENDMENT NO. 1679

Mr. WARNER. Mr. President, parliamentary inquiry, I believe the Feingold amendment is the pending amendment.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. At this time I indicate we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1679.

The amendment (No. 1679) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1683

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment which would authorize an additional $1 million for the Air Force for research, development, test and evaluation for the Agile Combat Support, Integrated Medical Information Technology System Initiative, offset by a reduction of $1 million in the bill from Navy RDT&E funds provided for Modular Helmet Development. I believe this amendment has been cleared on the other side.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 1683.

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

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

The amendment is as follows:

(Purpose: To add $1,000,000 for the Air Force for research, development, test, and evaluation for the Agile Combat Support, Integrated Medical Information Technology System Initiative (PE 604617), and to offset the increase by reducing by $1,000,000 the amount provided for the Navy for research, development, and test and evaluation for Modular Helmet Development (PE 604264N); Aircrew Systems Development)

On page 23, line 12, increase the amount by $1,000,000.

On page 23, line 11, reduce the amount by $1,000,000.

Mr. LEVIN. We have no objection to the amendment.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1683) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1684

Mr. LEVIN. Mr. President, I send an amendment to the desk which I offer on behalf of Senator MIKULSKI.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. MIKULSKI, proposes an amendment numbered 1684.

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

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

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to provide for an insensitive munitions program)

At the end of subtitle D of title VIII, add the following:

SEC. 833. INSENSITIVE MUNITIONS PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2404 the following new section 2405:

''§ 2405. Insensitive munitions program

''(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and

fielding when subjected to unplanned stimuli.

''(b) CONTENT OF PROGRAM.—The program shall include safety criteria, safety procedures, and requirements to conform to those criteria and procedures.

''(c) REPORTING REQUIREMENT.—At the same time that the budget for a fiscal year is submitted to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following matters:

''(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding fiscal year in which the report is submitted, together with a discussion of the justifications for the waivers.

''(2) Identification of the funding proposed for the program in that budget, together with an explanation of the proposed funding.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2404 the following new item:

''2405. Insensitive munitions program.''.

Mr. LEVIN. Mr. President, this amendment would require the Department of Defense to have a program to address the accidental detonation of munitions and to report on this program along with the budget request. I believe this amendment has been cleared.

Mr. WARNER. Mr. President, the chairman is correct. It is cleared.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1684) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1685

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I offer amendment which would provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension. I understand this amendment has been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HUTCHINSON, proposes an amendment numbered 1685.

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

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

The amendment is as follows:

(Purpose: To provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension)

At the end of subtitle D of title V, add the following:

SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105–103 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) AMOUNT.—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

Mr. LEVIN. We have no objection to this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1685) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1686

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator KENNEDY. I ask the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 1686.

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

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

The amendment is as follows:

At the appropriate place, insert:

SEC. . LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (g) of 10 U.S.C. 2667 (section 1061, National Defense Authorization Act, 1998, P.L. 105–85) is amended by adding a new paragraph at the end as follows:

(3) The requirements of paragraph (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if—

(A) use of the ship is restricted to federally supported research programs and non-federal uses under specific conditions with approval by the Secretary of the Navy;

(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.

Mr. LEVIN. Mr. President, this amendment would allow the Navy to renew long-term leases to oceanographic research vessels without recompeting the award of those leases. I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the chairman is correct.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1686) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1687

Mr. WARNER. Mr. President, on behalf of Senator VOINOVICH, I offer an amendment that would authorize Federal agencies to pay for employee credentials, including professional accreditation, licenses, and certification for civilian employees. This amendment, I understand, has been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. VOINOVICH, proposes an amendment numbered 1687.

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

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

The amendment is as follows:

(Purpose: To authorize agencies to use appropriated or other available funds to pay the cost of credentials and related examinations for Federal employees)

At the end of subtitle C of title XI, add the following:

SEC. 1124. PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 5758. Expenses for credentials

''(a) An agency may use appropriated or other available funds to pay for—

''(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and professional certifications; and

''(2) examinations to obtain such credentials.

''(b) No authority under subsection (a) may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5758. Expenses for credentials.''.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1687) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I rise today not to offer an amendment but, first, to express my thanks and appreciation to the managers of the bill for responding to a concern that I raised. I have spoken with Chairman LEVIN, and his staff, Senator WARNER, and his staff, as well as Chairman INOUYE and Senator STEVENS, and the Defense Department about the concern I have over our industrial base for the production of tactical fighters.

It seems to me that the tragedy of September 11 brings with it the realization that we are in a long contest with terrorists. We are in a long, drawn out contest that may require us to provide all kinds of responses. The tactical aircraft we are planning to build in the future is just one of the tactical aircraft that we might have to provide in years beyond.

So it is my concern that when the competition for the joint strike fighter—the JSF—is over, that if one of the two contestants—Boeing and Lockheed Martin are competing—is selected, if there is not production and an active role for the second one, we would be left with only one major producer of tactical aircraft.

It is for that reason I have raised the concern that, either before or after the contract is let, the Defense Department and both contractors must be willing to agree that production will go on in both facilities.

Boeing and Lockheed Martin are this country's sole remaining tactical aircraft manufacturers. Whoever wins the contract will have a long-term foothold in tactical aircraft manufacturing due to the very large number of aircraft expected to be built for both here at home and the overseas market.

If nothing else happens, whoever loses out of the jet fighter business, in about 10 years, when our current production of F–22s, F–16s, and FA–18s will have reached the end of their production runs, there will be nothing left for them to do. That would leave us with just one military house capable of providing the full line of services necessary to build whatever aircraft will follow. And the JSF, while it is the state of the art now, will not be the state of the art 10, 20, 30 years from now.

The competitiveness exhibited by Boeing and Lockheed Martin in the JSF competition has been good for the U.S. and for our military forces. Without it, we would not now be looking at two sets of prototypes that, by all independent accounts, meet and exceed the criteria set by the Department of Defense.

My concern is what happens on the next complex tactical aircraft program we build. I am a big fan of Boeing; I am a big fan of Lockheed Martin—the two finest producers in the world. One of them happens to be located in my State; one of them happens to be located in the President's State. Both companies have excellent design and manufacturing teams. And without them we would not now be fielding the best military aircraft in the world. But I am an even bigger fan of having them both in the business of making tactical aircraft with concomitant design, engineering, manufacturing, and support services.

With only one domestic military tactical aircraft producer, we would seriously cripple our ability to field state-of-the-art tactical aircraft in the future, as any serious competition would be eliminated. And as is the case in so many other areas, competition is essential to the health of our tactical aircraft industry.

We do not have to look far to see examples of how we can ensure a robust split production program. The two primary competitors for JSF—Lockheed Martin and Boeing—currently share production of the F–22 Raptor. Boeing has a one-third share and Lockheed Martin a two-thirds share of the program. Supporting split production would ensure a minimum of two primary contractors in the tactical fighter industrial base.

An issue associated with split production is second sourcing. That has been productive, and it has been a prudent working theory in the years past. It still is practiced effectively in many areas.

During the defense buildup period, the Department of Defense and Congress worked diligently to increase the amount of competition in the development of major defense systems. In the defense aerospace industry, during those years, there were five primary companies capable of developing and producing fighter weapons systems.

The benefits of competition were well understood in commerce at large but difficult to establish in the military. So emphasis in some programs shifted to second sourcing. The production piece of weapons systems programs was divided in two. A single design was produced. The Government financed creation of both production lines. The firms competed for the largest share of the production run each year, but both remained in production.

This worked to keep costs under control for large volume purchases because each firm saw the potential for decent earnings by investing in cost reduction programs to remain competitive. If one producer let its costs get out of control, well, then, the purchaser—the Department of Defense—could go to the more efficient producer.

The same logic was successful in setting up second sourcing for propulsion systems for the joint strike fighter. And my question is, If the logic is compelling enough to institutionalize competitive competition in second sourcing for engine competition, why wouldn't the same logic work for the prime aircraft manufacturing companies, especially since there are only two left in the industry?

The second sourcing expands the mobilization base as well as producing an increased surge capability. And it encourages higher product quality and reliability at a competitive cost. And that helps the Government in contract negotiations.

One other example I would cite is the joint cruise missile project, second sourcing of the Tomahawk missile in 1982. Every review of that effort demonstrated abundant cost savings to the Government, and a steady production of missiles which have been used for years by our Armed Forces.

The success of the program resulted from at least two factors: One, the cost for entry for a second source was low, given the large projected production run, and, two, the annual production quantities were large enough to absorb direct and indirect manufacturing costs.

The Tomahawk experience is directly applicable to the current JSF Program because we have a large projected number of aircraft deliveries spread over many years, for both the armed services—all branches—and those of our allies, and gives us an opportunity to retain the benefits of second sourcing.

It worked for engines, and it worked for prime aircraft developers and manufacturers, while preserving the domestic industrial base. However, second sourcing alone does not ensure the sustainment of full design and development capability.

I think it would also be unwise for the country to have only one company capable of designing an appropriate fighter aircraft. I hope, as we move forward, we will continue to utilize the design and development capacity of both of the manufacturers.

Despite the fact that there may be some additional costs for having two production lines—some say costs may be a half billion to a billion dollars—when you are really talking about a couple of hundred billion dollars, a multiyear program, it seems to me the protection of the search capacity, production protection of a second major source, and the protection of competition are well worth the price. That is why I have been arguing that we must maintain two tactical aircraft providers.

We cannot prevent the pendulum from swinging radically in the opposite direction without maintaining split production. The recent terrorist attack teaches us that if we skimp on defense, we will pay for it. Maintaining a strong defensive posture is not done on the cheap, unless we are willing to expose our national security and homeland security.

For this reason, I have discussed at length with my colleagues, with the

managers of this bill, with the chairman and ranking member of the Appropriations Committee, as well as the Department of Defense, the need to continue to keep two tactical aircraft fighters in production. Based on the discussions I have had and the understanding that has been developed, I believe now that we are in a position where we will not see one company alone winning the competition and taking over the entire tactical aircraft production in the United States. I think that would be a significant mistake for the Nation, and it would not serve our military well because we would not ensure that competition to provide not only this airplane and the most economical and highest quality product available but future design and manufacture of aircraft to follow on.

So while we had discussed the possibility of offering an amendment, I believe the position is well understood. And from the conversations I have had, I believe there will be efficient steps taken to ensure that we do maintain two tactical aircraft producers. If we don't move down that path, then I will be back on the appropriate measure, whether it is on an authorization or an appropriations bill, to ensure that we do have two strong tactical aircraft manufacturers in this country.

Mr. President, I thank the managers and the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, at this time, I withdraw my amendment No. 1595 from consideration.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I express my gratitude, and I understand the differences of opinion we have regarding this issue. I think we now have an opportunity to have a good discussion on this issue in conference committee. In that vein, I ask unanimous consent to have printed in the RECORD the amendment I would have proposed.

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

Strike all after the first word and insert in lieu thereof the following:

SEC. 1066. CLOSURE OF VIEQUES NOVEL TRAINING RANGE.

(a) Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended by adding at the end the following new subsection:

''(e) NATIONAL EMERGENCY.—

''(1) EXTENSION OF DEADLINE.—The President may extend the May 1, 2003 deadline for the termination of operations on the island of Vieques established in Subsection (b)(1) for a period of one year (and may renew such extension on an annual basis), provided that—

''(A) The President has declared a national emergency, and such declaration remains in effect; and

''(B) The President determines that, in light of such national emergency, the actions required by subsections (b), (c) and (d) would be inconsistent with the national security interest of the United States.

''(2) EFFECT OF EXTENSION.—An extension of the deadline pursuant to paragraph (1) shall suspend the requirements of subsections (b), (c) and (d) for the duration of the extension.''

(b) Subsection (a) of Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed and subsections (b) through (e) are redesignated as subsections (a) through (d) respectively.

(c) Section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed.

Mr. CORZINE. Mr. President, before I discuss the provisions of this amendment, let me make something clear. I am very sensitive—painfully and personally so—of the human tragedy and national emergency created by the cowardly attacks of the terrorists on our nation on September 11. Just as much as my colleagues, I stand united with our President, our military personnel, and the people of America in accepting, as President Bush put it, our ''mission and moment'' to end this scourge of terrorism.

But just as so many of America's leaders have implored the nation to be measured and thoughtful in our actions in the wake of this tragedy, and just as President Bush has asked that Americans go on about their lives, so too should the workings of America's democracy. That's why I believe it would be a a mistake to approve the amendment by the Senator from Oklahoma, which represents a significant change in direction from the policies formulated by both Presidents Bush and Clinton, while frankly undermining the President's authority as commander in chief. Why should the Chief of Naval Operations, and the commandant of the Marine Corps, be given the authority to make decisions that go well beyond military considerations? In my view, full access given the extended public debate and deep concerns, surrounding this Vieques facility this decision rightfully rests, as it did before September 11, with the President of the United States.

Mr. President, I believe, in the long run, we should respect the views of the people of Puerto Rico and Vieques. Their voice has been clear on this issue, certainly before the current circumstances. Just a few months ago, more than 70 percent of those living in Vieques voted to suspend operations and there was a broad element of support for that view throughout Puerto Rico's leadership and public.

At the same time, I understand and am sympathetic to the concerns of many of my colleagues about the need for combined Navy and Marine amphibious training in this time of national emergency. But, as Presidents Clinton and Bush both have said, in the long-term, we should respect the will of the people. And, in my view, while there is justification for changing the timing of implementation of current policies given the current circumstances, we should return to agreed upon policy as soon as practical. Any exceptions to the agreed upon policy should be at the judgment of the president of the United States-our commander in chief.

And that, Mr. President, is exactly what this amendment does. It would provide for the termination of operations on Vieques by May 1, 2003, subject to the national security judgment of the President. In fact, my amendment would codify the policy already established by President Bush. However, in an effort to give the President necessary flexibility in these extraordinary times, the amendment would allow the President to continue operations on Vieques for one-year periods in times of national emergency beyond the May 1, 2003 deadline, if the President determines, in light of the emergency, that the termination of operations would be inconsistent with national security interests.

I also would note, that my amendment eliminates the requirement for a second referendum required by last year's DOD authorization. Finally Mr. President this is a compromise endorsed by the Resident Commissioner of Puerto Rico, Congressman ANIBAL ACEVEDO VILÁ and supported by the National Puerto Rican coalition. After all, there already has been a referendum with the results showing that 70 percent of Vieques residents favor closure.

Mr. President, I think that's a reasonable compromise that makes commonsense. And I hope it can win the support of my colleagues.

Mr. President, I've heard some people say that the Navy bombings in Vieques are merely a political issue. But to the 9,000 residents of Vieques who live immediately adjacent to the field of fire and have suffered with constant and severe noise, and whose environment and health have been threatened by related pollutants, the bombing of Vieques is a humanitarian issue. And to all the people of Puerto Rico, it's an issue about respect and democracy.

I have personally visited Vieques and seen the disastrous impact that constant bombing has had on the island's natural resources and environment, on its resident's health and on its economy. The people of Puerto Rico are Americans. They raise our flag. They have fought valiantly in our wars. Many hundreds—maybe as many as 800—died on September 11th in the World Trade Center tragedy. Puerto Ricans deserve to be treated justly.

Both President Clinton and President Bush have recognized this reality in formulating their responses to this difficult issue.

Mr. President, like all Americans, I believe that the people of Puerto Rico have shown throughout history that they are willing to make sacrifices if asked to protect America. But we shouldn't use the current circumstances to justify continued bombing over some indeterminate period. We should and must find an alternative training site and more on as soon as possible.

So, in summary, Mr. President, this amendment recognizes our current military needs and provides the President flexibility to deal with America's war on terrorism. But, over time, this action would respect the will of the people of Puerto Rico, and end the Vieques debate on the bombings.

I hope my colleagues will support this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. DASCHLE. Madam President, in consultation with our colleagues on both sides of the aisle, I feel the need to propound another unanimous consent request. I know there have been requests made throughout this debate regarding the list of finite amendments.

I ask unanimous consent that the list that I will send to the desk at a later time tonight be the only first-degree amendments remaining in order to S. 1438, the Department of Defense authorization bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all the amendments, the bill be read the third time and the Senate vote on passage of the bill with no intervening action or debate.

Mr. WARNER. Madam President, reserving the right to object, most readily, I say to our leader that I have to object. There are still Members on our side with concerns.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Madam President, will the leader yield.

Mr. DASCHLE. Madam President, I am happy to yield to the Senator from Michigan.

Mr. LEVIN. Madam President, if the majority leader will yield for one moment, this bill has provisions in it which we need to pass. There is a special pay provision in it for short wartime specialties, for instance. We have special provisions which will allow us to hold onto enlisted members in high priority units who otherwise might leave the military. We have special reenlistment and enlistment bonuses in this bill. We have a targeted pay raise of 4½ percent for everybody. And we have targeted pay raises of between 5 and 10 percent for special categories.

This is a vital bill for the success of our military.

The problems we have now are no longer related to the jurisdiction of this committee. We think we have resolved the last problem, or we are close to resolving the last problem that relates to the jurisdiction of this committee. Everybody else is willing to have their amendments placed on this list so we have a finite list. We are not trying to preclude anybody from offering amendments of any kind. It is just a list of their amendments and a finite list.

I thank the majority leader for his patience. I thank Senator REID for his extraordinary effort to get us to where we are. I express disappointment that we can't get that finite list so we can proceed to complete this important bill, but to report to him and to our colleagues that the problem we think we have now is not related to the jurisdiction of the Armed Services Committee, and that is too bad.

Mr. DASCHLE. Madam President, if I could just add to what the distinguished Senator from Michigan has said, and let me repeat also the compliment of our two managers. I think they have done an admirable job. They have shown remarkable patience with all of their colleagues. But I don't know of a bill that deserves more urgency than this one. I don't know of a bill that ought to be the source of unity as we look at the array of challenges that our country is currently facing.

This afternoon, we were given one of the finest briefings that I have heard in recent years by the Secretary of State and the Secretary of Defense. They did an outstanding job in laying out the challenges that we have to face, not only in the short term but in the longer term. At the very least, it seems to me, the Senate ought to respond to the tremendous challenges we face by providing the support that we can to this administration at a time of need.

I must say that I know we have worked off the earlier objections. And now, as the Senator from Michigan said, we have objections tonight that I am told have nothing to do with the Defense bill but have to do with the schedule on other issues. I am willing to work with my colleagues. No one wants to pass an energy bill more than I do. We know we have to do that. That has to be an important part of the Senate's agenda. I am willing to enter into a colloquy with Senators who have concerns about how high a priority that is. But, for heaven's sake, let us not hold up one of the most urgent bills before the Senate tonight.

I must say, I will tell my colleagues, that we may be left with no other option than to pull this bill and go straight to Defense appropriations when that bill is ready. We can resolve this on Defense appropriations. I don't want to have to do that, but I will do that if there is no other choice. Tomorrow we are going to go to the military construction bill.

This is our last opportunity tonight until sometime later.

There are so many other urgent pieces of work that have to be done. We have an airport security bill that we all have talked about that we know is important. That has to be brought up, hopefully next week.

We can't continue to deliberate, object, delay, and confound the two managers here as we try to address this important question. We have a window. If we lose this window, we are going to have to look for another window under the appropriations process.

I put my colleagues on notice. We will either work this out this way or we will work it out another way. But these laborious objections are very troubling to me and ought to be troubling to all of our colleagues.

I will work with our managers.

I appreciate as well the distinguished assistant majority leader for his efforts tonight.

If I sound frustrated, I am. I will be patient. But patience wears thin. We have a lot of work to do.

I yield the floor.

Mr. REID. Madam President, before the leader leaves the floor, I am a member of the Committee on Appropriations. We are not an authorizing committee. We should not have to do the Defense authorization bill because the hard work that these two managers and the committee members have put in will be for naught.

Yesterday, I had to make some phone calls. Eighty-three National Guardsmen who have been called to active duty out of Ely and Las Vegas. These are MP's—military policemen. We had 100 out of Reno call the same day. They are military intelligence. They are leaving as I am speaking.

There are provisions in this bill to help them and their families. At Nellis Air Force Base, we have 10,000 military personnel, and at Fallon we have 7,000.

How can I go back to Nevada and face these people? This bill is going to go down as a result of something that has nothing to do with this bill.

The leader talked about these two managers. They have worked so hard. They have worked so hard. They are two veteran legislators. They are two of the best we have. They have done everything they can to move this legislation.

Ninety-eight percent of the Senate wants to move this bill. It is too bad that 2 percent decided they don't want this bill to move anyplace. It is too bad for the country. It is too bad for the military personnel in Nevada and all over this country, and for those serving outside the United States' continental limits. It is just too bad.

If the leader is frustrated—and I know he is because he has been on this all day—I can't imagine how these two managers feel who have spent months working on this legislation. And they are being told, well, you can have the appropriators do it. That is what it is coming to. It is a sad day in the history of the Senate and this country.

Mr. DASCHLE. Madam President, in light of our circumstances, I reluctantly concluded that there will be no more votes tonight. There is so much work we could do. Clearly, we are not at a point where we can move any further on the bill. If Members wish to express themselves, they are welcome to

do that. But there will be no more votes tonight.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Madam President, the fiscal year 2002 National Defense Authorization Act that was reported out of the Committee on Armed Services was a good bill. In particular, it included important provisions regarding missile defense.

It required prior Congressional approval of any activities during the next fiscal year that are barred by the ABM Treaty. This provision assured Congress its proper role in any decision to walk away from a cornerstone of strategic stability which has served the United States well for the past 30 years.

It strengthened transparency and Congressional oversight over the Administration's missile defense programs. If the Congress is to authorize billions of dollars for national missile defense, we deserve a clear blueprint for how the administration will spend that money.

And it reallocated $1.3 billion from missile defense to other pressing defense priorities.

As a result of the managers' amendment adopted last week, the first two provisions were dropped. The third one was altered to permit the President to spend the $1.3 billion on missile defense or on counter-terrorism.

As every other Member, I understand the need to forge a unity of purpose in fighting the difficult war which lies ahead. That is why I did not prevent action on the managers' amendment last week. Let the record show, however, that I strongly disagree with the decision to delete those very sensible provisions.

The prior approval provision did nothing to prohibit the President from withdrawing the United States from an international treaty. Nor did it prohibit the Department of Defense from undertaking any activity in violation of the ABM Treaty. Rather, it simply enabled the Congress to exercise its rightful power of the purse to approve or disapprove the use of funds for any DoD activity barred by a major U.S. treaty.

I believe that the President has the constitutional authority to withdraw from a treaty in the face of congressional silence. I also believe, however, that Congress must exercise its appropriate responsibility. That is why it was also a mistake, in my view, to delete the missile defense transparency provisions in this bill.

Finally, in my view, there is no question how marginal dollars must be spent. The tragic and unconscionable attacks of September 11, 2001, have thrust upon us a war that we absolutely must win, not only for our own sake, but for all civilized nations. The wisdom of any element of defense spending must be evaluated in that light.

As President Bush has made clear, this war will be complex. The battle to dry up terrorist funding will be as crucial as any military offensive. Both battles may hinge on the support we receive from other countries.

President Bush has done a wonderful job of turning world reaction into positive and specific support for an effective campaign against international terrorism and those who aid and abet it. That is precisely what is needed.

Today, that international support is broad and strong, at least in words. It extends from NATO to Russia, Pakistan, and even North Korea. We must maintain and strengthen that international coalition, however, in the months, and years, to come.

Russia may very well play a crucial role in any military action against Osama bin Laden or those who aid him in Afghanistan. By virtue of both geography and its involvement in the region, Russia can do much to aid or hinder our operations. Already, some of its military leaders are cautioning against military action that we may find essential to the defeat of terrorism.

What will happen, if the President chooses this time to walk away from the Anti-Ballistic Missile Treaty in the face of Russian objections? Russia's official stance is that anti-terrorism is a separate issue, and that cooperation will continue. But I fear that both military and public opinion in Russia could shift substantially against cooperation with the United States.

Neither can we take our European allies for granted. Their governments overwhelmingly oppose any unilateral abandonment of the ABM Treaty. Even Prime Minister Tony Blair, the leader of our staunchest ally, warned that Great Britain's support was not a ''blank check.''

Alliance cohesion requires our willingness, too, to cooperate with other nations in pursuit of a common aim. Our leadership role in the battle against terrorism is clear today, but will be maintained in this conflict only by convincing others of both our wisdom and our care to take their concerns into account. That is why precipitate actions to deploy a missile defense, such as our unilateral withdrawal from the ABM Treaty, could undermine our vital war efforts.

A defense against ICBM's will have little impact on international terrorism. Terrorists are not likely to develop or acquire such weapons and the complex launch facilities that they require. Rather, terrorists are likely to seek to attack the United States through infiltration, smuggling in a nuclear weapon in a ship into a city's harbor or carrying lethal pathogens in a backpack.

A national missile defense would do nothing to defend against these more likely threats. Indeed, too much investment in it now could drain needed resources from the war effort, not just in money, but also in technical manpower and production capability.

Let me give some examples of how $1.3 billion could be used to further the war on terrorism: The greatest threat of a nuclear weapons attack on the United States is from a weapon smuggled into the United States. Terrorists cannot build such a weapon, but they could hope to buy one. According to the bipartisan Baker-Cutler task force report issued earlier this year, Russia has tens of thousands of nuclear weapons, sensitive nuclear materials and components. Some are secure, but others are not. Some nuclear facilities don't even have barbed wire fences to keep out potential terrorists. The task force called for spending $30 billion over the next 8 to 10 years, to address what it called ''the most urgent unmet national security threat to the United States today.''

Biological terrorism is a real threat to both our military personnel and our civilian population. It is a challenge we can sensibly face, but only if we invest in the necessary preparation today. For instance, the Department of Defense should produce or acquire the necessary vaccines and antibiotics to protect our armed forces against a range of pathogens. It should assist civilian agencies in procuring and stockpiling similar medicines for emergency use. According to Dr. Fred Iklé, who testified at a Foreign Relations Committee hearing earlier this month, $300 to $500 million will be needed just to ramp up our vaccine stockpile. This is a common-sense response to an otherwise frightening threat.

The Department of Defense should also test and procure inexpensive biohazard masks that could save lives both in the event of a terrorist attack and through everyday use in military hospitals. By conducting the necessary testing and creating an initial market for such masks, the Defense Department will pave the way for use of these masks in our civilian health care system.

A more immediate step to help our armed forces would be to improve the security of our domestic military bases and installations. Many of them lack the basic anti-terrorism protections that our overseas bases have.

Another war-related need is to speed up the Large Aircraft Infra-Red Counter-Measures program that gives our military transport aircraft increased protection against surface-to-air missiles. We gave Afghan groups hundreds of Stinger missiles in the 1980's, and scores of them could be in the Taliban's inventory today. We owe it to our fighting men and women to give them maximum protection as they move into combat or potentially hostile staging areas.

Winning the war on terrorism, a war that we face here and now, is infinitely more important than pouring concrete in Alaska or an extra $1.3 billion into combating the least likely of threats.

We can take the time to perfect our technology and to reach understandings with Russia and China that will minimize the side-effects of missile defense. But we have precious little time to do what is essential: to win the war against terrorism, to dry up the supply of Russian materials or technology, or to prepare our military, our intelligence community, our health care system, and our first responders to deal with a chemical or biological weapons attack by the terrorists of tomorrow.

In the fury of the moment, Congress will let the President have the final say on the use of these funds. So be it. It will be up to the President to take the sensible course.

In the midst of a war, let us not be diverted by the least likely threat. Let us turn our attention, our energies, and our resources to winning the war that is upon us, and to building our defenses against terrorism of all sorts.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

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

THE RESPONSE TO TERRORISM

Mr. WELLSTONE. Madam President, I would like to, in 10 minutes, cover three topics. First, I want to talk a little bit about September 11 and now. And I want to just say, in an ironic way—not bitterly ironic—the days I have had in Minnesota have maybe been some of the better days I have had because—and I am not putting words in anybody's mouth; and I do not do damage to the truth; I have too much respect for people, even when we disagree—most of the people with whom I have spoken back in Minnesota have said a couple things.

First of all, they have said we need to do a better job of defending ourselves. Who can disagree with that? Second of all, they have said—they have not been jingoistic; and they have not said we need to bomb now—we need to do this the right away. Many of them have expressed concern that we not let terrorists define our morality and that we should take every step possible to minimize the loss of life of innocent civilians in Afghanistan, or any other country, starting with innocent children. I am proud of people in Minnesota for saying that.

People in Minnesota have also said they understand this is not going to be one military action. They know this is going to be a long struggle. They know we are going to need a lot of cooperation from a lot of other countries. They think it should be international.

Above and beyond the way people come together to support each other, I am so impressed with the way I think people are really thinking deeply about this and want us to stay consistent with our own values as a nation. I just want to say that. That is my view.

I find myself kind of on two ends of the continuum. I had a discussion with some friends who were telling me that I should speak out more about the underlying conditions and causes of this violence, this hatred and violence. I told them there is a divide between us because I cannot do that because there are no conditions or explanations or justification for the mass murder of innocent people. I do not even like to talk about war because I do not think warriors murder people. Warriors are not involved in the slaughter of innocent people; criminals are.

A second point, which now gets closer to the defense authorization bill: On economic recovery, we have to really focus on economic security. I believe, and will always believe, we should have included assistance for employees in the package we passed last Friday.

I say to the Senator from Massachusetts, when I went home to Minnesota, I heard about that. People were not bitterly angry, but they said: How could that happen to us and our families who are out of work? That has to be a priority, along with safety, to get help to employees.

I would argue, maybe it is a sequence; you can't do everything at one time. It is easier to give a speech than to actually do it. But above and beyond help for employees and employment benefits and making sure people can afford health care needs and making sure there is job training and dislocated worker funding and, I would argue, having to deal with some child care expenses, I want to say one other thing. The truth is, I think we have to also think about an economic recovery package. And that should include, I say to my colleague from New Jersey, a workforce recovery package because not only are we going to need to extend the lifeline to people by way of helping them—when people are flat on their back, Government helps them; that is what Government is for—it is also true that that is part of an economic stimulus because you do not want to have a lot of people—people who work in hotels and restaurants and small businesspeople, all of whom now are really hurting—you do not want to have a whole lot of people shut down and not able to consume at all.

So we need to think about this package in broader terms as well. Finally, on the defense authorization bill, if I had my own way, there are at least a couple of provisions I wish were in it. One of them Senator LEVIN worked so hard on, and other colleagues support it. It made it clear that if President Bush requested funding for missile defense tests that violated the ABM Treaty, he would need congressional approval to spend those funds. I wanted that language in this bill in the worst way. If I had time, I would argue over and over again, but I don't want to impose my own agenda on what our country is facing right now. But we need to reorder some of our priorities, and clearly more of the money—some of the money in this bill that I don't think we need for certain items I would put into homeland defense and helping families with economic security.

I think there are a lot of threats our country is faced with that come way before a rogue nation sending missiles our way by suitcase, by boat, by plane, chemical, biological—there are lots of other threats with a much higher priority. I wish we hadn't dropped that language. I understand that the majority leader and Senator LEVIN and others made a commitment that we will come back to that language and that provision.

I believe missile defense doesn't make the world more secure; it makes it less secure for our children, grandchildren, and for all God's children. I could argue that for the next 5 hours. I don't have 5 hours.

I congratulate Senators on both sides of the aisle for the way in which we have worked together. We probably need each other as never before. There will be some sharp disagreement on policy issues—some of the issues that deal with education and health care, prescription drugs, you name it. Frankly, I am sure there will be questions many of us have as we go forward. But for right now, I want to just dissent on missile defense and say to my colleagues we need to get back to that debate. I think we are going to have to see more of an emphasis on priorities, including some of the money from some weapons systems that are not necessary to what we are talking about now by way of our own national security and homeland defense.

I say to Senator LEVIN and others, I appreciate the additional support for the armed services, especially when they are about to go into harm's way. I want to say to every Senator that we did not do well for too many people in this package for the industry, which was necessary. I don't think the companies and CEOs were crying wolf, but we didn't help the employees, and the economic security of these working families has to be the next step, along with safety. That has to happen soon.

Finally, I believe we are going to have to have a broader workforce recovery bill as part of economic recovery legislation, as a part of how we deal with this recession in hard economic times, because there are a lot of other people who are really hurting right now. The Government should be there to help people when they are flat on their backs through no fault of their own. That is going to be a big part of our work as well.

VOTE EXPLANATION

Mr. BIDEN. Madam President, I was unable to be here for an earlier vote today. I was at the funeral of a brave young American, Aerographer's Mate Second Class Matthew Michael Flocco, whose life was one of those so tragically ended at the Pentagon on September 11. I believed it was important to be there with the family, to make sure they knew that America shares in their grief and stands ready to assist them in any way we can.

CRITICAL INFRASTRUCTURE INFORMATION SECURITY ACT

Mr. BENNETT. Madam President, yesterday Senator KYL and I introduced the Critical Infrastructure Information Security Act, CIISA, which is designed to minimize a dangerous national security blind spot by: one, protecting voluntarily shared critical infrastructure information; two, providing critical infrastructure threat analysis; and three, encouraging proactive industry cooperation.

Critical infrastructures are those key sectors such as financial services, telecommunications, transportation, energy, emergency services, and government essential services, whose disruption or destruction would impact our economic or national security. On September 11, 2001, America suffered a senseless strike, where America's commercial air space was ''weaponized'' and turned viciously against its financial and defense establishments in an infrastructure attack that resulted in staggering losses.

About 85 percent of the United States' critical infrastructures, telecommunications, energy, finance, and transportation systems, are owned and operated by private companies. If our critical infrastructures are targets, it is the private sector that is on the front line. Thus, we have to think differently about national security, as well as who is responsible for it. In the past, the defense of the Nation was about geography and an effective military command-and-control structure. However, now prevention and protection must shift from the command-control structure to partnerships that span private and government interests.

The American economy is a highly interdependent system of systems, with physical and cyber components. Preventing, detecting, responding, mitigating, and recovering from attacks to these systems requires an unprecedented exchange of information. It is essential to remove unnecessary barriers that prevent the private sector from sharing information. Because in many cases, releasing sensitive information into the public domain could have extremely negative consequences for business, it is understandable why the private sector is reticent to share this information with the Government as it is not protected.

The Critical Infrastructure Information Security Act, CIISA, is intended to clear the way for increased critical infrastructure information sharing and improve threat analysis for these infrastructures. The bill seeks to increase the two-way sharing of information between the Federal Government and the private sector by first, protecting information voluntarily shared by the private sector, and second, requiring the Government to send analysis back to the private sector. It also encourages information sharing within the private sector so industry can better solve its own problems.

CIISA outlines a process by which critical infrastructure information, information which would not normally be shared due to its sensitivity, can be submitted to one of 13 designated Federal agencies with a request that the information be protected. Such a request would mean that this information will not be disclosed even in a response to a request under the Freedom of Information Act, commonly known as FOIA.

FOIA has helped make a transparent government. Initially enacted in 1966, FOIA establishes for any person, corporate or individual, regardless of nationality, presumptive access to existing, unpublished agency records on any topic. CIISA does not change FOIA in any way. In fact, it seeks to protect information which would not be in the public domain in the first place and if publicly released, could interfere with, disrupt, or compromise critical infrastructure operations. CIISA will protect voluntarily shared information without diminishing Federal transparency.

Access to information is essential to our democracy. However, it is important to realize that the ability to make a request under FOIA does not apply only to American citizens interested in seeing what the Government is doing. Corporations, associations, foreign citizens, and even foreign governments have the same access. There are no limitations on FOIA even during times of war. Furthermore, the narrow provisions provided in CIISA are nothing new. Congress has on 40 other occasions created certain classes of information that are not subject to the Freedom of Information Act.

In order to ensure the uniform protection of voluntarily shared information, CIISA requires the Director of the Office of Management and Budget to establish procedures for the Federal agencies to receive, acknowledge, mark, care, and store voluntarily submitted critical infrastructure information. Today, there is no uniform standard of care under FOIA.

CIISA requires that information and analyses from the Federal Government be shared back with the private sector in the form of notifications, warnings, and strategic analyses. The bill requires a Federal agency receiving voluntarily submitted critical infrastructure information to make reasonable efforts to do the following: one, analyze the information; two, determine the tactical and strategic implications for such information; three, identify interdependencies; and four, consider conducting further analysis in concert with other Federal agencies. Following this analysis, a Federal agency may issue warnings regarding potential threats to: one, individual companies; two, targeted industry sectors; three, the general public; or four, other government entities. Federal agencies must take appropriate actions to prevent the disclosure of the source of any voluntarily submitted critical infrastructure information that forms the basis for any warnings.

CIISA also requires the President to designate an entity within the executive branch to conduct strategic analyses of potential threats to critical infrastructure; and to submit reports and analyses to information sharing and analysis organizations and the private sector. These analyses draw upon this information submitted to the Federal Government by the private sector, as well as information from the Federal Government, such as national security and law enforcement information. The President is also required to submit a plan for developing strategic analysis capabilities in the Congress.

When competitors work closely to address common problems, antitrust concerns always surface. Security in a networked world must be a shared responsibility. To encourage the private sector to find solutions to common security problems, CIISA provides a narrow antitrust exemption, not unlike that of the Information Readiness Disclosure Act or the Defense Production Act. Information sharing and analysis organizations formed solely for the purpose of gathering and analyzing critical infrastructure information and to help prevent, detect, mitigate or recover from the effects of a problem relating to critical infrastructure, will be exempt from antitrust laws. Again, this exemption only applies to the activities specifically undertaken to address infrastructure problems. The antitrust exemption will not apply to conduct that involves or results in an agreement to boycott any person, to allocate a maker, or to fix prices or output.

The threats to our critical infrastructure are varied. Some of those threats are physical; some may come from cyberspace. From wherever they come, the private sector and Government each has different vantage points. It is my hope that this bill will help both entities work together to reduce the blind spot.

I thank Senator KYL for his interest and leadership on this issue.

COMMENDING THE TRUCKING INDUSTRY

Mr. BROWNBACK. Madam President, I rise to speak today in recognition of the noble truck drivers across the Nation. For the past 2 weeks, our truckers have been valiant in their service to

this country, delivering important supplies to the attack sites of New York City and Arlington, VA. Many of these truckers have been volunteering time, equipment, and use of their vehicles to supply these areas in efforts of relief, regardless of the escalating gas prices throughout the country. This is a commendable act, as airlines have been shut down and delivery has been severely restricted, truckers have responded to the call of America. I commend the work performed by this industry. We have often heard about those on the front line, but not of those in the shadows, holding part of America's infrastructure intact with their service. I say thank you to the hard-working men and women of the trucking industry who continue to contribute to the relief effort throughout the country.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred September 25, 1994 in Hollywood, CA. Three men and five juveniles wielding baseball bats and a golf club allegedly assaulted two gay men. Juan Huiza, 19, and Marvin and Guillermo Hendriquez, both 20, were charged with suspicion of civil rights violations and assault with a deadly weapon.

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

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID R. CHEVALIER

● Mr. SMITH of New Hamsphire. Madam President, I rise today to pay tribute to former U.S. Army Sgt. David Chevalier of North Hampton, NH, for his heroic service to the United States of America during the Korean Conflict.

On June 13, 1953, David was injured in action while courageously serving his country in Korea. David has earned the Purple Heart medal for his dedicated service to our country with pride.

As a Vietnam veteran and son of a Naval aviator who died in a World War II related incident, I commend David for his selfless dedication to his state and country. He is an American hero who fought to preserve liberty and justice for all citizens of the United States. It is truly an honor and a privilege to represent him in the U.S. Senate.●

TRIBUTE TO ELETROPAC COMPANY, INC.

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Electropac Company, Incorporated, of Manchester, NH, on the celebration of their 25th year in business.

For 25 years, Electropac Company, Incorporated headed by Raymond Boissoneau, has provided high quality printed circuit boards to businesses in New Hampshire, the United States and worldwide markets. The company has constantly invested in the latest technology and processes and has produced innovative products for their customers.

Electropac is one of North America's leading suppliers of printed circuit boards with $45 million in annual revenue and currently employs more than 400 dedicated team members. Electropac has consistently prided itself in their dedication to complete customer satisfaction and teamwork.

I commend the leadership and employees of Electropac for their exemplary accomplishments in the business world. The contributions of Electropac have been of significant benefit to the citizens of our state and have provided economic stimulus and employment opportunities. It is truly an honor and a privilege to represent you in the U.S. Senate.●

TRIBUTE TO JAMES E. O'NEIL

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to James E. O'Neil of Chesterfield, NH, on being named as the Keene Chamber of Commerce 2001 Citizen of the Year.

Jim has served the community of Keene for many years contributing to the overall quality of life in the region. He is involved in leadership positions with organizations including the Monadnock United Way and Center Stage of Cheshire County and is a board member for Cheshire Medical Center and Monadnock Family Services. Jim is also an executive trustee of Kingsbury's charitable foundation to benefit the Chesterfield School.

Jim and his wife, Joan, have been married for 29 years and have two children: a daughter, Rachel, who resides in Cambridge, MA, and a son, Jay, a resident of Durham, NH.

I commend Jim for a lifetime of community service to the greater Keene area. He is an exemplary role model for the citizens of his community and our entire State. It is an honor and a privilege to represent him in the U.S. Senate.●

TRIBUTE TO COVER

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to COVER, a non-profit program based in Lebanon, NH.

The COVER organization works in partnership with low income, elderly and disabled citizens assisting them with urgent home repairs. The volunteers organized by COVER have successfully prevented the imminent displacement of more than 100 Upper Valley residents due to substandard or inaccessible housing.

The members of COVER work together to ensure that home repair projects are supplied with recycled materials to conserve natural resources. The volunteer labor pool allows cover to build positive relationships throughout the community bringing neighbors together to accomplish the refurbishing needs of area homes.

More than 700 hard working volunteers at COVER have completed more than 100 home repair projects in the Upper Valley region since 1998.

I applaud the tireless efforts of the organizers and volunteers of COVER. Their valuable contributions have aided and enriched the lives of the elderly and disabled citizens in the community. The citizens of Lebanon and our entire state owe a debt of gratitude to the COVER organization. New Hampshire is a better place in which to live because of their kind acts of charity. It is truly an honor and a privilege to represent them in the U.S. Senate.●

TRIBUTE TO ALEXANDER LEVERIS

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Alec Leveris of Kensington, NH, for his heroic service to the United States of American during World War II.

On September 17, 2001, I will present Alec with the medals he so bravely earned while serving his nation in battle. Alex joined the U.S. Navy in Boston and was trained in Newport, RI. He served as an ordinary seaman on tours of duty on the U.S.S. *Yorktown* including the Battle of Midway and trained pilots to take off and land on the aircraft carrier, U.S.S. *Alabama*.

Alex earned medals for his dedicated military service including: the Honorable Service Lapel Button, a Combat Action Ribbon, the European-African-Middle Eastern Campaign Medals, a World War II Victory Medal, an American Campaign Medal, the Navy Good Conduct Medal and an Asiatic-Pacific Campaign Medal.

As a son of a Naval aviator who died in a World War II related incident, I commend Alex for his selfless dedication to his state and country. He is an American hero who fought to preserve liberty and justice for all citizens of the United States. It is truly an honor and a privilege to represent him in the U.S. Senate.●

TRIBUTE TO LESLIE E. ROBERTS

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay

tribute to Leslie E. Roberts of Belmont, NH, who passed away on July 27, 2001.

Lesile was born in Wolfeboro, NH, and served with honor in the U.S. Army during world War II with Company C, 64th Armored Infantry Battalion, 16th Armored Division in Germany. He also served with the U.S. Army Corps of Engineers where he oversaw construction of major public works restoration projects during the Occupation Period.

After returning to New Hampshire, Leslie joined the 368th Combat Engineer Battalion of the Army Reserve and served for more than 20 years with the reserves as a Battalion Equipment Officer.

Leslie was a small business owner in Belmont, NH, in the dairy and heavy equipment hauling industries. He also served as treasurer of Roberts Cove Corporation of Alton, NH.

He was an active supporter of his community and served in positions including: member and leader in the 4H club, charter member of the Belmont Historical Society and member of the New Hampshire Farm Bureau. Leslie was also a charter member of the Belmont Rotary Club and had been a Paul Harris Fellow. In 1988 he received the Citizen of the Year Award from the town of Belmont.

Leslie is survived by his wife, Suzanne; his sons: Clive Roberts, Mark Roberts and Roy Roberts, and his two daughters: Lynn Wilson and Diane C. MacKey. He is also survived by 14 grandchildren, three great-grandchildren, two brothers: Preston T. Roberts and Irving R. Roberts and two sisters: Mary Goodrich and Ruth Scheneck.

Leslie served his country and state with pride and dignity. As a Vietnam veteran, I commend him for his service in the U.S. Army and for his exemplary personal and business contributions to his state and community. He will be sadly missed by all those whose lives he touched. It is truly an honor and a privilege to have represented him in the U.S. Senate.●

TRIBUTE TO BOB AND ESTELLA HUGHES

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Bob and Estella Hughes of Bedford, NH, on the occasion of their 50th wedding anniversary.

Bob and Estella are natives of Manchester, NH. Bob graduated from St. Anselm College and worked in the automobile industry for more than 40 years as a manager of financial operations prior to retiring.

Estella graduated from Mount Saint Mary's College and received a master's degree in Special Education from Salem State College in Salem, MA. She worked as a school teacher until 1985, when she started Manor Home Builders, Inc. To date, Manor Home Builders, Inc. has constructed more than two hundred homes in the greater Manchester area. Since his retirement, Bob has joined Estella and their son, David, at Manor Home Builders, Inc.

Bob and Estella have been strong supporters of the local community in many charitable activities. They have also been actively involved in the New Hampshire and national political arena.

Bob and Estella have a large and close-knit family including: 3 daughters, Cindy, Pam and Lisa, 3 sons: David, Kevin and John, and 14 grandchildren.

Mary Jo and I send our warmest congratulations to Bob and Estella on this important wedding anniversary and wish them many more happy years together. It is truly an honor and a privilege to represent them in the U.S. Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 717. An act to amend the Public health Service Act to provide for research and services with respect to Duchenne muscular dystrophy.

H.R. 1583. An act to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the ''Lee H. Hamilton Federal Building and United States Courthouse.''

H.R. 1850. An act to extend the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century and to make technical corrections to the law governing the Commission.

H.R. 1860. An act the reauthorize the Small Business Technology Transfer Program, and for other purposes.

H.R. 2589. An act to amend the Multifamily Assisted Housing Reform and Affordability Act of 1997 to reauthorize the Office of Multifamily Housing Assistance Restructuring, and for other purposes.

H.J. Res. 65. Joint resolution making continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests, the concurrence of the Senate:

H. Con. Res. 84. Concurrent resolution supporting the goals of Red Ribbon Week in promoting drug-free communities.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. WOLF, Mr. ROGERS of Kentucky, Mr. KOLBE, Mr. TAYLOR of North Carolina, Mr. REGULA, Mr. LATHAM, Mr. MILLER of Florida, Mr. VITTER, Mr. YOUNG of Florida, Mr. SERRANO, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, Mr. CRAMER, Mr. KENNEDY of Rhode Island, and Mr. OBEY.

The message also announced that the House has passed the following Senate bill, without amendment:

S. 248. A bill to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

At 4:16 p.m., a message from the House delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

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

H.R. 2944. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2510) to extend the expiration date of the Defense Production Act of 1950, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 717. An act to amend the Public Health Service Act to provide for research

and services with respect to Duchenne muscular dystrophy; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1850. An act to extend the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century and to make technical corrections to the law governing the Commission; to the Committee on Banking, Housing, and Urban Affairs.

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

H.R. 2944. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; to the Committee on Appropriations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 84. Concurrent resolution supporting the goals of Red Ribbon Week in promoting drug-free communities; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Weeks; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar.

H.R. 2589. An act to amend the Multifamily Assisted Housing Reform and Affordability Act of 1997 to reauthorize the Office of Multifamily Housing Assistance Restructuring, and for other purposes.

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–4145. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001–02 Late Season'' (RIN1018–AH79) received on September 24, 2001; to the Committee on Indian Affairs.

EC–4146. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' (Notice 2001–58) received on September 24 , 2001; to the Committee on Finance.

EC–4147. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Reverse Subsidiary Mergers under Section 368'' (Rev. Rul. 2001–46, 2001–42) received on September 24, 2001; to the Committee on Finance.

EC–4148. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bifenthrin; Pesticide Tolerances for Emergency Exemptions'' (FRL6801–5) received on September 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4149. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyhalofop-butyl; Pesticide Tolerances for Emergency Exemptions'' (FRL6800–25) received on September 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4150. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Final Framework for Late Session Migratory Bird Hunting Regulations'' (RIN1018–AH79) received on September 21, 2001; to the Committee on Environment and Public Works.

EC–4151. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Late Season and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands'' (RIN1018–AH79) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4152. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''California: Final Authorization of Revisions to State Hazardous Waste Management Program'' (FRL7065–7) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4153. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; State of Delaware; Department of Natural Resources and Environmental Control'' (FRL7056–7) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4154. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Texas: Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL7067–6) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4155. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress and Contingency Measures for the Baltimore Ozone Nonattainment Area'' (FRL7066–3) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4156. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Class Deviation from the Provisions of 40 CFR 35.3.25(b)(1)'' received on September 24, 2001 ; to the Committee on Environment and Public Works.

EC–4157. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Approval of Operating Permits Program; Commonwealth of Massachusetts'' (FRL7065–9) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4158. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to Mixture and Derive-from Rules'' (FRL7066–2) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4159. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Missouri: Final Authorization of the State Hazardous Waste Management Program Revision'' (FRL7068–1) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4160. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities'' (FRL7067–9) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4161. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District'' (FRL7066–7) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4162. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, Imperial County Air Pollution Control District'' (7066–8) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4163. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Industrial-Commercial-Institution Steam Generating Units'' (FRL7066–4) received on September 24, 2001; to the Committee on Environment and Public Works.

EC–4164. A communication from the President of the United States (received and referred on September 24, 2001), transmitting, consistent with the War Powers Act, a report relative to terrorist attacks in the United States; to the Committee on Foreign Relations.

EC–4165. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report relative to the authorization of the Military Departments to incur obligations in excess of available appropriations; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002'' (Rept. No. 107–67).

By Mrs. FEINSTEIN, from the Committee on Appropriations, without amendment:

S. 1460: An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes. (Rept. No. 107–68).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 1270: A bill to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Roy L. Austin, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

Nominee: Roy Leslie Austin.

Post: Ambassador, Republic of Trinidad & Tobago.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $485,00, 9/11/99 to 12/11/00, G.W. Bush campaign & the Repub. Party.

2. Spouse: (gave jointly with me most of the time).

3. Children and Spouses Names: Roy and Traci Austin, no contribution; Roger Austin, no contribution; Deborah Austin Depay, no contribution.

4. Parents Names: Clarence Austin & Florence Ferris (both deceased); no contribution.

5. Grandparents Names: Audley Austin & Estella Austin, deceased for more than 50 years; Martha Butcher, Decreased for more than 40 years; no contribution

6. Brothers and Spouses Names: No brothers; one half-brother in the U.S.

7. Sisters and Spouses Names: Two living half-sisters; neither in the U.S.

Franklin Pierce Huddle, Jr., of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Nominee: Franklin Pierce Huddle, Jr.

Post: Republic of Tajikistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Chanya Huddle: None.

3. Children and Spouses Names: Son—Pavarage Huddle (unmarried), none.

4. Parents Names: Clare Huddle (decreased); Franklin Huddle (decreased).

5. Grandparents Names: Eleanor Huddle and David Huddle (deceased); Clara Scott and George Scott (deceased).

6. Brothers and Spouses Names: David Huddle (wife Kathleen Huddle), none.

7. Sisters and Spouses Names: Elizabeth Tagliamento (husband John Tagliamento), Christy Huddle, none; Eleanor Huddle, none.

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*Kevin Joseph McGuire, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: Kevin J. McGuire.

Post: U.S. Ambassador to Namibia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: $25.00, 1995, Democratic National Committee.

3. Children and Spouses Names: Kiernan McGuire, David & Virginia McGuire, John D. McGuire, none.

4. Parents Names: Both deceased, John Francis McGuire, Alice K. McGuire, none.

5. Grandparents Names: Deceased, Mr. & Mrs. John Francis McGuire, Mr. & Mrs. Patrick J. Kelly, none.

6. Brothers and Spouses Names: Mr. & Mrs. Frank McGuire, none.

7. Sisters and Spouses Names: None.

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*Pamela Hyde Smith, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Nominee: Pamela H. Smith.

Post: Ambassador to the Republic of Moldova.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee:

1. Self: None.

2. Sidney G. Smith, (deceased 2/15/98), none.

3. Catherine E. Smith, none; Marian H. Smith, none.

4. William B. Hyde, $100, 1998 Republican Nat'l Committee; $50, 1999, Republican Nat'l Committee; $200, 2000, Republican Nat'l Committee; $50, 2001, Republican Nat'l Committee; $100, 1999, Bush for President. Elizabeth D. Hyde: None.

5. Donald H. Doud and Sonya C. Doud (both deceased); Robert H. Hyde and Beulah L. Hyde (both deceased).

6. None.

7. None.

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*Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

*Charlotte L. Beers, of Texas, to be Under Secretary of State for Public Diplomacy.

*Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

*Michael E. Malinowski, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

Nominee: Michael E. Malinowski.

Post: Ambassador, U.S. Embassy, Nepal, Kathmandu.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses Names: None.

4. Parents Names: Edward S. Malinowski, None; Helen J. Malinowski, None.

5. Grandparents Names: None.

6. Brothers and Spouses Names: None.

7. Sisters and Spouses Names: Melanie J. Olszewski, None.

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*Hans H. Hertell, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Nominee: Hans H. Hertell.

Post: U.S. Ambassador to the Dominican Republic.

Nominated: On or about March 16, 2001.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: (Please see enclosed list.)

2. Spouse: Marie Stubbe Hertell, $500.00, March/99, George W. Bush Campaign; June/99, Gov. Bush Presidential Expl. Committee.

3. Children Names: Marie Alexandra Hertell, none; Hans Hertell, none; Hermann Josef, none.

4. Parents Names: Hilger Hertell, deceased; Ivelisse San Juan, deceased.

5. Grandparents Names: Manuel San Juan and Carmen San Juan, deceased; Carl Anton Hertell and Anna Maria Bravant, deceased.

6. Brothers Names; Johann Hilger Hertell, none; Manuel Hertell, deceased.

7. Sisters Names: Carmen Ana Hertell, none; Erika Hertell, none.

Hans H. Hertell, S.S.# 000–00–000—amount, date, and donee:

$1,000, Feb/98, Kupka for Congress.

$1,000, Dec/98, Abraham Senate 2000.

$500, Apr/99, Bush for President Inc.

$500, Jun/99, Bush for President Inc.

$250, Sep/99, Comite Eleccion de Carlos Romero-Barcelo al Congreso Inc.

$20,000, Jun/00, Republican National Committee.

$250, Dec/99, Comite Eleccion de Carlos Romero-Barcelo al Congreso Inc.

$1,000, Nov/99, Bush-Cheney 2000 Compliance Committee.

$2,576, Jan/01, RNC National State Elections Committee.

$110, Jan/01, RNC National State Elections Committee.

$8,960, Jan/01, RNC National State Elections Committee.

John J. Danilovich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Nominee: John J. Danilovich.

Post: Ambassador/Republic of Costa Rica.

Nominated: May 16, 2001.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $1,000.00, 04/99, Bush for President; $20,000.00, 10/00, Republican Nat'l Cts; $2,425.00, 01/01, RNC State Elections.

2. Spouse: None.
3. Children and Spouses Names: None.
4. Parents Names: None.
5. Grandparents names: None.
6. Brothers and Spouses Names: None.
7. Sisters and Spouses Names: Joan M. Danilovich, $1,000.00, 05/99, Bush for President.

R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee: Reuben Barrie Walkley.

Post: Conakry, Republic of Guinea.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses Names: Jolyon Walkley, Brett Walkley, none.
4. Parents Names: R.H. Walkley, Joan Walkley, none.
5. Grandparents names: William & Fanny Howard, Samuel & Catherine Walkley, all deceased.
6. Brothers and Spouses Names: None.
7. Sisters and Spouses Names: Janice Kelley and Craig Butcher, none.

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*Mattie R. Sharpless, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Nominee: Mattie R. Sharpless.

Post: Central African Republic.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: N/A (single).
3. Children and Spouses Names: No children.
4. Parents Names: Father—James E. Sharpless, Sr. (deceased); Mother: Lecola Sharpless, none.
5. Grandparents Names: Grandfather—Agusta Shepard, (deceased); Grandmother: Estella Shepard (deceased).
6. Brothers and Spouses Names: James E. Sharpless, Jr., none, Marsha Sharpless, none; Melvin J. Sharpless (divorced), $50.00, 8/2000, Democratic National Committee; Robert E. Sharpless, none, Edith Sharpless, none; Carl D. Sharpless, none, Valerie Sharpless, none; Ronald Sharpless (divorced), none.
7. Sisters and Spouses Names: Glorious Leaven (divorced), $450, 1997–2000, Democratic National Committee. Delores Marie Fuller (divorced), none. Mamie R. Sharpless, none, Nelson Villa Vencencio, none.

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*Arlene Render, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Nominee: Arlene Render.

Post: Cote d'Ivoire.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses Names: Jonathan, age 11, Kierra, age 5 None.
4. Parents Names: None.
5. Grandparents Names: None.
6. Brothers and Spouses Names: None.
7. Sisters and Spouses Names: None.

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*Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jackson Chester McDonald.

Post: Ambassador to The Gambia.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Françoise Corbière McDonald, none.
3. Children and Spouses: Thomas Dubray McDonald, none (minor); Cécile Marie Ortolo, none (minor); Alice Marie Ortolo, none (minor).
4. Parents: John M. McDonald, none (deceased in 1994); Margaret C. McDonald, none.
5. Grandparents: James W. McDonald, none (deceased in 1967); Elsie Y. McDonald, none (deceased in 1967); George B. Chester, none (deceased in 1974); Mabel W. Chester, none (deceased in 1983).
6. Brothers and Spouses: James B. McDonald, none; Doris McDonald, $35 in 2000 Democratic National Committee; John O. McDonald, none; Linda N. McDonald, none; Kenneth D. McDonald, none; Linda R. McDonald, none; William D. McDonald, none; Pam G. McDonald, none.
7. Sister and Spouse; Margaret M. Davis, none; Mark Davis, none.

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*Rockwell A. Schnabel, of California, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Rockwell Anthony Schnabel.

Contributions, Amount, Date, and Donee:

1. Self: Rockwell Schnabel: $1,000.00, 6/26/1997, Cyprus Amax Minerals PAC; $1,000.00, 10/01/1997, Friends of Dylan Glenn; $500.00, 11/13/1997, Susan Golding for U.S. Senate; $1,000.00, 05/04/1998, Matt Fong U.S. Senate (Genl. Election); $1,000.00, 05/04/1998, Matt Fong U.S. Senate (Primary Election); $2,500.00, 05/07/1998, International Game Technology (IGT) PAC; $1,000.00, 05/28/1998, Cyprus Amax Minerals PAC; $12,500.00, 05/31/1998, Natl. Republican Congressional Committee Contributions; $25,000.00, 05/31/1998, 1998 Republican House-Senate Dinner; $12,500.00, 05/31/1998, Natl. Republican Senatorial Committee; $1,000.00, 09/09/1998, Retain Chief Justice George (Ronald George, Chief Justice); $1,000.00, 11/04/1998, McCain for Senate '98; $1,000.00, 03/15/1999, GW Bush Exploratory Committee; $1,000.00, 05/11/1999, Christopher Cox Congressional Committee; $1,000.00, 05/17/1999, Kasich 2000; $500.00, 06/23/1999 Cyprus Amax Minerals PAC; $1,000.00, 10/06/1999, Friends of Giuliani Exploratory Committee; $1,000.00, 10/13/1999, 21st Century Freedom PAC Federal (FKA Economic Freedom PAC); $1,000.00, 12/30/1999, Friends of Dylan Glenn; $1,000.00, 03/15/2000, Tom Campbell for Senate; $12,500.00, 06/30/2000, Republican National Committee—RMC; $5,000.00, 11 13/2000, Bush-Cheney Recount Fund; $1,000.00, 03/21/2001, McConnell Senate Committee '92; $1,000.00, 03/23/2001, Lindsey Graham for U.S. Senate.
2. Spouse: Marna Schnabel: $1,000, 10/01/1997, Friends of Dylan Glenn; $500, 11/13/1997, Susan Golding For U.S. Senate; $25,000, 06/11/1998, RNSEC; $8,000, 10/13/1998, Senatorial Majority Fund; $8,000, 10/13/1998, National Republican Senatorial Committee; $1,000, 10/15/1998, Matt Fong U.S. Senate Committee; $1,000, 11/30/1998, Dreier For Congress Committee; $1,000, 03/24/1999, Bush For President Inc.; $5,000, 12/09/1999, California State Republican Party; $1,000, 12/30/1999, Friends of Dylan Glenn; $5,000, 06/02/2000, American Success Political Action Committee; $12,500, 06/30/2000, Republican National Committee—RNC; $300, 08/02/2000, Tribute to Laura Bush; $2,000, 08/19/2000, Lazio 2000 Inc.; $1,000, 09/22/2000, Friends of Dylan Glenn.
3. Children and Spouses: Darrin Schnabel (daughter): $1,000, 3/14/99, G.W. Bush; $1,000, 7/03/98, Friends of Dylan; $1,000, 5/06/98, Matt Fong U.S. Senate Committee.

Christy Schnabel (daughter), none; Jerry Di Rienzo (son-in-law), none; Everton Schnabel (son), none; Alexis Schnabel (daughter-in-law), none.

4. Parents: Mother: Wilhelmina Schnabel van Baer—deceased; Father: Hans Schnabel—deceased.
5. Grandparents: NA.
6. Brothers and Spouses: Henk Schnabel (brother), none; Sylvia Schnabel (sister-in-law), none; Bert Schnabel (brother), none; Marijke Schnabel (sister-in-law).
7. Sisters and Spouses: Margariet Schnabel (sister), none; Ed Daniels (brother-in-law), none.

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*John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Non-proliferation).

*Ralph Leo Boyce, Jr., of Virginia, to be a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Ralph Leo Boyce, Jr.

Post: Ambassador to Indonesia.

Contributions, Amount, Date, and Donee:

1. Self: Ralph L. Boyce, Jr., None.
2. Spouse: Kathryn S. Boyce, None.
3. Children and Spouses: Matthew S. Boyce, None; Erin J. Boyce, None.
4. Parents: Ralph L. Boyce, None.
5. Grandparents: Deceased.
6. Brothers and Spouses: None.
7. Sisters and Spouses: Elizabeth Emory, None. Robert Emory, None.

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*Kevin E. Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kevin E. Moley.
Post: United Nations, Geneva, SW.
Contributions, Amount, Date, and Donee:
1. Self: Kevin E. Moley: $20,000, 6/26/2000, RNC; $1,000, 3/5/1999, Bush for President.
2. Spouse: Dorothy M. Moley: $1,000, 3/5/1999, Bush for President.
3. Children and Spouses: Damon E. Moley, None.
4. Parents: Harold E. Moley, None (Deceased); Marie F. Moley, None (Deceased).
5. Grandparents: John and Isabel Moley, None (Deceased); James and Mary O'Connell, None (Deceased).
6. Brothers and Spouses: David E. Moley, None; Gloria J. Moley, None.
7. Sisters and Spouses: None.

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*Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

*Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kenneth C. Brill.
Post: U.S. Rep to the Vienna Office of UN and U.S. Rep to the IAEA.
Contributions, Amount, Date, and Donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: Katherine, Christopher (minor), None.
4. Parents: Mr. H.C. Brill, None; Ms. C.E. Ulrich, None.
5. Grandparents: Mr. and Mrs. Alfred Brill, deceased; Mr. and Mrs. Chandler Lapslev, deceased.
6. Brothers and Spouses: Mr. Bruce Brill, None; Mr. and Mrs. Douglas Brill, None; Mr. and Mrs. Gary Brill, None.
7. Sisters and Spouses: Mr. and Mrs. R. Dodson (Janet), None; Mr. and Mrs. M. Cummings (Diane), None.

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*Clifford G. Bond, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Clifford G. Bond.
Post: Sarajevo, Bosnia-Herzegovina.
Contributions, Amount, Date and Donee:
1. Self: Clifford G. Bond, None.
2. Spouse: Michele T. Bond, None.
3. Children and Spouses: Robert C. Bond, None; Lillian Bond, None; Elisabeth Bond, None; Matthew Bond, None.
4. Parents: Edward E. Bond, deceased; Dorothy C. Bond, deceased.
5. Grandparents: Lillian Craig, deceased; George Craig, deceased; Francis Bond, deceased; Elizabeth Bond, deceased.
6. Brothers and Spouses: Francis C. and Mary Lou Bond, None; Edward C. Bond, deceased; Robert R. Bond, None; Anthony Peter Bond, None.
7. Sisters and Spouses: Barbara Susan Bond, None.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. CRAPO (for himself and Mr. CRAIG):

S. 1459. A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 1460. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN:

S. 1461. A bill to amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small- to medium-size airports with security enhancements; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1462. A bill to establish the Federal Emergency Transportation Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH of New Hampshire:

S. 1463. A bill to provide for the safety of American aviation and the suppression of terrorism; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1464. A bill to amend the Internal Revenue Code of 1986 to modify the definition of rural airports for purposes of the air transportation tax; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. MCCONNELL):

S. 1465. A bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 535

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 677

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 706

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 950

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 950, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 960

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 980

At the request of Mr. FITZGERALD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 980, a bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions

relating to wildlife conservation and restoration programs, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1078

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1078, a bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods.

S. 1079

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1079, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 1125

At the request of Mr. MCCONNELL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1138

At the request of Mr. ALLEN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1138, a bill to allow credit under the Federal Employees' Retirement System for certain Government service which has performed abroad after December 31, 1988, and before May 24, 1998.

S. 1204

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1204, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant.

S. 1243

At the request of Mr. GRAHAM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1243, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1257

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1257, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1390

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1390, a bill to amend title XXI of the Social Security Act to require the Secretary of Health and Human Services to make grants to promote innovative outreach and enrollment efforts under the State children's health insurance program, and for other purposes.

S. 1409

At the request of Mr. MCCONNELL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mr. BOND), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. KYL), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1432

At the request of Mr. SMITH of Oregon, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1432, a bill to authorize the issuance of United States Defense of Freedom Bonds to aid in funding of the war against terrorism, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1452

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1452, a bill to provide for electronic access by the Department of State and Immigration and Naturalization Service to certain information in the criminal history records of the Federal Bureau of Investigation to determine whether or not a visa applicant or applicant for admission has a criminal record.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Maryland (Mr. SARBANES), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S.J. RES. 8

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.J.Res. 8, a joint resolution designating 2002 as the ''Year of the Rose''.

S. RES. 109

At the request of Mr. REID, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S.Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S.Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 160

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S.Res. 160, a resolution designating the month of October 2001, as ''Family History Month.''

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S.Con.Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

AMENDMENT NO. 1594

At the request of Mr. INHOFE, the names of the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. CLELAND), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of amendment No. 1594 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1599

At the request of Mr. LOTT, the names of the Senator from Connecticut

(Mr. DODD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of amendment No. 1599 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1621

At the request of Mr. DAYTON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1621 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1634

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 1634 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1639

At the request of Mr. ALLARD, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of amendment No. 1639 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1641

At the request of Mr. DOMENICI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 1641 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1642

At the request of Mr. DOMENICI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 1642 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1459. A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

Mr. CRAPO. Madam President, I rise today to introduce legislation naming the Federal building and United States courthouse in Boise, ID, for our former colleague Senator James A. McClure.

Jim McClure ably served Idaho for 24 years in the United States Congress, including 18 years here in the Senate. At the time of his retirement from the Senate in 1991, Jim McClure was one of the most senior members of the Republican Conference, serving as its Chairman from 1981 to 1985. Prior to entering Congress in 1967, Jim McClure also served 6 years in the Idaho State Senate.

Throughout his service in Congress, Jim McClure was widely recognized for his expertise on energy and natural resource issues, especially in the areas of mining, forestry, public land, water, and natural resource law. As Chairman of both the Senate Interior Appropriations Subcommittee and the Senate Energy and Natural Resources Committee, Jim McClure was a key legislator behind the establishment of the Hells Canyon National Recreation Area in western Idaho and eastern Oregon. Jim McClure also led the drive for the creation of the Frank Church River of No Return Wilderness in Idaho, and he was instrumental in helping to assist and improve Idaho's rural economy and standard of living.

Known for his ardent support of second amendment rights and hard-line stance on foreign policy and defense issues, Jim McClure was an influential voice in working with several administrations on arms control issues. In 1990, he was a part of a four-member Senate delegation that visited Iraqi President Saddam Hussein to express concern about Iraq's development of chemical, biological, and nuclear weapons.

Having retired from the Senate more than 10 years ago, Jim McClure has continued to be active in working with Congress on behalf of many important groups in Idaho and throughout the country. His civic-mindedness has also been illustrated through his service as a Trustee for the Kennedy Center for the Performing Arts.

As former Prosecuting Attorney for Payette County, ID, as well as former City Attorney for Payette, the renaming of this courthouse for Jim McClure is an appropriate tribute to his service to Idaho and to the Nation. I invite my colleagues to join Senator CRAIG and me in honoring Senator James A. McClure through this legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1459

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

SECTION 1. DESIGNATION OF JAMES A. McCLURE FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, shall be known and designated as the ''James A. McClure Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the James A. McClure Federal Building and United States Courthouse.

By Mr. DURBIN:

S. 1461. A bill to amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small- to medium-size airports with security enhancements; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Madam President, I rise today to introduce a very timely and important piece of legislation, the Airline Passenger Safety Enhancement Act of 2001.

This legislation would require the Federal Government to operate passenger and carry-on baggage security checkpoints and screening operations in airports. The federalization of the screening process, and the Federal Government's role, will be accomplished by using FAA or U.S. DOT personnel, security personnel detailed by other Federal agencies, or by establishing a government or government-controlled corporation to screen carry-on baggage and the traveling public. Additionally, the FAA will have the authority under this Act to make changes and adjustments in screening policy to assure safety.

This legislation would require the FAA Administrator to immediately make arrangements with airport operators for armed, uniformed law enforcement personnel at passenger, carry-on baggage and employee security checkpoints. O'Hare and Lambert Airports have already posted such personnel at passenger and carry-on baggage checkpoints.

The Airline Passenger Safety Enhancement Act of 2001 also would require the FAA Administrator to conduct a comprehensive study to determine how best to organize the security

operations at airports in cooperation with air carriers and local airports in order to secure the safety of passengers and workers. A report to Congress would be required no later than 30 days after the enactment of this legislation. This report would include recommendations for legislation to assure greater airport security.

I've heard from a number of Downstate Illinois airports that support stronger airport security procedures. However, these airports will be asked to shoulder a heavy financial burden. For example, the Central Illinois Regional Airport in Bloomington-Normal will likely need to spend as much as $30,000 per month for additional security measures. These funds are above and beyond what has been budgeted and could create a financial hardship for the airport. The Department should explore ways to help smaller airports by providing resources and technical assistance to upgrade security and enhance passenger safety. My legislation would provide for additional support to these small-to-medium size airports by providing them with added financial and technical support which would enhance, upgrade and improve security operations.

I am hopeful that these upgrades and improvements of a federalized security system can be paid for through an added fee of up to $1.00 per domestic flight segment.

While this concept generally appears to be supported by the airlines and by some in the Administration, I think it's important for Congress to act swiftly to codify these important changes.

In closing, together, we can craft common-sense solutions that protect passengers, secure our airports, and ensure that our aviation system is the safest in the world and I believe this legislation can make that happen.

By Ms. SNOWE.

S. 1462. A bill to establish the Federal Emergency Transportation Administration; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I rise today to introduce legislation, the National Emergency Transportation Coordination Act of 2001, to address a serious concern I have in the wake of last week's tragic events.

Last week, I met with local transportation officials in my home State of Maine to review the enhanced security measures implemented since the September 11 attacks. During my meetings, these officials expressed serious concerns about security coordination among different modes of transportation. Apparently, drastically differing standards of safety and security were used by Federal officials in different cities during the attacks.

For obvious reasons, this lack of coordination could be of significant concern in the future. The fact of the matter is, we did not know last Tuesday's attacks were coming. We certainly didn't know where, or in what form. In the future, my hope is that our intelligence will be enhanced so that we may thwart terrorist attacks before they occur. Nonetheless, I believe it is critical that we be prepared for any contingency. To this end, the legislation I am introducing today gives the U.S. Department of Transportation, U.S. DOT, the authority and tools necessary to safeguard our national transportation infrastructure in the event of a national emergency.

Specifically, my legislation will enhance coordination within the U.S. DOT and with other federal agencies to safeguard our transportation infrastructure in the event of an emergency. It will centralize within U.S. DOT the authority to: 1. coordinate national transportation and transportation-related activities of all federal agencies during a national emergency; 2. disseminate critical transportation-related information during an emergency; and 3. develop and notify appropriate federal, state and local authorities of uniform emergency transportation security standards to be followed during an emergency and to ensure those standards are followed.

It will establish within the U.S. DOT a Federal Emergency Transportation Administration, FETA. FETA would be responsible for coordinating domestic transportation during a national emergency, including aviation, maritime and port security, and surface transportation, including rail. FETA would coordinate transportation-related responsibilities of other agencies during an emergency as well. FETA could serve as a point of contact within U.S. DOT for the Office of Homeland Security laid out by the President last Thursday.

In addition, FETA would be responsible for establishing uniform national transportation ''emergency'' standards, and notifying appropriate Federal, State, and local agencies and governments about transportation-related security threats in the event of an emergency. It would also develop appropriate standard operating procedures for agencies and municipalities to follow during an emergency and disseminate critical transportation-related information during.

As a member of the Senate Committee on Commerce, Science, and Transportation, I know that steps are already being taken to safeguard our airports and our skies. However, there is no guarantee that, should there be another terrorist attack on our soil in the future, that aviation will be the only mode of transportation targeted. We must not take that chance. We must take steps to ensure that all our modes of transportation are coordinated in the event of such an attack. I strongly urge my colleagues to join me in a strong show of support for this legislation.

By Mr. SMITH of New Hampshire:

S. 1463. A bill to provide for the safety of American aviation and the suppression of terrorism; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1463

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airline Safety Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and navigators with proper training will serve as a deterrent to future contemplated acts of terrorism.

(6) Secured doors separating the crew cabin from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

SEC. 3. AVIATION SAFETY AND SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.

(a) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—No department or agency may prohibit a pilot, co-pilot, or navigator of a commercial aircraft, or any law enforcement personnel specifically detailed for the protection of a commercial aircraft, who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm for the protection of the aircraft.

(b) REINFORCED COCKPIT DOORS ON COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a commercial aircraft described in paragraph (2) that is operated in the United States shall possess a door or doors separating the crew cabin of such aircraft from the passenger cabin of such aircraft, which door or doors shall be certified by the Secretary as being secure against forcible entry from the passenger cabin into the crew cabin of such aircraft.

(2) COVERED COMMERCIAL AIRCRAFT.—A commercial aircraft described in this paragraph is any commercial aircraft that, as determined by the Secretary, is configured so as to permit a door to separate the crew cabin and passenger cabin of such aircraft.

(c) REGULATIONS.—The Secretary may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

By Mr. BROWNBACK (for himself and Mr. MCCONNELL):

S. 1465. A bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003; to the Committee on Foreign Relations.

Mr. BROWNBACK. Madam President, I am introducing today a bill, along with Senator MCCONNELL, and there will be others who will be added as cosponsors to the bill, to provide limited authority to the President to provide assistance to Pakistan and India.

This bill provides a limited waiver authority to the President to provide foreign aid assistance to Pakistan and to India. I do not need to remind anybody in this body of the difficulty facing particularly Pakistan at this time, as General Musharraf, the Chief Executive of the country, stepped forward to support the United States in this time of fighting international terrorism, particularly that which is based in Afghanistan.

Yet because of prior legislation, the United States cannot provide certain types of aid to Pakistan that I believe the administration may well need to provide to Pakistan to keep the Government there, to provide support and help to the Government.

For instance, the U.S. Government today, because of sanctions that were put on Pakistan by law and there is no waiver authority, cannot provide more than $50 million in foreign aid assistance to Pakistan. They can in some areas provide below $50 million, but they cannot provide any more than that. They can do no debt rescheduling. There are no balance of payment supports the United States can provide to Pakistan. These are a lot of funds, but I want to point out what would take place if the Pakistani Government gets into great difficulty and the United States is not able to help.

General Musharraf controls nuclear weapons and missile capacity as well. If the Government of Pakistan does not survive, it will probably move to a more radical regime that will have both nuclear weapons and the capacity to delivery those nuclear weapons to our allies and even possibly U.S. interests.

Pakistan is helping us against this battle of terrorism. We need to lift all sanctions to work with them. We are going to need to help them economically during this very difficult time for them and for us.

As we move forward in this battle on terrorism, we are going to have to work with people in many ways. There is a military component that people watch, but there is also a strong cooperative component which needs to take place. We need to work with our potential allies around Afghanistan so that we can go into the country of Afghanistan or support resistance fighters around Afghanistan and in Afghanistan, which I think is the better route to go, for us to drain the swamp and be able to get the terrorism at that point in time or cause them to move and capture them at that time.

The administration is asking for this important assistance. They will need to work very closely with Pakistan. The Musharraf government has had sanctions imposed on it because they triggered particular provisions by their own actions. The administration is going to have to weigh that very carefully. If they are going to return to an elective government, which the Pakistani President and the Supreme Council of Pakistan, the Supreme Court has stated that they will next October have free elections to elect their leadership, we are going to have to appraise this as it moves forward.

Right now the Bush administration does not even have the authority to waive these sanctions to provide foreign aid, debt repayment, and assistance. They do not even have the option. This bill will provide them the waiver authority to provide that assistance. It means the sanctions will still be in place, and the administration will have to decide whether or not to lift them.

I am introducing this bill now because I would like to see it included either on the Defense authorization bill, foreign ops appropriations bill, or as a freestanding bill passing through this Congress. This needs to take place. That is why I am introducing this bill and drawing it to the attention of my colleagues. We need to do this, and we should not be parsimonious in this time of great difficulty for us and for them. I thank the Chair.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1672. Mr. DOMENICI (for himself, Mr. ALLARD, Mr. DASCHLE, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 1673. Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, Mr. INOUYE, Mr. CLELAND, Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1674. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1675. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1676. Mr. NELSON, of Nebraska (for himself, Mr. BUNNING, Mr. CLELAND, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1677. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 1438, supra.

SA 1678. Mr. WARNER (for Ms. COLLINS (for himself, Ms. LANDRIEU, and Mr. ALLARD)) proposed an amendment to the bill S. 1438, supra.

SA 1679. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, supra.

SA 1680. Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1681. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1682. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1683. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, supra.

SA 1684. Mr. LEVIN (for Ms. MIKULSKI) proposed an amendment to the bill S. 1438, supra.

SA 1685. Mr. WARNER (for Mr. HUTCHINSON) proposed an amendment to the bill S. 1438, supra.

SA 1686. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, supra.

SA 1687. Mr. WARNER (for Mr. VOINOVICH) proposed an amendment to the bill S. 1438, supra.

SA 1688. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1689. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, Mr. BINGAMAN, Mr. BIDEN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1690. Mr. HELMS (for himself, Mr. MILLER, Mr. SHELBY, Mr. BOND, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1672. Mr. DOMENICI (for himself, Mr. ALLARD, Mr. DASCHLE, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''(e) APPROPRIATION.—

''(1) IN GENERAL.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.

''(2) LIMITATION.—Amounts appropriated pursuant to paragraph (1) may not exceed—

''(A) in fiscal year 2002, $172,000,000;

''(B) in fiscal year 2003, $143,000,000;

''(C) in fiscal year 2004, $107,000,000;

''(D) in fiscal year 2005, $65,000,000;

''(E) in fiscal year 2006, $47,000,000;

''(F) in fiscal year 2007, $29,000,000;

''(G) in fiscal year 2008, $29,000,000;

''(H) in fiscal year 2009, $23,000,000;

''(I) in fiscal year 2010, $23,000,000; and

''(J) in fiscal year 2011, $17,000,000.''.

SA 1673. Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, MR. INOUYE, Mr. CLELAND, Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 209, between lines 12 and 13, insert the following:

SEC. 652. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, 40 percent for months beginning after such date and before October 2005, and 45 percent for months beginning after September 2005.''.

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking ''35 percent'' and inserting ''the percent specified under subsection (a)(1)(B)(i) as being applicable for the month''.

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking ''35 percent'' and inserting ''the applicable percent''; and

(B) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.''.

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(2) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, 15 percent for months beginning after that date and before October 2005, and 10 percent for months beginning after September 2005.''.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2005.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

SA 1674. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 821 of the bill.

SA 1675. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

SEC. 3159. CLARIFICATION OF CALCULATION OF ANNUAL INFLATION ADJUSTMENT FOR ECONOMIC ASSISTANCE PAYMENTS FOR THE WASTE ISOLATION PILOT PLANT.

(a) CLARIFICATION.—Section 15(c) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579; 106 Stat. 4791) is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by inserting after ''such subsection'' the following: '', as adjusted from time to time under this subsection,''; and

(B) in subparagraph (B), by inserting after ''decrease'' the following: ''for such fiscal year''; and

(2) in paragraph (2), by striking ''the fiscal year prior to the first fiscal year to which subsection (a) applies'' and inserting ''the fiscal year preceding such preceding fiscal year''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to fiscal years beginning on or after the date.

(c) AVAILABILITY OF ADDITIONAL AMOUNTS FOR PAYMENT UNDER RETROACTIVE AMENDMENT.—(1) The Secretary of Energy shall determine the amount that would have been available for economic assistance payments under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act in each of fiscal years 1999, 2000, and 2001 if the amendments made by subsection (a) had taken effect on October 1, 1998.

SA 1676. Mr. NELSON of Nebraska (for himself, Mr. BUNNING, Mr. CLELAND, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXIX, add the following:

SEC. 2905. RENAMING OF DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990 AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

(a) RENAMING OF ACT.—(1) Section 2901(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking '' 'Defense Base Closure and Realignment Act of 1990' '' and inserting '' 'Defense Base Review Act of 1990' ''.

(2) Any reference in any law, regulation, document, paper, or other record of the United States to the Defense Base Closure and Realignment Act of 1990 shall be deemed to be a reference to the Defense Base Review Act of 1990.

(b) RENAMING OF COMMISSION.—(1) Section 2902(a) of that Act is amended by striking '' 'Defense Base Closure and Realignment Commission' '' and inserting '' 'Defense Base Review Commission' ''.

(2) Any reference in any law, regulation, document, paper, or other record of the United States to the Defense Base Closure and Realignment Commission shall be deemed to be a reference to the Defense Base Review Commission.

SA 1677. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military

activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 377, between lines 3 and 4, insert the following:

SEC. 1124. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.

(a) AUTHORITY TO EXEMPT.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination

''(a) AUTHORITY TO EXEMPT.—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303, 3321, and 3328 of such title) an individual who has a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

''(b) COVERED HEALTH-CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

''(1) Physician.
''(2) Dentist.
''(3) Podiatrist.
''(4) Optometrist.
''(5) Pharmacist.
''(6) Nurse.
''(7) Physician assistant.
''(8) Audiologist.
''(9) Expanded-function dental auxiliary.
''(10) Dental hygienist.

''(c) PREFERENCES IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.''.

SA 1678. Mr. WARNER (for Ms. COLLINS (for himself, Ms. LANDRIEU, and Mr. ALLARD)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) CLARIFICATION OF COVERED BENEFICIARIES.—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A–184) is amended by striking ''covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard,'' and inserting ''covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code,''.

(b) REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.—Subsection (b) of such section is repealed.

(c) WAIVER AUTHORITY.—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

''(b) WAIVER AUTHORITY.—The Secretary may waive the prohibition in subsection (a) if—

''(1) the Secretary—

''(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

''(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

''(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

''(2) the Secretary provides notification of the Secretary's intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

''(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

''(4) 60 days have elapsed since the date of the notification described in paragraph (3).''.

(d) DELAY OF EFFECTIVE DATE.—Subsection (d) of such section is amended—

(1) by striking ''take effect on October 1, 2001'' and inserting ''be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002''; and

(2) by redesignating the subsection as subsection (c).

(e) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

SA 1679. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. ___. REPORT ON V–22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.

Not later than 30 days before the planned date to resume flight testing of the V–22 Osprey aircraft, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V–22 Osprey Aircraft, including—

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

(B) a description and assessment of the actions taken to redress such deficiencies.

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

(3) An assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

SA 1680. Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 270, line 9, strike ''(A)'' and all that follows through ''(4)'' on line 25.

On page 271, between lines 8 and 9, insert the following:

(c) EVALUATION OF BUNDLING EFFECTS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting '', and whether contract bundling played a role in the failure,'' after ''agency goals''; and

(2) by adding at the end the following:

''(G) The number and dollar value of consolidations of contract requirements with a total value in excess of $5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.''.

(d) REPORTING REQUIREMENT.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

''(p) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

''(2) PROVISION OF INFORMATION.—A Federal agency shall provide to the appropriate procurement center representative a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of $5,000,000, upon request.

''(3) REPORT.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.''.

On page 290, between lines 3 and 4, insert the following:

SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.—

''(A) IN GENERAL.—A small business concern described in subparagraph (B) meets the

United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

''(B) CONCERNS DESCRIBED.—A small business concern is described in this subparagraph if the small business concern—

''(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

''(ii) files reports with the Securities and Exchange Commission as a small business issuer.''.

''(C) NON-CITIZENS.—In this paragraph, the term 'non-citizen' means

''(i) an individual that is not a United States citizen; and

''(ii) any other person that is not organized under the laws of any State or the United States.''.

SA 1681. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby decreased by $2,400,000, with the amount to be derived from the amount available for the Technical Studies, Support and Analysis program.

SA 1682. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . It is the sense of the Senate that adjacent parcels of land at the former Marine Corps Air Station, Tustin, should be transferred to the Santa Ana Unified School District and Rancho Santiago Community College District for educational purposes.

SA 1683. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 23, line 12, increase the amount by $1,000,000.

On page 23, line 11, reduce the amount by $1,000,000.

SA 1684. Mr. LEVIN (for Ms. MIKULSKI) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 833. INSENSITIVE MUNITIONS PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2404 the following new section 2405:

''§ 2405. Insensitive munitions program

''(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and fielding when subjected to unplanned stimuli.

''(b) CONTENT OF PROGRAM.—The program shall include safety criteria, safety procedures, and requirements to conform to those criteria and procedures.

''(c) REPORTING REQUIREMENT.—At the same time that the budget for a fiscal year is submitted to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following matters:

''(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding fiscal year in which the report is submitted, together with a discussion of the justifications for the waivers.

''(2) Identification of the funding proposed for the program in that budget, together with an explanation of the proposed funding.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2404 the following new item:

''2405. Insensitive munitions program.''.

SA 1685. Mr. WARNER (for Mr. HUTCHINSON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105–103 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) AMOUNT.—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

SA 1686. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM

Subsection (g) of 10 U.S.C. 2667 (section 1061, National Defense Authorization Act, 1998, P.L. 105–85) is amended by adding a new paragraph at the end as follows:

(3) The requirements of paragraphs (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if

(A) use of the ship is restricted to federally supported research programs and non-federal uses under specific conditions with approval by the Secretary of the Navy;

(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.

SA 1687. Mr. WARNER (for Mr. VOINOVICH) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XI, add the following:

SEC. 1124. PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 5758. Expenses for credentials

''(a) An agency may use appropriated or other available funds to pay for—

''(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and professional certifications; and

''(2) examinations to obtain such credentials.

''(b) No authority under subsection (a) may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5758. Expenses for credentials.''.

SA 1688. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on that table; as follows:

On page 31, between lines 15 and 16, insert the following:

SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.

Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–32) is amended by striking ''$10,873,712,000'' and inserting ''$10,874,712,000''.

SA 1689. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, Mr. BINGAMAN, Mr. BIDEN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle C—Coordination of Nonproliferation Programs and Assistance

SEC. 1231. SHORT TITLE.

This title may be cited as the ''Nonproliferation Programs and Assistance Coordination Act of 2001''.

SEC. 1232. FINDINGS.

Congress makes the following findings:

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states.

(2) Although these efforts are in the United States national security interest, the effectiveness of these efforts suffers from a lack of coordination within and among United States Government agencies.

(3) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states.

(4) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union require the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on nonproliferation efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

SEC. 1233. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) ESTABLISHMENT.—There is established within the executive branch of the Government an interagency committee known as the ''Committee on Nonproliferation Assistance to the Independent States of the Former Soviet Union'' (in this title referred to as the ''Committee'').

(b) MEMBERSHIP.—(1) The Committee shall be composed of 6 members, as follows:

(A) A representative of the Department of State designated by the Secretary of State.

(B) A representative of the Department of Energy designated by the Secretary of Energy.

(C) A representative of the Department of Defense designated by the Secretary of Defense.

(D) A representative of the Department of Commerce designated by the Secretary of Commerce.

(E) A representative of the Assistant to the President for National Security Affairs designated by the Assistant to the President.

(F) A representative of the Director of Central Intelligence.

(2) The Secretary of a department named in subparagraph (A), (B), (C), or (D) of paragraph (1) shall designate as the department's representative an official of that department who is not below the level of an Assistant Secretary of the department.

(b) CHAIR.—The representative of the Assistant to the President for National Security Affairs shall serve as Chair of the Committee. The Chair may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

SEC. 1234. DUTIES OF COMMITTEE.

(a) IN GENERAL.—The Committee shall have primary continuing responsibility within the executive branch of the Government for—

(1) monitoring United States nonproliferation efforts in the independent states of the former Soviet Union;

(2) coordinating the implementation of United States policy with respect to such efforts; and

(3) recommending to the President, through the National Security Council—

(A) integrated national policies for countering the threats posed by weapons of mass destruction; and

(B) options for integrating the budgets of departments and agencies of the Federal Government for programs and activities to counter such threats.

(b) DUTIES SPECIFIED.—In carrying out the responsibilities described in subsection (a), the Committee shall—

(1) arrange for the preparation of analyses on the issues and problems relating to coordination within and among United States departments and agencies on nonproliferation efforts of the independent states of the former Soviet Union;

(2) arrange for the preparation of analyses on the issues and problems relating to coordination between the United States public and private sectors on nonproliferation efforts in the independent states of the former Soviet Union, including coordination between public and private spending on nonproliferation programs of the independent states of the former Soviet Union and coordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(3) provide guidance on arrangements that will coordinate, de-conflict, and maximize the utility of United States public spending on nonproliferation programs of the independent states of the former Soviet Union to ensure efficiency and further United States national security interests;

(4) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union to voluntarily report these efforts to the Committee;

(5) arrange for the preparation of analyses on the issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts in the independent states of the former Soviet Union; and

(6) consider, and make recommendations to the President and Congress with respect to, proposals for new legislation or regulations relating to United States nonproliferation efforts in the independent states of the former Soviet Union as may be necessary.

SEC. 1235. COMPREHENSIVE PROGRAM FOR NONPROLIFERATION PROGRAMS AND ACTIVITIES.

(a) PROGRAM REQUIRED.—The President may, acting through the Committee, develop a comprehensive program for the Federal Government for carrying out nonproliferation programs and activities.

(b) PROGRAM ELEMENTS.—The program under subsection (a) shall include plans and proposals as follows:

(1) Plans for countering the proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies of the Federal Government.

(3) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(4) Proposals for establishing in the United States appropriate legal controls and authorities relating to the export of nuclear, radiological, biological, and chemical weapons and related materials and technologies.

(5) Proposals for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(6) Proposals for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(7) Plans for reducing United States and Russian stockpiles of excess plutonium,

which plans shall take into account an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(8) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terrorism or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time the President submits to Congress the budget for fiscal year 2003 pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under this section.

(2) The report shall include the following:

(A) The specific plans and proposals for the program under subsection (b).

(B) Estimates of the funds necessary, by agency or department, for carrying out such plans and proposals in fiscal year 2003 and five succeeding fiscal years.

(3) The report shall be in an unclassified form, but may contain a classified annex.

SEC. 1236. ADMINISTRATIVE SUPPORT.

All departments and agencies of the Federal Government shall provide, to the extent permitted by law, such information and assistance as may be requested by the Committee Chair in carrying out their functions and activities under this title.

SEC. 1237. CONFIDENTIALITY OF INFORMATION.

Information which has been submitted to the Committee or received by the Committee in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the Committee only for the purpose of carrying out the functions and activities set forth in this title.

SEC. 1238. STATUTORY CONSTRUCTION.

Nothing in this title—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing department or agency of the Federal Government over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the Committee shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SEC. 1239. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this title the term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

SA 1690. Mr. HELMS (for himself, Mr. MILLER, Mr. SHELBY, Mr. BOND, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE XIV—AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2001

SEC. 1401. SHORT TITLE.

This title may be cited as the ''American Servicemembers' Protection Act of 2001''.

SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court''. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to ''determine the existence of any .... act of aggression'' would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to

actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 1404 AND 1406 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS TITLE.—The prohibitions and requirements of sections 1404, 1405, 1406, and 1407 shall cease to apply, and the authority of section 1408 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may

be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

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

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 1412. NONDELEGATION.

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 1413. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

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

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

(11) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 25, 2001, at 10 a.m., in open session to consider the nominations of Gen. Peter Pace, USMC, for reappointment in the grade of general and for appointment as the Vice Chairman of the Joint Chiefs of Staff; Gen. John W. Handy, USAF, for reappointment in the grade of general and for appointment as Commander in Chief, United States Transportation Command and Commander, Air Mobility Command; and Adm. James O. Ellis, Jr., USN, for reappointment in the grade of admiral and for appointment as Commander in Chief, United States Strategic Command.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Tuesday, September 25, 2001, at 9:30 a.m., to conduct a business meeting to consider the following nominations: Brigadier General Edwin J. Arnold, Jr. to be a Member and President of the Mississippi River Commission; Nils J. Diaz to be a member of the Nuclear Regulatory Commission; Marianne Lamont Horinko to be Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Patrick Hayes Johnson to be Federal Cochairperson, Delta Regional Authority; Harold Craig Manson to be Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior; Paul Michael Parker to be Assistant Secretary of the Army for Civil Works, Department of Defense; Mary E. Peters to be Administrator of the Federal Highway Administration, Department of Transportation; and Brigadier General Carl A. Strock to be a Member of the Mississippi River Commission.

In addition, the following will be considered: S. 950, Federal Reformulated Fuels Act; S. 1206, to reauthorize the Appalachian Regional Development Act of 1965; S. 1270, to designate the United States courthouse located at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse''; and Several GSA Building and Lease Committee Resolutions.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, 2001, at 11 a.m., to hold a nomination hearing.

Nominees: Mr. Dennis Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada; Mr. John Danilovich, of California, to be Ambassador to the Republic of Costa Rica; and Mr. Roy Austin, of Pennsylvania, to be Ambassador to Trinidad and Tobago. Additional nominees to be announced.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, 2001, at approximately 2:30 p.m., to hold a Business Meeting.

Nominees: Ms. Charlotte Beers, of Texas, to be Under Secretary of State for Public Diplomacy; Mr. Ralph Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; Mr. Kenneth Brill, of Maryland, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador; Mr. Kenneth Brill, of Maryland, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador; Mrs. Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs); Mr. Hans Hertell, of Puerto Rico, to be Ambassador to the Dominican Republic; Mr. Robert Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia; Mr. Michael Malinowski, of the District of Columbia, to be Ambassador to the Kingdom of Nepal; Mr. Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia; Mr. Kevin McGuire, of Maryland, to be Ambassador to the Republic of Namibia; Mr. Kevin Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador; Mrs. Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d'Invoire; Ms. Mattie Sharpless, of North Carolina, to be Ambassador to the Central African Republic; Mr. R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea; and Mr. John Wolf, of Maryland, to be an Assistant Secretary of State (Non-proliferation). Additional nominees to be announced.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 25, 2001, at 2:30 p.m., for a hearing entitled ''Weak Links: How Should the Federal Government Manage Airline Passenger and Baggage Screening?''

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on ''Homeland Defense'' on Tuesday, September 25, 2001, at 11 a.m., in Dirksen 106.

Witness list: The Honorable John Ashcroft, United States Attorney General.

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

SUBCOMMITTEE ON THE PUBLIC LANDS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 25, at 3:15 p.m., to conduct an oversight hearing. The subcommittee will receive testimony on the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment that was recently agreed to by the Western Governors' Association, Secretary of the Interior Gale Norton and Secretary of Agriculture Ann Veneman.

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

PRIVILEGES OF THE FLOOR

Mr. ALLARD. On behalf of Senator WARNER, I ask unanimous consent David Kirk, a military fellow in his office, be granted floor privileges for the duration of the Senate's debate on Senate bill 1438, the Department of Defense authorization bill for fiscal year 2002.

And also I ask unanimous consent that Lon Pribble, a national defense fellow in my office, have floor privileges during the entire debate of the national defense authorization bill fiscal year 2002.

And on behalf of Senator ENSIGN, I ask unanimous consent to grant floor privileges to his military legislative fellow, Ms. Gemma Meloni, for the duration of debate on the Defense authorization bill.

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

Mr. REID. Mr. President, I ask unanimous consent that Josh Silverman, a fellow in my office, be granted floor privileges during the consideration of S. 1438.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Mr. Andrew Rumbaugh, a fellow in Senator BILL NELSON's office, be granted the privilege of the floor during consideration of this bill.

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

LEE H. HAMILTON FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1583 just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill [H.R. 1583] to designate the Federal Building and United States Courthouse located at 121 West Spring Street in New Albany, Indiana, as the ''Lee Hamilton Federal Building and United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

Madam President, before you rule, this is a courthouse to be named for Lee Hamilton. I had the pleasure of serving with him in the House of Representatives on the Foreign Affairs Committee. He is such a fine man. He served 25 or 28 years in the House. He retired. He is still heavily involved in America's foreign policy. He is one fine person, a great representative of what a person who serves the public should be.

I extend my appreciation to the committees of jurisdiction in the Congress for making this possible for a very fine person, Lee Hamilton.

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

The bill (H.R. 1583) was read the third time and passed.

ORDERS FOR WEDNESDAY, SEPTEMBER 26, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 tomorrow morning, Wednesday, September 26. I further ask that on Wednesday, following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator DASCHLE or designee, 15 minutes; Senator LOTT or designee, 15 minutes.

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

PROGRAM

Mr. REID. So tomorrow the Senate will convene at 9:30 a.m. with morning business until 10 a.m. The majority leader asked me to announce that he expects us to consider the Military Construction Appropriations Act. Both Senators DASCHLE and LOTT believe this bill should move very quickly. We hope that we can complete this bill in a very short period of time. Rollcall votes are possible tomorrow until 2 p.m.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that following the statement by Senator BROWNBACK, the Senate stand in adjournment under the previous order.

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

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

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

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1465 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BROWNBACK. Madam President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:49 p.m., adjourned until Wednesday, September 26, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 2001:

DEPARTMENT OF ENERGY

EVERET BECKNER, OF NEW MEXICO, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE MADELYN R. CREEDON, RESIGNED.

DEPARTMENT OF DEFENSE

MARY L. WALKER, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE JEH CHARLES JOHNSON.

DEPARTMENT OF THE INTERIOR

STEVEN A. WILLIAMS, OF KANSAS, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE JAMIE RAPPAPORT CLARK.

SOCIAL SECURITY ADMINISTRATION

HAROLD DAUB, OF NEBRASKA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 30, 2006, VICE MARK A. WEINBERGER, RESIGNED.

DEPARTMENT OF STATE

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF

COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

CHARLES LAWRENCE GREENWOOD, JR., OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR ASIA PACIFIC ECONOMIC COOPERATION (APEC).

STEPHAN MICHAEL MINIKES, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF EDUCATION

GERALD REYNOLDS, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE NORMA V. CANTU, RESIGNED.

DEPARTMENT OF JUSTICE

DREW HOWARD WRIGLEY, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE JOHN THOMAS SCHNEIDER, RESIGNED.

EDWARD F. REILLY, OF KANSAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

CRANSTON J. MITCHELL, OF MISSOURI, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE TIMOTHY EARL JONES, SR.

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 25, 2001, withdrawing from further Senate consideration the following nomination:

DONALD R. SCHREGARDUS, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 4, 2001.