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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

Gracious Father, source of all our blessings, we are amazed as we check the balance in our spiritual bank account. We begin this new week realizing that You have made an immense deposit of grace, strength, wisdom, and courage in our hearts. And what's exciting is that You constantly will replenish our depleted resources throughout this week. Your love has no limits, Your spiritual resiliency has no energy crisis, Your hope has no restrictions, and Your power has no ending.

Free us from the false assumption that we are adequate for life's challenges on our own. You promise to go before us. We will encounter no problem for which You have not prepared a solution; we will deal with no person whom You have not prepared to receive a blessing from You through us; we will face no challenge for which You will not make us capable for courageous leadership.

Now, dear God, help the Senators use the abundant blessings You have lavished on them because You have placed them in leadership to get Your work done for our beloved Nation and the welfare of the world. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, today there will be 2 hours of debate on the Jordan Free Trade Area Implementation Act. We are going to have our first rollcall vote at or near 2 p.m. today on the nomination of Kirk Van Tine to be the general counsel at the Department of Transportation.

Following that, the Senate is going to resume consideration of the Department of Defense authorization bill. I have had a number of conversations this morning with the chairman of the committee and the majority leader, Senator DASCHLE and Senator LEVIN. Although I have not spoken to Senator WARNER, I am confident he also believes we should complete this legislation as quickly as possible. It is the intent of the leader to finish this legislation tomorrow. There are a number of amendments that need to be brought forward, one of which deals with base closings, and we would hope that could be done as quickly as possible.

Also, Mr. President, the two managers of the bill will ask for a time for disposing of the amendments, either a finite list or something that would give the managers of the bill some idea of what amendments Members are wanting to offer. Also, because of this very short week which is going to end Wednesday at 2 o'clock because of the Jewish holiday, Yom Kippur, it is important we complete the continuing resolution to get us through the first couple weeks of next month so we can go forward working on appropriations bills.

I am happy to report to the membership that the House has appointed a number of conference committees on the appropriations bills, and that is a good sign that we can move forward in the usual process. I hope by the time we have run out of time on the continuing resolution, we will have made great progress in our appropriations bills. We would ask cooperation of all Members. This is going to be a very jampacked week. The leader has indicated there may be other things he wishes to bring up in addition to the CR and the Defense bill.

MEASURE PLACED ON CALENDAR—S. 1447

Mr. REID. Mr. President, I understand that S. 1447 is now at the desk and due for its second reading.

The PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I would ask that S. 1447 be read for a second time and then, Mr. President, I would object to any further proceedings on the legislation at this time.

The PRESIDENT pro tempore. The clerk will read the title for the second time.

The assistant legislative clerk read as follows:

A bill [S. 1447] to improve aviation security, and for other purposes.

The PRESIDENT pro tempore. There being no objection to any further proceedings, the bill will go on the calendar.

UNITED STATES-JORDAN FREE TRADE AREA IMPLEMENTATION ACT

The PRESIDENT pro tempore. Under the previous order, the Finance Committee will now be discharged from further consideration of H.R. 2603, and the Senate will now proceed to its consideration.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill [H.R. 2603] to implement the agreement establishing a United States-Jordan free trade area.

The PRESIDENT pro tempore. Under the previous order, there will now be 2 hours of debate on the bill with 1 hour under the control of the Senator from Texas, Mr. GRAMM, and 1 hour under the control of the Senator from Montana, Mr. BAUCUS, or his designee.

What is the will of the Senate? Time is running.

The Senator from Montana, Mr. BAUCUS.

Mr. BAUCUS. Mr. President, I rise to urge the adoption of H.R. 2603. That is a bill to implement the United States-Jordan Free Trade Agreement. The House passed the bill by a voice vote just before the August recess. The Finance Committee reported a virtually identical bill, also immediately before the August recess. Only two Members dissented when the Finance Committee reported that bill out.

I have advocated the approval of this agreement since it was negotiated by the Clinton administration last year. Finally, after a number of hitches, a number of setbacks, the administration and Congress appear poised to give final approval to the United States-Jordan Free Trade Agreement.

This implementing bill sends an unmistakable signal of support for an important friend, an important ally in the Middle East. That signal was important when the agreement was signed last October. It is even more important now. Jordan has been a steadfast friend in its support for the United States' efforts to bring peace to the Middle East. We all remember the critical role played by King Hussein a few years ago. King Abdullah has maintained that support.

As we all know, Jordan has been steadfast in its support for America in the wake of the terrorist attacks against us. In a September 12 letter to President Bush, the King condemned the attacks and pledged Jordan's support in our fight against terrorism. As he put it, Jordan is committed to work with the United States, ''to ensure that the enemies of peace and freedom do not prevail.''

This is precisely the kind of commitment we now need from our friends and our allies. Accordingly, we should do whatever we can to reinforce Jordan's support. By implementing the free trade agreement, we will do just that.

But that is not the only reason we should pass the implementing bill. To put it simply, it is a solid agreement that is not only good for Jordan but it is also good for the United States and good for the world trading system. The agreement itself is closely modeled upon the United States-Israel Free Trade Agreement. It provides for the staged elimination of tariffs and other trade barriers, provides for extensive intellectual property protection, and extends trading rules to new issues such as electronic commerce.

The United States-Jordan Free Trade Agreement is truly a 21st century free trade agreement. But I do not just mean it addresses high-technology trade issues. Our free trade agreement with Jordan also demonstrates a commitment to a progressive trade agenda, an agenda that recognizes the links between trade and environmental standards and between trade and labor standards, an agenda that puts these important matters on the same plane as market access, the protection of intellectual property rights, and other matters.

Some Senators have criticized the labor and environmental provisions in the Jordan agreement. Let me respond and explain why these provisions are, in fact, positive developments that point the way toward further progress.

In the areas of labor and environment, the United States and Jordan have undertaken a straightforward, common-sense obligation. Both countries have strong labor and environmental laws. Recognizing this, both countries agree to effectively enforce their own laws.

This simple obligation reflects a recognition that as the more glaring tariff and nontariff barriers come down, measures such as a lowering of labor and environmental standards can have a trade distorting effect as well.

Some have charged that the labor and environmental provisions in the Jordan agreement encroach on the sovereignty of the United States. That charge is basically—in fact, it is plainly—wrong.

The provisions of the agreement do not in any way prevent us from enacting and enforcing the laws and regulations that we decide are appropriate to protect our environment and the health and safety of our own workers. This is a critical issue, so I want to be specific. For a labor or environmental measure to be challenged under the agreement, it must meet each of three conditions. Remember, this is for a labor or environmental measure to be challenged under the agreement. I will now briefly go over the three conditions that must be met.

First, it must constitute a sustained or recurring course of action or inaction—a sustained or recurring course of action or inaction. Second, it must affect trade. It cannot be something that does not affect trade. It must affect trade. Third, it must be beyond the bounds of the reasonable exercise of discretion in such matters.

Further, no arbitrator can order the United States to change its practices pursuant to the agreement. Let me repeat that. No arbitrator can order the United States to change its practices pursuant to the agreement.

Under the agreement, dispute settlement will be based on nonbinding mediation—not arbitration but nonbinding mediation. That is very important. In other words, even in the unlikely event that the three conditions are met, and a mediator—not an arbitrator—and a mediator finds against the United States, that determination is purely advisory, intended only to guide the parties in resolving any disputes through consultation.

To my mind, the approach to labor and environment in the Jordan agreement makes perfect sense. Consider the alternative. Would we really want to enter into a trade agreement with a country intent on weakening enforcement of its labor and environmental laws in order to gain a trade advantage? I don't think so. Yet the opponents of the labor and environmental provisions would permit precisely that result. That is not just bad policy, it is bad environmental policy, it is bad labor policy, and bad trade policy. Indeed, I hope that by including labor and environmental provisions in the Jordan agreement we will set a precedent for future trade agreements.

In conclusion, let me stress that getting the United States-Jordan agreement off the ground would be essential even if we were not currently mobilizing support for a global campaign against terrorism. The agreement represents an important expression of American support for a key partner in the Middle East as well as a model of a progressive free trade agreement. I hope the President will sign it immediately so the benefits to both the United States and Jordan can begin to flow.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Montana, Mr. BAUCUS.

Mr. BAUCUS. Mr. President, in order to avoid dead time in the Senate while we are waiting for other Senators to speak, I would like to read into the RECORD two letters. One by our United States Trade Representative, Ambassador Robert Zoellick, to Jordan's Ambassador to the United States, and the other by Ambassador Muasher to USTR Zoellick. The letters are identical. They were exchanged on July 23 of this year in order to demonstrate common agreement on a critical point.

Should any differences arise under the Agreement, my Government will make every effort to resolve them without recourse to formal dispute settlement procedures.

In particular, my Government would not expect or intend to apply the Agreement's dispute settlement enforcement procedures to secure its rights under the Agreement in a manner that results in blocking trade. In light of the wide range of our bilateral ties and the spirit of collaboration that characterizes our relations, my government considers that appropriate measures for resolving any differences that may arise regarding the Agreement would be bilateral consultations and other procedures, particularly alternative mechanisms, that will help to secure compliance without recourse to traditional trade sanctions.

Mr. President, again, this is an exchange of letters between Ambassador Zoellick and the Ambassador representing Jordan.

I ask unanimous consent to have those letters printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, 20508, July 23, 2001.

His Excellency MARWAN MUASHER,
Ambassador of the Hashemite Kingdom of Jordan to the United States.

DEAR MR. AMBASSADOR: I wish to share my Government's views on implementation of the dispute settlement provisions included in the Agreement between the United States of America and the Hashemite Kingdom of Jordan in the Establishment of a Free Trade Area, signed on October 24, 2000.

Given the close working relationship between our two Governments, the volume of trade between our two countries, and the clear rules of the Agreement, I would expect few if any differences to arise between our two Governments over the interpretation or application of the Agreement. Should any differences arise under the Agreement, my Government will make every effort to resolve them without recourse to formal dispute settlement procedures.

In particular, my Government would not expect or intend to apply the Agreement's dispute settlement enforcement procedures to secure its rights under the Agreement in a manner that results in blocking trade. In light of the wide range of our bilateral ties and the spirit of collaboration that characterizes our relations, my Government considers that appropriate measures for resolving any differences that may arise regarding the Agreement would be bilateral consultations and other procedures, particularly alternative mechanisms, that will help to secure compliance without recourse to traditional trade sanctions.

Sincerely,

ROBERT B. ZOELLICK,
U.S. Trade Representative.

EMBASSY OF THE H. K. OF JORDAN,
Washington, DC, July 23, 2001.

Hon. ROBERT B. ZOELLICK,
U.S. Trade Representative,
United States of America.

DEAR MR. AMBASSADOR: I wish to share my Government's views on implementation of the dispute settlement provisions included in the Agreement between the Hashemite Kingdom of Jordan and the United States of America on the Establishment of a Free Trade Area, signed on October 24, 2000.

Given the close working relationship between our two Governments, the volume of trade between our two countries, and the clear rules of the Agreement, I would expect few if any differences to arise between our two Governments over the interpretation or application of the Agreement. Should any differences arise under the Agreement, my Government will make every effort to resolve them without recourse to formal dispute settlement procedures.

In particular, my Government would not expect or intend to apply the Agreement's dispute settlement enforcement procedures to secure its rights under the Agreement in a manner that results in blocking trade. In light of the wide range of our bilateral ties and the spirit of collaboration that characterizes our relations, my Government considers that appropriate measures for resolving any differences that may arise regarding the Agreement would be bilateral consultations and other procedures, particularly alternative mechanisms, that will help to secure compliance without recourse to traditional trade sanctions.

Sincerely,

MARWAN MUASHER,
Ambassador of the Hashemite Kingdom of Jordan.

Mr. BAUCUS. Mr. President, I want to say a few words about these letters, since many have referred to them as the U.S.-Jordan Agreement has moved through the Congress.

First, this exchange of letters should not have been necessary. We should have passed this legislation months ago, without the exchange of letters.

Second, the exchange of letters does not change the U.S.-Jordan Agreement one jot. It simply reflects the views of the current Administration and the Government of Jordan. It is not an amendment to the Agreement. Indeed, it is not even binding on future Administrations.

Clearly, the number of disputes between our two countries will be few, if any. In the unlikely event we do go to formal dispute settlement, we should avoid resorting to sanctions, whatever the subject of the dispute. The exchange of letters expresses that view.

However, if in a particular case a future Administration should decide that sanctions are appropriate, it will be free to act accordingly. Nothing in this exchange of letters changes that.

Mr. President, I now would like to read into the RECORD article 5 of the agreement, pertaining to the environment.

1. The Parties recognize that it is inappropriate to encourage trade by relaxing domestic environmental laws. Accordingly, each Party shall strive to ensure that it does not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such laws as an encouragement for trade with the other Party.

2. Recognizing the right of each Party to establish its own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly its environmental laws, each Party shall strive to ensure that its laws provide for high levels of environmental protection and shall strive to continue to improve those laws.

3. (a) A Party shall not fail to effectively enforce its environmental laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the Parties, after the date of entry into force of this Agreement.

(b) The Parties recognize that each Party retains the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other environmental matters determined to have higher priorities. Accordingly, the Parties understand that a Party is in compliance with subparagraph (a) where a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources.

4. for purposes of this Article, ''environmental laws'' mean any statutes or regulations of a Party, or provision thereof, the primary purpose of which is the protection of the environment, or the prevention of a danger to human, animal, or plant life or health, through:

(a) the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants;

(b) the control of environmentally hazardous or toxic chemicals, substances, materials and wastes, and the dissemination of information related thereto; or

(c) the protection or conservation of wild flora or fauna, including endangered species, their habitat, and specially protected natural areas in the Party's territory, but does not include any statutes or regulations, or provision thereof, directly related to worker safety or health.

Again, to summarize, Mr. President, the labor and environmental provisions are somewhat contentious. They are framed in such a way that I think it helps labor and the environment in both the United States and Jordan, and in a way that does not in any way intrude upon American sovereignty.

Let me repeat: The simple obligation that the United States and Jordan make reflects a recognition that as the more glaring tariff and non-tariff barriers come down, measures such as labor and environmental standards may have an effect on trade. Measures that may have a trade-distorting effect have been dealt with in past trade agreements. Since a lowering or a suppression of labor and environmental standards may distort trade, these too should be dealt with in trade agreements.

The idea here is to encourage countries to protect labor and labor rights and to protect the environment in ways that do not distort trade.

The provisions of this agreement do not in any way prevent us from enacting and enforcing the laws and regulations that we decide are appropriate to protect our environment and the health and safety of our workers.

For a labor or environmental measure to be challenged under the agreement, it must meet three conditions. I think it is important to re-state what those three conditions are.

First, a measure must constitute a sustained or recurring action or inaction. It can't be just a single act by the President or by the Congress. It has to be a sustained or recurring action in order for a labor or environmental provision to be deemed trade distorting.

Second, it must affect trade. An environmental action or labor action which may have a significant effect on the United States but does not affect trade is not actionable.

Third, it must be beyond the bounds of a reasonable exercise of discretion.

There are certainly matters that may slightly distort trade, and may arguably be sustained or recurring. But if the action is within the bounds of a reasonable exercise of discretion by the United States, then no action is permissible.

Even if those tests are met, we move to the question of what sort of dispute settlement is provided for in this agreement. In this agreement there is no binding dispute settlement. There is consultation, but that is it. There is no arbitration in this agreement. There is no arbitration panel, no judge, and no

tribunal. Rather, under this agreement, if one country thinks each of the three conditions is met, it may request non-binding mediation, and not arbitration. If a mediator finds that an action is inappropriate under this agreement, that finding is non-binding. And the parties will then move toward consultation, trying to work out what seems to make the most sense. Even if the mediator finds against the United States, the United States cannot be forced to follow the recommendation of the mediator.

The argument against this provision is that it intrudes upon American sovereignty, that it commits the United States to at least listen to a mediator, and at least consult with Jordan on labor and environmental matters.

I think that is not much of an argument against the agreement, because I think we want to encourage labor and environmental standards that are non-trade-distorting between the two countries.

Let's say in this case that Jordan implements a labor or environmental action that is trade distorting. Absent the provisions of the agreement, it would be totally within bounds of Jordan to do so. But at least here we would have the opportunity to discuss the matter with Jordan. Consider what would happen if there were no labor or environment provisions in this agreement. In that case, could enact a trade-distorting labor law or an environmental law that hurts American trade and workers, and that hurts our economy, and we would have no recourse whatsoever. I think we want some recourse.

The provisions in this agreement allow some recourse, in that both sides obligate themselves not to enact trade-distorting measures on labor and the environment. If one country does, there is at least a process whereby the countries can discuss it. The action by the mediator, if he takes any action, is not binding upon either party.

So I think these are very good provisions. I think they are wise, and therefore, the agreement is something our country should approve and the President should sign very quickly.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I see my good friend from North Dakota is ready to speak. But before he does speak, I would like to reemphasize and underline the point that trade agreements properly include not only the very traditional trade matters, such as tariffs, quotas, and subsidies, but they also include other matters which do have an effect on trade. I would like to suggest what a few of them are.

For example, the length of product patents and copyrights on music has only recently been addressed in trade agreements. These are not tariffs, quotas, or subsidies, but they certainly affect trade. Thus, these issues were addressed in the Uruguay Round.

What about the use of names, such as ''champagne,'' on a product label? Some suggest that the use of the word ''champagne'' is not generic because it means a particular region of the world—in France, Champagne. That was an issue brought up and included in the Uruguay Round.

What about payments to farmers to promote conservation practices, such as land set-asides, or low till agriculture? These are not tariffs, quotas, or subsidies, but they definitely affect trade. In fact, this is a current trade issue with the Europeans. They are very concerned about the actions of the United States in that area.

What about the placement of products on store shelves, just putting products on store shelves? For example, we had a dispute with Canada over distribution of beer and other alcoholic beverages. The point is, obviously, that trade agreements do include matters, and should include matters, which could have the effect of distorting trade. And if a country enacts environmental laws or labor laws that have the effect of distorting trade, I think most Americans would think that, if properly worded, in a common-sense way, they, too, should be addressed in trade agreements. That is what we are trying to do with this legislation. This is not a huge leap. This is not unreasonable. This is not radical. This is very modest, if you will, but very important.

I urge Senators to look at this legislation closely and look at it in that light. When they do, I think they will recognize this is an agreement that should pass and be approved by the Senate and signed by the President very quickly, particularly in light of the current situation in the Mideast. But apart from the Mideast situation, on its merits only, this is a very good agreement.

Mr. President, I yield to my friend from North Dakota for—how many minutes?

Mr. DORGAN. Ten minutes.

Mr. BAUCUS. Ten minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have come to this Senate Chamber to support the trade agreement that is brought to the floor today. I believe it will be approved by the Senate by unanimous consent. Perhaps not, but I am told that it will be approved by the Senate, in any event.

I have been a critic of our trade policies. I have been a critic and have voted against a fair number of trade agreements. This trade agreement, it seems to me, is a reasonable agreement. It is with an abiding friend, Jordan, that has been a very helpful country to us. We have had a long and good friendship with the country of Jordan. This trade agreement includes in it some provisions dealing with the environment and labor. I think this is a breakthrough and a step in the right direction.

While trade relations between the United States and Jordan are important, the size of our trade is not very extensive. As a trading partner, Jordan ranks 98th.

While I do not think the U.S.-Jordan Free Trade Agreement is going to, in one way or another, affect our country's trade balance, I want to say that at this time and place our country needs to worry about its trade policies on a much broader context.

I have brought a chart with me that shows our country's ballooning trade deficit. For years, we have seen relentless growth in it. At the same time, there has been a systematic lack of concern among policymakers about it. It's as if they say: Well, it is happening, so let it happen.

It injures this country to have this kind of relentlessly growing trade deficit. Last year the merchandise deficit was $452 billion. Our deficit with China was $84 billion; with Japan, $81 billion; and with the European Union, $55 billion. That is almost $1.25 billion a day. Every single day, 7 days a week, we are buying more from abroad than we are exporting.

Now, what does that have to do with the current circumstances in the United States? Given the issues of national security, it is important for us to understand that no country can long remain a strong country unless it has a strong, vibrant manufacturing base. We are eroding the manufacturing base of this country.

One thing that is not in this trade agreement—and it has never been in any trade agreement that I am aware of—is something that deals with currency fluctuations.

Our manufacturing sector has now discovered that when it tries to sell abroad, it is much more difficult. Due to currency fluctuations, it 30 percent more expensive to sell a product abroad than it was 5 years ago. This increase has nothing at all to do with the cost of manufacturing the product. It is solely due to the value of our currency.

Because of currency fluctuation, our manufacturing base in this country is being hurt very substantially. There are some who say: Well, the doctrine of comparative advantage ought to determine how we trade, and we ought not worry about whether we retain a strong manufacturing sector in this country. I strongly disagree with that belief.

No country can remain strong unless it has a very vibrant manufacturing base. Yet, due to currency fluctuations that have not been accounted for in our trade agreements, our manufacturing base has been undercut.

We need to negotiate currency fluctuation mechanisms into our trade agreements. We may sign trade agreements that lead to reductions in tariffs. But if the currency fluctuates, and we don't have any mechanisms in place, U.S. exports may end up being more expensive, and U.S. imports may be less expensive.

Our currency has fluctuated dramatically over the last few years. The U.S. dollar has risen about 40 percent against the Canadian dollar in the last 10 years. Generally speaking, the U.S. dollar has had a 30-percent increase in value versus 5 years ago. It is worth 10 percent more just a year ago.

On the television news people talk about the ''strong dollar.'' That is the wrong term. They should be saying, the ''Expensive dollar''. The dollar is more expensive today relative to other currencies. When our dollar is more expensive relative to other currencies, it means our manufacturers are at a disadvantage when competing against the rest of the world.

My point is very simple: In these days, we are all very concerned about national security. And we should be. We are concerned about what is going to happen around the world with respect to terrorism and our aggressive approach in trying to deal with it. All of us want to speak as one; we want America to have one voice. With relentless determination, we want to take on terrorists and do what is necessary.

Part of national security is in the area of international trade. It is important that we straighten out the problems that have assisted in eroding our manufacturing base and have, at the same time, weakened our country from the inside.

I met with the president of one of the Nation's large manufacturers this morning. It was coincidental and had nothing to do with speaking on this bill. The products that this country manufactures have been named, several times, by Fortune magazine as all-American products, the best in the world. The products are made in the finest manufacturing plant in the world; a plant that uses the finest state-of-the-art robotics. There is no manufacturing plant that is more high tech or more modern than the one used by this company.

Yet, the company has discovered that, when trying to sell their product around the rest of the world, it has become more and more difficult. It is not because their product can't compete, but, rather, it is because the fluctuation of currency has made their product more expensive relative to the similar products manufactured in other countries. The president of this company said: The value of the dollar is hurting our company badly. And it is not just his company. It is true all over America.

Jerry Jasinowski, president of the National Association of Manufacturers, recently remarked that the dollar is overvalued and that its strong value has led U.S. manufacturers to have little pricing power. In its annual report, the Association noted that: ''The dollar has reached a point at which it is pricing many U.S. goods out of world markets and making it harder to compete against imports here at home.''

That was from the National Association of Manufacturers.

My only point is this: I am going to support this trade agreement with Jordan because at this point in time it is the right thing to do. Right now, we are not talking about trade policy. With respect to trade policy, I have been a constant critic and will remain so. I voted against the North American Free Trade Agreement. I voted against GATT. Had I had a chance to vote against the bilateral agreement with China, I would have voted against it in an instant.

If I might, as an aside, just point out, our negotiators, after long negotiations, agreed to allow China to have a tariff on U.S. automobiles that is 10 times higher than our tariff on Chinese automobiles sold in the United States. We agreed to a 2.5-percent tariff on Chinese automobiles, while they have a 25-percent tariff on U.S. automobiles. This is just a small example of what has happened to us in every trade agreement of consequence.

It is long past time for our country to pay attention. The trade deficit is injuring the United States. Our trade agreement with Jordan will have almost nothing to do with the deficit and I will support it. It is the first agreement I have supported in a long time.

The job in international trade is to bring NAFTA back and renegotiate it. We need to get rid of those bilateral trade agreements in which our country has a major disadvantage. We recently lost in the Chinese bilateral agreement. And we lost in the agreements we have had on GATT. People say: That is just the way things are. I say: It is not the way things are. It is the way we allow them to be. We don't have the backbone, the nerve, or the will to stand up and begin to say: We negotiate on behalf of the United States of America and we demand fair trade.

If I could have just another minute, let me go through a couple of examples, lest people think this is all rhetoric.

How much time do I have remaining?

The PRESIDING OFFICER. Thirty-five seconds.

Mr. DORGAN. I assume the Senator from Montana is delighted I am supporting the bill and probably not happy that I would talk about other trade problems.

Mr. BAUCUS. I might ask how much time remains on our side?

The PRESIDING OFFICER. Twenty minutes.

Mr. BAUCUS. Mr. President, I will let the Senator speak for a few more minutes. Progress is progress. This is the first time the Senator has supported a trade agreement. I know in the future he will support others. I very much appreciate his taking the time to support this agreement. I yield the Senator another couple minutes.

Mr. DORGAN. Mr. President, I am overwhelmed by the additional minutes.

I have a couple of examples, if I might, on trade issues. Ask those who are working on these issues in the U.S. Trade Representative's office, in the Commerce Department, and those in Congress to try to address these issues with us.

Motor Vehicles in Korea. Last year, we had about 570,000 vehicles shipped into the United States from Korea. Do you know how many vehicles we shipped to Korea? Seventeen hundred. Five hundred seventy thousand vehicles this way, 1,700 that way. Why? Because of the tariff and taxes, it raises substantially the price of American cars sold in Korea. It is not just price. There are other difficulties too in selling foreign vehicles in Korea. Standards and perceptions also play roles. The result is, we are not shipping cars to Korea. They are flooding our markets with theirs.

Canada and Stuffed Molasses. Go to Canada and watch them load up Brazilian sugar on top of liquid molasses so they can ship it down here in the form of stuffed molasses. Then they take the sugar out and send the molasses back. Why? To violate U.S. trade laws.

Japan and Steak. Go to Tokyo and have a T-bone steak and understand, if it came from the United States, it had a 38.5-percent tariff on it, 12 years after the last beef agreement.

People think this is all humorous and interesting. The fact is, it all represents the failure of this country to stand up for its producers. This country ought not be bashful about standing up for its producers, its manufacturers, American men and women and American businesses, who only demand the opportunity to compete fairly. It is not fair when currency fluctuations make our products 40 percent more expensive in foreign countries. We say that doesn't matter, but it does matter. It is not fair. Unfairness matters. We should and must be willing to compete in international trade, but the competition ought to be fair.

I thank my colleague from Montana. I will support this trade agreement. It is a small one, not much of a trade consequence to us, in my judgment. It is written marginally better than previous agreements because it has labor and environmental issues in it.

There is a big job ahead of us. We need to try and deal with the ballooning trade deficit. We need to try to convince the American people that what we are doing represents their best interests. We need to expand trade but it must be done in a manner that is fair to them.

I will have more to say about international trade at some future point in time. I yield the floor.

Mr. BAUCUS. Mr. President, I thank my good friend from North Dakota. He raises a very good point. Clearly, currency fluctuation certainly in the short term distorts trade almost to the magnitude which he suggested, a 30 to 40 percent differential.

It is also true that, as imperfect as markets are in the long-term, the relative economic strength of countries tends to reflect the value of a country's currency—not entirely but tends to. There have been times when the dollar is low; there are times when the dollar is high. It is very difficult to write into an agreement how to manage currency fluctuations, extremely difficult, particularly with larger countries such as the United States, Japan, the EU, with a single-currency market.

If the United States were to peg exchange rates vis-a-vis those other countries, it would be difficult for those countries to agree. I doubt that they would. Japan tends to like a low yen. It kind of likes the United States having a high dollar. I doubt that Japan would want to address exchange rates in a trade agreement. Could we force them to in a trade agreement? I don't know. It would be difficult. The same applies to the EU.

Let's say we were able to peg an exchange rate. Let's say it happened that the countries all agreed. Let's say that one of the country's economies deteriorates, for example, the United States or Japan or some other one. If the currencies are pegged, then it is going to be harder for that country to retain its economic strength, at least with respect to trade.

There will be other distortions. It is like a balloon. If we stop natural competitive pressures worldwide from operating through exchange rates, the problem is going to pop up someplace else. I don't know that we have fully thought through where the ''someplace else'' might be in any rational discussion of exchange rates to include an attempt to address that consideration.

I might add that, to some degree, this is an external-internal matter. It is much more complicated than what meets the eye. The U.S. Government, in many administrations, tends not to discourage a high dollar policy. Why is that? The reason is because the U.S. Government tends to be worried about inflation, as well as other considerations, in addition to the trade imbalance, the current imbalances.

As my friend from North Dakota said—and he is right—trade deficits have been burgeoning, and it is a problem. To say that currency exchange provisions will solve the problem, I think, doesn't quite do it. The U.S. tends to be a country with a favored currency. We are perceived to be strong and to be dynamic, even in the wake of the events in the last several weeks. Investors worldwide tend to like dollars as opposed to other currencies. That tends to drive up the value of the dollar.

There are a lot of factors to be considered here. Having said all that, I do agree with the Senator that at least an attempt should be made. We should at least have a more open discussion of these issues. I don't think our Treasury Secretary, or our President, or anybody else of stature in the executive branch, or the Chairman of the Federal Reserve should have an open discussion of these matters, for fear of people misinterpreting what they may be saying. But I do think it is important for the Congress, in the appropriate setting and in the appropriate situation, to begin to examine all the ramifications of exchange rates. It is extremely complicated. In smaller countries we can deal with it, but in larger countries, as in Japan, and with the EU beginning next January, it is going to be difficult.

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

Mr. BAUCUS. I am happy to yield.

Mr. DORGAN. Let me say that it was not my intent to say that solving the issue of fluctuating currencies would solve the trade problem. You cannot solve the trade problem without addressing the fluctuation of currency values. There are many other issues—although the fluctuating value of currencies is a 500-pound gorilla issue, it is not the only issue. I don't mean to suggest that if you solve that, you solve the problems. There are more.

Mr. BAUCUS. Mr. President, I reserve 10 minutes. How much time is remaining?

The PRESIDING OFFICER. Twelve minutes.

Mr. BAUCUS. Mr. President, I reserve myself 5 minutes. I reserve the majority leader 5 minutes when he wishes to speak on the bill.

I yield to my good friend from Virginia who I think wants to speak on the bill. Can the Senator take 5 minutes?

Mr. ALLEN. I say to the Senator from Montana that I will try to say what I want to say in support of this measure in 5 minutes.

Mr. BAUCUS. I yield the Senator from Virginia, Mr. ALLEN, 5 minutes.

Mr. ALLEN. Mr. President, I rise in support of the United States-Jordan Free Trade Agreement. First, I congratulate Chairman BAUCUS and Senator GRASSLEY for their work in producing this very important legislation, which is a significant step forward in making Jordan a world partner with the United States.

Most of the debate on this matter is centered on the new ground which this measure makes in including multiple worker rights provisions in the body of the U.S. trade agreement, rather than as a side agreement, for the first time.

The volume of the bilateral trade between the United States and Jordan throughout the 1990s was consistently modest. Therefore, it is thought, this agreement is unlikely to have any great immediate or dramatic impact on the volume of bilateral trade.

However, I wish to share with my colleagues what this agreement means to the Commonwealth of Virginia and, particularly, to the Albemarle Corporation, headquartered in Richmond, VA.

Albemarle is a worldwide manufacturer and marketer of specialty chemicals, such as bulk ibuprofen, biocide products, and flame retardants. Nearly 50 percent of the corporation's revenues are derived from products that are sold outside the United States.

Several years ago, Albemarle Corporation began negotiations with the Arab Potash Company to create a joint venture company that will process bromine and bromine derivatives from the Dead Sea in Safi, Jordan. This agreement will allow Albemarle to bring the bromine into the United States tariff free. It will be actually shipped to Albemarle's facility in Magnolia, AR, for final processing.

This will represent a multimillion-dollar investment and it will be used for a variety of products, such as flame retardants for TVs and computers, and other products, and it obviously will provide Albemarle with increased marketing opportunities globally for these lines of products.

It is anticipated that the capital outlay for this joint venture will be $150 million. This outlay makes this joint venture the largest U.S.-Jordanian private venture in Jordan to date. At full operation, they will be creating over 200 new jobs at the plant near Safi and its main Amman office.

I congratulate King Abdullah and his government for their efforts leading to Jordan's accession to the World Trade Organization. Acceptance by the World Trade Organization, combined with Jordan's economic reforms, are significant steps forward to making Jordan a world partner with the United States.

These developments also made Albemarle more excited about conducting business with its Jordanian partners. This free trade agreement is another step toward solidifying our relationship and placing Virginia products on the same tariff footing as products from other countries.

I believe fair and free trade is the best way to increase trade, encourage economic development, and improve investment opportunities for all involved. It is important that the achievements made by King Abdullah and the signing of this free trade agreement be recognized and ratified by the Senate. For that reason, I urge my colleagues to support this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, how much time do I have?

The PRESIDING OFFICER. One hour.

Mr. GRAMM. Mr. President, I rise today to support the Jordanian free trade agreement, but I support it with reservations. I am determined that the adoption of this agreement not set a precedent for the future. What I would like to try to do, even though I know it

may take a little time to do so, is explain to my colleagues the problems with this agreement, the problem that we have when we bring non-trade matters into fast track, and the very real sovereignty questions that are raised by this small and seemingly insignificant trade agreement.

I would like to try to explain the logic of fast track and its history and, within that context, make it clear that, in the current international crisis in which we find ourselves, I have decided to withdraw my opposition to this agreement and, in the process, see it become law. In withdrawing that opposition in a moment of crisis where we need to reconfirm our bond of friendship with Jordan, I wish to make it very clear that in doing this we are not setting a precedent for the future.

Now, having outlined all that, let me start at the beginning and try to explain the logic of fast track and the problems we are going to have to address. The plain truth is that no one wants to address these issues, but they are there whether we like them or not. Therefore, at some point, we are going to have to come to grips with them when we adopt a bill that will provide what we used to call fast-track authority and now call trade promotion authority.

Let me begin at the beginning. America, in the postwar period, immediately following World War II, recognized that world trade was a powerful engine for creating wealth and democracy and, in essence, remaking the world in our image.

We had an incredible bipartisan consensus on trade: that neither party would try to use trade to politically benefit itself in the American electoral process because trade was too important in promoting prosperity and democracy and in fighting communism in the postwar period.

In that context, we adopted what was then called fast-track trade authority, which gave the Executive some remarkable powers. Under fast track, a President could negotiate a trade agreement which, when it came before Congress, would be unamendable, and all of the Senate rules related to unlimited debate and unlimited amendment would be waived; further, there would be a time limit for consideration, and Congress would then simply have the ability to vote yes or no.

That made sense in the following context: No. 1, Presidents argued, and I believe persuasively, that if you are going to negotiate a trade agreement where both sides give and take, you cannot then have that agreement be subject to further change, by Congress, after the fact. That is a persuasive argument, in my opinion.

The second argument was that we were talking about a limitation of the constitutional prerogatives of Congress under article I of the Constitution, and we had agreed to limit those powers because we were talking about only external matters, such as protective tariffs. We were not making domestic law, but were simply setting out trade agreements that involved external pricing of American and foreign products but did not make law in America that would govern the well-being of our people.

With those two very strong arguments, we adopted fast-track authority, and let me say, the evidence is overwhelming that we were successful.

When the Berlin Wall came down, it came down in part because we had the resolve to keep Ivan back from the gate, we were strong enough to deter a war, and our program of peace through strength worked. But what happened that really tore the wall down was that the growth of world trade generated a wealth-creating engine that created massive economies in places such as South Korea and Taiwan where those economic engines had never existed. It rebuilt Japan. It rebuilt Europe. The sheer power of that wealth-creating machine destroyed the Soviet Union.

If there is one principle I am committed to, it is free trade. I take a back seat to no one in Congress in my defense of trade, and I make no excuses, such as talk about ''fair trade.'' I do not engage in fair trade with a grocery store; I buy food from them and sell them nothing. But what I am in favor of is trade. Not going to the grocery store might eliminate unfair trade with them, but it would mean I might go hungry, so I choose to go to the grocery store.

One might wonder what is it about the Jordanian ''free trade'' agreement that I am unhappy about, especially my colleagues who have listened to me before talk about trade, knowing I am committed to it and have defended it under all circumstances against all opponents everywhere. What is wrong with the Jordanian free trade agreement?

What is wrong is, for the first time, it brings into a trade agreement items that have to do with domestic law. It brings into a free trade agreement provisions that relate to labor law and labor standards, and environmental law and environmental standards, in America. And in the process, we are literally transferring a degree of American sovereignty in labor and environmental areas to decision-making entities that will be beyond the control of the United States. This is a very serious matter.

Let me talk generically about trade agreements that embody labor and environmental standards and then talk about this one in particular.

When we built a consensus on fast-track authority, the consensus was based in part on the fact that the President was negotiating trade agreements, tariffs. It was clear that the intent of the negotiation was to lower tariffs on foreign goods coming into our economy and lower tariffs on American goods going into the economy of the country with which we entered these trade agreements. That was the understanding. It was clearly understood that, within that context, we were simply negotiating tariffs but not making domestic law.

Someone who was going to debate this would immediately point out that in the last 10 years we have injected another issue: patent and copyright. They would say: We were already a little bit pregnant when we did that because that had a binding effect on America in terms of respecting patents and copyrights.

I think that might score you a point in some debating class in high school or college, but the plain truth is, America is in the patent and copyright business. We own 90 percent of all the patents and copyrights in the world, and so when we negotiated to put into free trade agreements that countries would respect patent and copyright, that basically was a provision that had no effect on us because we owned the patents and copyrights, but it had an effect on our trading partners by committing them, at least through moral suasion, if not retaliation, to respecting patent rights and copyrights.

I would argue that element in free trade agreements was pretty much like Britain being for freedom of the seas when they controlled the seas because they had the world's greatest navy. They were for British seas, just as we should be for freedom of the seas today.

Two substantial problems arise when labor and environmental issues, or any other issue related to the laws under which we live and function every day in the United States, are brought into this fast-track process. One is a loss of power by Congress in ceding its rights under article I of the Constitution, and the other is a loss of American sovereignty, and they are both bad things.

When you allow the President to negotiate labor and environmental laws, and labor and environmental standards, under fast-track authority, where the agreement cannot be debated and cannot be amended, what you are literally doing is giving the President of the United States a unilateral power to write domestic law under fast-track authority.

Under fast-track authority, where the President has this power to write labor and environmental standards into trade agreements, which then become the law of the land when we adopt them, President Clinton, for instance, in a free trade agreement, could literally have included the Kyoto Environmental Treaty. It would have come to the Senate. It would have been unamendable and undebatable, and we would have had a dramatic loss in our law-making powers, and a substantial diminution in the effectiveness of fast-track had the Senate been forced to reject the agreement because non-trade matters been included.

If we had a President who wanted to change environmental or labor law, and do it in a way to limit congressional power and authority, he could do it unilaterally through fast track,

through negotiations of trade agreements. We never, ever contemplated such an extension of power when we wrote fast track. Never did we contemplate the Executive would make domestic law in these trade agreements. They were about tariffs. They were not about laws that would govern America and Americans in our daily lives.

The second problem with allowing labor and environmental provisions in trade agreements that have expedited consideration is they represent a ceding of American sovereignty. In my opinion, they are unconstitutional.

Let me explain how this would work in the context of a bilateral agreement and then in the context of GATT. I'll start with GATT. Using fast-track authority where labor and environmental issues can be included, let us say that we entered into a GATT agreement where we agreed—as we do in this agreement, and I will talk about it in particular in a minute—on labor and environment provisions. Now, while we have to give the Clinton administration some credit for writing all kinds of boilerplate protections for congressional authority, in the end they could not protect what the provision is about.

Under this bill, we agree with Jordan that we will not take any actions with regard to our labor or environmental laws that would advantage us in our trading with Jordan. Now, let me take those provisions and apply it to GATT and the World Trade Organization. Let us say this became the norm for trade agreements. Who decides whether a change in environmental law affects our competitive position with our trading partner? Who decides whether a change in regulation was made to benefit us in trade or because it was made through the Executive power of the President basically to promote the general well-being of the country? Is it not true, at least to a small degree, every change in environmental law and every change in labor law or regulation has a trade effect, making us more or less competitive?

If we had the Jordanian free trade agreement as part of GATT, it is literally true, if we decided under the Clean Air Act to grant a clean air waiver to Atlanta, GA, which we have done in the past, and to Dallas, TX, which we are doing today, or Houston, which we are doing today, literally if this agreement were in existence as part of GATT a question would arise as to whether granting this waiver under the Clean Air Act benefited us in trade. In the case of GATT the judgment would be made by the World Trade Organization—a third party, a world organization, determining whether or not we are enforcing the Clean Air Act to benefit us in trade and, therefore, whether we should be penalized with protective tariffs against American products that put Americans out of work.

If we had the provisions of this Jordanian free trade agreement in effect through GATT, and we then opened up ANWR to produce oil, the World Trade Organization and its decisionmaking body, which we are minority members of, could determine that by opening ANWR we have had degradation in environmental standards that benefit us in terms of trade and we could literally have protective tariffs imposed against American products on the world market and put Americans out of work.

If we repealed Davis-Bacon, a special interest law that requires the Government to pay the highest prevailing wage for labor, it could be ruled by the World Trade Organization, if these provisions were in force worldwide, that we had violated the trade agreement, and we would then be subject to reprisal and punishment imposed on the American economy.

If we adopted provisions that gave workers flexibility to work 60 hours one week and 20 hours the next week by changing our antiquated wage and hour laws so that a working mom could go see her son play football on Friday afternoon, something that is eminently reasonable and long overdue, if the provisions of this bill were in effect worldwide through the World Trade Organization, we could have a judgment by a world decisionmaking body that we have violated our trade agreements by giving flexibility under the wage and hour laws, flex-time/comp-time we call it; that we have benefited in trade and, therefore, we are subject to reprisal.

My point is, as we go beyond the Jordanian free trade agreement, and as we go to fast-track authority and as this becomes part of our world trading system, I ask my colleagues, are we ready to give to the President of the United States unilateral authority to write domestic law we cannot amend and cannot debate? I am not ready to do that. I love our President. I do not think any Member of the Senate feels closer to our current President than I do, but I am not willing to give that authority to anybody. I do not know who is going to be President in the future. Are we willing, through a free trade agreement and through trade promotion authority, to put ourselves in a situation where the World Trade Organization can determine that by giving a waiver to Atlanta, GA, under the Clean Air Act, we are violating our international trade agreements and, therefore, protective tariffs can be imposed on American products to punish us for exercising our power under articles I and III of the Constitution?

Is that not a loss of sovereignty that would be virtually unimaginable by the Founding Fathers? I think the answer is clearly yes.

So the first point I wanted to make today is I have decided, just as one Member, to step aside and allow this Jordanian free trade agreement to become law, but not because I think these are good provisions. I think inclusion of these matters is one of the most dangerous actions we have taken since I have been a Member of the Senate. I am doing this today because we have a crisis in the world. We need to reaffirm our relationship with Jordan, a critical country in a very important part of the world, when we are at the very moment beginning to look toward a war with terrorism. So our relationship with Jordan is important.

I do it also because our trade with Jordan is relatively insignificant. It is important to Jordan, of course, and we are grateful for it. We want to trade 1,000 times as much with them, but relatively speaking, we are not talking about any significant amount of trade.

Finally, I am willing to do it, making it clear that this sets no precedent for the future. If it were not for this current crisis, this trade agreement negotiated by the Clinton administration would never have become the law of the land. I am willing, today, to step aside and vote for it because it sets no precedent, and it is clearly important internationally at this critical moment in a very important part of the world.

However, I want my colleagues to understand that any efforts to take this process forward would entail giving the President unilateral powers to make domestic law in the labor and the environmental area without Congress having the ability to amend it or to extensively debate it. I am adamantly opposed to that, and I believe the American people would be opposed to it if they understood it.

Second, if we go forward and embody the same provisions in major trade agreements, we are ceding sovereignty to the World Trade Organization and to dispute resolution organizations where we will literally have third parties casting the deciding votes as to whether we can grant waivers under the Clean Air Act, or open up ANWR, or change our wage and hour standards, or repeal Davis-Bacon, or do other things that make eminently good public policy. That is a ceding of sovereignty that has no popular support in this country, and it cannot be allowed to go forward.

I turn to the Jordanian free trade agreement. First, if I could pick up this pen today and sign a free trade agreement with the world, I would do it. I am in favor of free trade. I believe free trade promotes freedom; I am for freedom. It promotes prosperity; I am for prosperity. My concern about the Jordanian agreement is the nontrade provisions. It has two provisions that may very well never be used in our trade with Jordan but they are extraordinarily dangerous.

The first provision is related to the environment. It says, despite all the boilerplate efforts of the Clinton administration, that if either country—Jordan or the United States—did anything to change its environmental laws that improved its competitiveness with the other country, that would violate the trade agreement. Under the rules of world trade, there would then be a dispute resolution that would ultimately include a United States representative,

a Jordanian representative, and a third party, which would determine whether a violation had occurred and, if so, whether the ''violating party'' would be subject to penalties.

I understand the dollar value of our trade with Jordan is less than the combined budgets of the two great universities in my State. It is not significant in terms of the global picture. But principles are significant. And bad principles are set often in little, insignificant bills. This provision literally puts us in a position where an international dispute resolution could determine, in the name of the environment, that opening ANWR or granting waivers, which we do routinely under the Clean Air Act, violate this agreement, and we could have trade reprisals imposed against us as a result of it.

If we didn't sell anything to Jordan, it would obviously matter to the companies involved. It would be a terrible thing, but economically it would not be a catastrophe. My objection to including these labor and environmental provisions is based on principle, and if inclusion of these issues goes any further and is established worldwide, it is going to have a profound impact on the lawmaking authority of the U.S. Congress.

Now, granted the Clinton administration puts nice boilerplate language that says to Jordan, you make your own laws; and it says to the United States, you make your own laws. But it also says, if those laws are judged to improve your competitiveness as a result of a reduction in your level of environmental protection, then there can be reprisals.

Who makes that determination? The problem is, the United States does not make that determination. That determination is made by an international dispute resolution system. The same is true in this bill with regard to labor law. Under this bill, you have an obvious question: When have you changed labor standards to benefit yourself in terms of competition? With Jordan, who makes the determination?

I would have no objection if the determination of whether we were meeting our agreement were made by Americans. I think it would be foolish to get into this area, because everyone who is the least bit objective about trade understands, if you care about labor standards, you are for trade, because trading countries are rich, and they have high wages, and they have good working conditions. If you care about the environment, you are for trade, because trading countries are rich and they can protect their environment, and they do.

I know we have people talking about a race to the bottom in labor and environmental standards, but the truth is, trade is a race to the top, not to the bottom. But these are the problems with this bill.

Now people do not want to deal with this issue. It was clear in the Finance Committee, people were not ready to come to grips with this issue. What is appealing about putting labor and environmental provisions into the bill is that it lets us be on three sides of a two-sided issue. It lets us be with the people who want to have international labor and environmental standards, and yet be for trade. The problem is, you are either for trade or you are against it. When we write these provisions into our trade agreement, we are setting ourselves up for loss of sovereignty and we are ceding power to the executive branch of government. I think those are two extraordinarily dangerous things.

This agreement will be approved today. I am going to support it. But I am going to support it as a matter of foreign policy. The President wants this agreement to show to Jordan we are committed to our friendship and our partnership. We need Jordan's support in this war on terrorism, and as a result, I, for one, intend to step aside and allow this agreement to be adopted. But in doing so, I want to make it clear that this sets no precedent in terms of our willingness to cede sovereignty over America's right to set its own environmental and labor laws and to interpret and enforce those laws without being penalized in world trade because some international decisionmaking body decides, in doing so, we benefited ourselves in terms of trade.

I submit, why would you change these laws, if you were not in some way trying to benefit yourself, either by improving the environment or improving your competitiveness?

Look at the application that Atlanta, GA, or Dallas, TX, or Houston, TX, submitted, asking for a waiver of the Clean Air Act. That application is full of the dire impacts that are going to be had if they stop building highways in Atlanta or Houston and if they have to shut down those refineries from Corpus Christi to Beaumont that produce 50 percent of the petrochemicals in the world in the Houston area.

Their application for a waiver of the Clean Air Act is full of exactly the argument that, if we don't grant this waiver and give them more time to meet these requirements, we are going to destroy hundreds of thousands of jobs and are going to adversely affect the ability of America to compete on the world market.

If we expand this logic into the World Trade Organization, does anybody doubt that our competitors will take the application for a waiver of the Clean Air Act from Atlanta or Houston that is full of arguments, as it should be, about American competitiveness and say ''not only did they not enforce their law by granting this waiver, but if you read the application from Houston, TX, it is full of the logic that is going to hurt them competitively if they don't grant a waiver?''

Do we really want the World Trade Organization or an international dispute resolution putting our people out of work in Georgia or Montana or Texas because they believe when we changed our law, or when we changed the enforcement of it, that it benefited us in world trade? I do not think we signed on to do that.

So that is where we are today. We have a trade agreement before us that was negotiated in the previous administration that has a very severe problem. If this agreement were with another country at another time, I do not believe it would be adopted. But today, facing a war with terrorism and given that this is with Jordan and given that the amount of trade involved is insignificant, from the United States point of view, I for one am willing to step aside and to support this bill. But I want to make it clear that any fast track or trade promotion authority legislation that would transfer the making of domestic law to the President, limiting—in this case eliminating—our power to amend or debate, or any future trade promotion agreement that would grant to a world decisionmaking authority the right to determine whether we have exercised our article I rights under the Constitution of the United States properly, where a world organization is making a determination as to whether our people are going to be put out of work because we amended labor and environmental laws in conformity with our rights under article I of the Constitution, that is something that I never, ever intend to support and never, ever within the ability to debate it and to fight it intend to see it accepted.

We have to come to grips with these issues. We are putting them off today because this bill needs to pass. But these are matters that are going to have to be understood. They are going to have to be debated as we deal with fast-track authority, or as we now call it, trade promotion authority. To this point, everybody has tried to hide from these issues. But they are very real. They represent an assault on our separation of powers, they represent an assault on national sovereignty, and they do not belong in a fast-track or trade promotion agreement.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Texas has 24 minutes and the Senator from Montana has 8.

Mr. BAUCUS. Mr. President, I yield to the Senator from Nebraska, 4 or 5 minutes?

Mr. HAGEL. Let's try 5 minutes. I appreciate that.

Mr. BAUCUS. I yield 5 minutes with the recognition there is only 3 minutes left after the 5 minutes are used.

Mr. HAGEL. Mr. President, I rise today to support the Jordanian free trade agreement. I wish also to strongly support the remarks just given by the distinguished senior Senator from Texas, Mr. GRAMM. In my opinion, he

has calibrated this exactly right. He has framed it right. He has made poignant remarks about issues that are most important to this debate this day but a continued debate on trade this body must have, a debate which will take us, I hope, at some point in the near future, to the question of granting to the President of the United States what has been referred to as fast-track authority but now is referred to as trade promotion authority.

September 11 highlighted why we need to strengthen our relations with the rest of the world. Tools that will be required to combat terrorism include more than just military power. I think most of us recognize that terrorism is not about human destruction; it is about holding nations and societies and peoples captive, hostage to the fear of terror.

Terrorists are best able to harness the fears and prejudices of impoverished people to gain support for terrorist acts such as those that occurred on September 11. These areas are the breeding grounds of terrorism: the impoverished, the downtrodden, those people of the world with little or no hope.

To combat terrorism and the support of terrorists, we need to broaden the understanding of what America stands for and to continue to help improve the lives of these impoverished people around the world. I believe trade helps do that. Trade also helps develop market economies and strengthens democracies. What does that mean? It is not an end unto itself but to stabilize regions of the world, stabilize governments, and help maintain responsible governments and relationships and standards of living and accountability and responsible action. That is what trade can do and has done.

At our Banking Committee hearing last week, Chairman Greenspan stated that global economics relies on the movement of people and goods. The openness of economies is critical to that growth. We are talking about one small part of that larger universe of trade today. But nonetheless, it is an important part of this debate.

The New York Times article by Tom Friedman last week pointed out that through all of the instability in the Middle East, Jordan last year grew in real numbers at about 4 percent. And as we are able to encourage and participate with Jordan through these bilateral trade agreements, we will continue to help Jordan grow, which helps, again, stabilize a very important region of the world.

As Senator GRAMM has pointed out, this agreement is far from perfect. In my opinion, sanctions should never be part of a market-opening trade agreement for many of the same reasons Senator GRAMM enunciated and delineated with precision. Sanctions do not address the root of environmental or labor problems or other such problems. These are currently much better handled at other international organizations such as the United Nations and international labor organizations in other areas. I shall not go back and deal with the same area about which Senator Gramm talked. But sanctions will actually harm countries and will limit the much-needed capital they receive from exporting to the United States.

For the reasons that have been stated before, the economy is a fundamental dynamic influencing a country's political stability, hence world peace.

Trade contributes to a country's security for two reasons: It establishes relationships and understandings between two nations, and it raises the standard of living for nations and encourages that stability.

In my opinion, this debate today is a good beginning to address a comprehensive trade agenda this Congress must have.

This Congress must ultimately grant President Bush trade promotion authority. TPA is in the clear and vital interests of this country, and security and economic interests are interconnected and dependent on each other.

Today, I encourage my colleagues to vote for this agreement, as flawed as it may be. But I consider it a good opening for the bigger trade debate issues that must come from this Congress. It is a good beginning. But we are far from the kind of finish that will be required not only for the trade interests of this country but the security interests of America and the world.

I yield the floor.

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

Mr. BAUCUS. Mr. President, I understand that we only have 2½ minutes.

Mr. GRAMM. I yield the distinguished ranking member 15 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am not going to bring up the same issues the Senator from Texas brought up. But I had a chance to listen to his remarks. I share many of the concerns that he has.

Although I have been an enthusiastic supporter of this agreement from day 1 and have not found all of the considerations that he has to specific parts of it, I have reservations about those parts, particularly as they deal with labor and the environment, but to appeal to some extent through an exchange of letters that these issues have been taken care of at least enough to satisfy my concerns to move forward with this legislation.

I speak in favor of the United States-Jordan Free Trade Agreement. I urge my colleagues to support it. But before we move forward, I would like to put this agreement in context—not a context different than other speakers have but to emphasize some things that have already been said.

First of all, this agreement is very important between two countries that have been friends for a long time and that want to maintain that friendship.

It has been almost a year since President Clinton and King Abdulla signed the U.S.-Jordan Free Trade Agreement. By all accounts the agreement should have passed Congress with little controversy.

The Kingdom of Jordan and King Abdullah are good friends of the United States. The agreement itself is a good agreement. It opens up new markets for U.S. exports to Jordan. And it enhances Jordan's access to our markets. But there is one part of the agreement that caused problems.

These are controversial labor and environment provisions that were put in the U.S.-Jordan Free Trade Agreement. It is these labor and environment provisions which slowed passage of an agreement that should have passed both Houses of Congress quickly.

In the Senate legislation was introduced by MAX BAUCUS on March 28, 2001 to implement the agreement. On July 17 the Finance Committee began to debate the bill.

During debate many Members expressed concern about the labor and environment provisions in the Jordan agreement.

Many others pushed hard for an amendment to the agreement which would give the President trade negotiating authority, which was supported very eloquently by the Senator from Nebraska.

Unfortunately, this amendment was withdrawn because of the chairman's opposition.

To help move the agreement forward the U.S. Government and the Government of Jordan exchanged official letters on July 23, 2001.

These important letters clarified that neither government intends to apply the labor and environment provisions in a way which blocks trade.

The exchange of letters was an important development.

After all, the purpose of a free trade agreement is to facilitate trade.

After all, we are talking about an agreement that has the purpose of facilitating trade. That is pretty clear with the term ''free trade agreement''—not to deal with a bunch of social and environmental issues.

While these commitments did not resolve every Senator's concern with the agreement, it was an important step forward.

And because of these letters the Finance Committee was able to complete consideration of the bill on July 26, 2001.

Unfortunately, some tend to characterize the labor and environment provisions in the Jordan FTA as a precedent for future trade legislation.

I want it understood very clearly that I do not accept that, and I want to say that loudly and clearly. This should not be considered as a precedent.

It does not mean that the Jordan free trade agreement in other ways does not

set a precedent. It is the first free trade agreement we have entered into with a Muslim country. I hope it is not the last.

I also hope this sends a loud signal to our Muslim friends and our friends around the world. The United States wants close trading relationships with these countries and their people.

We want to help your economies grow through trade.

I think it was President Kennedy who said ''trade, not aid.''

It enhances the prosperity throughout the world generally. But as the Jordan agreement is precedent setting with a Muslim country, we would surely expect it to enhance prosperity throughout the Middle East as well as the entire world benefitting because we all know that free trade is a very powerful engine of growth. It can lift millions out of poverty, as we have seen in the development of this regime since 1947 when these free trade agreements started—and under the GATT process the revitalization of Japan and all of Western Europe. Countries that were poverty stricken 50 years ago are very prosperous today—Japan, Taiwan, South Korea, to name a few.

Their prosperity depends a great deal upon trade. Lifting millions out of poverty also in the process opens the door to new hope for people. It offers opportunity to people who have only known despair.

Trade can help undermine terrorism by taking away the fertile ground of poverty and hopelessness from which that terrorism is sown.

It can broaden horizons and lift human spirits to greatness.

Our friends and allies must know that we share their hope in the future. But trade and the regime for arriving at free trade agreements and further negotiations within the World Trade Organization are a way to show that we put our actions where our mouth is.

It also shows that we have history on our side—that there has been progress made in the past. It can predict the good future that lies ahead as a result of freeing up trade. They must know we will open up our arms and embrace them through trade. Just as trade lifted Germany and Japan from the ashes of World War II, it will lift nations today.

However, we have to have the tools to make it work. One of those tools, as you keep hearing in this debate—and a lot of other places—is the need to give the President of the United States trade promotion authority. We ought to do this in the same apolitical or bipartisan way that it has been done over a long period of time. And this is done because we do not put a lot of preconditions on these negotiations. People of good will sit down to work out their differences, each respecting their own national interests. The President of the United States will not negotiate away the interests of the United States of America and its people.

So it is time to give the President the power to negotiate trade agreements with our friends and our allies, and even with countries that we might not consider our friends and allies, if they are in the World Trade Organization.

The Finance Committee has quite a history of bipartisanship in this area, to give the President what used to be called fast-track trade negotiating authority, now called trade promotion authority.

This type of legislation, over a long period of time, has passed with broad bipartisan support. We in the Senate generally have not waited for others to act. We have seized the reins of leadership and have moved ahead. Today, we need to be doing that as well. I hope I can help move that process along. I hope this bill today helps do that as well. There is bipartisan legislation that is already introduced that would be a good bill for this committee to consider.

At a time when the world economy is slowing, we must act. We must put aside our partisan preconditions and excuses to trade and show the world that the United States is ready, willing, and able to lead.

I thank the Chair and reserve the remainder of what time I did not use for Senator GRAMM.

Mr. BINGAMAN. Mr. President, I rise today in very strong support of H.R. 2603, the United States-Jordan Free Trade Area implementing bill. There is a very limited time for debate available to my colleagues today on this legislation, so I will keep my comments short.

First, let me say that the timing for the consideration of this legislation could not be more propitious given the horrific events that have just occurred in our country. As we consider this bill, let us not lose sight of the geo-political context within which we now conduct international affairs. Trade negotiations between the U.S. and Jordan were initiated for one reason alone, that being that government officials felt it would substantially increase economic interaction between the two countries and thus significantly enhance political stability in the Middle East as a whole. Although the immediate economic gains from the agreement will, no doubt, be modest, the long-term political benefits will be considerable. Of particular importance are the opportunities the agreement potentially provides Palestinians living in Jordan and operating in qualified industrial zones. For these individuals, nearly all of whom at present live in poverty and have little chance to improve their lives, this agreement changes the equation and offers real hope. Significantly, it offers a tangible alternative to violence, and I need not emphasize how important a different path like this might be to young individuals, and the strategic interests of the United States, at this time.

I understand the concern of certain colleagues about national sovereignty as it relates to the dispute resolution provisions in the agreement. But clearly this concern comes not because this agreement in particular threatens our sovereignty—from my perspective it does not and it will not, but rather because of the apprehension that this agreement establishes a precedent for future negotiations. The concern relates to this trade agreement being a ''model,'' and once this trade agreement is passed, others will certainly look much the same.

To this criticism I respond by saying that each agreement negotiated by our country is unique and based on the issues that concern the parties at the time. There is no reason to assume that every agreement will contain similar language to that which is contained in this agreement. Indeed, there is much reason to doubt that they will. Clearly, there is a balance that must be found between having an agreement and having ways to ensure that the provisions that are in an agreement are implemented. In this particular case, I think a very appropriate arrangement has been created.

But I want to emphasize today that I do intend to be very cognizant of how we establish dispute resolution mechanisms down the road. And I say this simply because we have reached a point in international trade relations where we have to ask if we are prepared to change the ideas and institutions that form the foundation of our political economic system to attain a trade agreement. That is the essence of the debate at hand, and if we have learned anything at all from NAFTA, it is that this is not something to be taken lightly.

All this said, this legislation must be passed today, and it deserves to be passed today. It sends a signal to the people of Jordan that while they are already our political friend and ally, the time has come that they also become our economic partner. I look forward to the benefits, short and long-term, that will come as a result of this historic free trade area agreement. I would like to take this opportunity to compliment the Clinton and Bush Administrations for recognizing its significance and pushing the agreement forward.

Mr. DURBIN. Mr. President, I rise today in support of this trade agreement between the U.S. and Jordan. It is important in terms of national security. Jordan is important in the quest for peace and security in the Middle East, which couldn't come at a more appropriate time. It is important economically—without a healthy Jordanian economy, they will not be able to play a constructive role in the Middle East.

For me, it is important because it recognizes that included in the economic relationship between the U.S. and Jordan are labor and environmental standards. It goes without saying that domestic labor markets and environmental standards are relevant

to competition within a nation and between nations. Both the U.S. and Jordan have strong practices in the areas of labor and the environment.

Some critics of this historic legislation counsel us that if either country fails to meet their commitments to enforce these or other provision of the agreement, they do not expect or intend to use traditional enforcement mechanisms to enforce them. This kind of talk is unfortunate. To say that regardless of the violations in a trade agreement, enforcement mechanisms will not be used is irresponsible. Trade sanctions are always a last resort. But to set a precedent in any agreement that under no circumstances is there an expectation they may have to be used is a mistake an unwise precedent.

I should remind critics of this legislation that the agreement carefully sets up a framework for various consultations and mediation over a long period of time before either party could use sanctions only after recurring violations affecting trade and only with appropriate and commensurate measures. This is clear. Cutting corners on the important issues of labor and environmental standards in trade agreements is a step backwards for future constructive action on trade.

I support this agreement because of the importance of our relationship and because the timing couldn't be more important. I support this agreement because we need to support our friends in the Middle East. By passing this legislation today, the United States Senate sends a clear signal of support to our many allies in the Middle East and a clear signal to Osama Bin Laden that we stand united with his neighbors to do whatever we can to promote the economies between civilized nations.

Mr. HATCH. Mr. President, I rise to urge support of the free trade agreement between the United States and Jordan.

As ranking Republican member of the Trade Subcommittee of the Finance Committee, I am pleased that the Jordanian Free Trade Agreement was approved by the full committee and now is receiving floor consideration.

While some would say that this agreement amounts to nothing more than a garden variety trade agreement, they would be wrong. From a strict U.S. economic perspective, it is not a major agreement. However, as King Abdullah has made clear, from the standpoint of the Jordanians, it is an important precedent for his country and for other nations in the region. This was true before the tragic events of September, and may be more true today as our country wages a campaign to reach out to moderate Arab states.

Bilateral free trade agreements between the U.S. and other countries help establish a mutual understanding of the norms and expectations of trade. I think when foreign business interests enter into trading partnerships with American firms under a free trade agreement, both parties can benefit economically, and the U.S. and our trading partner will almost inevitably grow closer together due to this type of joint enterprise.

I must commend Chairman Baucus and Ranking Republican Member Grassley for their work on this agreement.

Anyone who has followed the debate on this agreement knows that progress was slowed by a vigorous discussion of how the ambiguous language pertaining to labor and the environment in the Jordanian agreement might, or might not, serve as a precedent in any trade promotion authority legislation adopted by Congress.

It is clear that the biggest stumbling block to passage of TPA legislation is how labor and the environment are handled. As a proponent of free trade, I have serious reservations about any move that would make labor and environmental concerns central concerns of trade negotiations.

While I know that there may be some in the Senate who would like, for proper but misguided motivations, to attempt to raise the standard of living in the developing world through the implementation of non-trade aspects in trade legislation. But we must not confuse trade negotiations with social engineering. Our chief goal in trade negotiations must focus on benefitting American consumers and American workers.

We must remember that what is good for the goose is good for the gander. If we try to impose our views on labor and environment on our trading partners, we should not be surprised if one day these trading partners complain that our food safety laws are insufficient, our air pollution levels too high, and our minimum wage too low.

Even prior to the terrorist attacks two weeks ago, the economy was losing steam. It seems to me and I am sure to many other members of the Senate, that one good way to help revive and stimulate our economy is to pass trade promotion authority legislation. Fast track can help put our country back on the right path to economic recovery and growth.

While it is my hope that we can work on a bi-partisan basis to pass TPA legislation before we adjourn for the year, the Jordanian agreement is not the vehicle to resolve all these issues. Today, we can accomplish a significant achievement by adopting the Jordanian agreement.

On balance, this is a good agreement with a good partner, Jordan. It is not a model for how labor and environmental concerns should be addressed in trade promotion authority legislation. It is a statement to those in the MidEast and around the world that the United States is a good partner. King Abdullah and other world leaders need to know that partnering with the United States can result in tangible benefits to their citizens.

I urge my colleagues to vote for this measure.

Mr. MURKOWSKI. Mr. President, the U.S.-Jordan Free Trade Agreement is an important acknowledgment of our long-standing friendship with the Hashemite Kingdom of Jordan, which has been a stalwart ally in pursuing peace and prosperity in the Middle East. Opening our markets to free trade with one another is appropriate, not simply in order to foster the opportunities free trade can bring between our two economies, but to draw our countries closer together in the struggle for peace.

I have been an advocate of this free trade agreement since the prospect of its negotiation was first raised some years ago. I believe strongly in the power of trade to eliminate poverty, encourage political transparency and draw nations closer together. I also believe that free trade is one of the best manifestations of mutual understanding, trust and congruent interests two like-minded countries as the United States and Jordan can have. So I have strongly supported the negotiation and implementation of this agreement on the essential policy grounds on which it is founded.

I do not, however, support the inclusion in this agreement of politically charged provisions linking trade remedies to environmental and labor standards. We have learned over the years that as a means to enforce expressions of U.S. political will on other nations, trade sanctions are ineffective at best. Quite often, they do more harm to American interests, including the very interests they are invoked to serve, than doing nothing at all. Those that champion the linkage of trade with non-trade interests understand this basic fact quite well. Sanctions do not work. Sanctions are nothing more than thinly-veiled proxies for economic protectionism.

The effort to link trade and environmental and labor standards are largely championed by those whose primary interest is in limiting the growth of trade. The labor movement is understandably interested in limiting the impact of trade on entrenched labor interests. Their desire is to maintain the economic status quo, not to promote growth through competition. Likewise, the American environmental movement perceives economic growth as inherently counter to their interests in preserving the environmental status quo. The evidence is overwhelming that the long-term benefits of trade are vastly more positive for labor and environmental interests. However, labor and enviromental groups serve only narrow, short-term interests.

Those of us who understand the overwhelming economic and social benefits of expanded trade are rightly concerned, therefore, with the inclusion of environmental and labor provisions in trade agreements. Even seemingly innocuous provisions such as those slipped in, almost mischievously, by the previous Administration into the U.S.-Jordan Free Trade Agreement are

designed as poison pills by the interest groups which championed them. They are invitations for mischief-making on a grand scale.

There is no doubt that opening markets to new economic activity places new pressures on labor and environmental concerns. Attention to easing such impacts is thoroughly appropriate in implementing new trade agreements. To condition trade on prescribed labor and environmental standards is, however, to do the work of the opponents of trade. When, as in the case of the Jordan Free Trade Agreement, we establish an open-ended and vague linkage between trade and non-trade standards, we ransom our long-term policy interests for short-term political gain.

Jordan is not, happily, a model for future trade agreements. Our interests in pursuing a free trade agreement with Jordan are unparalleled and unique. An attempt to draw parallels between the negotiated Jordan agreement and negotiations toward a new WTO Round, a Free Trade Agreement with the Americas, or even new bi-lateral agreements with other countries is fool's errand. The reasons pro-trade Americans support the agreement with Jordan have few echoes in our support for other more clearly economically-based trade negotiations. Jordan is the exception that proves the rule: trade agreements must stand on their own, or they will not stand.

Mr. MCCAIN. Mr. President, I am pleased to support passage of S. 643, the U.S.-Jordan Free Trade Area Implementation Act. Two weeks ago, a proud symbol of global free trade was destroyed by terrorists in New York City. The terrorists who struck the World Trade Center meant harm not only to the United States, but to the entire civilized world. In this new era, our attention turns increasingly to defending against this catastrophic threat, and to pursuing policies that advance our interests overseas and reflect the values of our people.

Strengthening our strategic relations with our friends in the Middle East has become an urgent priority of American policy. This free trade agreement marks an important benchmark in U.S. relations with Jordan, an island of moderation and stability in a volatile region. U.S.-Jordanian intelligence cooperation will be helpful to our efforts to crack down on terrorism at its source. That Congress has made ratification of this bilateral trade agreement a priority as we wind down the current session while sorting through the pressing obligations ahead reflects its meaning to our people, and our mutual interests.

The U.S.-Jordan Free Trade Area represents the first free trade agreement the United States has negotiated with an Arab nation. Liberalized trade with Jordan will benefit both our economies. Although various Jordanian and American goods already enjoy duty-free status or low tariff rates, this free trade area will ensure that Jordanian and American consumers enjoy an expansion of commercial choice and value. Both nations will also benefit from greater foreign direct investment and trade-related job creation.

I remain concerned about the hostility this Congress has shown towards free trade. Many important new trade bills enabling the expansion of bilateral and multilateral trade have not moved through the legislative process this year. Existing laws, such as the Andean Trade Preference Act and the Generalized System of Preferences, are set to expire shortly but have received little if any attention from Congress. This summer, we struggled as a body to determine whether or not we would honor our Nation's solemn commitments to NAFTA, an invaluable trade agreement with our neighbors and largest trading partners.

Indeed, it has seemed as though free trade is no longer a priority of this body. In addition to the strategic significance of this legislation to U.S.-Jordanian relations, it is my hope that passage of this bill represents a change in the direction this Congress will take toward a policy of free trade that has upheld our prosperity and advanced our values around the world.

Mr. LEVIN. Mr. President, the U.S.-Jordan Free Trade Agreement is an important agreement and I am pleased the Senate has agreed to pass it by unanimous consent today. The agreement will provide a closer economic relationship with the Hashemite Kingdom of Jordan, which has proven itself to be an important strategic ally in the Middle East. Importantly, this agreement also represents the first free trade agreement to include in the core text, binding provisions recognizing the trade impacts of labor and environmental standards. The agreement sets a precedent that future trade agreements should follow.

Some in the Senate have opposed the agreement because of the labor and environmental provisions. The Administration responded to this opposition by exchanging side letters with the Government of Jordan indicating that neither country expected or intended to use trade sanctions to enforce the agreement. These letters do not specifically mention the labor and environmental provisions of the agreement. The exchange of letters was, however, clearly aimed at the labor and environmental provisions. I think that this exchange of letters was unfortunate. I continue to support the agreement, though, because the letters did not affect the text of the agreement. I believe in the need to have meaningful and binding labor and environmental provisions in trade agreements, provisions that are fully enforceable and can be implemented through the same mechanisms as any other part of the agreement.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Nevada.

Mr. REID. Mr. President, there are a number of Senators wishing to speak. The unanimous consent agreement indicated that this debate would be for 2 hours, which would end at about 2:08. I ask unanimous consent that the time be extended an additional 4 minutes on each side and that the vote occur thereafter.

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

Mr. REID. Just to alert everyone, the two leaders may wish to speak on this legislation. If they do, they will use leader time and extend the time until we vote a little more. If that is the case, they can come and take care of that themselves. So the vote, as I understand it, will occur at approximately 2:15, 2:16, something like that.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, as a consequence of the recent change in time, will the Presiding Officer indicate how much time is available to each side?

The PRESIDING OFFICER. The Senator from Montana has 5 minutes 20 seconds, and the Senator from Texas has 17 minutes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, it may very well be that the distinguished chairman of the Finance Committee would like to end the debate. I will afford him that courtesy.

Let me just try to sum up very briefly by saying I am hopeful we can work together on a bipartisan basis to have trade promotion authority. There is no temporal issue that I have stronger feelings about than trade. I see it as an extension of freedom. I see it as the great promoter of economic opportunity and prosperity and happiness in the world. I am in favor of world free trade. Obviously, I am in favor of free trade with any individual nation.

There are very real problems when you bring domestic law into these trade agreements, and I have outlined today the two problems you have in trying to inject, in this case, domestic labor law, domestic environmental law, and then the enforcement of those laws through regulation. When you bring them into trade agreements, you create two very real problems: First, you give an extraordinary grant of power to the executive branch of Government to

write domestic laws in a context where Congress' powers to debate and amend are severely limited; and, second, you pass decisionmaking authority, as to America's intent and as to the impact of the making of domestic law, to an international decisionmaking unit. And you create a situation where literally, with strong popular support, with the best of intentions, with the goal of promoting the well-being of our people—and the only legitimate objective of American Government is to promote the well-being of its people—we could find ourselves in a situation where a change in a labor or an environmental law was judged by an international decisionmaking body or dispute resolution mechanism to benefit us in trade, and I would hope that would be one of our objectives in passing law. But by judging it in those terms, we could literally have tariffs imposed on any American product sold on the world market, and the net result would be severe limits on our national sovereignty.

These are very real issues. They are not easy to fix. If you are going to extend trade promotion authority into the area of domestic law—in this case, labor and environment—my own preference would be, knowing that trade promotes the environment, knowing that trade promotes labor rights by promoting competition, the ultimate right of a worker comes down to their ability to quit and go get another job. That is the ultimate worker right: I do not have to worry about somebody protecting my rights and treating me well when I can go across the street.

Trade promotes that kind of competition. But there are two sides to every story. I know the distinguished chairman has very different views, at least on what he hopes to achieve with labor and environmental provisions.

I conclude by saying I am willing to try to work with him to come up with a way of finding a solution to this problem so that we can give the President trade promotion authority at a time when we desperately need it, at a time when we need to be promoting world prosperity, and at a time when we need to be promoting democracy and capitalism, because democracy and capitalism do not give rise to the kind of hate that endangers us and our people and our future and our happiness. I do think it is important that we work this out. But these are very real issues, very tough issues.

Let me conclude by saying that in having this bill go forward, from my own viewpoint, this is a decision that was made based on the necessity of approving this agreement now as we are looking at a long and difficult war on terrorism, a trade agreement that in the big scheme of economics is not very important, but the country with which we are entering into this agreement is a critical country, critical for American interests in the Middle East. And it is in the Middle East that many of our problems with world terrorism are focused. Without setting a precedent for this labor and environmental extension into trade or loss of sovereignty or violating the separation of powers, I intend to support the agreement.

I reiterate, in conclusion, that I am willing to work with anybody to try to find a way to get trade promotion authority for the President. It would be a great tragedy if we adjourn this year without the President having this authority. It is an arrow in his quiver that he needs to fight this war. We are not going to win this war just with bullets, though we need some bullets and we need them properly delivered. However many we need, I am willing to buy. That alone will not win this war. Trade and the mutual respect it creates will be important tools, as important as bullets in winning this war.

This trade promotion authority is very important, but to deal with it, we have to come to grips with these issues.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself the remainder of the time.

I first wish to congratulate Charlene Barshefsky, the very able U.S. Trade Representative who negotiated this agreement, and also President Bush and his administration. They have been very far-sighted in urging the Congress to pass this legislation for all the reasons I and others have mentioned.

I also thank my colleague and good friend from Iowa, Senator GRASSLEY, ranking member of the committee, for his steadfast support for this agreement.

This agreement was signed by both countries last October. The implementing legislation was passed by the House before the August recess. A virtually identical bill was reported out of the Finance Committee with only two dissenting votes, again before the August recess.

The point being, there was immense support for this agreement even before the disastrous events of September 11. Certainly, the events of September 11 make it all the more important now that we pass the bill to implement this agreement.

I also thank Senator GRAMM for allowing this bill to come to the floor. He had earlier expressed his disagreement with the bill to the point where its passage was a little bit uncertain. I very much thank the Senator for allowing this bill to come up and pass and for his support of the bill at this time.

I respectfully disagree with some of his concerns. First, the distinctions he suggests between trade and non-trade issues are just not valid. We have a whole plethora of domestic issues routinely included in trade agreements, whether patents or copyrights or trademarks, uses of geographical names on labels, farm tilling practices. That gets pretty domestic. You can't get more domestic than farming. We address farm tilling practices in our discussions of trade. They are now very much in discussion between the European Union and ourselves with respect to which practices are included as trade-distorting subsidies and which are not. There are a lot of domestic issues that are included in trade agreements.

Second, the statement has been made that this agreement impinges upon American sovereignty. It is important to remind ourselves that any agreement the U.S. Government enters into with another country to some degree has sovereignty consequences. Arms control, for example, the Montreal Protocol restricting chloroflorocarbons, tax treaties, all have consequences for American sovereignty. International agreements are not a free lunch. They are bargained-for agreements that have consequences and have effects on each country's sovereignty.

Also, it is important to remember that a lot of traditional economic provisions included in trade agreements have some effect on our sovereignty. For example, in the GATT, we have mutually agreed to reduce tariffs. If we didn't agree to reduce our tariffs, we would never get other countries to reduce theirs. The issue of intellectual property rights is another example. Agreements in this area have consequences to one degree or another on actions that this country may or may not take.

The main point I wish to make is that the agreement before us does not infringe upon U.S. sovereignty because, under the agreement, neither country is required to change its laws. And there has been a lot of talk about international dispute settlement mechanisms. There is no binding international dispute settlement mechanism in this agreement. If there is a dispute, as I mentioned previously, three conditions have to be met for either side to request consultations. I won't go through those conditions again, because time is limited. But even if a party claims that the three conditions are met, the next step is to go to mediation, not arbitration. There is mediation, and it is non-binding.

A mediator might suggest to the United States or to Jordan, let's say the United States, that the United States has done something untoward. The United States can accept it or not accept it. There is no requirement whatsoever for the United States to accept what a non-binding mediation panel—one panelist named by the United States, the other by Jordan, a third selected between them—might suggest. Again, it is non-binding.

Finally, I might say that I do believe this agreement does set a precedent, by definition, because it is the first of its kind. That is a precedent. I hope that all future trade agreements will now, after the passage of this agreement, include proper, reasonable labor and environmental provisions, because that is where we are in the world today.

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

Who yields time? The Senator from Texas.

Mr. GRAMM. Mr. President, I think I have pretty well said everything I came to say. Let me yield back my time and then if someone else wants to speak, they can come speak. If not, we can just remain in a quorum call until we are ready to vote. With that, let me yield back the remainder of my time, seeing the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Texas. Especially I thank the chair of the Senate Finance Committee and the ranking member for their work in getting us to this point.

I simply wanted to come to the floor before the end of the debate to express my strong support for the Jordan Free Trade Area Implementation Act. This is the first-ever U.S. free trade agreement with an Arab country. I think at these very tenuous and challenging times, there could be no stronger statement for us to make than to pass this legislation. I appreciate very much the work by all of those involved to see that it is done.

I note this agreement was negotiated before the events of September 11. We are moving ahead today because forging this agreement is the right thing to do for the people of the United States. It is also the right thing to do for the people of Jordan. It serves as a statement that our enemy is terrorism, not the Muslim world.

More than a year ago, President Clinton and King Abdullah began discussions about how we could more closely link the United States and Jordan, which, as everyone knows, is an increasingly important and strategic friend in the Middle East. This act is the result of those efforts, an important step in deepening that bond. When President Clinton and King Abdullah signed the United States-Jordan Free Trade Agreement a year ago, they expressed their concern about the impact of trade on workers and the environment. I share that concern today.

I am pleased that written into the text for the first time ever are several provisions to protect the environment and the rights of workers.

I see this as not only an important bilateral agreement but hopefully a template for future trade agreements as well.

I recognize, as others have noted, that several of my colleagues have concerns about how this agreement is structured, and I thank them for saving this debate for another day and allowing us to move forward on this important legislation.

Our disagreements on this bill are far outweighed by our areas of agreement. We all agree on the strategic importance and good friendship of the Kingdom of Jordan.

Bordering Israel, Syria, Iraq, and Saudi Arabia, Jordan sits in the middle of a wide range of critical U.S. national interests—geographically and politically.

This centrality has been bolstered by Jordan's supportive orientation toward U.S. interests. This agreement should stand as a strong symbol of the importance we attach to our relations with Jordan.

The Jordanians have taken admirable steps to improve relations with Israel, including the 1994 peace treaty that helped to advance the Middle East peace process.

This trade agreement, as the foreign assistance and debt relief before it, is a signal to Jordan that we appreciate its efforts at peace in the Middle East and that we hope for more.

That view is held by Israeli Prime Minister Sharon, who, on his first visit to Washington as Prime Minister, urged Congress to pass this historic trade agreement.

This trade agreement is also a signal to King Abdullah that we support his efforts at economic modernization. He and his team have instituted a series of significant economic reforms in order to restore growth.

We understand those reforms, while necessary, are painful. With this vote today, we are telling the Jordanians their reform and austerity will pay dividends.

Lastly, and most importantly, this agreement signals that the United States is not the enemy of the Arab and Muslim world.

Osama bin Laden and his associate extremists argue that the West is waging a war on Islam. Nothing could be further from the truth. We are waging a war on terrorism.

Jordan's participation in this international coalition against terror will only hasten our triumph and isolate the extremists and criminals who attacked America 2 weeks ago.

By further solidifying our important relationship at this critical time, the United States-Jordan Free Trade Area Implementation Act will give further impetus to the international coalition against terrorism and advance vital U.S. national security interests as well.

For these reasons, I come to the floor in support of H.R. 2603 and hope that all my colleagues will do the same.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2603) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2603) was passed.

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

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION

The PRESIDING OFFICER. The Senate will now go into executive session and proceed to vote on Executive Calendar No. 385, which the clerk will report.

The assistant legislative clerk read the nomination of Kirk Van Tine, of Virginia, to be General Counsel of the Department of Transportation.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SANTORUM and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 285 Ex.]

YEAS—97

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

NOT VOTING—3

Ensign	Jeffords	Santorum

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

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

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1438, which the clerk will report by title.

The assistant legislative 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 Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. As I announced for the majority leader this morning, he has every intent of finishing this bill by tomorrow. This is one of the most important pieces of legislation we have dealt with all year. People who have amendments should offer those amendments. I have spoken to the two managers. We are in the process of getting ready to offer a unanimous consent agreement that we would have a finite list of amendments by 4 o'clock today. Everyone who wants to offer an amendment must notify their respective manager or aide by 4 o'clock today. I hope we can propound that unanimous consent agreement within the next few minutes so we will know the status of all the amendments.

The managers have indicated if we have no amendments, they will move to third reading.

Mr. LEVIN. Could we tell the Senators who have amendments they wish to offer, if they could notify our respective Cloakrooms, it would facilitate things. We are not ready yet to offer a unanimous consent agreement, but we will propound that agreement in the next few minutes to set a time for those who want to offer amendments. Is that agreeable?

Mr. WARNER. We are endeavoring to do that on our side. A number of Senators have just returned to Washington. They need just a bit of time to assess this situation. I know there is a strong spirit of cooperation on this side to move forward with the bill and complete it by Wednesday afternoon early. In order to do that, we have to have this type of working document from which to chart our course, night and day, between now and Wednesday afternoon, and recognize that we have to set aside time for the CR when it comes.

Mr. LEVIN. I wonder if it is agreeable with my friend from Virginia we seek to complete action on this bill by tomorrow night, rather than Wednesday. That is the goal. I take it the Senator would agree with that goal?

Mr. WARNER. I agree.

Mr. DOMENICI. I say to the distinguished chairman, I understand there is an amendment that the Senator from Kentucky will offer.

Mr. LEVIN. Senator JACK REED has been waiting to make an opening statement.

Mr. DOMENICI. Of course. And I ask it be in order that after the first amendment offered by the Senator from Kentucky, I offer an amendment on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, we have to clear that. I wonder if we could withhold that for a moment.

Mr. DOMENICI. Sure.

Mr. INHOFE. Mr. President, it is hard to hear. I would like to know what kind of agreement we are coming to concerning amendments.

Mr. WARNER. I do not think we have reached any agreement. We have just come to the floor for the purpose of starting consideration of the bill. I defer to my chairman. As I understand, we have colleagues waiting to move ahead. I am prepared to try to do what we can, subject to his concurrence.

Mr. LEVIN. Mr. President, if we could recognize Senator REED, who is waiting to make an opening statement, and while he is giving that statement, we will try to line up the order of amendments. Is that agreeable?

Mr. WARNER. Yes.

Mr. SESSIONS. I would like to have a chance for opening comments, perhaps 10 minutes for that, whenever it is appropriate.

Mr. LEVIN. I ask that the Chair recognize Senator REED, then Senator SESSIONS, and at that point, after opening statements, we hope to have at least one or two amendments lined up in terms of order of recognition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan regarding the order of speakers?

Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senators from Michigan and Virginia not only for their gracious offer of the opportunity to speak this afternoon but also for their work as chairman and ranking member of this committee. I thank Chairman LEVIN and Senator WARNER for their leadership.

I rise this afternoon in support of this authorization bill for the Department of Defense for the year 2002. It comes at a critical time in history where we have to prepare for a series of threats, both anticipated before September 11 and now understood very well after September 11.

I also speak specifically with respect to my responsibility as chairman of the Strategic Subcommittee of the Armed Services Committee. In that regard, I first thank and commend Senator WAYNE ALLARD of Colorado, the ranking member. Senator ALLARD did a tremendous amount of work, and his perseverance, diligence, his good humor, and his cooperation were essential to the legislation we are contemplating and considering today. He has truly done a remarkable job. It was a distinct pleasure and honor working with him. I thank him for his activities.

The jurisdiction of the Strategic Subcommittee has a very wide swath, including space and space systems, strategic programs, intelligence, reconnaissance and surveillance programs, ballistic missile defense programs, and Defense-funded programs at the Department of Energy.

The Strategic Subcommittee held hearings on all of the matters of jurisdiction, including reports of the Space Commission and the National Reconnaissance Organization Commission. We had extensive hearings, particularly on the ballistic missile defense organization. We had at one point a 5-hour hearing on their plans and programs for this year. We also had a very useful and instructive hearing on the status of our long-range bomber force. Even though we had a compressed timeframe to consider these issues because of the late submission of the budget, the Strategic Subcommittee conducted extensive hearings.

The result is the legislation we have before the Senate, a product of these hearings, and of hard work, particularly by the staff. I commend and compliment the staff for their intense effort and their thorough analysis of the requests made to the committee.

Based upon these hearings and this extensive analysis, we were able to increase, in many critical areas, authorization for programs. In providing additional funds for these programs, we were guided by the recommendations of the military services themselves. We were very attentive to the unfunded requests outlined and identified by the Departments of the Air Force, Army, Navy, and Marine Corps, their so-called wish lists. That gave us a sense of where we had to apply additional resources. We tried to do that.

Now, with respect to space and space systems, we understand the United States has a continuing and increased reliance on access to space. For space programs, we added $53.9 million to improve readiness and operations of safety at the east and west coast space launch and range facilities. This was the Air Force's No. 1 unfunded priority. We were able to fund a significant portion of their request.

We also added funds to the Air Force to improve its space surveillance capabilities and its communications capabilities. With the additional funds we have provided in this legislation, the Air Force will be able to exercise an option to buy additional wide band gap-filler satellites to ensure global wide band communications capability. Again, as we contemplate and prepare for extensive operations around the world directed at those who attacked us, these types of global communications become more and more critical to the successful operations not only of the Air Force but of our ground elements and all of the elements in the Department of Defense.

In the area of strategic systems, we have included a provision consistent with the requests by the Department of Defense and the administration that would repeal section 1302 of the National Defense Authorization Act for fiscal year 1998. Section 1302 required the Secretary of Defense to stay at the START I nuclear force structure level until such time as START II enters into force. This provision, the provision we have included, will allow significant immediate reduction in the number of strategic nuclear warheads, and will continue the transition of our forces away from a cold war structure without having to wait for START II to enter into force.

Also related to the repeal of section 1302 is the inclusion within the bill of funds to allow the Air Force to begin to retire the Peacekeeper ICBMs beginning next year. This is consistent with the overall thrust of the administration to make reductions in our nuclear force structure.

We are awaiting a nuclear posture review, due in the next few weeks. But we are giving the administration what they desire and what we think is appropriate: the authority to begin to make reductions in our nuclear forces and the money to begin immediately to retire the Peacekeeper ICBMs.

Also in the strategic area, we have included a provision that would direct the Secretary of the Air Force to keep the full fleet of B–1B bombers in place, including those B–1B bombers that are assigned to the Air National Guard until both the Quadrennial Defense Review and the Nuclear Posture Review are completed and the Secretary has thoroughly reviewed the missions of the B–1B bomber fleet. We have included the necessary $100 million in operations and maintenance funds to keep the B–1B bombers flying in fiscal year 2002.

I also suggest and point out the B–1B bombers are among those assets that have been identified and notified for possible forward deployment in support of our antiterrorist operations.

As we today and in the future place increased reliance on our bomber fleet, not only have we dealt with the B–1B bomber force, we have also added an additional $125 million for much needed upgrades to the B–2 bomber and the B–52 bomber. We have all watched recently as those B–52s left Barksdale Air Force Base in support, again, of our antiterrorist operations, so it is essential to support these Air Force aircraft also.

In the intelligence surveillance and reconnaissance area, we have continued the emphasis started by Senator WARNER on transforming our military forces by promoting unmanned aerial vehicles. This bill includes an additional $64.2 million for unmanned aerial vehicles. As we improve the capability of these vehicles, we will rely on them for a growing list of missions. Once again, in any type of counterterrorism operation where we need relatively low-level, nonobservable, we hope, observation from the sky and where we are unwilling to risk pilots, these vehicles are terribly useful.

Last year we sponsored a demonstration for the Global Hawk system in an air surveillance role. This bill includes funding for a signals intelligence demonstration project using the Global Hawk UAV. We think it is an important addition to our repertoire of overhead reconnaissance.

Another responsibility of the Strategic Subcommittee is the defense-funded programs at the Department of Energy with the exception of the nonproliferation programs. These DOE programs include environmental cleanup programs, the Stockpile Stewardship Program, and intelligence and counterintelligence programs.

This bill would add approximately $855 million for these important programs. The budget request for these programs was not sufficient to cover all the needs for DOE to comply with its cleanup agreements or to improve the conditions of the production complex or to complete stockpile life extension programs. Additional resources are needed to not only maintain weapons reliability and our ability to safeguard the stockpile, but also our responsibility to clean up sites that have been polluted by nuclear processes in the past.

We recognize that more money may be needed but this is a substantial downpayment on cleanup and stockpile security programs. The additional funding included $422 million for the DOE environmental programs and $500 million for the National Nuclear Security Administration.

In addition to the extra funding for DOE programs, we have included legislative provisions to streamline the DOE polygraph program and help the National Nuclear Security Administration complete its reorganization. As we all know, the initial response prompting these programs, the polygraph program and the creation of NNSA, was the situation of security breaches in our nuclear laboratories. We hope and believe that is a thing of the past because of our emphasis on streamlined security procedures and a more rational, robust, and efficient NNSA.

One of the most controversial elements of our deliberations involve ballistic missile defense. Let me say initially that there is a consensus on the committee that we need robust research and development of ballistic missile defense and immediate deployment of theater missile defenses to counter the threat. But it turns out that when you come to national missile defense there are two schools of thought. There are those who might say it will never work and those who say we don't care if it works, we need it. The reality is somewhere in between. We have a strong obligation to test and develop national missile defenses so we can bring, we hope, that technology to bear to defend the country. But we have to be careful not to deploy something that will not work. That is what we have attempted to do in this legislation, to provide a counter to immediate threats but also ensure that we spend money wisely, with the ultimate goal of producing a technology that works, not fielding a technology that doesn't work.

Let me first discuss the threat that we see before us immediately. It is most easily divided, I think, into the theater threats, short-range, less than 1,000 kilometers, and medium range, 1,000 to 3,000 kilometers, and then those national threats, ICBMs that can travel more than 5,500 kilometers.

You can see there is a large number of countries that have theater missile capability, and it is growing each and every day. These are the threats that immediately challenge our troops in the field, that immediately involve American interests through our forces and our allies throughout the world.

When you go to the area of national missile defense, we know the Russians have thousands of missiles, the Chinese approximately 20, and then it is uncertain, frankly. As we all know, there is a strong suspicion that the North Koreans have this capability. There is certainly an indication other countries want this capability. But it is clear to us, and it should be clear to the American public, that the great, immediate threat that should prompt our immediate response is in the area of theater missile defense. This authorization responds to that grave theater missile defense threat.

It responds also to the national missile defense threat by continuing to support robust funding for research and development.

Let me give an overview of the funding levels that we have recommended for the ballistic missile defense program. It is good, I think, to begin with our baseline, which is last year's authorization: $5.1 billion overall—national missile defense and theater missile defense, as indicated on this bar graph. The ''other'' category simply refers to other nonspecific BMDO-wide activities such as program operation and other generally supporting programs. The request by the administration was $8.3 billion, about a 60-percent increase, the largest request for any particular category in this DOD authorization. In this chart, you can see roughly the breakout between ''other,'' national missile defense, and theater missile defense.

After very careful consideration of each and every program, after hours of hearings and discussions with the officers in charge of BMDO, and other officials, we made adjustments unrelated to the debate about the Anti-Ballistic Missile Treaty, related simply to several principles that are important.

Avoid contingency deployments—avoid deploying equipment that has not been thoroughly tested and we are not quite sure will work.

Do not fund activities that cannot be executed this year. We have scarce resources. We are about to mount a worldwide campaign against terror and terrorists who struck us and to fund things this year that cannot be performed when we have other glaring needs, to me is not the way to spend our money wisely and to support our troops appropriately.

Also, to avoid excessive nonspecific funding, requests for large amounts of money without any real plan to spend it—the sense I got from listening to the Administration is that they will figure out what they are doing on the run.

That is not the way to develop a system that is going to protect the United States.

Finally, avoid an undue program growth rate—programs that have been moving along with good progress and suddenly are going to be accelerated without justification for the acceleration.

Those are the principles we used to decide program-by-program adjustments we would be making.

The effect was to reduce the overall budget to $7 billion, almost $2 billion more than last year's authorization; specifically, to increase theater missile defense by $600 million, the immediate threat, while reducing the administration's request for national missile defense yet still increasing that budget by $1.1 billion. This was a robust authorization for ballistic missile defense.

The committee decisions have been impacted, of course, by what we did last week. In the manager's amendment, we added back the $1.3 billion we had cut. But we have given the President the opportunity to use this money for either ballistic missile defense or for antiterrorism activity.

I hope he will look at what we have done, and while looking at the ability to deploy systems that aren't ready and activities that can't really be executed this year, that he will wisely spend that $1.3 billion for antiterrorism in the conduct of this campaign that threatens America today. If he does that, we will still be on the path to a strong theater missile defense and a strong national missile defense, but we will be able to affect the immediate crisis we face with more resources. I hope he makes that choice. The legislation we presented him after last week's amendment will give him that choice.

Let me try to go into some detail about the recommendations.

Again, I hope the President and DOD will take our work and use it to form their views with respect to the additional $1.3 billion.

As I mentioned, we have increased theater missile defense by $626 million. We have tried to identify with surety well-defined programs such as the PAC–3 Program, which is just ready for deployment, and the THAAD Program, and to fund them robustly. We have also tried to increase resources for the Navy Area Defense Program and the Airborne Laser to resolve emerging technical problems to keep them on schedule.

In addition to these programs, we have added $76 million to the administration's request for the Arrow Missile System. The Arrow is a joint Israeli-United States project. These funds will help make the Arrow interoperable with our forces. It is an essential part of the development. Today that is one of the few theater missile defense systems that is fielded and operational.

We have also gone ahead and looked at some of these ill-advised contingency deployments.

We save $390 million by not funding untested THAAD missiles, Navy Theater-Wide missiles, premature THAAD radar, and Airborne Laser components. We save over $200 million by rationalizing the Navy Theater-Wide test and radar development programs while funding tests for Block 1 missiles and asking the Secretary of Defense for future plans on Navy Theater-Wide.

When it comes to national missile defense, I also pointed out that we have increased last year's authorization by a total of $1.1 billion. It would fund a new midcourse test bed. It would provide 20 percent more for NMD, but it would save over $500 million by moderating growth in the NMD system and reducing funding for nonexecutable programs—those programs which we think, after careful analysis, cannot be completed in this year's authorization.

We also have saved over $200 million by reducing excessive funding for activities not associated with specific programs—essentially large categories of money with very little justification. All of this money can now be used, pursuant to the amendment of last week, for counterterrorism operations, all the things we know we have to do today, and I hope we do today.

We have also funded the request by the administration for a test bed in Alaska. Even though there is a great deal of controversy about the efficacy of this test bed to test missiles, even though there is a suggestion that it could be used for deployment which would raise issues under the ABM Treaty, we have tried to give the administration the benefit of the doubt by not only significantly increasing resources but also assuming that they are working very diligently not to arbitrarily move away from the treaty but to comply with it until they are forced otherwise.

This approach of giving the administration not only permission but authority to establish their test bed is again another commitment to do everything we can to promote research and development of a national missile defense system. As we go forward, we hope we can continue working closely with the administration.

Let me also point out that our response to the proposal by the administration for missile defense was prompted not by an ideological approach to BMD but by a desire to see a program that works. We tried to base our judgments on the experience of these programs before.

One of the most influential aspects of our review was considering the report of General Welch, the former Chief of Staff of the U.S. Air Force, who conducted a thorough study of the THAAD system, the theater high-altitude system. A few years ago, this system was going nowhere, with test failure after test failure. General Welch was asked to come in and look at the program, analyze its faults, and point out whether it could be saved and how it could be saved. His conclusions were very instructive to our deliberations.

First of all, the Welch panel, set up by the BMD office to look at the failure in this theater high-altitude program, concluded that the THAAD program's ''rush-to-failure'' was caused in part by the decision to buy operational missiles early. That was the key factor in the difficulties of this program. Until they got back to careful, thorough development with requirements and objectives, this program was in danger of failing. If it failed, it would be a significant loss to the Nation.

The same logic was echoed by GEN Kadish, director of BMDO, when he testified that ''emergency deployments are disruptive and can set back normal development programs by years.'' That is precisely what the administration was urging us to do in this authorization—to accelerate deployment before we had done the testing, to buy missiles that were untested, to rush to failure.

I argue very strenuously that if the program adopted by the administration is to simply take this $1.3 billion back and plug it right back into this program, it will be a rush to failure, and it will defeat what we all want to see—the immediate deployment of effective theater missile defenses and the deployment, subject to considerations of international law and treaties at this point, of an effective national missile defense.

Until we have the testing and the development completed, deployment is something that is both premature and ultimately harmful to the program development. The program should be careful and deliberate, and we hope ultimately successful. As the Welch report concluded, attempting to deploy minimal operational capability early ''is unlikely to be productive for programs of this complexity. The drive for early capability is proving to be counterproductive.''

I hope the administration takes these words to heart. Much of what we suggested in terms of funding reductions was based upon this logic—the logic of seasoned professionals who looked closely at this program and who want these programs to succeed but understand that they have to be done thoroughly and carefully, and not rushed to failure.

As we go forward, we will, I am sure, continue this debate about national

missile defense and ballistic missile defense, and a host of other issues. I hope and I know the full Senate has the same type of very constructive and very helpful debate that the members of my subcommittee and the members of the full committee had because I think it is important to have this type of significant debate as we go forward about issues. We have tried to do this, and we have tried to do it thoroughly. I believe we have produced, at the subcommittee level, and the full committee, a thoughtful and very logical and very defensible product.

Today we are in this Chamber presenting the administration with the opportunity to use these resources to counter terrorism or to go back and invest in programs of dubious immediate efficacy and efficiency and worth for the national defense. Again, I hope that the administration does this.

Let me just make brief comments about the situation with respect to the ABM treaty which, I point out, was separated from the logic of this discussion.

Regardless of the existence of an ABM treaty, our responsibility is to look closely at every one of these programs and to conclude which ones have real value for national defense and which ones are simply not worth the effort in terms of the resources committed this year. We did that—regardless of the existence of the ABM treaty. But the ABM treaty is a factor that has to be considered when you talk about national missile defense.

The point I make is that many things changed on September 11. One thing that changed is the appreciation, I believe, by all of us and the administration that we need the help and the cooperation of the world community to beat our enemy, to beat the terrorists, to root out these networks out and destroy them.

In that context, I suggest and advise that it would be very counterproductive for immediate and unilateral departure from the ABM treaty, because of the consequences it would produce. That advice, I hope, is taken to heart by the President.

The President clearly has the authority today to withdraw from a treaty. We attempted—and we continue to attempt in separate legislation—to provide a forum for this Senate at least to consider a proposed departure from the ABM treaty. But until that other legislation is considered, and perhaps passed, it is clear that the President has this right.

But today, as we assemble a world coalition to fight people who have harmed us—grievously—I would think that he would be very careful not to withdraw because we need the support of many nations. I think it is particularly inappropriate and premature to do that since I believe we do not have the technology today that will, in fact, be capable of deployment within the next few months, perhaps the next few years.

While we are developing the technology, we should be very careful about undermining the stability of international relations, particularly at a time when we are reaching out to nations across the globe, including our European allies, including Russia, including China, asking them all to stand with us and to trust our judgment and our leadership as we go forth to counter and destroy the common enemy, the terrorists in the world.

So I believe among the many things that have changed on September 11 is the attitude that was demonstrable in the administration that we can go it alone, that we don't need many other people; it is our way or the highway. We are now on a common path, we hope, to overcome and defeat the terrorists. This is not time to debate the language that was embodied in the original version of the bill which passed the committee. I do hope there is a more appropriate time soon.

We are in this Chamber today at a momentous time in our history. All of us are committed to giving our Department of Defense every resource it needs to defend this country and, most specifically, to destroy those who attacked us and attempted to destroy us. It is in that spirit we continue these deliberations. It is in that spirit we will pass this legislation. And it is in that spirit we will triumph and prevail.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the Senator from Alabama is recognized.

Mr. WARNER. I ask my colleague to defer for a moment so that I can recognize the valuable contribution of the Senator from Rhode Island.

Mr. SESSIONS. I defer to the ranking member.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Senator. We recognize the Senator from Alabama is next to be recognized for an opening statement.

I commend our colleague from Rhode Island first for his hard work throughout the years on the committee on which he has served from the first day he came to the Senate, and most particularly now in his capacity as the chairman of the subcommittee, which is a very important subcommittee dealing with many issues. I thank him for his work with Senator LEVIN and myself as we worked our way through the resolution of some issues that were very important to him. I thank the Senator very much.

Mr. President, I will keep on my desk, as will the distinguished chairman, a list of the amendments which are now coming in. I am pleased to say we are down to where there is a single person who is examining the possibility of the UC request shortly to be propounded on the question of putting in the amendments for consideration by a certain time today, so we can hopefully complete this bill tomorrow night.

My understanding is that at the conclusion of the remarks of the Senator from Alabama, we will turn to amendments; and in all probability, our distinguished colleague from Kentucky will seek recognition at that time.

Mr. LEVIN. Will the Senator from Alabama yield for just an additional minute without losing his order for recognition?

Mr. SESSIONS. I am pleased to yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator from Rhode Island for not just his opening statement, which is always extraordinary and thoughtful, but also for his magnificent work as the chairman of the Strategic Subcommittee. They are both invaluable. I thank him very much for that.

Mr. REED. Mr. President, may I say what a privilege it is working with Chairman LEVIN and the ranking member, Senator WARNER. The Senators have led this Senate with great distinction.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am pleased to express my appreciation to Senator LEVIN and Senator WARNER and to all others who have worked very hard to make sure we complete our work in this Chamber in a bipartisan way. We were very close to doing that on almost every issue that has come before us. But one issue did divide us; that was national missile defense. And Senator REED is one of the most knowledgeable and articulate spokesmen concerning that issue.

In my subcommittee, of which I am ranking member, I think Senator KENNEDY and I were able to reach an agreement on issues pertinent to seapower that both of us felt good about. It was not perfect; it was not what we would like; but with the money that we were allocated to spend on seapower, I think we did a good job. Our problems simply were the lack of money and resources. And, indeed, I will mention a few things that we were missing as a result of that.

President Bush campaigned that he would improve the situation for our defense people and our defense budget and do some things that needed to be done. If you look at his budget, it represents an historic improvement and increase in defense. This appropriations bill we are voting out today totals $328 billion. Last year, we were at $296 billion. That is a $30 billion increase, plus a $6 billion supplemental we passed. It means a $38 billion increase in defense this year over last year.

That is the biggest increase in probably 15 years in defense. It represents a long overdue step. It was done before we had these terrorist attacks. And it represented a consensus by the administration and their representation to the Congress on the needs of our defense budget. So we made a big step forward, and we are happy about that.

We spent a good deal of that money on a number of things, such as a 5-percent pay raise for our men and women

in uniform, which is tacked on to last year's increase—well above the inflation rate; 6- to 10-percent pay raises for people in critical positions; a $232 million increase in the housing allowance for families—increased funding for housing—an increase for national missile defense, and a number of other increases.

So we are proud of those things. We are proud of the overall increase in the defense budget. However, our defense budget still, as a percentage of our GDP—our total gross domestic product—is far less than it was in the 1980s. At a time when we are seeing increased threats to our ability to function in the world as a result of terrorists and rogue nations, we are going to have to increase the budget in the years to come.

The biggest thing we were not able to do in this budget—and the American people need to understand it—we did not make enough progress in recapitalization, replacing old and worn-out equipment such as tanks, aircraft, and ships; nor did we do enough in research and development of new equipment for the future. We did not make enough progress despite a very significant increase in defense spending this year.

We are going to have—we approved the other day—an additional $20 billion for defense, most of which—virtually all of which will be spent for the terrorist problem we are now facing. With some of that, we will be able to strengthen our Defense Department for other issues, but most of it, indeed, will go to a terrorist response. That is not going to leave us in a significantly stronger position.

If you count that, we are looking at a $58 billion increase over last year. From a financial point of view, we did pretty well. From a procurement point of view, most of us are somewhat concerned.

For example, in the Seapower Subcommittee, of which I am ranking member, we were wrestling with a Navy that now has about 315 ships afloat out there. At one point in this country not too long ago, we were talking about a 600-ship Navy. Along with everything else, we have had a steady reduction in funding for ships. In this budget, we are going to have six new ships approved, which is good—they are expensive, every one of them—but that will not stop the decline. Our estimates from our Navy people are it takes eight to ten ships a year to maintain the current level of 315 ships. So we are still on a downward slope for ships.

At some point, you just have to have a ship on the sea to be able to project American power in areas around the globe. You have to have a certain number. Many of them have to be in home port to be repaired. The sailors need to be home at various times. They need to respond to various crises in different places. It does not leave you that many ships to actually send to a given place at a given time when they are needed. Seapower is a good example of our inability to be as effective in procuring capital assets for our defense as we would like to be. I wish I had a more positive story to tell there, but I don't.

One defense official recently said that it was like a bow wave in front of a ship, this procurement need. We are just pushing it in front of us. Sooner or later, we will have to confront it. Another defense official in the Clinton administration said we are in a death spiral. What he meant by that was, we are trying to keep afloat and keep operating equipment and airplanes and ships that need constant repair, and they are getting older and older. We would do better to purchase new, modern, more effective equipment that would not, perhaps, have as many personnel needed to operate it and could actually save us money in operation to a significant degree. Those are the issues with which we need to wrestle.

Senator REED is very knowledgeable and makes a number of points about national missile defense. It would be appropriate for me to respond to some degree on that. I will make a few points the items that concern me. We are not in perfect agreement on it.

However, I do want to say how much I appreciate Senator REED and Chairman LEVIN and Senator WARNER, the ranking member, and Senator ALLARD, ranking member of the subcommittee, for their determination at this time of national crisis to reach an agreement on this issue and not to have us be in disagreement. They have accomplished that. They have done so in a way I can support. I believe it moves us in a direction that we needed to move. I am very proud we were able to have that occur.

As it came out of committee, we split 13–12 on the budget for national missile defense. Let me relate a few things about it.

President Clinton's budget for national missile defense this year, as he projected it, was approximately $5 billion. As President Bush campaigned, he told America he believed we needed to do more on national missile defense. Two and a half years ago, this Congress voted 97–3, I believe, to deploy a national missile defense system. As soon as technologically feasible, we would deploy a national missile defense system.

Secretary Rumsfeld, when he was in the private sector, chaired a bipartisan commission, the Rumsfeld commission. They did a study to determine what kind of threat we faced from incoming missiles. The report was unanimous, the bipartisan commission was unanimous, that by 2005, this Nation could be subject to missile attack for which we have absolutely no defense at this time. The President recognized that. Later he chose Mr. Rumsfeld to be Secretary of Defense. When he came in, he proposed a $38 billion increase in the defense budget. He asked for $3 billion more for national missile defense, to go from $5 to $8 billion. We think that is a reasonable increase. It is a significant increase, but I believe—and I know Senator WARNER and others believe—this is the right thing for us to do.

People say: Well, they may not have this missile that can reach us now. The commission said, by 2005, they could. If we are going to have a defense against it when they do have the capability of reaching us with missiles, we have to start today. This is not something about which we can do at a snap of our fingers.

Of course, this administration will not, this Congress will not tolerate the deployment of a system that is not feasible, that won't work. We have to get started on building it. A $3 billion increase in national missile defense spending is a reasonable increase when that is the one gap we saw in our defense.

Indeed, Assistant Secretary of Defense Paul Wolfowitz, in his testimony, talked about the Gulf War. He said: If you look at the Gulf War, you could see that in many ways we overestimated our enemy's capability. And, in fact, we overestimated his capability in virtually every area except one. The one we did not consider enough was his ability to launch missiles, Scud missiles, if you remember, into our military bases and troops out in the field and into Israel and perhaps even destabilizing our relationship with Israel and causing consternation in our defense effort. So we rushed in the Patriot missile. It actually succeeded in knocking some of those Scuds down, but it was not designed for that and had not been ready to be deployed for that. It was rushed out as an emergency, and it worked to a degree.

Since then, we realize we do have the capability to knock down an incoming missile. Some people almost think it is Star Wars and it can't be done, but we have had hearing after hearing after hearing on that subject. Both sides of the aisle agree it is technologically something that can be done. We have the ability to do it. It is just the question of when it ought to be deployed, I suppose; that is our disagreement.

The American people need to realize that if, by 2005, Iran or Pakistan, any nation, Iraq, or North Korea continues their development or their purchase of missiles, they could have the ability to reach us with a missile, and we have no defense to that whatsoever.

You say we have theater missile defense, but it cannot be deployed around this country in a way that would protect us as a national missile defense. Why is that, under present circumstances? The reason for that is, in 1972 we entered into an ABM treaty, Anti-Ballistic Missile Treaty, with the Soviets.

At that time, we both had the capability to destroy each other many times over with our missiles. Both of us, in the 1970s, were thinking about a national missile defense program. So somebody finally, I guess, got our nations to start thinking that this is

really not good for either one of us. Why should we invest billions of dollars in a system that will not really protect us from the overwhelming force of the other. So we signed the treaty. It, flat out, said that we will not deploy a national missile defense. The treaty is not but two or three pages.

The first article says: We will not build a national missile defense. People have said we don't need to get out of this treaty. Well, if we are going to build a national missile defense, we do have to get out of it. What if the Russians don't agree? We are threatened now from a multitude of nations. We want to have a friendly relationship with Russia. I pray we don't have a threat from Russia. I hope that our relationship will get even better with Russia. But we have a bunch of nations out there—and if anybody had any doubts about it, they didn't after September 11—who wish us ill. If they had the capability of launching missiles and hitting Los Angeles, New York, Miami, or some other American city and can kill millions of American people, then we are not safe in this world.

We have the ability to do this, and it is time for us to get busy about it. No great nation ought to leave itself vulnerable. Indeed, Henry Kissinger, an architect of the ABM Treaty, was quoted. He talked about the new circumstances we are in. He said:

I have never heard of a nation whose policy it is to keep itself vulnerable to attack.

That is what we are basically talking about. We are having a policy by trying to adhere to a treaty with a dead empire, the Soviet Union—it wasn't even with the Russia of today. Many legal scholars say we are not even required to abide by it because it is not with a legal entity that exists today. So we need to get out of that treaty.

The Russians want to extract compromises from us, and we all understand that. So the President deals with them and works and increases our relationship with Russia, and the mutual interests get furthered. I thought we were on the road to making an agreement with the Russians. They have said some things that indicate they would agree. The Europeans, after initially being opposed, have warmed up to the idea quite considerably. About the only place left that we are having problems with is the U.S. Senate. The House is on board with this, but we are still having some problems here. So there was language in this bill—and the reason I and others voted against it when it came out of committee—which said that if the Russians didn't agree to allow us to build a national missile defense, the President could not go forward, but had to come back to Congress and ask for a vote.

Whereas, under the ABM treaty, the President has personal unilateral power to wipe out the treaty. But if they did agree, the President could go forward. To me, that is an odd thing for the Congress to do—to cede our power to build a national missile defense system to the Russians, to have them have a veto over whether or not we have a missile system deployed. I don't think that was good.

I am glad that this compromise language came out. I am very, very happy that it came out. It is something I don't think we should have done.

As a former Federal lawyer, I think about the legal situation here. The treaty prohibits us from deploying a national missile defense system, which would include deploying the radar systems, perhaps, out there that support one. It prohibits us from developing or testing a sea-based or mobile system of any kind, which is precisely what we need to be doing now. As a lawyer, it seems to me that when the Senate votes 97–3 to deploy a national missile defense system, the President of the United States at that time, President Clinton, signed that legislation, and the President of the United States today, President Bush, campaigns on developing and deploying one, and we are funding the money to carry one out, we ought to be honest enough to say we are moving to contradiction of the treaty, if we have not already.

We have the intent to deploy a national missile defense system, which is contrary to the treaty. So the President either has to get out of it, or the Russians need to agree to that. Hopefully, they will agree. If not, we need to move on because we have to protect ourselves. We can't let a 1972 treaty with an empire that no longer exists prohibit us from protecting ourselves from other nations around this world who have the ability to launch missiles that could hit us. It is just that simple. I hope and believe I can support the language that is in the bill. I salute those who worked hard to make it acceptable.

I will just mention a couple of things in general about this legislation. Secretary Rumsfeld is committed to transforming our military. Certainly, the events of September 11 should make us doubly committed to that goal. The old system of defending against a Soviet attack on the planes of Europe is not what our threat is today. We need a transformation that has more mobility, the ability to move our equipment, to disembark it around the globe. This is what the transformation plan was about that he has pushed, which was in discussion and agreement, really, by all of us before September 11. It was that we be more mobile, have more agility, that the weapons systems and equipment we use have more abilities to perform different functions. It would be more lethal with the smart bombs and those kinds of things. A single round, a single bomb, could be much more directed and effective in its attack.

We needed better surveillance and reconnaissance and intelligence information, and we need a modernized command and control system. Those were the goals of transformation. I believe this legislation supports that, although perhaps not as much as I would like. I would like to believe that the quadrennial defense review coming out of the Department of Defense within a few weeks, and Secretary Rumsfeld's own internal review, will further push our services to go forward to a transformation to a world that is quite different than the one we have had—particularly against asymmetric threats.

I am concerned that we may not have enough money in this budget for smart weapons of all kinds—the kinds we saw in Kosovo that could go in the window of a building. We need an adequate supply of those weapons, but the new funding—the $20 billion we approved—should be able to fill those needs. But we have to watch to make sure we have a sufficient supply of those. I don't think we have been operating at the level we should. We are closer to minimum sustaining rates for production of those kinds of weapons; whereas, we could get the weapons cheaper if we increase the production level.

I thank Chairman LEVIN for his leadership and dedication, and I particularly thank Senator WARNER, the ranking member, whose advice and wisdom I have called on frequently and value highly.

I believe we have a bill here that is good. But we remain challenged as a nation. Our challenge remains that we have to consider how much more we are going to need for defense, because this remains a dangerous world.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague from Alabama. He is a tireless worker on our committee and a great watchdog of the taxpayers' dollars. I especially thank him for his reference to the work done by the full committee, and indeed others subsequent thereto, to resolve such issues as we had during the course of the markup on the missile defense system. He has been a keen observer and a strong contributor to America's ability to prepare itself against a limited attack. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

AMENDMENT NO. 1622

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] for himself, Mr. LOTT, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. BURNS, Mr. Hutchinson, Ms. COLLINS, Mr. INHOFE, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CONRAD, Mrs. HUTCHISON, Mr. STEVENS, and Mrs. CLINTON, proposes an amendment numbered 1622.

(Purpose: To strike title XXIX, relating to defense base closure and realignment)

Strike title XXIX, relating to defense base closure and realignment.

Mr. BUNNING. Mr. President, I thank the chairman and ranking member of the full committee for giving me

an opportunity to offer this amendment on behalf of 20 cosponsors. This amendment is a straightforward amendment.

The underlying bill authorizes a base closure realignment in the year 2003. This amendment simply strikes that language, that provision.

There are a number of good reasons why we should not move ahead with another BRAC at this time. Most important, there has always been the uncertainty as to whether or not previous rounds of BRAC have actually saved the military and the taxpayers any money. This has always been my main concern with proposals for future BRACs.

I will go further into this aspect in a moment, but right now I, and many others, have a bigger concern with future BRAC rounds, and it unfortunately stems from the awful terrorist attacks on September 11. Now more than ever, we should hold off further downsizing of our military infrastructure as we analyze how to fight the first war of the 21st century.

Last week, President Bush laid it all out for us. We are gearing up for war. It will be a different kind of war and different from any battles this Nation has ever fought. Its future is unknown. The course of the conflict is uncharted. The strengths we will use and need are unforeseen.

The President has warned us that victory is not going to come quickly and it is not going to come without pain. There will be casualties, and our will and resources will be tested, probably for many years to come.

The fight will require force. It may require more and a different kind of training at our military posts and bases. This war may change from the United States battling only terrorist organizations to the United States battling armies of nations harboring terrorists.

Because of this uncertainty, it is unwise to begin hacking away at our military infrastructure. I am not here to chant gloom and doom. I know in the end we are going to triumph over evil, but at this point in time, we have to ask a fundamental question: Is now the time to cut bases and to reduce our military infrastructure? The answer is a clear and resounding no.

President Bush said recently the course of this conflict is unknown. If this course is unknown, then it must be unwise to move ahead with another BRAC round until we have a clearer picture of where we are going and how we are going to get there. Now is not the time to further authorize the reduction of our military infrastructure.

More than ever, we must focus on security and how to maximize our resources. We should not leap before we are even able to look. We are venturing into the unknown and attempting to survey the landscape of 21st century warfare. We should not go blindly or with one hand tied behind our back in the name of so-called efficiency and cost savings.

During markup of this bill, the Readiness Subcommittee heard from our professional staff on the BRAC issue. They were unable to pinpoint any definitive cost savings from the prior BRAC rounds. In fact, they could not provide any firm details because DOD could not provide them definitive numbers from previous BRAC rounds.

We have heard talk about so-called savings numbers from DOD here and there, but when the rubber hits the road, DOD is unable to provide these savings with cold, hard numbers.

I and many others have asked the Department of Defense many times to provide detailed data showing savings from previous BRAC rounds. If it is there, we should definitely take a look at it, but until we see real numbers, supporting another BRAC is only a shot in the dark.

CRS, CBO, and GAO have all been asked to find real savings, and they also have had a tough time finding consistent and detailed savings numbers. They quote DOD projections and predictions as their source, but they admit that DOD has been unable to document any detailed underlying savings.

We all support efficiency in not only our military but throughout the Federal Government. But after the attacks of September 11, the landscape for me and others has changed from one of efficiency to one of security. In these turbulent times, we need serious numbers before we can even contemplate another BRAC, let alone approve it.

In conclusion, it seems to me at this point that it would be foolish and dangerous to go ahead with another BRAC. When you boil it down, it is pretty simple: We are entering a new type of conflict in which we are not sure what resources are going to be needed. So how can we take a chance on eliminating resources that may be vital to our struggle against terrorism? In fact, last week, the House of Representatives withdrew a BRAC amendment to their fiscal year DOD authorization bill. It is clear that support in the House for another BRAC round evaporated after the attacks of September 11.

If the Senate bill includes another BRAC round, this could make for a contentious issue in conference, and now is not the time for prolonged contentious debate.

I ask my colleagues' support for this amendment. In light of the September 11 terrorist attacks, we need to act prudently and carefully. Authorizing another BRAC round is neither. I urge my colleagues to support this amendment.

I want to read from Secretary Rumsfeld's letter of September 21. I want to read a portion of it because it says in the third paragraph: ''While our further future needs as to base closure are uncertain and are strategically dependent,'' he says we must simply go ahead and do it. I firmly and strongly disagree with Secretary Rumsfeld. If base closures are uncertain and strategically dependent, then now is not the time when we are planning for a full, all-out war against terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Kentucky for his remarks. He is a very valuable member of our committee, and he straightforwardly told us from the very first he would be in opposition to the BRAC procedure. The opposition he indicated preceded indeed the crisis we now face as a consequence of the tragedies of September 11.

I nevertheless have decided to continue to support the action of the committee, and I will recite my reasons for doing so in the course of the next few minutes. I will address one point my colleague made so it is fresh in the minds of those Senators and others following this important debate. He read from a letter, and I shall put the letter in the RECORD. It is addressed to me from the Secretary of Defense and I will read it in its entirety momentarily. But he quoted:

> While our future needs as to base structure are uncertain and are strategy dependent, we must simply have the freedom to maximize the efficient use of our resources.

Freedom, in a sense, goes directly to what the bill says. The bill very carefully and simply puts in place, in the hands of the Secretary of Defense, the authority to go forward with such legislation if he deems it necessary at some future date. So the Senate will be asked to make a decision of deleting this provision or sustaining the committee report and bill and thereby just putting in place the authority for the Secretary to do the following: If the President does not transmit to Congress the nomination for appointment to the commission on or before the date specified for 1993 in clause 2 of subparagraph B, for 1995 in clause 3 of that paragraph, or for 2003 in section 4, the process by which the military installations may be selected for closure realignment under this part with respect to that year shall be terminated.

So what we are doing, in a sense, putting aside all of that technical language, is simply giving the Secretary of Defense the authority to proceed. I supported it in the committee, and I support it now.

I say to my good friend, after discussion with him and others, I thought as to whether or not we should proceed to put in place on a standby basis the authority. I reflected on the many rounds of base closures in which I have had personal experience. As a matter of fact, I was the author of the legislation involving several previous BRAC rounds. Going as far back as when I was privileged to serve in the Department of Defense, in those days a service secretary could initiate the BRAC procedures and did so and closed such

major installations as the Boston naval shipyard. That was, I believe, in the 1971–1972 timeframe. So I have had a long familiarity with the BRAC procedures, the goals of BRAC, and I reflected on whether or not I would support the BRAC when this bill came to the floor, and I do so.

My concern was much along the lines of our distinguished colleague from Kentucky. America is experiencing a callup of the Reserve and Guard units. America sees our Nation faced with a great many uncertainties and challenges never before faced, the complexity of the foreign policy considerations and the security considerations flowing from the tragic events of September 11, without parallel in our history. So why should we at this point in time critical to our national defense and that to help our allies and friends be faced with a BRAC round?

I long ago made the decision, before we took it up in committee, we would not have 2 years; we would only have the one, and I told that to the Secretary of Defense, and indeed when they came before the Congress they had selected the single year because BRAC brings upon a community a tremendous amount of unsettling factors, particularly in the towns and cities where we have the military bases. It is home for so many of the men and women of the Armed Forces and civilian workers. It is an unsettling thing from their economic standpoint. They are planning for the future and for business, and to have this hanging over their head is a difficult situation.

Most communities will go out and expend a considerable sum of money to hire experts who have been through the complicated procedures that BRAC thrusts upon the communities to assist them in stating their claim, as they have a right under the law for continuing to have those military facilities open and not have them the subject of a possible future closure by a base closure commission.

Having thought all through that, I personally talked to the Secretary of Defense and I reiterated these arguments to him. I think it was not more than a day or two after September 11, because I have had an opportunity to visit with him on a number of occasions—and Deputy Secretary Wolfowitz—and I laid before them the fact we are calling up people, we are augmenting our forces, there is uncertainty, and the last thing we need is instability in those communities which provide a home for the men and women of the military.

So I said I would like to have you send a letter to me, if it is your desire that the Senate proceed to ask for a vote in favor of the bill as now written, and he wrote me on September 21.

I will read it because it is very important.

Dear Senator WARNER: I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished. Since that fateful day, the Congress has provided additional billions of taxpayers' funds to the department. We owe it to all Americans, particularly those service members on whom much of our responsibility depends, to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platform from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to the base structures are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element of ensuring the right mix of bases and forces within our warfighting strategy. No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, 'We face new and sudden national challenges,' and those challenges will force us to confront many difficult choices. In that spirit, I am hopeful that Congress will approve our request for authority to close and realign our military base facilities. Thank you for the opportunity to provide our views in this important matter.

Other Senators are anxious to address this matter, and I may reenter the debate subsequently before we proceed to a vote, but I assure the Senate this Senator deliberated long and carefully as to whether or not I would continue my support. I have given the request by the Secretary simply to put in place the necessary authorization to proceed. If it is his judgment and that of the President to do so some months ahead, then I think it is important we do proceed because we have an obligation to the American taxpayers that those dollars that are authorized and appropriated for the Department of Defense be spent very wisely.

Subsequently, I or others will address the question of savings, but my calculation is, the 152 major closures and realignments resulting from the BRAC procedures of 1988 through 1995 will save the Department $14.5 billion by 2001—that fiscal year is about to end—and $5.7 billion every year thereafter. There is additional information on the savings which will be placed into the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before I speak to the pending amendment, I want to commend the two leaders of our committee. I joined this committee in January, and they have worked very hard in the last week to come up with a bill that would unify this body. So I want to commend both Senator LEVIN and Senator WARNER for their tremendous efforts in producing a bill that will help bring us together and ensure we are providing the resources and the authority for the important task before us. I praise them and thank them for their efforts.

I commend the Senator from Kentucky for his amendment. I rise in strong opposition to the provisions in our bill known as the base realignment and closure, or BRAC, proposal. I opposed this proposal in committee, and I continue to oppose it today. In fact, I think the reasons for opposition are even more compelling than they were at the time of our committee markup. After the September 11 attacks on America, I question, with even more certainty, the decision to proceed with additional cuts in our base infrastructure.

As the result of the first 4 BRAC rounds, 97 military bases in the United States have been or are in the process of being closed, degrading our defense readiness according to some military experts.

In light of the recent terrorist attacks on our homeland, and based on the testimony provided by the Chief of Naval Operations before the Senate Armed Services Committee when Admiral Clark recently cautioned that the Navy's infrastructure is already at barebones, now is simply not the time, it is simply not in our country's best interests, to initiate yet another round of base closures.

At a time when our Commander in Chief has warned of a long and sustained military operation, we should be preserving, not eroding, our facilities and infrastructure, so that they are fully available for our Armed Forces both at home and abroad. It is the responsibility of this Congress to ensure that these installations are not placed at risk without careful, prudent consideration of the additional military requirements, particularly with regard to homeland defense, that are evolving as a result of the recent horrific attacks on our Nation. It is also clear that our ongoing peacekeeping and humanitarian missions require a greater force structure than had been expected. Our war on terrorism will most likely require a greater one still. In short, it is difficult to conceive of a worse time for the Pentagon to divert its energies to another round of base closures.

Before we legislate a defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense needs time to complete its comprehensive plan identifying the operational and maintenance infrastructure required to support national security requirements, particularly in light of the challenge to come. Before we know what to cut, we need to know what to keep. It is that simple. I fear we are approaching the issue of excess capacity exactly backwards. As Secretary Rumsfeld acknowledged in his recent letter to the committee, our future needs as to base structure are uncertain and our strategy dependent.

I make it clear I understand the Secretary still wants to proceed with base closures, but his own letter says very clearly that our future needs as to base structure are uncertain. Shouldn't we determine what our infrastructure needs are before embarking on a whole

new round of closing bases? Wouldn't that be the better, more logical way to proceed?

Further, while those who support BRAC hope for substantial savings from base closures, the one consequence you can count on when a base is closed is the need for a significant upfront investment.

A recent GAO report released in July of this year underscores how costly base closures can be and how ephemeral the savings estimates may be. The loose estimates of supposed savings, for example, exclude over $1.2 billion in costs of Federal assistance provided to affected communities. These are costs paid by the Federal Government but not out of the BRAC budget accounts. Some $10.4 billion in environmental cleanup costs were the direct result of the first four BRAC rounds. We ought to be doing a better job of environmental cleanup at our bases, whether they are open or closed. However, we can't ignore these significant costs. These are considerable costs which only continue to grow, often not counted, as costs associated with closing bases.

There is another more fundamental reason I oppose the BRAC language in this bill. Simply stated, BRAC is the wrong process for identifying bases for closure. If the Pentagon believes certain bases are no longer needed, those installations should be identified and included in DOD's budget submission. There is no need to cast a cloud of uncertainty over every base in virtually every community hosting a base all across this great Nation.

Senator SNOWE and I can testify personally that BRAC is not the clinical, impartial process it is often made out to be. Rather, the BRAC process in the past has been highly politicized and it remains susceptible to political pressure in its current form in this bill. While I recognize the need to reduce proven excess capacity, the BRAC procedure has been unfair in the past. It has not produced the savings anticipated by past rounds of closures, and it could at a critical time result in degraded readiness for our Armed Forces.

I will continue, therefore, to voice my strong opposition to another round of base closures. I will continue to work to ensure that critical assets and training capacities provided by our existing force structure and infrastructure are not lost.

Now is certainly not the time to create chaos, concern, in every community that has proudly hosted a military installation. Now is certainly not the time to embark on another round of base closures, when all of the energies of our civilian and military leaders must be focused on the overriding goal of crushing the global network of terrorists intent on harming our great Nation and its citizens.

I urge support for the amendment of the Senator from Kentucky.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Arizona.

Mr. MCCAIN. I intend to speak at greater length later on on this issue. It is very clear, the opinion of Members of this body, including those just articulated by the Senator from Maine who, among other things, said there has been no savings, when we have ample documentation that they have achieved net savings of $15 billion by the end of this fiscal year from the previous base closure rounds, with another $6 billion in savings each and every year thereafter.

What we are really talking about is an opinion held in the Senate, which I respect, for which I have admiration, and I have great respect for the individuals who are opposing the base closing round. The fact is, at a time when we rally around the President of the United States and the Secretary of Defense and the men and women in the armed services, we are going in direct contravention to the views of the President of the United States, the Secretary of Defense, and our military and civilian leadership. It is that clear.

That is really what this debate is all about.

As the Secretary of Defense wrote on September 21, to Senator CARL LEVIN and Senator JOHN WARNER:

> We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.
>
> Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources.

Why is that? Earlier this year there was testimony before the Armed Services Committee by the people who are responsible for our installations. Do you know what they are saying?

''We are in a slow death spiral,'' said Air Force MG Earnest Robbins II, the civil engineer for his service, who predicted the 2002 defense budget will include enough money only to handle the most pressing priorities.

The services have argued that the poor conditions of many facilities and the shortage of money to fix them are proof they must close unneeded bases.

What is going on here is, because we have so many bases, we don't have the funds to maintain not only their capabilities but the quality of life. The quality of life deteriorates when we do not maintain these facilities. Therefore, there is a requirement to close the unnecessary ones.

By the way, we will get into this argument about how you do it and whether it is politicized. I will submit for the RECORD and discuss, over time, clearly the fact that there is no other way to close bases. We went for many years until we came up with the Base Closing Commission.

But if you go out to any military facility, you will see that people have aging, not only installations at which they work but aging installations in which they live. It is because we simply have not enough money to go around to maintain all of these facilities.

So what does that translate into? Difficulties in recruiting, difficulties in retention. According to a study last year, the U.S. Army has had the greatest exodus of captains they have had in their history. What do they say? They say they do not put us in conditions in which we can live. We have men and women in the military living in barracks that were constructed in World War II and Korea.

An example of the problems, Robbins said, is at Travis Air Force Base, where routine operations on one runway had to be suspended because a 90-foot-long, 4- to 6-inch-wide crack has appeared.

The Navy has a $2.6 billion backlog in critically needed repairs, about the same as a year ago, because the budget did not include enough money to make up any ground, officials said. Navy people ''are so used to operating and living in inadequate facilities that many accept this as the norm.''

Should we be asking men and women in the military to be living in inadequate facilities and accepting it as the norm?

The carrier berth at Norfolk Naval Air Station is a prime example. Structural deterioration of the berth has forced access restrictions that allow only emergency vehicles to park near the ships.

Marine COL Michael Lehnert, assistant deputy commandant for installations and logistics, says his service does not even have enough money to assess problems at its bases.

Assess problems at its bases?

> We are doing the right thing; we just aren't doing it fast enough.

At Camp Pendleton, the base sewer system, which spilled 3 million gallons of sewage into the Santa Margarita River last year, needs to be replaced. But that would cost $179 million—more than the entire $173 million construction budget proposed by the Marine Corps for 2002.

''The effects of underfunding only get worse as our facilities age,'' Army MG Robert Van Antwerp, Jr. said. He noted that the backlog has grown to $18.4 billion, a $600 million increase in 1 year.

We are asking these men and women to live and work in facilities that are, at best, substandard, in some cases absolutely abysmal, because we have too many of them. We have too many of them.

I will challenge the proponents of this amendment to find one military expert, active-duty or retired, who would not say we need to close unnecessary bases. I would like for the Senator from Maine to talk to GEN Schwarzkopf. He is a fairly well respected individual. I would like for her to hear all the former Chairmen of the Joints Chiefs of Staff. I would like for her to hear from all the experts on

military readiness. All these people unanimously, without exception, will say we have too many bases and we need to reduce those numbers of bases so we can be more efficient, but also we can take the limited assets that we have and put them into the bases that remain so the people there would have a lifestyle, both operationally and recreationally, and living-wise, that would give them the standard of living of most Americans outside the military.

That is all we are asking. The President of the United States needs the flexibility to be able to do that. I know the President feels strongly about this. I know the Secretary of Defense feels strongly about it. I know how the Chairman of the Joint Chiefs of Staff feels about it. But do you know who feels most strongly about it? The squadron commanders and base commanders at these installations where they see their men and women subjected to a lifestyle that is not satisfactory. It is not satisfactory. They know it, I know it, and everybody else knows it.

I believe if we take this base closing amendment out of this bill, we will send a signal, my friends, and the signal is: It is business as usual in the U.S. Congress. It is business as usual. We are not prepared to make the necessary sacrifices—even if it affects our State; a base closing commission can clearly affect my State—that are necessary to fight this war on terrorism.

The opening signal is business as usual, my friends. We will not even approve giving the Secretary of Defense the authority, through a base closing commission which, with one exception, has been an apolitical process.

I admit there were some politics around the base closing. We have fixed this. Senator LEVIN and I have fixed this with this amendment so that is not possible again. If anybody believes there can be any other process to eliminate these bases, then obviously the history of how we tried to do this in the past shows it doesn't work.

So I say this is a very important vote. It is even more important than whether we are going to have a base closing commission. This vote is really all about whether we are going to do business as usual and preserve our bases in our States, whether they are necessary or not, or whether we are going to have another commission so we can have the most efficient military machine to fight this long, protracted struggle, the opening salvo of which was fired on Tuesday, September 11. This is a very important vote.

I am glad to see the Secretary of Defense has made such a very strong statement, a very strong statement in support of this base closing commission. I hope the Members of this body will pay close attention to the views of the uniformed and civilian leadership of the U.S. military, including the President of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode island.

Mr. REED. Mr. President, I rise to support the language in this legislation that would authorize another round of base closings. I do so, as we all do, knowing full well there are perhaps facilities in my home State that might be considered. I am confident and hopeful that, because of their critical role, they will continue to be vital parts of the Department of Defense. But every Senator is a bit nervous when we authorize a round of base closings.

Simply stated, we have too many facilities. We have a cold-war base structure. We have a post-cold-war Department of Defense. We have to reconcile the two.

I associate myself with the comments of the Senator from Arizona. The bottom line here, the effect that is most obvious from too many bases, is the deteriorating quality of life of the troops who serve in our Armed Forces.

I spent 12 years in the U.S. Army, from 1967 to 1979. There were facilities back then, in the 1970s, which the Army desired to close. Some are still open. There were facilities back then that were inadequate or barely adequate. They remain on the books of the Army. Troops are using them for their barracks. Family housing is being used.

Base closure is just common sense. When you have the demands of training, operational readiness, integrating new equipment, and then family housing, troop housing, and community facilities on Army posts and Navy bases or an Air Force base, something has to give. What typically gives are those quality-of-life items: The community center, the child care center, the library, family housing, and troop housing.

That is multiplied and amplified when you have just too many bases.

About 3 weeks ago, I traveled to Fort Bragg, NC, to watch the 82nd Airborne Division conduct live fire exercise for their division readiness brigade. Those soldiers are today on orders and on alert to go out and be the tip of the spear. I talked to the brigade commander, the division commander, the battalion commander, and the troops. The one thing they said is they are proud to be in this division, and that one of the reasons they are is because the commanding officer, the division commander, and battalion commander—all the way down—put the money and emphasis on training. They are ready to go. They are well trained. But what they can't do is put sufficient resources to all the needs they have on the post.

I must say that Bragg is one of the primary posts in the Army it does quite well. They are getting ready to conduct massive reconstruction of family housing. They are reconstructing barracks. But they cannot do as much as they want.

When you go away from those major division posts, such as Fort Bragg, Fort Campbell, and other posts around the country and go out to other posts that do not have quite that high of a priority, the crisis is even more severe. It is then manifested, as Senator MCCAIN indicated, in retention problems and in recruiting problems. It is manifested in quality of life which is not commensurate with the sacrifices these young men and women make for their country and will make even more dramatically in the days ahead.

This base closing round is supported by the President, the Secretary of Defense, by the Joint Chiefs, and by service chiefs because they know they can't continue to operate efficiently and effectively if they have facilities they do not need but have to keep barely open. It drains resources from the quality-of-life of troops, and also from the ability of this military force, which is the best in the world, to maintain its razor edge of readiness, training, and operational capability.

The DOD estimates that we are maintaining 23-percent excess capacity of infrastructure. That is obvious because after the end of the cold war we reduced our force structure 36 percent.

There are those arguing based upon the tragic and horrific events of September 11 that we need to keep these bases open. Some of those bases were built at the beginning of the First World War. But substantially the infrastructure was built in the Second World War when we were fighting huge national armies in two theaters. We were drafting hundreds of thousands of men. We were training them. We were preparing to conduct operations with armies and corps.

The operation we face going forward will involve our military forces but most likely special operations troops—specially tailored brigades of Army and Marines. We will not be engaged, mercifully, thankfully in a tank-to-tank army battle with hundreds of thousands of troops on each side. We don't have that force structure today. But we have that infrastructure today.

If we want to be efficient and effective, we have to reconcile our infrastructure with our force structure. We are not going to fight World War II again—I hope. We are not going to fight the cold war again—I hope. But we have serious threats before us. Those threats require a faster, leaner military. Part of that efficient, leaner military is allowing the services to make judicial judgments about what real estate they need.

Yes, we have an imperfect structure in terms of base closing conditions. Nothing is perfect. But there are closed bases that some people thought would never be closed in our lifetime, or several lifetimes. So it has worked.

There are other arguments that no savings have been realized. As the Senator from Arizona pointed out, between $15 billion and $16 billion will have been realized by the end of fiscal year

2001 on these base closures. It is projected going forward that we will accrue an annual savings of approximately $6.2 billion. That is real money that goes back into the bottom line of the Department of Defense for improved barracks, improved family housing, improved readiness, improved technology, a better fighting force.

There are some who argue that we can't do this because there is just too many environmental flaws; that it turns out to be just a big environmental remediation project. Those environmental costs are not avoidable. It is mandated by law that the DOD, like everyone else, is responsible for serious environmental degradation. They have to pay for it. They are doing it right now on posts that are open and operating. It is not something you can throw into the mix and say don't close the base because of environmental costs. You have environmental costs for open bases. They have to be faced, addressed, and paid for.

For many reasons, I believe we have to follow through on the base closing language in this legislation. I think it is time to give the Department of Defense the flexibility to tailor their resources, to tailor their infrastructure, and to fit the mission that faces us today.

We have the best military force in the world. We will see them in action shortly. I think we owe them our vote to sustain their base closing round as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am compelled to rise today in opposition to the amendment offered by the Senator from Kentucky and to join with the Senator from Rhode Island and the Senator from Arizona and others who have spoken eloquently and effectively on this point.

For 23 years of my life, I was not a Senator but was a naval flight officer, and I served as commission commander of Navy aircraft.

We saw a lot in the news earlier this year about this. I have been stationed on bases that did not get much support. As the Senator from Rhode Island suggested, it is not an enviable position to be in—either professionally in terms of supporting your mission, your aircraft, or whatever weapons systems with which you operate. And it is not an especially satisfying position to be in for the families of those who are assigned to those bases because you don't get the kind of support for your child care development centers, and you don't get the kind of support for your family-related activities on those bases.

Several people rose today to say there are cost savings that flow out of base realignment and closures. Just take the figures that were estimated by the previous two speakers: Savings of $15 billion to $16 billion by 2001, and annual savings going forward of about $6 billion per year. Let's say those figures are not right. Let's say they overstate by half the amount of money that has been saved and will be saved. It was suggested that we have already saved anywhere between $7.5 billion to $8 billion, and that going forward we might expect to save another $3 billion each year.

What would we do with that money? There are plenty of things to spend it on in this Defense authorization bill. I will just mention a few of them: Fighter aircraft that we are anxious to build; military airlift capability; cargo aircraft—either anxious to build or upgrade and improve—helicopters that need to be replaced, and ships.

Earlier we heard from the Senator from Alabama that 315 Navy ships continue to diminish. We need to build ships to replace those that are being decommissioned. We need to build submarines as well.

The President and others support the idea of developing and deploying a national missile defense system which will cost tens of billions of dollars. But even if we set aside those weapons systems and simply consider the aircraft and the ships that stay on the ground, with the helicopters that stay on the ground that are used just for cannibalization—we steal their spare parts to keep other ships and other aircraft and other helicopters flying, the ships that aren't going to sea simply because they lack the spare parts that enable them to carry out their missions.

It has been suggested that in the wake of the tragedies in the last 2 weeks—the terrorist attacks in New York and Virginia—somehow keeping military bases that are unutilized or underutilized open will enable us to be more vigilant against our enemies. I just do not see it. I just do not see it that way.

The language in the legislation before us today does not mandate the establishment of a base realignment commission. It provides the discretion to the President and to our Secretary of Defense, if they see fit, to appoint the members to serve on a commission. As Senator MCCAIN has suggested, the language in this legislation is crafted in a way to take the politics out of whatever might be done with respect to base realignment.

If the President and if the Secretary of Defense elected to use the discretion provided for them in this legislation, they would ultimately establish the commission, and that commission would ultimately come back to us in this body and in the House of Representatives in order to have the final say, the final word, as to whether or not the bases recommended for closure be closed. We have the final word.

I believe it is prudent for us, in a day and age when we do have substantial needs for additional weapons systems—upgraded weapons systems, and to make the ones we already have workable—to look for some opportunities to save not just a few dollars but a substantial number of dollars. The potential in this bill, with this approach, is very real.

With that, Mr. President, I urge my colleagues to support the language the committee has reported out, and also to support our President and our Secretary of Defense, as well as our military leaders, who have sought just this kind of authorization.

I yield back my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. REID. Will the Senator from North Carolina allow me to propound a unanimous consent request without you losing your right to the floor?

Mr. DORGAN. I have no idea what the Senator from North Carolina would say, but the Senator from North Dakota would be happy to yield.

Mr. REID. I am so sorry.

Mr. DORGAN. They both start with ''North.''

Mr. REID. That is why they should change the name to ''Dakota.''

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, first of all, I am going to propound a unanimous consent request. We have been talking now for a couple days about having a final cutoff time for amendments, telling Senators that they have to give both Cloakrooms amendments so we know how many. We need a finite list of amendments. We have been going back and forth on this. We want to move this along. This is the country's bill. The President is very interested in getting this passed as quickly as possible. Unless we work out something on these amendments, we will never finish this bill. So this is the purpose of this unanimous consent request.

I ask unanimous consent that the list I will send to the desk 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 amendments the bill be read a third time and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I object, Mr. President. I might explain.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLARD. I understand there are a couple Members yet on our side who are still working on it. I am not sure whether we have those issues resolved or not. As soon as Senator WARNER returns to this Chamber, we might be able to get a final agreement on that.

Mr. REID. Mr. President, I would say we are losing ground. A little while ago we only had one Member who was concerned; now we have two. This has been going on literally all this day. I repeat, I certainly understand the point by my friend from Colorado, but the fact is, we need to move this legislation. This does not prevent anyone from offering an amendment. They can offer amendments to their heart's content. But we

need a list of finite amendments so the managers can work on these amendments to move this legislation forward.

I think it is really too bad that we can't get a final list of these amendments. Senator WARNER and Senator LEVIN have worked very hard on this legislation. It is important—I repeat—to this institution and to the country to get this legislation passed.

So I am very disappointed we were not able to do this. I hope we can do it at some subsequent time. And I hope that subsequent time is not far in the future.

Mr. President, I ask unanimous consent that at 9:30 a.m. tomorrow, Tuesday, September 25, following the usual opening activities, the Senate resume consideration of S. 1438, the Department of Defense authorization bill; that there be 15 minutes remaining for debate prior to a motion to table the Bunning amendment, with the time equally divided and controlled in the usual form, provided no second-degree amendments be in order prior to the vote.

I would say, before I put this to the Chair in final form, that the managers of the bill are being very gracious in doing this. People tonight can debate this amendment as long as they wish. Either manager, or any anyone else, of course, could move to table at any time. So I think this is certainly generous on behalf of the two managers. People would have all night tonight to debate. We would come in tomorrow morning and have a vote on a motion to table. So I propound this request.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I again——

Mr. BUNNING. May I state my objection?

Mr. REID. Of course.

Mr. BUNNING. I really have not had a chance to talk to the minority leader.

Mr. REID. OK.

Mr. BUNNING. As soon as I speak with him, I will get back to you.

Mr. REID. I express my appreciation to the Senator from Kentucky.

Mr. BUNNING. Thank you.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this amendment deals with an issue that is not new to any of us. We have long debated the issue of base closures and the establishment of a BRAC commission for the purpose of base closures. In fact, we have had previous base closure rounds in 1988, 1991, 1993, and 1995. In those rounds, 451 installations, including 97 major installations, were ordered closed or realigned by the year 2001. And the last two big installations, Kelly and McClellan Air Force Bases, were closed this past summer.

Now even though most of those installations have been closed or realigned, only 41 percent of the unneeded base property has, in fact, been transferred. From all of those base closures, over all of that period of time, only 41 percent of the unneeded base property has been transferred.

It takes years to dispose of this property. And, principally, the reason for that is the strict environmental cleanup standards which are very costly and very expensive. In fact, I find it interesting, according to pages 118 and 119 of the Department of Defense's 1998 Report on Base Realignment and Closure, the first several years after a base closure incur additional costs to the government, not savings.

For the 1993 BRAC round, a net cost to the Federal Government—not a net savings—a net cost was incurred for the first 3 years beginning in the year 1994.

If you take a look at the 1995 BRAC round, you find exactly the same thing. The BRAC-related costs exceeded savings by $1.5 billion for five years from fiscal year 1996 to 2000.

One might make the case, if you skip over the next 3–5 years you will find some savings from a new round of base closures. Maybe so, although lying out there is the disposal of almost 40 percent of all the property that has not yet been disposed of because of the environmental cleanup costs. So one wonders exactly what these savings are. They are certainly not in the next 3–5 years.

Those who make the point that there is an urgency to close these bases, at a time when we desperately need investment in the Department of Defense, are probably going to end up costing the Department of Defense additional money through base closures if we, in fact, decide to approve another round.

I support this amendment to strike the base closure provisions from the underlying bill for two reasons. One is military, and the other is economic. First, the military side of things.

We do not know what the force structure is going to be of the Department of Defense. There is a quadrennial review that is going on, but at this point no one in this Chamber knows what the force structure is going to be. If you do not know what the force structure is going to be, how do you know what the base structure should be? How do you know what kind of facilities for military operations you need if you do not know what kind of military force you are going to have?

Will this military force change as a result of the tragedies that occurred on September 11? Probably. Will we—when we see now a renewed attention to homeland security and homeland defense—will we be more concerned about the issue of bases in this country? Where they are located? Whether they are strategic in location? Whether they are needed or not needed? Will all that change? I think it will.

But the main point is this: If you do not know what your force structure is, how can you be talking about your base structure? Yet the Department of Defense is already saying our base structure is way out of line, even though they don't know their force structure.

I deeply respect the men and women in uniform. God bless them. I want to give them everything they need to do their job in preserving liberty and fighting for freedom. But we don't need a new BRAC round to find savings in the Pentagon. We all know there are areas of inefficiency in the Pentagon. I won't go through them. But let me give you one instance I have dealt with in the last 6 months, just as an example. I say this only to say that if there are worries about efficiency, let's go find where money is being wasted hand over foot.

We have 5,700 trailers that were manufactured for the U.S. Army. They had a problem with the brake actuator. The result is, they put 5,700 trailers in storage facilities, and they were there for years. It turns out in fact, in addition to a brake actuator that didn't work on the hitch, the bumpers on the Humvees that were supposed to pull the trailers weren't strong enough. They hooked these things up to the Humvee, and it broke the Humvee. You talk about waste. There is a lot of waste, a lot of inefficiency. I think we ought to go at that. I don't think it ought to be business as usual with respect to the waste of the taxpayers' money.

With respect to the question of which bases are important in the future of this country, which bases might be important with respect to homeland security, I don't think we know the answer to that at this point. We certainly don't know what the force structure is, so how on Earth would we know what the base structure should be?

Economic circumstances have really changed with respect to this country's economy. We had a very soft economy prior to the tragedy on September 11. That economy has turned more than soft, I am afraid. All of us are struggling to try to find ways to see if we can't give some lift to the economy.

I will tell you how you put a lodestone on the economy, how you put an anvil on the economies of literally dozens and dozens of communities, all across America: Tell the communities tomorrow that we are going to have a base closing commission and that every single base is at risk, and, therefore, if you are thinking of making an investment in a community that has a sizable base, don't do it because it might be this base that will get caught in the next BRAC round and be closed. That message in this particular piece of legislation will say to potential investors in literally hundreds of communities across this country that you ought not make investments in those communities now, you ought to wait.

I can't think of a more destructive thing to do to the economy at this point than to send that message to all of those communities and all the folks who might invest in them.

When you have a wide open BRAC commission like the Administration

proposes, every single military installation is at risk. It is as if you are painting a bull's eye on the front gate of every base that says: This might be the one that is selected; this might be the one that is closed. The result is, people will stunt the economic growth of those communities because they feel they must, in order to make good prudent investment decisions, they must wait until that BRAC round is complete.

Investors will say: I can't build a 12-plex apartment in this community because I don't know whether there will be 20- or 30-percent unemployment 2 years from now if that base is ordered closed. From a military standpoint and economic standpoint, I think this is a very inappropriate and unwise judgment. That is what will happen if we approve the base closure provision in this bill.

The amendment I support simply says, let's strip that provision out.

My point remains: How can you realign and create a base structure before you know what your force structure is? And we don't know that. No one in the Senate, no one in the Congress and, for that matter, no one in the Pentagon yet understands what our force structure is going to be.

It might very well be the case—I suspect it will—that following the tragedy of September 11, we might have a very different view of the base structure in this country relating to homeland security and homeland defense. If that is the case, it will change the views of Congress and the Pentagon about what our missions ought to be and where they ought to be placed. At this point I believe strongly that we ought to do the right thing, and the right thing is to take this out of the bill. Pass this amendment.

My colleague, for whom I have great affection, said that, if we strip this out of the bill, we will be sending a signal that it is business as usual in the Congress. It is not that, with due respect. It just is not that. Business as usual is gone, as far as I am concerned. Business as usual is thinking the way we used to think. Everyone in this Chamber and in the Congress ought to be prepared to think differently about these issues. We have a quadrennial review commission that will evaluate force structure. We don't have the foggiest idea what that is going to be or how that will change as a result of what has happened in the last couple weeks. Yet we are going to go right back to the same old cry on the floor of the Senate that we need to unleash a base closing commission that will evaluate whether any and every base in this country shall be a candidate for closure. That makes no sense to me.

Let me make a couple of additional points. The term they are now using to create a BRAC is ''efficient facilities initiative,'' which as an acronym is pronounced ''iffy.'' I really don't like acronyms very much. This particular one I don't like a lot. ''Iffy'' probably describes the difficulty, the serious difficulty, virtually every community in this country that hosts a military installation will have with respect to its future and the consequences of this Congress unleashing another round of base closures.

One of my colleagues said: This doesn't really create a round, it just authorizes a round. Of course it creates a round. There is no difference between authorization and creating one. If we don't pass this amendment and it strip out the base closure provision, we will have a new round of base closures. And if we have a base closing round, I am certain it will have significant consequences on this country's economy, beginning immediately. The minute the Congress enacts legislation and it is signed, every single community in this country that hosts a military installation is going to see its investment deteriorate. It is the worst possible result for this country's economy.

Aside from that, as I said, the issue is not just economics, and should not be. The issue is also military. Given the circumstances with our new needs in homeland defense and given the fact that we don't know what the military force structure is going to be, this Congress should not at this point anticipate that the base structure ought to be cut by creating a new BRAC commission. If the new force structure justifies cutting base structure, we can consider that again next year, since the base closure round the Administration wants is not applicable until the year 2003. There would be nothing that would prevent it from being included in the next year's authorization bill.

This proposal for a new round of base closures is a terrible idea. I hope very much my colleagues will join me in supporting the amendment offered by the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. BINGAMAN. I yield to my colleague from Michigan.

Mr. LEVIN. Mr. President, I renew now the unanimous consent request the Senator from Nevada had made before. I understand it has now been cleared.

I ask unanimous consent that at 9:30 a.m. on Tuesday, September 25, following the usual opening activities, the Senate resume consideration of S. 1438, the Department of Defense authorization bill; that there be 15 minutes remaining for debate prior to a motion to table the Bunning amendment, with the time equally divided and controlled in the usual form, provided no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Reserving the right to object, and I don't plan to object, does that mean there will not be any more votes tonight so Members can clear their schedules?

Mr. REID. May I respond to that on behalf of the manager of the bill? Senator DASCHLE has not made a decision on whether or not there will be more votes tonight. We hope there will be the opportunity to offer other amendments tonight. If people want to debate this base closing issue until the wee hours of the morning, the two managers have no concern about that. But if people have completed their debate tonight on this issue, we hope that others will offer amendments on other matters. There could be votes. The leader has not made an announcement on that.

I think the Senator from Colorado makes a good point, that the leader needs to make a decision on that, and he will in the near future.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I withdraw my reservation.

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

The Senator from New Mexico.

Mr. BINGAMAN. I join Senator LOTT, Senator BUNNING, my colleague who just spoke, and others, in supporting the amendment to strike section 29 of the bill. That is the provision in the bill that comes to the Senate floor to authorize the Base Realignment and Closure Commission that would be convened 2 years from now.

Simply stated, I believe this is the wrong time for us to be committing our country to this course. It adds greatly to the uncertainty that already is substantial in the country. In the context of this new threat that we have all come to recognize in stark terms in recent weeks, it strikes me as inconsistent for us to agree to close more military facilities, not knowing precisely what our military needs are going to be as we move ahead. We may decide we need to resize the military and we may need to reconfigure it in a great many ways.

Let me make one other point that I believe is accurate, which I have always thought got too little attention in this discussion; that is, the point that the administration has authority to realign and, in fact, even to close bases—or essentially do that—if it determines that is an appropriate course to follow. When they send us their budget each year, they can send us proposals to move people from here to there and, in fact, they don't need to wait for the next budget cycle or for the next fiscal year to take those actions.

I think the reality is that this whole concept of setting up a commission to make these determinations is a way for the administration to not have to specify what bases it believes ought to be realigned or what bases it believes ought to be closed.

We had a base closed in my State back in the 1960s. Lyndon Johnson was the President at the time that happened. We didn't have a law on the books that authorized that in this

same way. It was the decision of the President to support the recommendations made to him by the people he chose to review this matter.

So I don't really think anyone in this Senate should be under the illusion that if we don't pass this provision, the administration is totally hamstrung; they are not. If they feel strongly about this, they should come to the Congress and make their recommendation or take their action. If the Department of Defense decides to reduce the number of vulnerable overseas bases and facilities—which they may well do in light of this new terrorist threat of which we have all become aware—then that would require that personnel and equipment and their families be brought home, and we may well need the various facilities in this country to accommodate them at that time. It is another aspect of the uncertainty that we face in going forward. Clearly, there are other aspects of that uncertainty that we also need to take into account.

Let me also raise the obvious issue about the impact that closing bases and realigning bases has on morale and quality of life for the people in uniform and their families. There is a lot of relocating that goes on when you are in the military. I think we have all observed that, and we see that in our own States. But that relocating is added to very substantially when you go through this process of doing a major realignment and closure of a whole raft of bases. So that needs to be taken into account in determining whether this is the right time to be pursuing this course of action.

Among those who support setting up a new commission on realignment and closure, we hear a lot about savings. They say the reason we are doing this is that this will give us extra money in the defense budget to meet these urgent needs. Several Senators have already spoken about how those savings are fairly illusory when you get down to looking at them. The costs of closing bases and realigning bases can be very substantial. When the Department of Defense was closing bases in the 1990s, there were expenditures—identifiable expenditures—of over $3 billion during 1994, 1995, and 1996. The Congressional Budget Office cited the Department of Defense estimates that an average round of base realignment and closure could average costing more than $2 billion each year during the first 3 years after that process begins.

I think what people are not focusing on is that these extra costs—if we approve this provision as it comes to the Senate floor, these extra costs that can be incurred in going forward with this issue are not in the budgets we have been given by the Department of Defense so far. If the Congress approves another round of base realignment and closure, those upfront costs have to come out of some other portion of funds that are identified for the Department of Defense. It could be procurement of weaponry, it could be readiness, and it could be research and development for improvements in our force structure in the future. Those choices, which are already hard to make, become even harder if we lay these additional billions of dollars of expense on the defense budget. So the upfront cost problem is a very real problem and needs to be taken into account.

Supporters of BRAC, as I mentioned before, refer to the billion dollars in savings; there will be savings and I recognize that. But they will be a long time in the future. According to the Department of Defense estimates, the Department did not begin to show overall net savings for the first four rounds of base realignment and closure until at least 10 years after the first round of the base realignment and closure was approved in 1988. So there may be savings, but we need to recognize that those are far in the future, and that for the next several years there will be additional costs laid on top of the military, which they will have to take out of some other activity in which they are engaged. I believe the timing is wrong for this issue.

From a national security standpoint, it does not make sense to me to commit ourselves to reducing our base infrastructure, with all of the uncertainty we have about what that base infrastructure ought to be as we move forward. It also doesn't make sense to undertake significant new spending that is not currently in the Department of Defense budget when future budgets promise to be tighter and our economy clearly is more fragile than we thought it was several months ago. All of this we are doing, or proposing to do, in the hope we will have some savings in the far distant future.

In my view, that is not an adequate justification for going forward with another base realignment and closure commission. I hope my colleagues will support the amendment Senator LOTT and Senator BUNNING have put forward on this issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I rise to oppose the amendment and to support our chairman, Senator LEVIN, and our ranking member, Senator WARNER, and to support our Secretary of Defense, Donald Rumsfeld, who has written a very clear letter to all of us, which Senator WARNER has already read into the RECORD, setting forth his reasons why we need to consider realignment and closure of some bases.

We have close to 400 bases in the United States. With a reorganization of the force structure, it is very clearly stated by the Secretary of Defense that we don't need all of those bases, and that there would be substantial savings from closing some of them.

Now, is any Senator up here going to want any base closed in his or her particular State? Of course not.

Are all of us, with such a recommendation for closure, going to fight like the dickens to keep that base open in our particular States? Of course we are. But we are judging a question not within the myopic lens of just the interest of our own States but, rather, from the view as Senators looking at protection and providing for the common defense of the country.

I have heard a number of our colleagues talk about this very sad tragedy of September 11 as a justification for not closing bases. It seems to me it is a justification for exactly the opposite; that it is a justification for recognizing that we need to be smart in how we are going to allocate the funds that are clearly going to be needed for the defense of this country, and that we best utilize and direct those funds in combating this terrible plague that has now beset not only us but the entire world, and that is this plague of terrorism.

I wanted to add my voice to perhaps what is an unpopular point of view. Indeed, if one of our bases ends up on the closure list, I will be making the pitch, but that is not the question. The question is what is in the best interest of the country in the allocation of the dollars that are appropriated for the Department of Defense. If we can save some that can be allocated more to the prosecution of this war against terrorism, then, in this Senator's judgment, that is in the best interest of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from Florida. He is a man who has served his country in a variety of capacities and understands the military, the men and women in the military, and the need for this provision.

None of us who have a significant number of bases—such as is the case in the State of Florida, as is the case in the State of Arizona—that are very important to the economy of our States enjoy this exercise. I respect the views of those who are supporters of the amendment, including the sponsor himself, who is an experienced individual having served in the House and now in the Senate and has been involved in these issues of national security.

We have an honest difference of opinion. I believe this is a good debate to have. I respect—I repeat, I respect—the views articulated by those who are supporters of the amendment. But I do think, as I said before, this will be a defining vote. The President of the United States has clearly asked for the authority to close unnecessary bases. The Secretary of Defense has spoken in the strongest terms. Our civilian and military leaders of the services have spoken in the strongest terms. Every objective observer recognizes that we need to have a base closing process.

There are several arguments that are being made in behalf of the amendment of the Senator from Kentucky. One is we need more studies before we act.

Here are some things we already know. We know we have excess infrastructure. An April 1998 report from the Department of Defense on base closure required by the Congress found that the Department still maintains excess capacity that should be eliminated.

We know having more facilities to run costs more money, and having fewer facilities to run costs less. Excess infrastructure is a drain on resources and the military services are struggling. I quoted earlier from testimony given to the House Armed Services Committee by the people who are responsible for these installations.

Some of the conditions at these bases are deplorable. None of us would want to live and work under the conditions which they presently have, and this does have an effect on morale, which then does have an effect on retention of good men and women in the military. God knows, we need them now more than any time perhaps since December 7, 1941.

We know the Base Closure Commission used to reduce that excess in an impartial way not only works well but is considered a model for others to follow. Many times I hear we ought to have a commission on Social Security along the lines of the Base Closure Commission so Congress can vote up or down. It has been a model.

We know the military has unmet needs that have higher priority than preserving our current base structure. The fact is DOD has excess facilities; that closing bases saves money; that the military has other pressing needs for those savings, and BRAC is the fairest way we know to reduce the excess.

I point out, I do not think it is totally fair. As long as you have human beings making these decisions, it will not be a totally fair process. There will be some subjectivity, but for me, someone has to come up with a more objective way. The only way I know is crank all the information into a computer, and I do not think we are quite ready for that process.

People keep saying: We don't know if closing bases really saves money. The Defense Department says they will have achieved a net savings of $15 billion by the end of this fiscal year from the previous base closure rounds, with another $6 billion in savings each and every year thereafter.

One of the things that costs money that was not anticipated was the environmental cleanup costs. We found out that on these bases, particularly those that were built during World War II and before, in some cases there were enormous environmental problems. Those were additional costs associated with closing those facilities.

My response to that is, no, we did not anticipate that, but should we have left these environmental problems alone? Shouldn't we have cleaned them up anyway? Were we asking our active duty military men and women to work in places that were environmental hazards, perhaps even to their health? These measures should have been taken while the bases were still open.

We do know it saves money. We do know there are environmental costs, but I would argue those environmental steps should be taken on every base in America whether they are open or closed. Why should we expect a military base to put up with an environmental situation which is not acceptable off the military base? Some people say DOD has not proved that is the right number. This is because the BRAC savings costs you avoid does not mean the savings are not real. The more bases you have, the more you have to spend. We know that.

We have to wait for Secretary Rumsfeld to finish all his strategy reviews before we authorize any new base closures. The fact is, we are now undertaking several strategy reviews that may revise DOD's force structure plans and their estimates of what facilities are in excess. Authorizing new base closure rounds now does not preempt these reviews. Just the opposite: It will allow Congress to act on them.

We are in the process right now and already have spent more money on defense. There will be additional costs for defense because, as the President so eloquently stated to Congress and the American people, we are in a long twilight struggle. But I know of no one who believes we will have to expand the size of the military establishment to fit in these excess costs. I think all of us envision a military that is not necessarily expanded in size but restructured; something we should have done beginning in 1991 at the time of the collapse of the Soviet Union.

This military structure will not necessarily be a larger one. This military structure will be one that is equipped to respond to emergencies throughout the world, deploy in force, be on the battlefield, effect the outcome, and leave. That is basically the kind of military we need to meet the challenges and win the first war of the 21st century.

So, yes, there is restructure in the military; yes, we need more high-tech equipment; yes, we need more of some kinds of equipment. We need less of others. But no one believes we will go back to a military of the size that would require the use of the number of bases we have today.

I do not believe the Secretary of Defense would have written the letter he did yesterday that says I want to underscore the importance we place on the Senate's approval of authority for a single round of base closures and alignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity and warfighting ability is enhanced, not diminished.

I repeat, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

I want to talk about another issue that is kind of important, although perhaps from a national security standpoint it is not too important, but that is the economic impact it has on the local communities. There is the belief it devastates the local community. If a base is closed, it can go well, and it can go badly. There are many cases where the local communities put together a good reuse plan and they are as well off or even better off after the closure of an installation.

The Congress and the Defense Department have taken steps, since the last base closure round, to speed up the disposal of property for any future rounds.

In the majority of bases that were closed, there has been an increase both of employment as well as revenues into the local communities. Why is that? One reason is that in a lot of cases you have a nice runway, and an air facility is readily available then for usage; in the case of Williams Air Force Base, in the case of many others. Another reason is, you have recreational facilities, such as a golf course. You have buildings. You have an infrastructure there that businesses, education, and others have chosen to move into.

There is another argument that it is not fair to put every community with a base through all the anxiety of BRAC when we only need to close some of them, so we ought to change the process and take some bases we know we will not want to close off the list, certain bases that will not be closed under any circumstances.

On the surface it sounds like a good idea. I think anybody could name 20 bases we would not want to see closed. But who decides which 20 bases cannot even be looked at, what criteria would be used, and how do you put 20 bases on the list and say no to the 21st or the 40th or the 100th?

I have every confidence the Norfolk naval base will not be closed. I do not see how the Navy could exist without it. Could Luke Air Force Base be closed? It is the only place where F–16 pilots are trained today. I am not so sure. Should Luke Air Force Base be in the top 20? I hope so. But maybe not. Maybe this BRAC could figure they could consolidate F–16 and F–15 training together in one base. So that is not, I believe, a procedure that could lead us to any meaningful result.

There is another issue that is important: Closing bases will deprive military retirees of access to health care, and that happens. Not only health care but commissary facilities and others. That is one of the reasons we induce people to join the military—because they will receive benefits and have access to military bases after they are retired. They have reduced retiree health care options, but the TRICARE For Life Program enacted in the fiscal year 2001 Defense authorization bill addresses this issue by providing a quality benefit package that allows military retirees to get care from civilian doctors. This was a big step forward. It also allows the services in the Base

Closure Commission to focus fully on the military value of each base.

I know if Luke Air Force Base were closed, a lot of retirees who use the commissary, use the other facilities, would be deprived. I feel very bad about that, but at least we have taken care, to some degree, of their most important needs, and that is health care they would otherwise get at these installations.

So we have been through this debate for years. We have been through this debate since I came to the Congress in 1983. We had a series of base closures, and unneeded and unwanted and unnecessary bases were closed. If we had not gone through that process and left a number of bases open that had been closed through previous BRAC processes, I cannot imagine the costs that would be entailed today.

I note with some interest the Secretary of Defense is asking for one more round. Perhaps we are getting close to the point where we will not need any more rounds of base closings, but every study, every objective observer, every person I know of—and there may be some who do not, but I do not know of any who are military experts who are admired and respected by the people of this country who think we need another round of BRAC.

Again, I want to point out—and this is a very important point—it is very difficult for us to recruit and maintain a quality military force if they are living and working in facilities that are inadequate and sometimes unsatisfactory. I mentioned the issue of environmental cleanup. It is obvious now, because of the base closure process, that many of the men and women in the military were working and living in areas that were environmentally unsafe, if not hazardous. So the quality of life does have a significant impact on the efficiency of our military.

We will be asking men and women in the military to go out and fight and perhaps sacrifice their lives. It seems to me the least we can do is make sure their quality of life, both at home and overseas, is at a level we would want for all of us, our families and our friends and particularly those brave young Americans whom we are going to ask to serve and sacrifice in the future.

Is this a life-or-death issue? No, it is not a life-or-death issue. We will muddle through if the Bunning amendment is passed. As I said earlier, I think this sends a signal that could be very wrong, and that is that on a major issue, according to the Secretary of Defense and our uniformed and civilian leaders, we do need a base closing commission, we are not prepared to do that. I think that would be a very serious error on our part.

So I hope we will defeat the Bunning amendment.

I want to thank Senator LEVIN, the distinguished chairman of the committee, for his unstinting and unrelenting support of this issue. He and I have tried to get this done for a number of years now, and our track record, like mine on several other issues, has not been exemplary, but I think we now have an opportunity.

I thank Senator LEVIN again for his leadership and his willingness to be involved in this issue. I am aware in the State of Michigan there are bases that could be closed, as there are in any State.

I thank all of those who support this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hope I did not cause the Senator from Arizona to wrap up his argument prior to when he planned to. I did not mean to do that.

Senator DASCHLE has asked me to announce there will be no more rollcall votes tonight. We also hope, if there is a lull in the debate regarding this base closing issue, that Senators offer amendments on other matters, and we would arrange a time to vote on those tomorrow.

We are going to renew our request for a finite list of amendments. We had great difficulty getting that. We are sorry the minority has objected to that. This is a bill that is of the utmost importance, and it appears now there are people who do not want this legislation to go forward, which I think sends a terrible message to the American people.

Mr. LEVIN. Will the Senator from Nevada yield for a question?

Mr. REID. Yes.

Mr. LEVIN. If Senators come forward tonight with other amendments, if the BRAC debate ends at a reasonable hour, would it be possible for those amendments not agreed to, to have votes on those amendments, stacked immediately after the BRAC motion to table tomorrow morning?

Mr. REID. It may be difficult because the Attorney General is coming before the Judiciary Committee at 10 o'clock. It is a very important meeting. With all he has on his plate, we should not keep him waiting. We will work to arrange the votes as quickly as possible.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. MCCAIN. I was prepared and I think Senator LEVIN was prepared to offer a motion to table very shortly. Is that out of the question at this time?

Mr. REID. I say to my friend from Arizona, we have a vote scheduled at 9:45 in the morning. People said they wanted more time to debate this. Although, as I announced prior to entering into that consent agreement, anyone at any time can move to table, but in consideration of the importance of this issue, we thought it would be best that everyone have everything they have to say tonight.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from New York.

Mrs. CLINTON. Mr. President, I, too, thank the chairman and ranking member and a number of our distinguished colleagues who have risen to support and oppose the Bunning amendment. I believe many Members in this Chamber either had no well-informed or formed opinion prior to September 11, or, perhaps, were inclined to support a new round of base realignment closings. It is with some regret that I rise in support of the amendment from the Senator from Kentucky. I believe after September 11, it is imperative we have more information available than we currently have.

There are many arguments that have already been made on the floor, very good ones, from our colleagues from Arizona, Rhode Island, Delaware, and Florida, as to what efficiency issues should take precedence. I agree we need to constantly be evaluating our defense budget and expenditures, to become as efficient as possible. Yet I also believe there are serious security concerns we are only beginning to address. I take very seriously the Secretary's letter which has been referred to and which has been read into the RECORD.

I believe my colleague from New Mexico, Senator BINGAMAN, is correct in saying the President and the Secretary have inherent power to realign, depending upon the needs we face in any kind of strategic or emergency situation.

We are about to engage in a broad-scale reevaluation of our homeland defense and security. We are going to be asking ourselves some very tough questions about our readiness, about the proper intersection between our domestic policing agencies and functions and our military.

At this point, I think there are several factors that have to be addressed in addition to the request of the Department of Defense and the recommendation from the Armed Services Committee before many Members would be comfortable voting for a new round. I am not sure the new round, if it is only a Defense Department review, will adequately look at some of these other broader issues that may have implications for both physical infrastructure and force deployment.

Some have said the QDR, which is expected by the end of this month, is out of date now. I don't believe that is the case, at least from what I am told and read in the paper; that the quadrennial review that the Department has been undertaking will have some very significant recommendations that should be digested and taken into account with respect to moving forward on another round of base realignments and closings.

It is important we integrate our domestic and military capacities in a way we have never had to think about before. Many were deeply concerned when we read reports of the short time, but nevertheless, unfortunately delayed time, that it took to scramble fighters into the air to try to deal with the impending threat and the potential threat that might have still been out there from additional hijackers.

I don't know that the BRAC round has the same substantive understanding or impact that we have had in years past, given the new threats we have so tragically suffered. I would be very confident and supportive of our chairman and ranking member and members of the Armed Services Committee, working with the administration, coming up with a proposal that does make some sense.

I listened very carefully to the comments of the Senator from Arizona—maybe certain bases should be taken off the table. Maybe they should. That is something we have never talked about before, but in the context of the new threats we face, I think we have to think differently. It may be we may have a BRAC round where some bases would be off the table, some of the assets that we have would be put to one side and we say they are essential to homeland security and they are essential to our projection of force abroad. Therefore, any BRAC round would not look at those. That might be an idea worth considering because I think everything changed on September 11. A threat that was not understood as being so deadly and imminent has caused such terrible destruction and tragedy.

I, for one, will support the Bunning amendment at this time because I think we have to reevaluate what we mean when we think about closing bases and realigning our forces. No one should argue about the efficiency measures that need to be taken, so that we do, No. 1, get the most effective use of our dollars; and, No. 2, provide the kind of infrastructure and resources that our all-volunteer military deserves to have.

I am concerned at this point we may not be ready for the ''son of'' BRAC. There may be the need to rethink how we get to the level of bases that are required. I think perhaps for the first time we have to seriously take into account the new mission that the President has given for homeland security, to make sure there is, if necessary, the kind of integration that will make us safe at home as well as abroad in terms of America's values, interests, and security.

I rise with some regret because I have the greatest of respect for our chairman, our ranking member, and those who support this request for another round. I probably will very much end up supporting it, but only after we give the kind of thought I think is required today, to take into account the new threats and perhaps do it differently than we have done it before after we carefully evaluate what kind of presence we need, taking into account homeland security. I would support that kind of approach. That is not what is being proposed at this time. I urge my colleagues to support the Bunning amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think it is important we go back and outline how the base-closing commission works. In listening to this debate, we get the idea that by continuing a process of having a base-closing commission, that the commission simply takes on its own head and imposes the closing of bases without regard to the thinking of the President, without regard to the wishes of the Secretary of Defense.

Let me remind my colleagues how the process works. How the process works is, you set up a structure and nothing happens until the President and the Secretary of Defense come forward and say, we believe for these reasons that these bases should be realigned, closed, restructured, merged, et cetera.

Nothing happens until the President makes the proposal.

Look, I understand base closings. We have closed bases in my State. I have a lot of bases. I am proud of every one of them. I love every one of them. And nothing is harder than watching communities that sacrificed and supported the military and helped win the cold war, and then through base closing and realignment we end up closing the base and imposing a very heavy burden on the community. I understand that. I identify with it. I have seen it in flesh and blood in my State.

But the bottom line is we have 20 to 25 percent excessive capacity in military bases in America today. I was for the Base Closing Commission process before the 11th, but I am stronger for it now. The arguments for it today are stronger than they were then because we need these resources moved into areas where they can support the defense of the American people and into nontraditional areas.

The first proposal the new Secretary of Defense made as part of his military realignment and restructuring was the renewal of the Base Closing Commission process that we had under a Democrat and a Republican President. If we come in now and simply say we forbid them from undertaking this process—we forbid the President and the Secretary of Defense from looking at our new situation and saying that based on where we were before the 11th, based on what happened on the 11th, based on the challenge we face today, we need to close or realign these bases and we want an orderly process to have it evaluated and to have Congress vote up or down, yes or no in response to that evaluation—if we come in and take the first proposal the Secretary of Defense has made and say no, we are not going to do it, it seems to me we are basically saying we do not want to restructure the military and we are going to look at our interests in our States and we are going to say those interests supersede the national security interests of the United States.

There are two sides of every argument. I know there are good arguments on the other side, and they are going to be made persuasively. But let me just sum up.

We have 20 to 25 percent excessive capacity in military bases, and I cannot foresee or imagine a circumstance under which that will not grow as a result of the conflict that started on the 11th. No base could be considered for base closing by the Commission unless it was recommended by the President and the Secretary of Defense.

What we are doing here is taking away flexibility from them, to restructure resources to meet the current needs—not the needs of World War II, not the needs of the Korean conflict, but the needs of the military today. In the end, if we do not agree with the process, if after we go through their recommendation and the outside evaluation of people who are appointed to the Commission, confirmed by the Senate, evaluated independently—if we disagree with it, we can reject it.

But I think it is very important that we not reject the only reform proposal that has come before the Congress since the new administration took office. I just think to accept this amendment today is basically to say to them: Forget about this reform because the first one you proposed, we say no to.

I hope this amendment will be rejected. I am not sure that it will be, but I hope it will be.

I would also like to say, while I have Senator LEVIN here in the Chamber, I thank him for his leadership on this issue. I would like to make a plea to him.

He and I, out of the best of intentions, have for the last half dozen years engaged in a battle about the Prison Industries. I am not going to give a long speech on it today. I will have plenty of opportunities if we do not work something out to do that. But for the last half dozen years we have had a running debate. I believe people in prison ought to work. I think the evidence of decline in recidivism of people who are in Prison Industries is overwhelming. No less an authority than de Tocqueville, when he came to America in the 1830s to study American prisons and then decided to stay and study democracy, commented on the importance of prison labor and prison industry.

Senator LEVIN and I have had a running debate about this issue. I want to preserve the prison industry system. He wants to—I would say ''kill it,'' but I will say ''dramatically change it,'' in this new spirit of bipartisanship. It is an important issue. It is one that deserves to be debated. There are two sides of the issue. Strong arguments can be made on both sides.

But my plea to Senator LEVIN is, this is not the year or the time or the bill, it seems to me, on which to have this debate. I hope we can set aside this divisive issue on which the Senate has been roughly evenly divided. I think in the 6 years or so we have debated this issue, Prison Industries has survived by a handful of votes in each and every one of those years.

I hope we can wait and debate this next year or the year after. We do not have to debate it this year. I think this is an impediment to seeing this important bill pass.

I would just call on the better angels of his nature to let us set this issue aside with a guarantee that next year or the year after we will have a hot debate on it and we will each present our side of the argument and we can decide then on prison labor and prison industry in the Defense Department. But I think, with all we have going on, with all the major issues, this is not a good use of our time.

So being here to support the chairman on this issue of base closing, I simply wanted to make my appeal that we put off this divisive issue of prison labor for another day. Next year we will do another Defense authorization bill. We can debate this divisive issue then. Hopefully this war will be well underway and we will be in the process of winning it overwhelmingly. If he would do that, this Member would greatly appreciate it. All the prisoners who are working would appreciate it. But I would appreciate it if we would eliminate this divisive issue and speed up the process of moving ahead with this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First, let me respond to my good friend from Texas. I very much welcome his constancy on the issue of base closings. We have had base closings in our States, just about all of us. We know how complicated that can be. He has taken a very courageous position on that, even though there have been bases closed in his State as well as others in this Chamber as well. I thank him for the commitment he has made to doing something which is not easy to do because back home it can, at least on occasion, cause some disruption.

Senator THOMAS is also in the Chamber. He is a cosponsor of our legislation, which is in the bill. My good friend from Texas mentioned perhaps a year or two from now we could debate it. It is kind of tempting to have that debate 2 years from now because such an effective advocate for his position would no longer be here, to wit, the good Senator from Texas.

But when my good friend from Texas says people in prison ought to work, I have to say I could not agree with him more. I could not agree with him more.

But I also think people who are not in prison ought to have the right to at least bid when their Government is buying items. Right now there are too many occasions when people in the private sector are prohibited from bidding for items being purchased by their Government. That may be hard for colleagues to believe. But it is the truth. Despite all of the advantages in terms of ''costs'' of Prison Industries, to wit: labor at incredibly low cost, including the fact that they do not pay a whole lot of other benefits, to put it mildly, there are businesses in this country that are not allowed to bid on items that their Government is purchasing. I find that to be simply incredible and wrong fundamentally.

It is that issue which this language addresses in our bill. We want the Defense Department, when they bid for purchasers, to let out bids and to be able to receive bids not just from Prison Industries but from the private sector as well, and then go with the lowest bidder, or the best quality. The Defense Department wants that power. Prison Industries wants to maintain the monopoly and deny the private sector the opportunity simply to bid. It may be unbelievable that the private sector could bid less than Prison Industries charged the Defense Department for items. But there is one way to find out. Let them bid. It is the only way to find out. In this system of ours, it is unthinkable to me that we not allow the private sector to compete when it comes to the Government purchases.

I thank Senator THOMAS who has been so active on this issue, as well as others. I wish we could figure out a way to accommodate my friend from Texas. But I can't do that without giving up what I consider to be an important principle.

Mr. GRAMM. Mr. President, I know there are a lot of other people who want to talk. One of the compromises that I would be satisfied with is to have competition in the Defense Department on procuring—competition with Prison Industries but let prison labor within the constraints of not selling locally, which could disrupt the local economy, and not glut the markets, let them produce and sell things in the private sector.

If we could generate that, the problem is the practical impact of the policy that we have 1.2 million people in jail—almost all of them males in their prime, productive period—and the net result of the amendment is that the relatively few who are working won't be working. So they can't sell in the private sector. If you take away from them the right to sell to the largest Government customer, then there is no prison labor.

Mr. LEVIN. Mr. President, I will correct my friend. This is not a question of a right to sell to the customer. They have ever right to sell to the customer.

Mr. GRAMM. The right to sell in the private sector.

Mr. LEVIN. That is what we tell China—that we don't want China to use prison labor to make products to sell to us and that compete with us. We tell China that we don't want prison labor to make products that come into this country and compete with us. But my friend from Texas wants us to use domestic prison labor.

Mr. GRAMM. Absolutely I do. Why shouldn't prisoners be paid to work?

Mr. LEVIN. They are being paid about 35 cents an hour. No one in the private sector can compete for a job if he has to compete with prison labor on that basis.

Let me say that I fundamentally disagree with the Senator from Texas on that issue. That is not the issue in the language in this bill. The issue in the language in this bill has to do with simply allowing the private sector to compete. This is one of those cases where the AFL-CIO and the U.S. Chamber of Commerce and the NFIB are in total agreement. We can debate this later. It is not often that you get those organizations together. But in this case they are because the issue is so fundamental. Will our private sector be allowed to bid on Government purchases or can the Federal Prison Industries have a monopoly on some items even though they are charging the Government more despite their 50-cents-an-hour payment on labor—whatever they pay—despite the fact they make no benefit payments to the prisoners. Despite all of that, in many cases they still are charging the Government more than the private sector can charge the Government. Let the private sector, for heaven's sake, bid on items which their own Government is buying. It is unthinkable that we do not allow the private sector to bid on items which their own Government is buying. It is unthinkable to me.

Mr. THOMAS. Mr. President, I am little unsure where we are. I am not sure about my position on this issue. However, I and many of us here worked very hard to pass a fair bill last year to allow for the private sector to bid and compete for Government business rather than doing it by outsourcing. I think that applies here. Certainly there are many other things that prisoners can do to continue to work. This is matter of competition.

I ask the Senator from Michigan: Did the Senator from Texas agree to pull his amendment? What is the agreement?

Mr. LEVIN. Mr. President, I am happy that is not quite the way I heard him at this time. Perhaps we will be able to figure out some approach where this matter can be resolved.

I emphasize that the right to compete with the private sector is in the bill. The amendment which will be offered would have to be written with language that allows competition in the bill.

Mr. THOMAS. We are prepared to talk about that.

Mr. SESSIONS. Mr. President, I ask the distinguished chairman: But it does change current law to provide for additional competitive strictures on the Federal prison system. Is that correct?

Mr. LEVIN. No. It allows competition where there is none now. The Federal prison system now can declare a monopoly for something, and declare that no private sector can bid on an item that it wants to supply to the Federal Government. That prevents the private sector from bidding. We would say that is not right. Let the private sector bid, and if the Prison Industries folks can produce it cheaper or

better, fine. But if they can't, and the private sector is doing it cheaper or better, then the private sector ought to be allowed to compete.

Mr. SESSIONS. But it would alter current law. Under current law, the plan has been for Prison Industries to produce products for sale to the Federal Government thereby improving prison conditions and receiving some financial benefit to the prison.

Mr. LEVIN. That part doesn't change. They can still produce what they want but they wouldn't be allowed to declare a monopoly so nobody else could compete for that product.

Mr. SESSIONS. I remember not too many years ago that I met an individual who I had prosecuted as a Federal prosecutor. He served a number of years in jail and was a former elected public official. We got to talking about this very subject. He said to me: If you need a witness, call me because I have been in prison where prisoners work, and I have been in prisons where they don't work. And it is a lot better where they are working. It is when you go to the chow line at 6 o'clock in the afternoon, there are no fights, and no shoving or pushing. People are tired and want to get their food and go to the cell and go to bed.

It is a tough call for me because I believe in competition. And I am wrestling with this vote. I understand the Senator's concern about it. But I believe deeply that we have to ensure that prisoners work. There are forces out there that want to shut it off at every angle. But at some point we need these prisoners working, for their benefit and for America's benefit. I don't know how they can't be competitive with the advantages they have. That is why I am thinking I could support the Senator's amendment on the theory that they would probably tighten things up and get competitive if it passed. But they certainly need to work.

I thank the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to support S. 1438, the National Defense Authorization Act for Fiscal Year 2002. This bill provides our armed forces the tools necessary to protect, serve, and defend the United States of America and our allies. Recent events underscore the critical importance of this bill: as the country mourns those lost in last week's terrorist attacks, our armed forces must stand at the ready.

This bill has many laudable initiatives, including several efforts from all three of the subcommittees on which I serve: Seapower, Emerging Threats and Capabilities, and Personnel.

In the area of Seapower, our subcommittee was faced with the difficult task of balancing the competing priorities of: new construction of ships for our naval fleet; sustaining our current platforms and weapons systems; and investing in the weapons systems and platforms of the future. I am pleased that this bill takes important steps to ensure that our naval forces can continue to command the seas and project power ashore while sustaining a viable industrial base to support our future national security needs.

The bill approves more than $9 billion in funding for such major programs as three DDG–51 *Arleigh Burke* class destroyers, one SSN–774 *Virginia* class attack submarine, and one T–AKE auxiliary cargo and ammunition ship. It is critical that the U.S. Navy's destroyer program sustain a viable production rate to ensure a smooth transition from the current DDG–51 *Arleigh Burke* destroyer program to the future land attack destroyer program, DD–21, which will form the backbone of our future fleet.

The bill further authorizes advance procurement funding for four LPD–17 amphibious transport dock ships and the LHD–8 amphibious assault ship. Full funding of $643.5 million for the continued research and development for the DD–21 *Zumwalt* land attack destroyer program is also included in this bill. This is particularly important in light of the House's unfortunate decision to cut the DD–21 authorization for the coming fiscal year.

DD–21 will be vital to assure and sustain access to areas of U.S. interests overseas. It will do so very efficiently, with a target crew size of less than 100 and other design innovations that result in significant life-cycle cost reductions over the current destroyer program. The U.S. security strategy to defeat adversaries that seek to deny us access to littoral regions of the world will be critically dependent on U.S. ships that are harder to target and attack, and on weapons systems that can deliver combat power ashore.

The Seapower Subcommittee also allocated substantial resources to strengthen aviation assets in the areas of airlift, as well as for patrol, reconnaissance and surveillance platforms. The bill authorizes nearly $90 million in additional funding to sustain readiness for C–17 maintenance trainers and improved shipboard navigation radars, among other items. Additionally, the bill provides more than $170 million to improve the ability to meet non-traditional threats, including $96 million for P–3 modifications to increase the capability of the P–3 aircraft to support operations in littoral environments. These modifications to the P–3 aircraft will ensure that the aging P–3 aircraft can continue to respond relevant to the changing threat and operational environment.

The Subcommittee on Emerging Threats and Capabilities has spent a great deal of time this year analyzing the military's ability to meet non-traditional threats. This bill continues to improve the ability of U.S. forces to deter and defend against a very real, asymmetrical and growing terrorist threat. Tragically, we have learned just how real the threat has become. The threat is not ''emerging''; unfortunately, it's real and present.

In light of the recent terrorist attacks and testimony of the military regional Commanders-in-Chief, I believe that we must do more in the areas of force protection, antiterrorism, counter-terrorism training, and research and development in order to protect U.S. forces against weapons of mass destruction, and to help them support domestic efforts to manage the deadly consequences of terrorist attacks on our homeland.

The awful events of September 11th should highlight the urgency of ensuring preparedness in this arena. In this new ''war'' against terrorism, such programs are our front lines.

The Emerging Threats and Capabilities Subcommittee sought to improve capabilities to meet non-traditional threats by encouraging the development of technology for the detection, identification, and measurement of weapons of mass destruction agents, investing in research initiatives that will detect biological and chemical weapons, and funding the terrorism readiness initiatives of the Chairman of the Joint Chiefs of Staff.

This bill demonstrates our commitment to reexamine and bolster our efforts to combat terrorism and to extend the Defense Department's emphasis upon force protection overseas to include better protection at home as well. One of the first hearings held by the Senate Armed Services Committee this year, for example, focused on ''lessons learned'' from the attack upon the destroyer USS *Cole*, which had killed 17 sailors. Tragically, we will now have many more lessons to learn.

The Subcommittee on Emerging Threats also has been examining the role of civil support teams in dealing with terrorist attacks and upon broader issues of how we should prepare for ''homeland defense.'' This work has been eye-opening, and the tragic events of the past few days underscore, as perhaps nothing else could, how important it is to support the Defense Department's efforts in these areas.

I am pleased with the work of our Personnel Subcommittee as well. The bill we are considering fully funds the Tricare for Life, TFL, initiative authorized in the FY 2001 National Defense Authorization Act, while also improving the compensation and quality of life of U.S. forces and families. The committee added $700 million to the budget request to improve compensation and quality of life, including additional funds to reduce service members' out-of-pocket housing costs, to increase higher education opportunities, and to provide personal gear to improve the safety and comfort of U.S. forces in the field.

Effective January 1, 2002, every service member will receive a pay raise of at least 5 percent, and personnel in certain pay grades will receive targeted pay raises ranging between 6 and 10

percent. These will be the largest increases in military pay since 1982. Further, the bill supports the budget request of $17.9 billion for the Defense Health Program, which represents a significant increase in order to meet rising costs of medical care and increased benefits for military retirees.

While it is our responsibility to exercise our best judgment regarding the security of our Nation, we must do so while considering the administration's current priorities, as well as the emergent needs of our sailors, soldiers, airmen, and marines. In this time of constrained resources and limited budgets, every initiative needs to be carefully considered in the wake of traditional and non-traditional threats.

With that said, it is my belief that we in Congress, and this administration have some very tough choices to make, not only in the areas of missile defense and the new war on terrorism, but also in developing a integrated national security strategy, force structure, and future investments critical to our armed forces. Such fundamental decisions should be made first, and we should move forward to the evaluation of where and how our force structure should be supported.

While the debate continues on how to transform our armed forces, and the committee takes action to support our armed forces and the administration's priorities, I would like to take this opportunity to acknowledge and thank Chairman LEVIN and Senator WARNER for their tireless efforts to tackle these very tough issues and produce an authorization bill that funds a number of critical priorities and provides support for the men and women of our armed forces.

I wish to make a few points in response to the speech given by my distinguished colleague from Arizona earlier today on the issue of base closures.

Many of us have made the argument that it makes far more sense to determine our force structure, particularly in light of the new emphasis that must be placed on homeland defense before we proceed with closing installations that may well prove to be needed later on.

But it isn't just those of us serving in the Senate who support Senator BUNNING's amendment who feel that way. Let me quote from an answer that our Secretary of the Army, Thomas White, gave to a question regarding base closures put to him by Senator DORGAN at a hearing before the Defense Appropriations Subcommittee in June. Senator DORGAN gave an excellent speech on this issue earlier. Secretary White said:

> I think that the cart's a little before the horse. The first thing we have to nail down is what the national military strategy is . . . in accordance with the QDR process. That's step one.
>
> Step two is sizing the force against the strategy, and that will flow out of the exercises currently ongoing.
>
> And the third step will be what's the most efficient basing for that force, and only at that stage of the game, when we try to figure out the most efficient way to base the force and to support it from a business perspective, will we get into which infrastructure is excess or not. This has got to be a strategy driven exercise.

Ironically, Secretary Rumsfeld, in arguing for base closures, also makes the point that:

> Our future needs as to base structure are uncertain and strategy dependent.

This is the wrong time. We face tremendous challenges. We should not be embarking on a whole new round of closing and downsizing base installations until we know what our needs are. And then, Mr. President, we should not be using the discredited BRAC process.

My colleague from Maine, Senator SNOWE, and I have extensive experience with the BRAC process. We have found it to be unfair. We have found it to be inconsistent in its application.

If the Pentagon identifies bases that are truly excess, that are not needed—and I recognize there is excess capacity—then the Pentagon should identify those bases and put it in the budget. Why should we put every community across this country that hosts a base through the uncertainty, the worry, and the expense of hiring consultants to make the case for the retention of their base? That just does not make sense.

We are experiencing this right now in Maine the Pentagon's closure of a base in Winter Harbor. We wish that this Navy installation, which has been there for more than 70 years, were going to remain open, but, unfortunately, its mission has become obsolete. What the Maine congressional delegation is doing is working with the local communities, with the Park Service, and with DOD, on a transition plan so it can be effectively reused. We do not need to endure the uncertainties of a politicized BRAC system.

Finally, I want to respond to the comments made by the Senator from Arizona about the need for improved housing for our troops. I could not agree with him more. I have visited our troops stationed at the DMZ in Korea. I was shocked and appalled at how bad the housing was for our brave men and women who are serving there on the front lines. We do have to do better. But that is a completely separate issue from the issue of whether now is the time to embark on base closures.

Now is not the time—now is the worst possible time—to divert the energies of the civilian and military leaders of the Pentagon into an exercise of closing bases that may well prove to be needed later. Now is certainly not the time to create concern and chaos and confusion in every community that has proudly hosted a military installation and is supporting our men and women in uniform. Now is certainly not the time to embark on another round of base closures when all of our energies must be focused on the overriding goal of crushing the international network of terrorist organizations that have so harmed our Nation and its citizens.

I urge support for the amendment offered by the Senator from Kentucky.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I would like to make an inquiry and then I have a couple comments to make.

When are we going to be taking up amendments that have been on the list for quite some time? Has that been decided yet? Or may I ask the manager of the bill, are we going to be disposing of the Bunning amendment before we go to other amendments? Is that going to be the order?

Mr. LEVIN. We are going to be disposing of the Bunning amendment tomorrow morning at 9:15. What we are hoping for is that other people with amendments—if debate ends early enough tonight on the Bunning amendment—will come forward with their amendments so we can debate those amendments and then set votes on those amendments tomorrow.

Mr. INHOFE. Yes.

Mr. LEVIN. Senator REID is here so we will leave that conversation for him.

Mr. REID. The manager of the bill is absolutely right. We are certainly willing tonight to take up any amendments that need to be offered. I say to my friend from Oklahoma, as I have said several times throughout the day, this is a very important amendment, the one now before the Senate. We are going to dispose of it in the morning, more than likely, at 9:45.

But the problem we have, I say to my friend from Alabama, is we cannot get your side to agree on a list of amendments. We are not saying eliminate amendments. We are not saying you cannot offer amendments. We are saying offer anything you want, but let's have the managers have a finite list of amendments.

And I don't know what the majority leader is going to do, but if this goes on tomorrow, I think the majority leader would have to think seriously about going to some other legislation because we cannot go on with each hour that goes by with more amendments coming in. We need a cutoff period of some kind.

So I say to my friend from Alabama, if there is some way you can prevail on the people on your side of the aisle to allow us to have this unanimous consent request agreed to—what the consent agreement says is that—I offered it already, and I will just tell you what is in it again—in fact, I will propound it right now.

Mr. President, I ask unanimous consent that the list that I will send to the desk at this time be the only first-degree amendments remaining in order to S. 1438; that these amendments be subject to second-degree amendments that are relevant; that upon disposition of

all amendments, the bill be read a third time and the Senate vote on passage of the bill, with no intervening action or debate.

I propound this unanimous consent request, but I say, Mr. President, before I ask you to rule—I say to my friend from Alabama, and anyone within the sound of my voice—this is something that isn't unique to this bill. We do it all the time. That is how we complete legislation. If we cannot get people to agree on a finite list of amendments, we cannot do anything on the legislation. We might as well just pull it.

Mr. INHOFE. I thank the distinguished assistant majority leader.

And I will say this: I started out with 16 amendments, and I have 3. I think if everyone did this, we would be able to complete this bill. It is very important we have the Defense authorization bill and we act on it. So I will do my part.

Mr. REID. I say to my friend, if he had 16, that is your privilege. You can have as many as you want. We are saying, have as many as you want, but let's have a cutoff period so the managers, at some time, can work through these amendments. If there is no end to these amendments, there is nothing to work through; we never finish the legislation.

So, Mr. President, I propound this unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I understand there are still those who wish to continue debate and who have not been prepared to agree to that on this side—maybe somebody on this side. We have had this frustration ever since I have been in the Senate. We have been on the other side as the majority. But maybe we can get this thing moving. I certainly would like to see this bill move. I would not personally object. I am objecting for others who, I understand, have a right to object and have asked that I do so. I certainly will do what I can to see this bill move. I hope we can reach an agreement soon.

Mr. REID. I say to my friend from Alabama, this unanimous consent request that I have propounded does not in any way limit debate. In fact, it will allow unlimited debate on each amendment. We are not saying don't talk more than an hour on an amendment. We are saying just tell us what you want to talk about so that the managers can determine if they can be accepted as part of a managers' package, or if they want to try to work out time agreements on these amendments, or if they want to basically accept some of them.

The way it is now, under the Senate rules we will never, ever finish this legislation unless there is a finite list of amendments. And we can't do it.

Mr. SESSIONS. I understand the Senator's concerns and frustrations. We have been on this less than 2 full days. This is a major bill. Maybe we can get the agreement soon. I will certainly help him in that regard, if I can.

Mr. INHOFE. Let me reclaim my time.

The PRESIDING OFFICER. The Senator from Oklahoma does have the floor.

Mr. INHOFE. I appreciate this, I say to both the Senator from Alabama and the Senator from Nevada. It is very important. We must get to a point where we can vote on it. I do have three amendments I want to take up. I will just stick it through until such time as I can bring them up.

Let me make a couple comments on some of the debate that has been going on. As far as prison labor is concerned, I assure the Senator from Alabama, who has been concerned about it, expressing his desire to have prisoners work, I can assure him that prisoners can work.

I can also assure him that the language, in my opinion—I have been on this committee now since 1994, and I have heard this debate every year since 1994—in the bill is good language. We need to be able to have quality work done on the work we are talking about in conjunction with this prison labor debate.

Let me assure the Senator from Alabama that we can go ahead and keep the language that is in our bill and still have a lot for the prisoners to do. I know a lot about this. I was mayor of Tulsa for three, four terms. During that time, we had a prostitution ring that hit Oklahoma and hit my city of Tulsa. It was a very serious problem. Of course, we would throw them in jail. They would get out about 10 minutes later, when their attorneys would come up. What I did was, instead of putting them in jail and incarcerating them, I put them in work details.

We had them out there—it worked out really well—cleaning up our parks. Because they had spiked heels, they could kind of go out there and pick up the trash, and it worked out very well. That program actually stopped that ring. It was because it was hard work. They didn't want to do it.

I can remember once I got a call from someone from Sidney, Australia, on a live radio show. I don't know what time it was there, but it was the middle of the night in Tulsa.

He said: Mr. Mayor, how cruel can you be, making those poor women go out and work hard in the hot sun and do all that labor.

I said: I'll tell what you I will do. We will just package them all up and send them to Sidney, and then it will be your problem.

Then he said: By jove, I think you have a good program there.

There is a lot of work that can be done by prisoners. Anyone who has worked in this area, which I have in Oklahoma with our State penitentiary, knows that can happen. That is not the issue. There is going to be work. They are going to get work anyway that is not as enjoyable as the work we are talking about. I support the language in the bill.

Under the debate right now, we have been talking about the proposed fifth round of the BRAC, base realignment and closure round. I have to say this: I am opposed to it, but for a different reason than the Senator from Maine who spoke before me. It is not that I don't believe in the process.

I was elected to the House of Representatives in 1986. DICK ARMEY put out this problem. He said: As it is, we are never going to be able to close installations and get rid of infrastructure that is no longer something we need if we leave it up to the political process. Each one is an economic base. There is not a Member of the House or the Senate who is not going to protect his own turf.

That had been true. So I strongly supported DICK ARMEY, and in 1987 we passed the BRAC process. We went through four rounds. Until the last round came up, it worked beautifully. It wasn't to everyone's satisfaction. A lot of people were mad about it. But a lot of bases, in New York and other places, were closed down and everyone cooperated.

In the fourth round, politics entered into it. It was a partisan thing because it was Democrats and Republicans who did it. That has taken care of where it can't happen again.

The system is good. I far prefer the system of having BRAC rounds over the system that we used before then.

Here is why I am opposed to it. It is a totally different reason. I heard Senator BUNNING ask: Can anyone show me the amount of money that has been saved? We all have opinions as to what is projected into the future. I will say this: One thing we know for sure, we have closed 97 installations. I would suggest we wouldn't have closed one of them if it had not been for this process. We closed them. And in that time that we actually closed those, there wasn't one that didn't lose money for the first 3 or 4 years afterwards.

I think there probably is infrastructure out there that we are going to have to address at some time. We have two things that are going on right now: No. 1, we are bleeding. Everything is hemorrhaging right now. We know we are having problems in our force structure, problems with retention, problems with modernization. We need to have a missile defense system. All these things have top priority in the bill, and I agree that they should be done. So if we postpone the consideration—I know it doesn't take place until 2003—if we postpone it until a later date, then we will not have to forgo that money that it is going to cost to close bases at a time that we need to go into rebuilding our defense structure. We are repeating something right now like it was in 1981. We have a hollow force. So this is not the time. I might seriously consider it later on.

The second reason is this: We know we are going to change the force structure. We know we are right now at one-half of the force structure we were in 1991 during the Persian Gulf War. That can be documented. That is one-half the Army divisions, one-half the tactical Air Force, one-half the ships, down from 600 to 300. We know we are going to have to start building that force structure back up.

As we do it, we may be needing some of the infrastructure that right now, if it were looked at by a committee that were appointed now or next year, they might think is not necessary.

Let's wait. To artificially lower the infrastructure down to here, when our force structure is too low and we are going to have to raise it up—we don't know what we are going to be needing at the time. The time is not right.

I believe in the system. I will support it at the appropriate time. But we need every dollar we can get to rebuild our defenses today. That is what this bill is all about. That is why this is one of the few parts of this bill with which I disagree.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise today to indicate my strong opposition to amendment No. 1622, which would strip a provision authorizing a round of base closures in fiscal year 2003 from the fiscal year 2002 Defense authorization bill, and differ from some of my colleagues who would like to do that.

As one who voted for base closing last year, I understand how important this provision is to our national security. As many of my colleagues are aware, our military now finds itself with an infrastructure base that is no longer proportionate to its force structure. It is estimated we now support an infrastructure that is in excess nearly 25 percent. In other words, we have an infrastructure out there of bases; there is 25 percent more than what we really need. I believe rather than continuing to pay for unneeded facilities, our defense dollars can and should be better spent to meet the most pressing needs of our armed services.

I stand behind Chairman LEVIN, Senator WARNER, and other members of the Armed Services Committee who supported the inclusion of this provision in the fiscal year 2002 Defense authorization bill.

As the committee noted in its report accompanying the bill, our top civilian and uniformed military leaders have requested this authority. For the last 5 years, they have been asking for it. I believe we should trust their guidance and act to grant the Defense Department this much-needed authority. Too often I have noticed in this body that we do not support the recommendations of the people we charged with the responsibility to get the job done. We know more about it than they do.

In this case, we have charged these people with the responsibility to secure our freedom and provide our national defense. We should listen to them. I am so glad the Armed Services Committee did so in this case.

The committee said:

> The committee believes that the arguments for allowing the closure of additional facilities are clear and compelling. The department has excess facilities. Closing bases saves money, and the military services have higher priority uses that could be funded with those savings.

As our Nation prepares to engage in a new battle to combat terrorist threats against the United States and the Free World at large, it is critical that these excess resources be used to meet the most pressing defense needs.

I respectfully disagree with the argument that we should not act on this initiative as our country prepares to take on those who commit acts of terrorism against our Nation. On the contrary, I believe that now, more than ever before, we need these resources for more important endeavors.

As the Secretary of Defense noted in a letter to Chairman LEVIN, dated September 21, 2001—I want to make the point that I have heard several people say on the floor of the Senate that they can't do it, they are too busy with other things, and don't have the time or resources to properly do the overview that they need to determine which of these bases ought to be closed. It seems to me that they have a better idea of what their capacity is than we have.

In this letter from the Secretary of Defense, dated September 21—that is pretty near—he said:

> Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into war-fighting ability is enhanced, not diminished.

Basically, they say we can handle the job. Give us the permission so we can move on with it. We made hard decisions regarding the size of force structure during the past decade and we can continue to do more to make corresponding choices regarding the size and configuration of our military installations. Some of the words I have heard were that we have had base closings and they have been wonderful in terms of cost savings. The cost savings associated with past base realignment and closures, including several from my State of Ohio, is considerable.

That is the other thing. So often when these things come up, people are thinking of their own bases and they don't want to lose the bases. I didn't want to lose the bases in Ohio that went through the BRAC process. I thought it was fair and above board. They did close down bases. In other instances, we were able to convince them that the bases should remain open. But the fact is, as a result of these base closings, the Department of Defense has a cost savings of nearly $14 billion because of these initiatives. Given the fact we still have a military infrastructure that is in excess of more than 20 percent, we can continue to generate even more savings with an additional round of base closures.

The Secretary of Defense estimates that with an additional round of base closures, in fiscal year 2003, our taxpayers are going to save $3.5 billion annually. In this particular case, I don't think the savings are going to be there. We will take the savings and put them to use by taking care of this war dealing with terrorism. Given these savings, there should be little doubt that additional rounds of closures will do a much better job of directing expenditures where we need them.

As I have long advocated during my time in public office, I believe we should work harder and smarter and do more with less. That is what we are asked to do. Keeping excess and unneeded military installations up and running takes scarce and critical resources from meeting important priorities in light of our new war. It just doesn't make sense.

How can we ask the American people to increase our defense budget by $18.4 billion and, at the same time, know that by closing these bases we can save another $3.5 billion annually? Again, that is $3.5 billion annually. I believe the base closures are essential to allowing our men and women in uniform to best serve the strategic and national security interests of the United States.

I strongly oppose any amendment that would remove the much needed provision from the fiscal year 2002 Defense Authorization Act.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Thank you. Madam President, I will be brief. I rise in reluctant support of this amendment. There have been many who have talked about the macro reasons for doing this—that since September 11 we are in a brave new world; that we may need reassessment, and we probably do; that we probably should not rush to judgment.

Those are good arguments. But I want to talk about the particular issues that affect my State because we are all looking at our States here. I supported BRAC while I was in the House consistently. I knew that it might affect bases in my State. But my mouth has been so soured by the last BRAC that I cannot support it again. It is not simply that my State suffered dramatically of our large bases—three out of the four were closed—it is rather that the process, by just about all accounts, was highly politicized—at least in the instance of my State.

While the BRAC Commission did recommend the closing of Griffiss Air Force Base, and they did recommend the closing of the Seneca Army Depot, they did not recommend the closing of Plattsburgh Air Force Base. It was a state-of-the-art base, one of the few bases east of the Mississippi that dealt with long-range bombers and tankers. Plattsburgh was a state-of-the-art facility with a huge landing runway, with huge investments in its infrastructure that was being built; and,

with good reason, the Commission did not recommend Plattsburgh.

Perhaps because the chairman of the Commission came from another State—a fact that may or may not have had an effect on this situation's ultimate outcome—at the last minute Plattsburgh was put on the closing list and McGuire Air Force Base in the middle of the New York/Philadelphia skyway was used to replace it. The devastation in Plattsburgh was enormous. The BRAC Commission does not take into account areas where, when bases are closed, people will never find jobs again because they are shrinking areas. We are having the same problem in Utica. It was done so unfairly that I cannot support this amendment unless steps are taken to avoid the kind of politicization that occurred. I was not in the Senate then. I would have filibustered or done whatever I could to stop it because it was so unfair.

Now we have only really two large non-Guard facilities left in New York State. They are: Fort Drum, a state-of-the-art 10th Mountain Division, a highly trained and mobile unit, those soldiers have served nobly in the Bosnian arena. We have Rome Labs, which is an information center for the Air Force. These days, as the tragedy of September 11 showed us, military intelligence, information, and communication is the key.

If I had faith that the decision would be made on the merits, I believe that neither of these bases would be on the list. They are both outstanding and important to our security and unique. Fort Drum is, again, one of the few bases in the East—Northeast—that does this. It is one of the few that can train mountain fighting in the kind of terrains that we will be called upon to be involved with in the near future. Rome Labs, with the work of Congressman BOEHLERT and myself, has chipped in $12.5 million to help revitalize, and it is doing state-of-the-art research. I have no doubt that if a decision were made totally on the merits, those bases would not be on a BRAC list. Had not the sour experience of the Plattsburgh Air Force Base existed in my mouth, I would roll the dice and gamble, hoping and believing that a decision would be made on the merits. But I believe that that did not happen. I don't think New York should take another hit, especially with two such outstanding bases like Fort Drum and Rome Labs.

So, as I said, I will reluctantly vote for this amendment. I would like to see some safeguards put in, and that we take into account areas that are shrinking in terms of population and in terms of jobs.

Most important, I would like to see the process insulated from the kind of last-minute political horse trading that occurred and unfairly closed Griffiss and put McGuire in its place.

I appreciate the work of my colleagues on the committee. I know their intentions are the best and, as I said in the past, before I reached the Senate, I had supported this process. I hope we can straighten it out so that decisions are completely made on the merits and I can support it again. But until that time, given, again, the bitter and unfair experience of our State, I cannot.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Madam President.

I rise today in strong support of the amendment that has been offered by the Senator from Kentucky to strike the base closing provisions within the DOD authorization bill.

We all recognize that this is not business as usual. We also recognize how we will have to reevaluate many of the considerations that are included in the Defense authorization bill, many of the ways in which we viewed our military and our force structure prior to September 11.

Even before the horrific attacks of September 11, I, along with many of my colleagues, had serious questions about the integrity of the base closing process itself, as well as the actual benefits realized. Now, with acts of war committed against the United States, with the President addressing a joint session of Congress that justice will be done, with our Reservists being called up and our troops being deployed and the unpredictability of the mission ahead, of the asymmetric threats, I do not believe this is the time to be considering the closure of additional bases.

Indeed, now more than at any other time in recent history, I believe it is absolutely critical that this Nation not sacrifice valuable defense infrastructure when we have just committed ourselves to a new war on terrorism.

This challenge will require a new overarching military doctrine, one, indeed, that has yet to be developed. One of the central goals of this administration has been to overhaul the military doctrine which has been in place since the cold war, requiring that the United States must be able to be engaged in and to win two major theater wars at the same time.

Until a new doctrine has been determined, we cannot decide what the military infrastructure should be. Now with the announcement by the President of a Cabinet-level position responsible for homeland defense, we certainly do not know essentially what our requirements at home will be to provide for our national security interests. Until there is an assessment and cataloging of those needs, we simply cannot afford to determine what additional bases should be closed.

I look at the Northeast, and in all the four previous rounds the Northeast has lost 49 bases, roughly 50 percent of what we had prior to the BRAC process; 73 of those bases, or just under 35 percent of the installations on the east coast, were closed during the previous four rounds.

Although the Office of Homeland Security will not take the place of the Department of Defense, it obviously will be coordinating many of the law enforcement responsibilities of the myriad agencies across the Federal Government, and all of our military installations will no doubt play a critical and prominent role in our homeland security.

Moreover, the war on terrorism will be a long-term challenge, as the President has said repeatedly. This will require a sustained resolve and effort on the part of the United States. It will employ U.S. military, intelligence, and law enforcement personnel and resources. These forces will require the support of our domestic and overseas installations. This is all in addition to our existing force deployments and peacekeeping operations that we have in Bosnia and Kosovo and, of course, our logistical support in Macedonia.

Instead of chasing elusive savings, I believe the Department of Defense needs to provide to the Congress a comprehensive plan that identifies the operational and maintenance infrastructure required to support the services' national security requirements. We all know that once the property is relinquished and remediated, it is permanently lost as a military asset for all practical purposes.

Proponents of additional base closure rounds are quick to point out that reducing infrastructure has not kept pace with post-cold-war military force reductions. They say bases must be downsized proportionate to the reduction in total force strength. However, the fact of the matter is, there is no straight-line corollary between the size of our forces and the infrastructure required to support them. Belief that there is disturbs me. I heard it repeatedly when I served on the Senate Armed Services Committee and chaired the Seapower Subcommittee. I was in the House when this whole process began. I think about it in terms of the 1997 QDR, the Quadrennial Defense Review process.

Since the end of the cold war, we have reduced the military force structure by 36 percent and have reduced the Defense budget by 40 percent, but now I ask you: How much are we employing that force? Although the size of our armed service has decreased, the number of contingency operations that our service members, our men and women who are in the military, have been called upon to respond to in recent years has dramatically increased.

As I said, I chaired the Seapower Subcommittee of the Senate Armed Services Committee in the last Congress. Guess what. The Navy and Marine Corps team alone responded to 58 contingent missions between 1980 and 1989—58 between 1980 and 1989—and between 1990 and 1999 they responded to 192, a remarkable threefold increase.

Between 1980 and 1989, they responded to 58 contingencies. But from 1990 to 1999, in that entire decade, it was 192, and that is just for the Navy and Marine Corps alone.

During the cold war, the U.N. Security Council rarely approved the creation of peace operations. In fact, it was a relatively rare event. I served on the Foreign Affairs Committee in the House of Representatives, and I was the ranking member on the Subcommittee on International Operations. We rarely had such contingency operations. In fact, the U.N. implemented only 13 peace operations between 1948 and 1978 and none—none—from 1979 to 1987. However, from 1988 through last year, by contrast, there were 38 peace operations, nearly 3 times as many during the previous 40 years.

Madam President, as a former member of the Senate Armed Services Committee, and chair of the Seapower Subcommittee, I can attest that the Armed Services Committee has listened to our leaders in uniform testify that our current military forces have been stretched too thin, and that estimates predicted in the fiscal year 1997 QDR underestimated how much the United States would be using its military. Clearly, the benefits of the peace dividend were never truly realized. So, we are seeing first hand that the 1997 QDR force levels underestimated how much our military force was intended to be used, that our military force is beign called upon now more than what military strategies estimated, and that are forces are being stretched to cover a wide range of operations.

Keep in mind, Mr. President, that force levels may have to be revisited once again in light of the new anti-terror mission our military faces, and may well require an increase. So would we then go and buy back property that we have given up in future base closure rounds to build new bases—I think not.

Madam President, the Department of Defense contends there is 20 to 25 percent excess infrastructure today. Before we legislate defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense ought to be able to tell us, through a comprehensive plan, the level of operational and maintenance infrastructure required to support our shifting national security requirements. Congress, instead, is being pressed to authorized base closures essentially in the dark, without the upcoming Quadrennial Defense Review or Future Years Defense Plan. We will have a preliminary QDR in the near future, but it will have to be revised in light of the new threat facing this nation. How can we make fundamental decisions about our infrastructure needs before we even have any guidance from the QDR?

In the full committee hearings and the subcommittee hearings that the Armed Services Committee held during the 106th Congress—while I sat on the committee, and chaired the Seapower Subcommittee—the Chief of Naval Operations and fleet commanders testified that the QDR-established force levels were not sufficient to support their operational requirements. A report by the Chairman of the Joint Chiefs of Staff concluded that the submarine force levels needed to be raised from the 1997 Quadrennial Defense Review and I anticipate that the next QDR will support an increase in the Navy force as well.

We simply must not take the risk of losing critical infrastructure at this time. Not only have arbitrary comparisons of personnel and infrastructure levels never been the basis for military force structure changes . . . Not only has a direct correlation between force and facility level yet to be established . . . but the Department of Defense has said that the primary criteria for base closure will be military value tied to the forthcomong QDR. But this begs the question as to the validity of the QDR numbers—the 1997 QDR has been heavily criticized for getting the numbers wrong, particularly with regard to Naval fleet size. It could be premature and costly to predicate base closure decsions even on the 2001 QDR, until we knwo for certain what our needs will be as we confront the new terrorist threat. Critical assets such as waterfront property, airspace, and bombing ranges would be far more difficult and expensive to replace then troops, ships, and tanks.

Proponents argue that the administration's approach will be based upon military value and removes parochial and political factors from the process, but in reality, the administration's Efficient Facilities Initiative is more similar to past BRAC rounds than one might think. Much has been made of the de-politicization of the process by including ''military value'' and the other criteria in the legislation. However, review of the last process reveals that these criteria are nearly identical to those used in the 1995 round. This is very disturbing, because in my view, the past BRAC rounds were not fair or equitable, and were not based solely on military value. I have been through BRAC before. And I have to say, I know how the criteria can be twisted to the advantage or disadvantage of a given facility. In fact we had not one but two Air Force generals defending the former Loring Air Force Base before a past BRAC commission; yet the Air Force claimed its facilities were ''well below average''—and this despite the fact that $300 million had been spent there over a ten year period to replace our upgrade nearly everything on the base and it ended up being closed on so-called ''quality of life'' issues even though that was never supposed to be part of the criteria.

I strongly believe Congress must also consider the economic impact of base closures on communities in light of the uncertainty regarding the nation's economy in the wake of the September 11 terrorist attacks. Prior to that date, it was clear that the economy was slowing, perhaps even entering a recession. Today, there is a great deal of uncertainty about the state of the economy in the quarters to come.

In August 2001, GAO issued an overview of the status of economic recovery, land transfers, and environmental cleanup in communities that have lost bases during previous BRAC rounds. GAO found that the short term impact of a base closure was traumatic for the surrounding community and that economic recovery was dependent on several factors including the strength of the national economy, federal assistance programs totaling more than $1.2 billion, and an area's natural resources and economic diversity.

Keep in mind, Mr. President, this assessment was done during a time of unprecedented economic growth and as GAO stated, the health of the national economy was critical to the ability of communities to adjust: ''Local officials have cited the strong national or regional economy as one explanation of why their communities have avoided economic harm and found new areas for growth.'' GAO also noted: ''Local officials from BRAC communities have stressed the importance of having a strong national economy and local industries that could soften the impact of job losses from a base closure.''

With the slow-down of the economy, and the uncertainty brought about by the recent tragedy, it is doubtful that communities will be able to rebound even to the extent they have in previous years. Indeed, it is vital to note that not every community affected by base closures has fared so well in the past—those in rural areas still experienced above average unemployment and below average per capita incomes.

In this vein, I would like to discuss for a moment the issue of the up-front costs involved in the base closure process. This appears to be noticeably absent from the debate. The facts reveal that there are, in fact, billions of dollars in costs incurred to close a base.

These costs include over $1.2 billion in federal financial assistance provided to each affected community—a cost paid by the federal government, not through base closure budget accounts, and therefore not counted in the estimates. And more significantly, there is at least a $7 billion environmental cleanup bill so far as a result of the first four BRAC rounds—a conservative figure that will continue to grow, according to a December 1998 GAO report.

Indeed, the Department of Defense has admitted that savings would not be immediate; that approximately $10 billion would be needed for up-front environmental and other costs. The Department of Defense also projects that savings from 2003 closures would not materialize until 2007.

Advocates of base closure allege that billions of dollars will be saved, despite the fact that there is no consensus on the numbers among different sources. These estimates vary because, as the Congressional Budget Office explains, BRAC savings are really ''avoided costs.'' Because these avoided costs are not actual expenditures and cannot be recorded and tracked by the Defense

Department accounting systems, they cannot be validated, which has led to inaccurate and overinflated estimates.

The General Accounting Office found that land sales from the first base closure round in 1988 were estimated by Pentagon officials to produce $2.4 billion in revenue; however, as of 1995, the actual revenue generated was only $65.7 million. That's about 25 percent of the expected value. This type of overly optimistic accounting establishes a very poor foundation for initiating a policy that will have a permanent impact on both the military and the civilian communities surrounding these bases.

And the GAO has found that, in reality, the majority of land designated as excess in previous BRAC rounds is still in DOD possession. Moreover, GAO reports that environmental cleanup costs have been underestimated. So far, as I mentioned, $7 billion or 32 percent of BRAC-associated costs have been attributed to environmental cleanups. This figure is estimated to increase over $3.4 billion after FY01, $1 billion more than the $2.4 billion originally projected in 1999.

Lastly, when and if cost savings materialize, the Department of Defense intends to allow the services to retain savings and use the funding at their discretion. This does not guarantee that any freed up funding will go toward comprehensive modernization or quality of life improvements—one of the arguments employed in favor of the BRAC process.

I believe that the Department of Defense has other long term alternatives to base closures that provide savings for important military programs. The 1997 Defense Reform Initiative included actions such as streamlining, paperless contracting, and reduction in staff personnel. These reforms were estimated to lead to approximately $3 billion in savings. The new administration has proposed similar initiatives and efficiency improvements that could generate substantial savings.

Madam President, I want to protect the military's critical readiness and operational assets. I want to protect the home port berthing for our ships and submarines, the airspace that our aircraft fly in and the training areas and ranges that our armed forces require to support and defend our Nation and its interests. I want to protect the economic viability of communities in every state. And I want to make absolutely sure that this Nation maintains the military infrastructure it will need in the years to come to support the war on terrorism. We must not degrade the readiness of our armed forces by closing more bases, certainly not at this time. Certainly not without information on our future defense needs that we do not have.

Madam President, we say that we are going to have a Quadrennial Defense Review, and at least the preliminary report is expected to be forthcoming this month. Supposedly we predicate our infrastructure and our national security requirements on that report, and I know, having been a member of the Senate Armed Services Committee, we listened to our leaders in uniform testify that our current military forces have been stretched too thin and that the estimates in that 1997 QDR, in fact, underestimated how much the United States would be using its military, how much our men and women would be called upon to be involved in contingency operations abroad.

They have multiplied. So now we are seeing firsthand, even before September 11, that the forces established in the 1997 QDR underestimated how much our military force was intended to be used, that our military force is being called upon now more than what the military strategies estimated, and that our forces are being stretched to cover a wide range of operations.

We know our force levels obviously may have to be revisited once again in light of the new antiterrorism our military faces. The threat that is represented to the United States and our security interests may well require an increase. How do we know exactly what infrastructure we need and where we need it? In hearing after hearing, I implored the Pentagon and the previous administration: Give us your plan, tell us what you think our infrastructure requirements will be, and based on what threats, that we will need to have so many installations and so many locations around the country. That is something we have never received.

Now they say they base it on the 1997 QDR report. Well, we know that underestimated the utilization of our military forces. So now why would we want to put in place another base commission closing process, set it on an automatic path, when we have yet to receive the new Quadrennial Defense Review and how that will have to be reevaluated in light of the threat we now face with terrorism? It really does not make any sense.

I know the Department of Defense has indicated there is a 20- to 25-percent excess of infrastructure, but I do not know how we have arrived at that excess of this 20 to 25 percent because we have never had a plan. I know this is a new administration, and it is beginning to evaluate it, and obviously an enormous burden has been placed upon it as a result of September 11. Those of us who have been through the four previous rounds, who have been through the experience of this last decade with contingency operation upon contingency operation that has stretched our forces to the maximum—that has had a tremendous impact on their abilities, and they have performed in such a professional and skilled way, even in spite of all of the pressures as a result of doing so much more with less.

So I say we have to really draw back. We cannot afford to put this process in an automatic motion for some course in the year 2003 because we have to go back and reexamine exactly what we need and why we need it.

What message does it send to those who are deployed or those who are about to deploy, that somehow we are going to be downsizing at home? We might need those bases. I know the Senator from New York mentioned Plattsburgh, that it was a state-of-the-art facility. So too was Loring Air Force Base. It was on the base closing list and was closed in 1991, and we spent a total of $300 million providing every upgrade in that facility. It happened to be a base that was the closest base to Europe, to the Middle East, to Africa, to Russia, but we were told we are in a new era where it is no longer required.

How do we really know, when we see the threat that occurred and the tragedy and the enormity of the impact of that attack on September 11? No one could have fully anticipated what has affected the United States and the civilized world.

So I think it would be prudent on our part to recede from this predicate that somehow we have excess infrastructure because we really do not know. It is an uncertainty. It is as uncertain as the asymmetric threats that are now prevalent in the world today.

So I hope the Senate will support this amendment to strike these provisions because we really do have to reexamine many of the issues that are now prevailing in our world of today. We do not know the validity of what numbers, from which report, will now be applicable in today's world with this threat of terrorism. I know from my own experience, not only with the four previous rounds and the base closing process, but also in terms of underestimating the number of times our men and women would be deployed in other parts of the world, and I know firsthand from the testimony that was provided to my subcommittee when I chaired the Seapower Subcommittee, that our forces were stretched too thin, that we could no longer absorb the demands being placed on us because we were being asked to do so much in so many places around the world.

So now, in view of September 11, it is all the more prudent that we begin to examine what we need in America today to provide for our security, an acknowledgment that we have now had an attack on domestic soil that we heretofore did not anticipate in the manner in which this happened.

I think we really do have to look very carefully at what our requirements will be in the future, because once these bases are lost, once you lose the waterfront property, once you lose the land, once you lose the access, it is very difficult to retrieve. It is very difficult to be able to create an installation in the manner in which it was established before.

Also, we hear about the savings, and there is no doubt we ought to do everything we can to find savings within the Defense Department, as is true with all other budgets, but I have yet to see the methodology that is the rationale for

the savings the Defense Department has indicated have been created as a result of the four previous base closing rounds.

I know the Defense Department claims there are $15.5 billion in net savings through fiscal year 2001 due to prior base closing rounds, but even in the July 2001 GAO report it indicated there were flaws with that estimate. And I quote: The savings estimates have been infrequently updated, and, unlike for estimated costs, no method or system has been established to track savings on a routine basis. Over time, this contributes to imprecision as the execution of closures or realignments may vary from original plans.

That is true. It has been my experience, in examining what potential savings would be derived from these base closings, that they have traditionally underestimated the costs of closing such a base. They overestimated the savings and the benefits that would be yielded as a result of land sales. In fact, they were far below what they had originally estimated.

The environmental cleanup costs have been underestimated. So far, $7 billion, or 32 percent, of the BRAC-associated costs have been attributed to environmental cleanups, and this figure is estimated to increase over $3.4 billion after fiscal year 2001. These figures are for base closures already in progress. If another 20 to 25 percent of installations are closed, environmental costs can be expected to skyrocket. Increased costs in environmental cleanup have led to delays in the cleanup process and deferment of land transfer for reuse. This further cripples local communities already hurt by the base closures.

There are a number of other issues regarding those savings, and I draw my colleagues' attention to the GAO report ''Military Base Closures, DOD's Updated Net Savings Estimate Remains Substantial'' dated July, 2001.

In conclusion, this is not the time to ask this of our communities that would be directly affected by potential closures, the men and women who work at these installations. They have to use their energy, attention, and focus to begin to prepare for the arduous, complex, and burdensome process that we ask of those who are trying to defend these installations. It costs millions of dollars for communities across this country, with the installations at stake. In Maine, for example, a community in Brunswick has already established a committee to begin to reevaluate. Now, in light of September 11, that is not what we should be asking of anyone.

We have to absolutely make sure this Nation maintains the military infrastructure it will require in the years to come to support all of our challenges, and certainly this new one, which is the war on terrorism. I hope we will not embark on this process that ultimately could lead to a degradation in terms of the readiness of our Armed Forces, certainly not at this time, not without information on our future defense requirements that we certainly do not have at our disposal at this point.

I hope my colleagues will support the Senator from Kentucky in his effort to strike the language that creates this additional process. I thank Senator LOTT, our leader, for all of his efforts. I know he has been supportive in making sure this can happen.

Mr. LOTT. Madam President, I thank the Senator from Maine for her remarks and for her leadership in this area. She paid attention to these issues when she was in the House and served on the Armed Services Committee in the Senate and is very knowledgeable and makes such a good point. To go forward with this, with no plan, no certainty about where we are going in the future, would be a big mistake. I thank her for her efforts.

Madam President, I rise in support of an amendment that strikes section 29 of the National Authorization Act of 2002. Section 29 provides authority to carry out a base closure round in 2003.

As this body considers yet another round of base closure hearings, I think it is very important that we pause and reflect on where we have been, and examine where we are, and particularly today, where we are going with our future force structure considering we find ourselves in a new war against terrorism.

I've said it many times before; we have been down this ''old BRAC Road'' before, actually four times. The pros and cons of the BRAC process should be well defined by now.

I have always opposed the BRAC process because, first and foremost, it is an abdiction of responsibility by Congress. For years, Congress made base closure decisions based on recommendations from our military leaders. This supposedly independent BRAC commission was supposed to take politics out of the base closure process, but it has failed. There are always concerns about the fairness of how it is done. There are always implications or indications that some political considerations came into play, and always will be.

Regrettably there have already been statements from Defense officials, which hint at bases that should be reduced or moved. In a USA Today article Ray DuBois, Deputy Undersecretary of Defense for Installations and Environment, said the Pentagon wants to consolidate its bases by relocating some operations from congested areas to sparsely populated regions. He offered hints about moving training bases in the fast-growing Southeast to the Northern Plains State, whittling down some of the 150 military operations in the Norfolk, Virginia area, and moving activities out of Andrews Air Force Base.

Secretary of Defense Donald Rumsfeld recently said the Pentagon was considering a variety of options, including mothballing some bases, mothball part of a base and keep the rest open, or close only part of a base. Mothballing means that even the surrounding community will be prevented from using the abandoned facilities, devastating any hope of economic development in these local communities.

We must realize that an attempt to close bases, through any means, is in some form political. The future of our bases, our base communities and our Nation's security should therefore be decided by the elected officials of this nation, not by an appointed commission.

Secondly, we know for certain that the BRAC process severely disrupts the local economies of communities across the nation. Statements like those coming out of the DOD in the past few months only exacerbate the anxieties of local communities. These communities have hired consultants and will spend millions of dollars trying to prove the worth of their bases out of fear that they will be closed.

For such communities, losing a base is more than just an economic loss; it is an emotional loss and a blow to the core of their identity. These are not just nameless, faceless people involved. In most military communities, personnel from the base are their church leaders, little league coaches and scout leaders, not just men and women with money to spend. Communities that closed a base have lost must more than economic well being, they have lost friends. neighbors, and community leaders. I think it is very important that we remember what this process does to these communities and to the people who are involved.

The third thing we now know about BRAC is that its savings cannot be documented. The economic and fiscal ramifications of closing and realigning bases Congress has already authorized will stretch well into the 21st century. The proposed savings from previous BRAC rounds are nothing more than imprecise Department of Defense estimates that cannot be confirmed.

In fact, both the CBO and the GAO have said the Department of Defense cannot back up its savings estimates with hard facts. Given BRAC's purpose in life is to save money, I find this especially disturbing. If DOD cannot tell us how much has been saved by previous base closures, it begs the question, how can they say we need more?

Now are know that it is almost impossible to assess the real damages, savings, or benefits from these previous base closings. We have seen this time and time again. For instance, we have made decisions that certain bases would be closed and there would be certain savings. Yet, we have found that it is very difficult to move toward closing these bases and getting the savings for no other reason than there are extensive environmental problems in cleaning up those bases before they can be turned over to the private sector or the local communities. To this day, many

of the recommendations from previous BRAC's have not been completed. We are still operating bases, facilities, or depots that supposedly were going to be closed. Today, they are still not closed.

Finally, the objective of BRAC is to match base infrastructure with force structure. Yet today, the Department of Defense is working on their plan to transform our Armed Forces. In light of current events, I think we all agree that a new threat has emerged and a new type of war will be fought. I have to ask, what will be the force structure of the future? And, where will we need bases for operating, training, and maintaining this force? These are just a few of the questions that must be answered before we make a large-scale commitment to change our defense infrastructure.

Secretary Rumsfield is still working on his Strategic Reviews to define the environment for the future and to make recommendations on force structure changes. He has stated that the fiscal year 2003 Defense budget submission will be his first opportunity to implement these transformational ideas.

DOD is also currently executing the Congressionally mandated Quadrennial Defense Review (QDR), and was scheduled to report to the Congress later this month on the results. I have no doubt this report will be delayed due to the terrorist attack on the Pentagon. This body has been patient, and continues to wait anxiously for these reviews because we know their importance to the future of our military. Why, then, would we make such an important decision as closing certain bases before these long awaited reports are even available?

Without these key assessments, how do we define the base requirements for our future force? We have yet to decide not only what that force should be, but where it should be based. Now is not the time to get the proverbial ''cart in front of the horse.'' Another round of base closures should not occur until all of the studies and reviews have been completed and the President is given the appropriate time to update the National Security Strategy.

So without having had an opportunity or a means to assess the changes in our infrastructure, and without having the opportunity to get previously identified bases closed and savings realized, and without even identifying the future force structure of our military, we now have to confront the recommendation that we should have yet another round of base closures. As a result of all these factors, CBO observed that additional base closures ''should follow an interval during which DOD and independent analysis examine the actual impact of the measure that have been taken.''

I agree. Before we go forward, we need to take a look at what we have already done, evaluate it, and make sure we understand the cost savings and the costs that have been expended—both in financial terms and in terms of our military capabilities. Only after this review can we make an informed decision about whether or not to have another round. To go forward and blindly close more bases when we are not even sure what the benefits, if any, would be, just does not seem like good policy.

I have stated to the President, the Secretary of Defense, and all the Service Chief of Staffs that if they desire another round I could only support a round that focuses on those areas identified with large excess capacity. This focused round would provide savings but not reduce infrastructure below what might be required by the future force.

One area is overseas bases and facilities. The 1990 BRAC legislation outlines the sense of Congress that closure of military installations outside the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity.

Yet today, we have over 700 activities in Europe and Asia alone. Europe has 523 activities with 115,650 active duty personnel. We invested $572 million in military construction in Europe from 1997–2001. That equates to an average annual investment of $114.5 million per year. In Asia we have 188 activities with 129,482 active duty personnel. There are more troops in Asia than Europe but 60 percent less activities. The United States invested $653.8 million in military construction in Asia from 1997–2001. That equates to an average annual investment of $121 million per year.

In a recent meeting with Secretary of the Army Tom White, he mentioned the possibility of moving 10,000 troops from the European theater to the Pacific theater. During a separate meeting, Deputy Secretary Paul Wolfowitz mentioned transferring 10,000 troops from Europe back to the United States. Just last week on Friday, September 14, President Bush granted the authority to mobilize 50,000 reserve personnel for Homeland Defense. How will these large-scale troop realignments affect our infrastructure requirements of the future?

Why are we continuing to close installations in the United States when there are so many facilities overseas that we continue to sink large amounts of funds into year after year? In light of the events of September 11, I believe we need to consolidate overseas installations, therefore providing a more secure environment as well as improving the quality of life for our service-members and their families.

These are some of the questions we need answered before we authorize an additional round of BRAC. If after the Strategic Reviews and the QDR, the required force structure supports further base closures, then I think DOD should identify bases they no longer feel are necessary and submit their finding to Congress. I have full faith that this body is capable of looking objectively at our defense needs and determining whether a base has outlived its usefulness.

Given what we already know about BRAC, the ongoing reviews, and more importantly, what has happened in recent days, I cannot support and vigorously oppose the Department of Defense's request for another round of base closure.

For that and many other reasons, I offer these amendments, one to strike and one to modify section 29 of the National Defense Authorization Act for Fiscal Year 2002. I hope my colleagues will support me on this important issue.

I support and am a principal cosponsor of the amendment to strike section 29 of the national authorization act of 2002. That section provides authority to carry out the base closure round of 2003.

As this body considers yet another round of base closure hearings and proceedings, I think it is important we pause and reflect on where we have been and examine where we are, and particularly, today, where we plan to be in the future with our force structure, considering the events we have witnessed in the last 2 weeks.

I have said many times before we have been down this old BRAC road—actually, four times—and there are pros and cons about whether we should do it.

This time I have listened to the arguments of the Pentagon, and the Secretary of Defense and I have weighed it very carefully. I still oppose the process. I still think this is an abdication of responsibility, to turn decisions of this nature over to this Base Closure Commission. I have always taken that position. Some people, say, well, how did you plan to do it? How did we do it before? We started this process in the 1980s. The Pentagon would make decisions about excess capacity, bases we did not need, missions that were not necessary or could not be consolidated, and they sent a recommendation to the Congress. And the Congress would take it under advisement, sometimes accept the recommendation, sometimes reject it. In many instances, bases were closed in the late 1940s and 1950s and 1960s. I know of at least four bases in my immediate region that were closed, including one I believe in the 1970s, Brookley Air Force Base in Mobile, AL, bases around my State.

Congress faced up to it. If it could be justified, if it can be, and we can be assured it will leave us the capacity to do what we need to do, I think Congress will step up to it. Some will say this is a way to get politics out of it. Really? How many think politics did not come into play the last time we had a base closure round? It clearly did. That is why many Democrats and Republicans in the Senate have opposed another BRAC process over the last 2 years.

Some would have said 3 weeks ago that it is time we give it another chance, and we do have duplication and excess capacity. In my meetings with

the Secretary of Defense and the service secretaries and representatives of the Office of Management and Budget, I have indicated I would do one round, not two, but also if it would be targeted to those places where we know we have redundancy or excess capacity; or, to put it conversely, where we know we are not going to close bases, then say it will not apply in these areas.

By the way, one of the key questions I want to ask in my remarks: What about bases in other places of the world? We have given the Pentagon the authority to consolidate missions and close bases in Europe and other parts of the world, but they have done very little of it. In fact, I think one of the most interesting statistics I have come across anywhere is this: We have over 700 activities in Europe and Asia alone. Europe has 523 activities with 115,650 active-duty personnel. We have invested $572 million in military construction in Europe from 1997 to 2001. That equates to an average annual investment of $114.5 million per year. Shouldn't we look at excess capacity and consolidation in Europe before we start closing bases and facilities we may need at home?

Now I support and understand the need for having some Air Force bases in Europe, such as at Rhein-Main, and we need naval bases so we can project force. But when you look at the number of missions, where the missions are, what we are doing in Europe, you cannot help but realize they are snickering at us. They view it as economic development and jobs activity.

I would like to make sure in fact something is going to be done in Europe before we start down this track of another base closure round in the United States. We have already had some hints at how this might work. The Deputy Under Secretary of Defense for Installations and Environment was quoted as saying maybe we would want to accommodate bases by relocating some operations from congested areas to sparsely populated regions, even talking of moving bases from one region to another. I understand there is some denial of that or apology for it. Maybe it shows some of the thinking.

We have also had the suggestion from the Pentagon that they were maybe considering a variety of options, including mothballing some bases, or mothballing part of a base and keeping the rest open or closing only part of that base. What that means is, even the surrounding community will be prevented from using the abandoned bases. That might be the worst of all worlds. We will not say yes or no. We will say, well, we might want to keep part of it, not this part, maybe mothball it, we will not turn it over to the county, community, the State, for them to do something else with it.

I don't think this has been thought out. I don't think there is a plan of how this would work.

We know for certain that the BRAC process severely disrupts local economies of communities across this Nation. If we have another BRAC, every community, every State in America for the next 2 years will have to hire some high-priced, high-powered consultants and lobbyists to tell them what to do. You are not talking about cheap money, you are talking about $200,000 a year, a quarter of a million a year. Everybody will get on their war footing to try to satisfy the anxieties. And, by the way, in many instances where they are not even going to be considered—or where they might be considered, but clearly in the end it will not happen. But let me tell you, that is what will happen.

Here is one thing that worries me. I had this feeling basically before 2 weeks ago, but think about it now. Think about it today. Our National Guard units are being activated. Tankers from Meridian, MS, are flying overhead to keep our jets flying. Our Air Guard unit that has the C–141 cargo aircraft, they are going to be involved. You can be sure of that. We have already had reservists called up, medical units, intelligence units and military police forces.

At a time when we are activating Reserve units and calling up Guard units and we are telling the American people: We have been attacked, get ready, be ready and break out the flags. Let's support our men and women in uniform—oh, gee, and by the way, your base may be on the base closure list.

Great timing? This is a great way to rally the troops. While we are expanding and planning for the future and not really sure what all we are going to need, making demands on communities, individuals, every community in every State in America is about to be affected by this, and then we are going to come with this particular proposal? I don't think so, colleagues.

Some people say: Don't worry, it will be taken care of in conference. I have counted on that before and it did not quite work out that way.

So I hope my colleagues in the Senate will think about the timing of this. What are we to expect in the future?

The third thing we now know about BRAC is the savings cannot really be documented. Again, we will get arguments there can be savings. Yes, maybe there should be savings in the future, but as a matter of fact the proposed savings from previous BRAC rounds are nothing more than imprecise Department of Defense estimates that cannot be confirmed. In fact, both the CBO and GAO have said the Department of Defense cannot back up its savings estimates with hard facts.

One thing, the cleanup we have to go through, you can argue about whether it is necessary or not, and sometimes I think we go to the extreme on that. But the cleanup has been a big problem in terms of cost and also in getting it into some other usage.

In some areas, some communities, some States, they have been able to turn these bases into economic development opportunities, and they worked out in those local communities. But I think the savings are of a very dubious nature.

Finally, the objective of BRAC, as I understand it, is to match base infrastructure with force structure. Yet today the Department of Defense is working on their plan to transform our Armed Forces. In light of current events, we all agree a new threat has emerged and a new type of war will have to be fought. So I have to ask what will be the force structure of the future? What it likely may have been 3 weeks ago may not be what it is now. Where will we need bases for operating, training, and maintaining this force?

Just this past weekend I heard an Air Force general talking about how our jets and our mission had always been set up and planned from inside out, looking out to stop attack. Now we have to change that thinking. We have to think about how do we have protection inward. It is going to be fundamentally different. We have to now think about, if we have to scramble planes, where would they have to come from to get to New York? Where would they have to come from to get to Chicago? Where would they have to come from to get to Boston? I understand we did have some planes scrambled out of Massachusetts. But we have to look anew at how we have this force structure and where these aircraft will come from, what type of forces we will need, what type of training will we need for our men and women.

Secretary Rumsfeld is still working on his strategic review to define the environment for the future and to make recommendations of force structure changes. He stated that the fiscal year 2003 defense budget submission will be his first opportunity to implement these transformational ideas. If that is the case, shouldn't we at least wait until we know that before we move toward another base closure round?

I have never supported a BRAC, but I have also never said I would not someday if I could be convinced there was a plan, that there was a force structure, that we knew what we were going to need and we could be shown there is duplication and redundancy and overlapping, things we did not need because of changes in plans for the future, and it would be aimed at those areas, not just a broad brush at every base.

DOD is also currently executing the congressionally mandated Quadrennial Defense Review and was scheduled to report to Congress later this month on the results. I have no doubt this report will be delayed due to the terrorist attack.

So I think I have made my point here. This could be done, but I think it would have to be done with more planning, with more indication of what our needs are going to be, what we want in the future, and with some targeting. But that is not what we have here.

I say again, I think we need to take a look when we do it, not just at what

we have here in America but what we have around the world. We are going to have this new homeland defense position. Would we like to see how that is going to be formed and what their recommendations would be, before we start down this trail?

I think that would be the responsible thing to do. This is an administration that I am very proud of. I have had a long relationship with Secretary Rumsfeld. I have listened to Secretary Cohen, my personal friend— I sat next to him on the Armed Services Committee—the Secretary of Defense with President Clinton; I have listened to the Pentagon officials this time around. I think they are the experts, but I think we have a responsibility to ask the tough questions.

This time, the toughest question is, Are we ready? Do we know what we are doing, or is this just the knowledge that maybe we have some activities that we can do without? But is that the case today as it was 2 weeks ago? I don't think we know.

So I hope we will move on this amendment to strike. I appreciate the effort that has been made by the chairman and the ranking member to come with this bill. Concessions were made. Senator DASCHLE and I kept encouraging them to keep working and they did. They did a great job.

I hate to stand up and speak on behalf of an amendment to strike anything out of this bill. I hoped basically we could just come together and get it done. I still think we can. There is no reason why we should not be able to get a list of amendments agreed to and complete this legislation tomorrow or Wednesday morning. I think that would be another important sign of how we are working together. We are doing the right thing for the defense of our country and our efforts to help the economy and help deal with the threats this country faces.

The American people are saying they like seeing us do that. I think we should do it on this bill. But for now, I think we should do it without this section. I thank my colleagues for their patience and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent the list I shortly will send to the desk be the only first-degree amendments remaining in order to S. 1438, the Defense authorization bill, and that these amendments be subject to relevant second-degree amendments; upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from Texas.

Mr. GRAMM. Reserving the right to object, I was over here trying to do my reading homework. I am not sure I heard. Is the Senator asking that we limit amendments to the bill at this point?

Mr. REID. Yes. The unanimous consent agreement I proposed just now, for the third or fourth time, is that we would have a finite list of amendments, not limiting the amendments but that the two managers would be able to sort through the amendments, find out which ones they agree with, those they want in the managers' amendment. Anyway, they would have a list of amendments.

If we do not do that, I say to my friend from Texas, we will never finish the bill. This doesn't limit debate on any amendment. It doesn't limit the number of amendments that people would want to offer. But it would bring some finality to the list of amendments.

Mr. GRAMM. Further reserving the right to object, I am hoping something can be worked out on a nondefense issue which has found its way into the bill. I am doing everything I can to expedite that, to get that issue out of the way. I think we can save time by working that out, if we can.

On that basis I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I say to my friend, I know there are other items that need to be worked on tonight. I say to my friend from Texas, we are arriving at a point in this legislation where I simply do not think it works to have us on this bill. There are many other important issues we need to finish before Wednesday at 2 o'clock.

One of the things we wanted to finish was this bill. The majority leader badly wanted to finish this bill.

The President wants the bill. It is important for this institution and it is important for the country, but unless the managers get a list of amendments, we are not going to finish this bill.

I suggest perhaps to the leader that tomorrow maybe we should go to some of the other legislation that has to be done before we get out of here on Wednesday. I know the Senator from Texas feels strongly about a matter that is in the bill. But I would suggest to him that he should offer an amendment, debate it, and let the cards fall where they may.

But, as I said, the unanimous consent request that has been propounded does not limit debate or amendments in any way.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to speak in opposition to the motion to strike BRAC from the Defense authorization bill and to speak on behalf of amendments that would put the money that we would save to better use in terms of our national security.

We just elected a new President of the United States. He selected an outstanding management team: Colin Powell, Secretary of State; Donald Rumsfeld, Secretary of Defense; people who are well seasoned in terms of our national security interests. It seems to me if that team we are entrusting the security of the United States of America to believes the BRAC process would be well taken in the best interests of the United States of America and would serve our national security needs that we ought to follow their leadership in that regard.

If we have confidence in them moving forward with all the other aspects of securing our national defense, we ought to also give them some recognition and approval in terms of what they want to do in terms of our infrastructure and our bases in the United States and throughout the world.

I hope the Members of the Senate will consider their recommendations.

As recently as September 21 after the national tragedy on the 11th, Secretary Rumsfeld came back and said to the Armed Services Committee: We want it. We need it. Please give it to us.

I urge my colleagues to pay attention to the folks to whom we have entrusted our security.

Almost two weeks ago, the American people watched in horror as the terrorist attack on the World Trade Center and the Pentagon unfolded before our very eyes.

As the nation slowly recovers, the image that no one will forget is that of Fire, Police and emergency service personnel running towards the flames and destruction while terrified individuals ran the other way.

These brave men and women knew they were racing into obvious danger, risking their own lives in order to save others, but each one knew—and accepted the fact—that it was their job to do so.

Just three days after the attack on the Pentagon, I got an opportunity to see the devastation at that familiar landmark first-hand.

I was struck by the looks of quiet determination on the faces of the rescue personnel, each knowing the serious business they faced, and contemplating the serious business they have yet to do.

Last Thursday, I was in New York City with 40 of my colleagues to tour the World Trade Center site. Standing at ''ground zero,'' seeing that devastation first hand, has sealed my resolve to do whatever I can to make sure that such terrorism is never again used upon the United States of America.

It is important for the future of our nation—our children and grandchildren—that we support the President. The President was absolutely right in his speech to the nation last Thursday evening when he said ''Americans should not expect one battle, but a lengthy campaign unlike any other we have ever seen.''

As I said on the floor of the Senate the day after this heinous attack, ''our actions must be ongoing and relentless, and be dedicated to excising the cancer of terrorism wherever it raises its ugly head.''

And if we expect to win this war, we will need the resources necessary to do so, and the one resource we need above all others is human capital.

The American people have demanded—and rightly so—that we make

our airports and commercial aircraft safer.

They want this government to turn the full force of the FBI towards conducting investigations and pursuing terrorism suspects.

They have urged us to beef-up our border patrols and strengthen our immigrations and customers enforcement.

And most of all, they want this nation to use the full force of its intelligence, law enforcement and military apparatus to root out and squash every terrorist organization in the world.

To ask their government to do these things is the right of every American, but these will not be easy tasks to accomplish, Mr. President.

They will not be easy because at this moment, the federal government faces a human capital crisis; we are losing the very people we need to run our government—and their valuable experience—with each passing month.

And as they retire, we are not doing enough to replace them with the ''best and the brightest:'' the individuals who will carry-on the important work of our nation.

The human capital crisis saps our strength as a nation, and at this critical time in our history, we cannot afford to be vulnerable.

Since I was elected to the Senate, I have devoted a great deal of my time towards examining this crisis in the Federal workforce and how we can address it.

I can tell you that we need a unified strategy to rebuild the federal civil service in light of the challenges it confronts—especially in the aftermath of the attack on our nation on September 11.

The human capital crisis extends not just to our security and law enforcement agencies, but it includes virtually every department, agency, and office in the Federal Government.

While the entire Federal Government is in need of a massive infusion of high quality human capital, I am most concerned about the workforce of the national security establishment, because national security is the most important responsibility of the Federal Government.

On March 29, the Subcommittee on Oversight of Government Management held a hearing entitled, ''The National Security Implications of the Human Capital Crisis.''

At the March 29 hearing that I chaired, former Defense Secretary James Schlesinger and Admiral Harry Train, United States Navy, retired, testified on behalf of the U.S. Commission on National Security in the 21st Century.

The Commission, which was chartered by former Defense Secretary William Cohen in 1998 and chaired by former Senators Warren Rudman and Gary Hart, undertook a comprehensive evaluation of our national security strategy and structure.

The final report of the Commission, ''Road Map for National Security: Imperative for Change,'' was released this past February. It includes 50 recommendations on such areas as recapitalizing America's strengths in science and education, institutional redesign of critical national security agencies, the human requirements for national security, and securing the national homeland.

On this latter point, I am pleased that the President has taken quick action to establish an Office of Homeland Security. The head of that office, Governor Tom Ridge is a friend of mine, and I know that he is more than able to face this challenge.

Regarding human capital, the Commission's final report concludes:

> As it enters the 21st century, the United States finds itself on the brink of an unprecedented crisis of competence in government. The maintenance of American power in the world depends on the quality of U.S. government personnel, civil and military, at all levels. We must take immediate action in the personnel area to ensure that the United States can meet future challenges.

The report went on the state that:

> . . . it is the Commission's view that fixing the personnel problem is a precondition for fixing virtually everything else that needs repair in the institutional edifice of U.S. national security policy.

The General Accounting Office's Comptroller General, David Walker, also pointed to the human capital crisis as a growing problem in our national security establishment, stating at a hearing I held in February that:

> At the Department of Defense, where a Defense Science Board task force found that ''there is no overarching framework'' for planning DOD's future workforce, civilian downsizing has led to skills and experience imbalances that are jeopardizing acquisition and logistics capacities. In addition, the State Department is having difficulty recruiting and retaining Foreign Service Officers . . .

In fact, we have less people today applying to the Foreign Service. And of those people who we find meeting those very high standards, less of them are going in the Foreign Service than ever before.

I believe Secretary Schlesinger and Comptroller General Walker hit it right on the head when it comes to human capital.

Consider that we are currently making preparations to take on Osama bin Laden and his Taliban protectors and we don't have enough people who speak their language.

Consider that the investigation that is underway by the FBI is hampered by a lack of language specialists.

Indeed, the Washington Post reported on September 17 that:

> . . . although investigators are receiving large quantities of data from documents and wiretaps, two well-placed former law enforcement officials said the FBI suffers a lack of Arabic linguists and analysts.

In fact, the situation is such that, the United States is now advertising for anyone who speaks Farsi or Arabic to come forward and help out as translators in the aftermath of the September 11 tragedies.

I do not know how many people in the national security establishment actually speak Farsi, but it is apparent that we do not have enough.

And while I believe we need a full scale assault on human capital crisis in the Federal Government, again, the first and foremost obligation of the Nation is to ensure the defense of its citizens.

For the last 2½ years, I have been working on a targeted piece of the human capital needs of the civilian defense workforce.

I remind my colleagues that during the 1990s, over 280,000 Defense Department civilian positions were eliminated with little or no regard for workforce planning. On top of that, new hiring was severely restricted.

Taken together, these two factors have inhibited the development of mid-level career, civilian professionals—the men and women who serve a vital role in the management and development of our Nation's military.

To help remedy this, Senator DEWINE and I amended last year's defense authorization bill and provided the Department with a special authority to reshape its workforce after a decade of significant downsizing.

The authority provided to the Department last year allowed it to offer 1,000 voluntary separation incentive payments in fiscal year 2001, and 8,000 total incentive payments and voluntary early retirements—4,000 in fiscal year 2002 and 4,000 in fiscal year 2003—for the purpose of reshaping that workforce. Last year's defense authorization bill required these authorities to be reauthorized this year.

Human capital is the Federal Government's most valuable resource, and this program is only a downpayment on the changes and authorities the U.S. will need to enact and implement to revitalize the civilian side of our defense establishment.

The amendment Senator DEWINE and I are offering to section 1113 of this bill is simple: it reauthorizes these important workforce reshaping proposals for both fiscal years 2002 and 2003.

Wright-Patterson Air Force Base in Dayton, OH, is an excellent example of the challenge facing military installations across the country. Wright-Patterson is the headquarters of the Air Force Materiel Command, employing 10,900 civilian Federal workers.

By 2005, 40 percent of the workforce will be age 55 or older. Another 19 percent will be between 50 and 54 years of age. Thirty-three percent will be in their forties. Only 6 percent will be age 35 to 39, and less than 2 percent will be under the age of 34.

According to these numbers, by 2005—only 4 years from now—60 percent of Wright-Patterson's civilian employees will be eligible for either early or regular retirement.

There is a legitimate concern that when significant portions of the civilian workforce at Wright-Patterson and other military bases retire, including

hundreds of key leaders and employees with crucial expertise, the remaining workforce could be left without experienced leadership and most important institutional knowledge.

Military base leaders—indeed, the entire Defense establishment—need to be given the flexibility to hire new employees so they can begin to develop another generation of civilian leaders and employees who will be able to provide critical support to our men and women in uniform.

I thank Chairman LEVIN and Senator WARNER for their support on this amendment.

Incredibly, with a human capital crisis facing our Nation and the report on the vulnerability of U.S. security in the year 2000, it seems that the House of Representatives may not reauthorize the workforce reshaping program that Congress passed last year. We should be very, very concerned about this.

If the provisions of our amendment are not included in the House bill, I would urge the House conferees to join in support of this amendment as the final version of the Defense Authorization Act is being developed.

Let me state again that this amendment does not address all of the human capital needs of the Defense Department. It is just a small down payment.

Additional action needs to be taken to help ensure that the Department of Defense recruits and retains a quality workforce so that our Armed Forces may remain the best in the world and be able to keep the world secure in the 21st century.

I will continue to work towards that goal, and will be introducing a more comprehensive bill that not only responds to the human capital crisis in the U.S. security establishment, but in the entire Federal Government as well.

In the wake of these attacks, our men and women in Government all across the Nation have a renewed sense of purpose—to keep America safe and preserve our freedoms. I have never seen more determination and patriotism in my entire life.

Right now, law enforcement and military personnel are standing vigilant to watch over America.

The Border Patrol, the Customs Service, and the Immigration and Naturalization Service are closely monitoring who is coming into the United States and who is leaving.

Active and reserve elements of the Air Force, Navy, and the Marine Corps have been and will continue to patrol the skies above Washington and other cities.

The Navy and Coast Guard are guarding our ports and patrolling our waters. Tens of thousands of reservists have been called up to assist in these activities.

At this moment, troops are being deployed in Southwest and Central Asia.

In the days and weeks and months ahead, our brave soldiers, sailors, airmen and Marines will be called upon to risk their lives and, in some cases, give their lives in an effort to rid the world of the evil scourge of terrorism.

Still, Mr. President, as much as we are asking our military personnel and our Government employees to do what we are asking them to do right now, more is going to be asked of them. More will be asked of them.

We have a responsibility to the future generations of this Nation to give the Federal Government the tools it needs to help retain and attract the best and the brightest. I believe our amendment is a good first start towards getting that job done.

I think all of us know, if we want to win the World Series or we want to win the Super Bowl, we need the best and the brightest. That is what we need. And the best and the brightest have not been coming to the Federal Government. In fact, I have talked to the dean of Harvard's John F. Kennedy School, Dean Nye. He is very concerned about the fact that 10 years ago, 70 percent of their brightest people would be going into Government; today it is around 40 percent. So we have a long way to go.

I hope with this amendment we will be able to attract some of those people to our civilian defense establishment.

Mr. BAUCUS. Mr. President, I rise today to join my colleagues, Senator BUNNING in strong support of Amendment 1622. This important provision would prevent military base closures through 2003.

In the light of the recent, tragic events, implementing another round of base closures could be a dangerous decision. We are entering a new phase of heightened national security in our great Nation. And President Bush has correctly warned of the continued threat to the security of the United States and its allies from terrorist groups and rogue states. I believe that base closures would not be in our country's best interest any time in the near future.

While the defense budget can be increased in a matter of days for increased intelligence efforts or readiness assistance, the same is not true of the force structure or the base structure. Once property is converted to civilian use, as it would be under another round of Base Closures, it is, for all practical purposes, permanently lost as a military asset.

I would like to draw attention to Malmstrom Air Force Base in my home State of Montana. After two weeks of rigorous evaluations, the 341st Space Wing's operations, security, maintenance, communications personnel, and equipment were recently given an ''excellent'' overall rating for Combat Capability Assessment. A very high mark! I'd like to congratulate them on a job well done.

It would take months or even years to reach this state of effectiveness if we had to start from scratch to re-engage the base. To lose this asset in moments of heightened national security could permanently scar our force capability to respond.

While protection of our national security and military readiness is enough of a reason to halt base closures, there are additional concerns to address, as well: first, while reducing spending is the main motivation behind base closures, studies have shown that the additional funds are never realized. The majority of savings comes from reduction of personnel, which is not directly tied to base closures. And reduction of personnel shouldn't be an option given the current circumstances. Second, there is no procedure for selecting which bases are closed. And that is very troubling. ''Military value'' is only the definition currently used and is open to interpretation. A concrete set of criteria must be developed before any further base closures are conducted.

Since September 11, we have seen that our economic security is clearly tied to our national security. In order to bring strength to our economy, we must maintain strength in our military.

We do not have months or years to wait while our bases are refurnished with military personnel, equipment and missions. If additional bases were closed, we would waste valuable resources as we scrambled to reinstate a base during a time of high security. Now is not the time to limit our military's ability to respond.

I urge my colleagues to vote against further base closures and support amendment 1622.

Mr. HATCH. Mr. President, I rise in support of this amendment to the Defense Authorization Bill.

I must tell you that I have thought long and hard on the subject of base closings. The arguments for and against initiating another process which might lead to additional base closings have weighed heavily on my mind. I have the deepest respect for Defense Secretary Rumsfeld and I know how hard he is working to find efficiencies and economies within the Department of Defense. I know he believes that a new base closing initiative is an important tool in his efforts to fix our defense infrastructure problems. However, I strongly believe that the events of September 11th changed this Nation's priorities. Now is not the time to engage in any type of activity that distracts from our national defense priorities.

This is a pivotal time in our history. All our efforts and resources must be focused on fighting terrorism at home and abroad. At this time, I do not think that the time and money spent preparing for base closings will contribute to this effort. Military bases and the military establishment need to be focused on the war effort. Our military leaders and base commanders throughout the country do not need to be worrying about justifying their installations' existence. The communities around the bases do not need to be worrying about their future economic well-being. At a time when we,

as a Nation, face an uncertain future, we need not take on a process that is rife with uncertainty and turmoil and which distracts from our national goals.

Additionally, we do not yet know what force structure will be required to accomplish all the missions associated with this new 21st century warfare. I believe it will take some time to determine what our military should look like. Why would we start a base closure process when we have no idea what shape or size our forces will take? Equally important, we do not know which bases will be key to our efforts in building an effective homeland security network.

There is great debate about how much base closings cost and how much base closings save. In a time of economic uncertainty, I do not believe it is wise to spend millions of dollars on a base closure process. I am not willing to sacrifice the readiness of our armed forces for theoretical savings.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. LEVIN. Will the Senator from Nebraska yield for an inquiry?

Mr. NELSON of Nebraska. I am happy to yield.

Mr. LEVIN. Mr. President, I am wondering if my friend from Oklahoma would agree with me on the following procedure, that after Senator NELSON speaks—I understand that is going to be on the BRAC amendment, I want to speak on the BRAC amendment—that unless others notify our Cloakrooms that they wish to speak on the BRAC amendment, at that point we would be done with the BRAC debate. We would then move to the amendments offered by the Senator from Oklahoma. I don't want to put that in the form of a UC, but I will state that would be my intention. I am wondering whether or not the Senator will concur.

Mr. INHOFE. I do concur in that. In fact, I will go along with a UC to that effect, whatever the Senator wishes.

Mr. LEVIN. We are not sure yet if anyone else wants to speak on BRAC. I would ask if any of our colleagues want to speak on the Bunning amendment, that they let our Cloakrooms know so we would then be able to accommodate those Senators before we move to the Senator's two amendments. I thank my friend from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise in support of the amendment of the Senator from Kentucky to strike the BRAC language from the fiscal year 2002 Defense authorization bill.

Senator DORGAN referred to Secretary Rumsfeld's label for BRAC, the Efficient Facilities Initiative, as ''Iffy.'' I have to agree with him. I think it is iffy in terms of cost, iffy in terms of our present force structure, and would be iffy to the morale of our troop force.

On Tuesday, September 11, the strategic environment in which the United States operates was completely changed; certainly, as it relates to the military as well. Many issues that crowded our plate disappeared, and we have all begun to focus on the current crisis. I believe that change in environment involves base closures.

I said at the time we were debating this issue during the Defense authorization bill that we should wait on the QDR before we voted to give the administration the ability to close bases. That point of view was not shared by every member of the Armed Services Committee, and accordingly the BRAC language was included in the authorization bill.

We are now told that the Department of Defense will submit an on-time QDR to the Congress and that DOD has indicated they will send an amended QDR to us just as soon as they can at a later date to address the current crisis.

Authorizing another round of BRAC without first reviewing the QDR and without first admitting that our strategic environment has shifted dramatically is a classical case of putting the cart before the horse. I didn't think that BRAC was right before September 11, and I don't think our military knows if it is right now.

We know, for example, as a result of the September 11 events, our fighter jets are flying cover over major U.S. cities. Those jets need bases from which to fly in and out. It strikes me as a rather odd time to be closing bases.

Now that we are in the process of creating a homeland defense office, what role will our bases play in the protection of our major cities? Will we need increased ground defenses which are located at bases which could otherwise be closed? What role will bases play in our new security structure? Again, we haven't had the opportunity to think this through and, therefore, we must, in fact, set aside the BRAC authorization at this time.

Some say that BRAC will provide us significant cost savings. Certainly, I am for cost savings. Over the long term it may be possible, but no one disagrees that in the short run, BRAC costs money. Right now we need every bit of our resources, financial and otherwise, to address our significant force protection concerns.

Finally, this sends a mixed message to the men and women who are now preparing to engage a new and terrible enemy. How can we be united as a country if we are adversely affecting morale? Now is the time to focus on reducing the threat of terrorism, not on relocating and uprooting families from bases. It would be inopportune to include this language in the Defense authorization bill, certainly at this time.

Until I am presented with more persuasive evidence regarding this matter, I simply cannot support an initiative that could hamstring our homeland defense. And in my opinion, it might. Certainly I believe others share that view based on comments on the floor.

Clearly, it would be prudent to strike the language in the best interest of our country and our military personnel at this time. Let us consider BRAC under less threatening circumstances, when we will have more information at our disposal and when we will know what the QDR expects from our military. Let us not act prematurely. Instead, let's exercise prudence and do the right thing for the right reason.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to speak on behalf of the Bunning amendment because I don't think we are ready to make the decisions about which bases we are going to need. We didn't know before September 11 exactly what our troop strength was going to be in the future because we didn't have the reviews in place yet from the new administration.

Today we know even less about the troop strength, and we certainly need to know how many we are going to have in our component organizations—the Army, Navy, Air Force, and Marines—before we make the decision on which bases we will need for the future.

Also we need to know how we are going to do our training. What is the best place to do the training? I have visited bases overseas where we have training facilities, but we have limited airspace in some of those. We have limited missile range in some of those places.

Is it better to do the training there or is it better perhaps to do it at a U.S. base where we have better facilities and more control over the airspace and the ground space? I don't know the answer to those questions. I know we should have the answer before we make a decision on whether we start closing bases.

I have seen us do two things in previous base closings. I have seen us close bases that we then needed in the future. The Air Force has said that we should have kept some of the training bases in the United States opened, but they were already closed. It was too late to do anything about it.

Secondly, I have not seen us estimate anywhere close to the true cost of closing a base. If I could get real numbers that showed that closing a base really saves money, I would consider having another round of base closings. But until we know what the environmental cleanup is, what the hazards are in each of these bases and what it is going to cost for that cleanup to put it in order for the base to either be sold or given back to the community, depending on what the arrangement is, there is no way I would support a base-closing commission.

I think we are spending more closing these bases than we have keeping them open. I am the ranking member of the Military Construction Subcommittee. We have $150 million in that bill that is going to come to the floor in the next

few weeks, $150 million for environmental cleanup that was not anticipated in base closings.

That is not the way we ought to do business. I don't think we ought to say that environmental cleanup is going to be $15 million and then all of a sudden have a bill for $150 million and say that is an efficient use of our assets. We have not done our homework yet.

I am not saying I am never going to be for a base closing. I will be for a base closing, if I see what our troop strength is projected to be for the next 25 years or even 10 years, if I see that training is going to be done either in America or overseas, but we have studied where that training ought to be. In fact, I would support a study that would prepare us for a base-closing round. But I will not support another round of base closings until we have done our homework, until we have a study, until we know how this new war that we have just determined we must wage for the freedom of our country is going to be waged and how long it is going to take and where the bases might be needed. We probably will have more overseas bases. But are they going to be in the same places that they are now? Maybe not. Maybe we will have to build new bases in other sites.

So I don't think we ought to be talking about closing things until we know what we are going to need in the future. I am not against base closings; I am just against doing it too soon, because I think we are throwing good money after bad if we don't have our ducks in a row and know exactly what our needs will be from the military construction standpoint.

On the Military Construction Subcommittee, I did not like having to spend money on environmental cleanup, when I would have liked to have spent that money building better housing for our people, building more facilities to do the job that we know we must do. Yet we are still cleaning up bases that were closed 10 years ago. I don't think that is the way we ought to operate. We ought to operate with good business sense. We ought to decide what our troop strength is going to be, where we can best do the training, what our needs are going to be with this new war that we now know we must fight—and we know it is going to be tough. We are going to support the President and give him the resources he needs to make sure we win because freedom is at stake.

The idea that we would have a premature round of base closings is a bad idea whose time has not come. So I appreciate the work of everyone here. I know we have legitimate disagreements on this issue. But I am going to support the Bunning amendment. I hope we can set it aside for this year.

I have an amendment, which I have already offered, which I hope we can consider. It does have a study that would ask just the questions I have asked tonight. If we can answer those questions, then we can have base closings based on what we are going to need in the future, based on facts, based on studies, and knowing exactly what we are going to do before we take these steps. Most of all, we will know what the costs are going to be and how much could be saved and how much must be spent for those savings.

Mr. President, I appreciate the work of the distinguished chairman and ranking member, and I hope we can pass the Bunning amendment. I also hope we can pass the Hutchison amendment that will provide studies for the future, and that we can do this in the right way and in a thoughtful way, in a way that will make sure we do right by our men and women in the services and protect them wherever they may be in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, a number of arguments have been raised this afternoon about the Bunning amendment which would strike the BRAC language from our bill. By the way, this is the first time the Armed Services Committee—at least within my memory—has adopted a bill for an additional round of base closings on a very strong bipartisan vote. It was adopted because the civilian and uniformed leadership of our Armed Forces pleaded with us to allow them to get rid of excess structure, which costs a lot of money and makes it impossible for us to do the things we want to do to modernize Air Forces, make them more ready and more lethal, to make them more mobile, to give them greater pay, because we are spending billions of dollars on infrastructure we do not need.

For the last 4 years, Senator MCCAIN and I have come to this floor and said our leadership is asking for the authority—just the authority—to have another round of base closings. It has been denied year after year. We have been told ''this is not the time,'' year after year. We have been told we should have a study year after year. As a matter of fact, in 1997 there was a study that was substituted for the round of base closings. The April 1998 report contained 1,800 pages of detailed backup material for why we should have another round of base closings.

I think the most important question that has been raised is, Does September 11 change all this? That, to me, is the real vital issue. We wanted to get the thinking of our uniformed and civilian leadership on that issue because, surely, I think each one of us—and perhaps no one more than the person occupying the chair now—would want to know what is the effect of the events of September 11. I want to read a letter we have received because even though parts of it have been used before, it seems to me this letter addresses that most pungent of all questions. This is from Donald Rumsfeld, dated September 21. The same letter was written to both myself and to Senator WARNER. It reads as follows:

I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

Since that fateful day, the Congress has provided additional billions of taxpayer funds to the Department. We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element ensuring the right mix of bases and forces within our warfighting strategy.

No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, ''we face new and sudden national challenges,'' and those challenges will force us to confront many difficult choices.

In that spirit, I am hopeful the Congress will approve our request for authority to close and realign our military base facilities.

Mr. President, I hope we will have the will to do something that is not easy. This is not easy for any Member for his facilities and his State to do; we know that. That is why facilities were not closed until we had commissions that were in place. We make a recommendation to the President, and the President would then have a right under our approach to either say yes or no to the entire list. If he says yes, Congress has the right to say yes or no to the entire list.

This does not abdicate responsibility to a base-closing commission. What it does is it permits us to shed excess infrastructure that is costing us billions, that is detracting from the ability of our warfighters to fight a war, because it means billions of dollars which should go into that effort are instead being spent to maintain structure that is no longer needed.

We would not put excess baggage on a warfighter. We would not tell that warfighter you have to carry a larger load than is necessary. By keeping bases open, that is exactly what we are doing. We are denying the warfighter the resources that would otherwise go into what is needed in the Defense Department.

That is the issue. The issue, if anything, it seems to me, is sharper since 9–11. More than ever, we must avoid waste. More than ever, we must have the will to make tough choices. We have done a lot of things that have been difficult, and we have done a lot of things differently since 9–11 in this Congress. We have come together on a lot of issues that we thought we could not come together on, and we have avoided the kind of dissension and debate in which our people do not want us to engage.

Now we have our military leadership and the President of the United States pleading with us to allow them to get rid of excess infrastructure 2 years down the road. That is the plea from our President, that is the plea from our military leadership, civilian and uniformed: to allow them to begin the process 2 years from now of removing excess infrastructure.

I hope we have the will to do that, to respond to the men and women of our military who have much greater needs than excess infrastructure.

We have been told also that we should be closing more bases overseas instead of starting this process here. Since the end of the cold war, the Department of Defense has closed 59 percent of our overseas sites compared to about 21 percent of our domestic sites. They do not need authority legislatively to close overseas facilities. They have that without our action, and they have been able to close 59 percent of the overseas sites. That is quite a difference from what they have closed in this country. So I do not think that argument works either.

Then we have been told as well that we should know what we want in our force structure before we move for some additional flexibility on our base structure. We ought to know what our force structure is going to be, and there is no doubt about that. Before the base structure is concluded, surely we must know, or should know, what the force structure is going to look like. That is why in this bill we require that ''the Secretary shall carry out a comprehensive review of the military installations of the Department of Defense inside the United States based on the force structure plan submitted under section A(2). . . .'' And that plan is very specific. That is part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2003: The Secretary shall include a force structure plan for the Armed Forces based on the assessment of the Secretary in the Quadrennial Defense Review under another section.

The force structure plan is required by our law. We have heard many times this afternoon and this evening, and correctly, that we ought to base our base structure on our force structure and we do not know what that force structure is going to be.

The answer is we know that the force structure must be determined prior to the base structure recommendations that go to the Base Closure Commission and then from them to us. It is a requirement of law.

The Senators who have made this point are right; we should know our force structure before we know our base structure, but the inaccuracy is in their argument that we will not know that force structure prior to the decision on base structure, both by the Defense Department, in terms of their recommendation to the Base Closure Commission, and by the Base Closure Commission in their recommendations back to the President and to us.

The one final point I will make this evening has to do with cost. The argument has been made that there either have not been savings or that the savings have not been demonstrated, or that there has been no proof of the savings, or that the savings have not been precise. We have GAO report after GAO report saying that—and I will reading from one:

> Our work has consistently affirmed that the next savings of the four rounds of base closures and realignments are substantial and are related to decreased funding requirements in specific operational areas.
>
> In addition to our audits, review by the Congressional Budget Office, the Department of Defense Inspector General, the Army Audit Agency have affirmed the net savings are substantial after initial investment costs are recouped.

The Defense Department has even attempted to give us a very precise document as to what those savings are. They have made a real effort year by year, item by item, to tell us where there have been costs, where there have been savings, starting in 1990 for each round of base closures.

They have come up with net savings to date of approximately $16 billion. Total savings, and I am rounding this off, is $37 billion. That is gross savings. Those are total costs of about $21 billion—again I am rounding that off—with the savings to date of $16 billion.

Recurring savings from those rounds each year are now about $6 billion per year. That is what we are saving because Congress had enough courage to walk down this road, and believe me, I know it takes courage. It is not an easy vote. I have been through a few. We have lost our strategic air command bases. We have some other bases, other facilities that are very nervous about the possibility that maybe in the next round they will be caught. So this is not an easy vote, but it is a cost-effective vote. It is a vote that the President, his Secretary of Defense, the Chairman of the Joint Chiefs, every military leader we have ever had in front of our committee, civilian or uniformed, is pleading with us to make.

The plea, it seems to me, is more eloquent than ever after September 11 because it is so critically important that we not load down our defense with unneeded infrastructure anymore than we would load down a soldier with unneeded baggage. They are related.

I hope that tomorrow we will cast this vote. The country will be looking at us, the Nation will be looking at us to see whether or not we are willing to do some tough things that our uniform and our civilian leadership in the Defense Department and our President are calling upon us to do. I cannot think of any way more eloquently to state this cause, other than to read from a letter of August 30 from Secretary Rumsfeld and General Shelton. I expect we will be hearing from the Chairman of the Joint Chiefs on this same issue before we vote tomorrow.

This letter, which I will make part of the RECORD, makes a very potent case for saving the money. I ask unanimous consent that the letter be printed in the RECORD.

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

AUGUST 30, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
Hon. JOHN W. WARNER,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR WARNER: We are writing to underscore how critically important it is that Congress authorize the Department to conduct another round of base closures and realignments.

The Department must reshape and restructure its installations to serve the country's national security in the 21st century. Currently, our installations do not match and therefore do not adequately serve our current and projected force structure. Underutilized facilities, estimated to be 23 percent DoD wide, are a waste of public resources and an impediment to our efforts to protect our national security.

Because current law makes it virtually impossible for the Department to make prudent decisions in managing its facilities, we can only rectify these problems through a Congressionally authorized round of base closures and realignments in 2003. Drawing on the process from past rounds, the Efficient Facilities Initiative is an objective way to rationalize an infrastructure on the basis of military value, verified by an independent commission. In addition, both the General Accounting Office and the Congressional Budget Office confirm DoD's savings estimates from prior rounds.

The Department is committed to accomplishing the necessary reshaping and restructuring in a single round of base closures and realignments to minimize the difficulty these efforts pose to communities surrounding our bases. While the process may be hard, the record from our previous rounds indicates that the majority of affected communities actually emerge in a better economic condition than prior to the closure or realignment. As before, the Department will work closely with these communities in fostering economic reuse.

We know you share our concerns that additional base closures are a necessity to provide resources necessary to meet essential national security requirements. We simply must take action. Please do not hesitate to call on us in your efforts to secure passage of this important legislation.

Sincerely,
GENERAL HENRY H. SHELTON, USA,
Chairman of the Joint Chiefs of Staff.
DONALD H. RUMSFELD,
Secretary of Defense.

Mr. LEVIN. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my colleague for his strong stance on base closure. He and Senator MCCAIN have worked for a number of years on this issue.

I do not know how many years ago it was I joined on that legislation, and then, of course, we had a problem with the previous administration. Anyway, I was with them up until that problem arrived. So it is indeed long overdue.

Even though I am proud to say my State has a very significant share of

military installations, I stand with my colleagues and the vote of the Senate Armed Services Committee because I think that is what it should be, an efficiency that should be given to the Secretary of Defense. We need these savings. We need them desperately.

Mr. President, I believe that concludes the remarks on base closure. I see the Senator from Oklahoma, one of our valued members of the committee. He wishes to, as I understand it, lay down two amendments for tonight, and then the chairman and I will proceed to do a number of cleared amendments. Am I correct?

Mr. LEVIN. The Senator is correct. We now hopefully will turn to our friend from Oklahoma to offer two amendments. I think one of them we may be able to accept, although I am not sure if that is true, on both sides. If that is true, and I think the Senator knows which one that is, he can offer that one first.

Mr. WARNER. That would be——

Mr. INHOFE. The amendment on the waiver process.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1594

Mr. INHOFE. Mr. President, in an effort to try to get this bill through, which America desperately needs now, I had about 16 amendments on which I worked out arrangements and understandings with other people so that I am down to only three amendments. Of these three amendments, as was suggested by the Senator from Michigan, one is without controversy, I thought, until about 5 minutes ago.

My understanding is one Republican Senator is going to object to it. That being the case, we will have to have a rollcall on that amendment.

I would like to explain that amendment and hopefully that one Senator would be available and tell us if she is not going to object to it.

Mr. President, for quite a number of years we have had a debate, when we do our defense authorization bills, on an issue that is in place in order to keep an internal ability to handle depot maintenance in areas where it might be considered to be core maintenance; in other words, areas where it is necessary to have that ability in order to fight a war. The concern has been this: With the decreasing number of defense contractors and the decreasing number of people who are able to perform certain maintenance functions, if we are in a war, we would not want to be held hostage by a single contractor who would be able to keep us from being able to do it internally.

For that reason, some time ago we passed a law that said under that 60/40 bill, which is now 50/50 in our statute, simply this, that 50 percent of the maintenance has to be performed in-house by a depot capable of doing it without outside help. For that reason—and I agree with those who disagree with the 50/50 concept, that this is merely an arbitrary figure, but there has to be some type of a figure and we have not been able to come up with anything since then that is any better than this. So the law now says that 50 percent of the maintenance has to be done internally by a public depot.

There is a way they have been able to get around 50/50, and that is if any of the service secretaries say that within their service they could declare there is a national security reason that for 1 year or one period of time we are not going to be able to do 50 percent of the maintenance work in a public depot, if they do that, they do not have to give any reason for it, but they merely say this is for national security.

This has happened a few times so we have gone back to the service secretaries and we have said to them: Tell us why it is as much as 50 percent of the maintenance in a public depot. We have never gotten any good answers, and then we have also asked them afterwards: What are you going to do to ensure that we are going to be able to meet this 50 percent in the next fiscal year? And we have not been able to do that.

I am not saying this critically of any particular service secretary. We need to know why, if we are going to find a loophole around one of our existing laws, this being the 50/50, it is necessary, and what we are going to do in the future to prevent that from being invoked.

So my amendment does simply two things: One, it takes that jurisdiction away from the service secretary and puts it with the President of the United States. He then can delegate it back to the Secretary of Defense. If he is going to say that there is a national security reason that we cannot do 50 percent of the work at a public depot, he has to say why that is and what they are planning to do to correct that in the next fiscal year. That is all it does.

So if people are opposed to the 50/50 concept, fine. Let us pass a bill or try to pass a bill to do away with 50/50. That is not the issue. The issue is if we are going to use a national security waiver to waive 50/50 for a given year, we need to make sure we know why we are doing it and what can be done for the next year to keep from having to do that. So that is simply it.

I was hoping we might have a note from the Senator. We do, and there will be apparently one vote against this.

So that is an explanation, and I am going to ask that this be voted on tomorrow.

I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment has not been sent up yet.

Mr. INHOFE. Yes, the amendment is at the desk. It has been there since last week.

Mr. LEVIN. Will the Senator yield for a minute?

Mr. INHOFE. Yes.

Mr. LEVIN. Will the Senator call up his amendment so it will be pending immediately after the disposition of the Bunning amendment?

Mr. INHOFE. I call up amendment No. 1594 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1594.

Mr. INHOFE. 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 President to waive a limitation on performance of depot-level maintenance by non-Federal Government personnel)

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.

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

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

''(A) the President determines that—

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

''(ii) compliance with the limitation cannot be achieved through effective management of depot operations consistent with those reasons; and

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

''(i) a discussion of the reasons for the waiver; and

''(ii) the plan for terminating the waiver and complying with the limitation within two years after the date of the first exercise of the waiver authority under this subsection.

''(2) The President may delegate only to the Secretary of Defense authority to exercise the waiver authority of the President under paragraph (1).''.

Mr. WARNER. 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. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, then there would be additional debate available on this amendment because there has been no time agreement relative to this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. As I understand—perhaps the Chair can confirm—after disposition of the Bunning amendment at approximately 9:45 a.m. or 10 a.m. tomorrow, the debate on the first amendment of the Senator from Oklahoma would recur; is that correct?

The PRESIDING OFFICER. That would then be the pending question, the Senator is correct.

Mr. LEVIN. I ask unanimous consent, so that we can sequence amendments, if the Senator from Oklahoma is willing, that we now set aside the pending amendment and the underlying amendment to allow the Senator from Oklahoma to offer an additional amendment, and then part of that unanimous consent agreement will be we will then immediately, after he lays down his second amendment, come back to the Bunning amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment will be set aside.

AMENDMENT NO. 1595

Mr. INHOFE. Mr. President, I send Senate amendment No. 1595 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1595.

Mr. INHOFE. 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 revise requirements relating to closure of Vieques Naval Training Range)

On page 380, after line 15, insert the following:

SEC. 1066. CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

(a) CONDITIONAL AUTHORITY.—Title XV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–348) is amended by striking sections 1503 and 1504 and inserting the following new section:

''SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that the training range is no longer needed for the training of units of the Navy and the Marine Corps stationed or deployed in the eastern United States.''.

(b) ACTIONS RELATED TO CLOSURE.—(1) Section 1505 of such Act (114 Stat. 1654A–353) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) TIME FOR TAKING ACTIONS.—The actions required or authorized under this section may only be taken upon the closure of the Vieques Naval Training Range by the Secretary of the Navy.'';

(B) in subsection (b)(1), by striking ''Not later than May 1, 2003, the'' and inserting ''The'';

(C) in subsection (d)(1), by striking ''pending the enactment of a law that addresses the disposition of such properties'';

(D) in subsection (e)(2), ''the referendum under section 1503'' and all that follows and inserting ''the Secretary of the Navy closes the Vieques Naval Training Range.''; and

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

''(f) MILITARY USE OF TRANSFERRED PROPERTY DURING WAR OR NATIONAL EMERGENCY.—

''(1) TEMPORARY TRANSFER BY SECRETARY OF THE INTERIOR.—Upon a declaration of war by Congress or a declaration of a national emergency by the President or Congress, the Secretary of the Interior shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Navy notwithstanding the requirement to retain the property under subsection (d)(1).

''(2) TRAINING AUTHORIZED.—Training of the Armed Forces may be conducted in the Live Impact Area while the property is under the administrative jurisdiction of the Secretary of the Navy pursuant to a transfer made under that paragraph (1). The training may include live-fire training. Subsection (b) shall not apply to training authorized under this paragraph.

''(3) RETURN OF PROPERTY TO SECRETARY OF THE INTERIOR.—Upon the termination of the war or national emergency necessitating the transfer of administrative jurisdiction under paragraph (1), the Secretary of the Navy shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Interior, who shall assume responsibility for the property and administer the property in accordance with subsection (d).''.

(2) The heading of such section is amended to read as follows:

''SEC. 1505. ACTIONS UPON CLOSURE OF THE VIEQUES NAVAL TRAINING RANGE.''.

(c) CONFORMING AMENDMENT.—Section 1507(c) of such Act is amended by striking ''the issuance of a proclamation described in section 1504(a) or''.

Mr. INHOFE. This amendment is one further that there may be some opposition to and it is going to require the yeas and nays, but I will briefly say what we are doing with this. The issue of the Vieques training range has been a contentious one now for a number of years. We did resolve this in such a way that there would be a referendum that would take place on November 6, where the eligible voters among the population of 9,300 people on the Island of Vieques would vote as to whether or not the Navy should continue naval training operations on the range.

A lot of things have happened since then. I agreed with that. That was my language in the Defense authorization bill last year. However, since that time we have found we are deploying east coast deployments to the Persian Gulf. A lot of these battle groups have not been able to have adequate training. Since that time we had the war declared upon us by the terrorists on the 11th of September. That has changed everything.

Since that time we have had Puerto Rico come and say they want to support the training of our troops. We currently have, being debated now, a resolution in the legislature in Puerto Rico that is going to say: ''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 on the island municipality of Vieques.''

Vieques is a municipality of Puerto Rico.

What we believe is a solution to this now and should be put on this bill as an amendment is language that would do away with the referendum of November 6. There are several reasons why. One reason is the policy is not a good policy. I never believed it was. Prior to the events of September 11, we thought this was something that would resolve that issue.

This amendment would do two things. It would do away with the referendum of the 6th of November; two, it would say we would continue to do as the law provides today, until such time as both the CNO of the Navy and the Commandant of the Marine Corps sign a certificate saying that training is no longer needed. I cannot think of a worse time to force our military to stop training than right now. Right now we should be enhancing training.

That is a very simple amendment, one to which there may be some opposition. However, it merely says that, at least in the time being, do not have a referendum, but continue to train our troops as they are deployed in these battle group deployments, from the east coast and elsewhere, until such time as the CNO and the Commandant agree that training is no longer necessary.

Mr. WARNER. Mr. President, the Senator has received, in accordance with your request, a communication from the Department of Defense.

Does the Senator wish to include it in the RECORD?

Mr. INHOFE. First, I will read the last paragraph:

Senator Inhofe's amendment, SA 1595, supports the Defense Department's request to repeal the local referendum and provides for transfer of the eastern property to the Department of Interior, following cessation of training. Unlike the Department's proposed legislation on Vieques, however, the amendment does not provide for a date certain departure. Nonetheless, the Department believes that the amendment does not constrain the Department's ability to define and meet its training needs and the target departure date may still be achieved. To the extent that the amendment offered by Senator Inhofe, SA 1595, is not inconsistent with the Department's legislative proposal and underlying intent, we interpose no objection.

I ask unanimous consent this entire letter be printed in the RECORD.

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

DEPARTMENT OF THE NAVY,
Washington, DC, 24 September 2001.

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

DEAR CHAIRMAN LEVIN: As you are aware, the Department of Defense previously submitted proposed legislation that would eliminate the requirement in Section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, requiring a referendum among the Vieques electorate on whether the people of Vieques approve or disapprove of the continuation of training beyond May 1, 2003. Consistent with the commitments made by both the President and the Department of the Navy, the Navy is actively planning to discontinue training operations on the island of Vieques in May of 2003 and is committed to identifying alternatives to Vieques from both a geographical and technological standpoint to provide effective military training. Consequently, a referendum regarding continuation of training past this point in time is no

longer necessary. I still believe that conducting a local referendum on issues critical to the Department of Defense sets a bad precedent and strikes at the heart of military readiness. Enacting legislation that does away with this requirement will avoid such a precedent and potential domino effect on our other military training ranges.

Senator Inhofe's amendment, SA 1595, supports the Defense Department's request to repeal the local referendum and provides for transfer of the eastern property to the Department of Interior, following cessation of training. Unlike the Department's proposed legislation on Vieques, however, the amendment does not provide for a date certain departure. Nonetheless, the Department believes that the amendment does not constrain the Department's ability to define and meet its training needs and the target departure date may still be achieved. To the extent that the amendment offered by Senator Inhofe, SA 1595, is not inconsistent with the Department's legislative proposal and underlying intent, we interpose no objection.

Sincerely,

GORDON R. ENGLAND,
Secretary of the Navy.

Mr. INHOFE. I am happy to respond to any questions, and if there are no questions, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INHOFE. The amendment I will not bring up is the amendment having to do with incorporating the language of our energy policy in this bill.

The question could be asked, Is this an issue that should be put into the Defense authorization bill? I served as chairman of the Senate Armed Services Readiness Subcommittee for 5 years. I can assure Members there is no time in our history that should be more clear that we will have to do something about our dependency on the Middle East for our ability to fight a war. Right now, we are 56.6-percent dependent upon foreign sources for our ability to fight a war. That is not acceptable.

I remember back in the early 1980s during the Reagan administration I criticized the Republicans and Democrats alike. We have been trying to get an energy policy since the Reagan administration. We tried at that time. We introduced one. We were unable to get it done.

We tried during the Bush administration, certainly thinking that a President coming out of the oil patch would understand why we cannot be dependent upon foreign sources for our ability to fight a war. We were unsuccessful. We were unsuccessful during the Clinton administration. We started during the Carter administration.

I have an amendment that will put a policy into effect. I have two amendments. One adopts the House language and the other is to adopt the language of the energy bill that is proposed in the Senate. I will not bring it up and debate it tonight because I want to do it when everybody is here. This is very significant.

Right now, on a daily basis, we are becoming more and more dependent upon foreign sources for our energy supply. By the end of this decade it is projected to be in excess of 60 percent. We will become 60-percent dependent upon foreign sources for our ability to fight a war.

I remember a few years ago Don Hodel, Secretary of the Interior, and I used to go to consumption states and make speeches as to how the outcome of every war—back to and including the First World War—has been who controlled the energy supplies. We have gone through the 1990 war, the Persian Gulf war. In 1991, we remember the words of Saddam Hussein who said, ''if we had waited for 10 years to go into Kuwait, the Americans would not have intervened because we would have a missile we could shoot over at them.'' And now we are dependent upon the Iraqis for our imported oil.

It is very much an issue. There has been a lot of things floating around, including letters saying they are saying this has to do with ANWR. It doesn't. I only say this is an issue that should be addressed on this bill, and sometime tomorrow or the next day I will debate this and call for a vote on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We are ready to handle a series of amendments and complete our work on this bill before the Senate tonight.

AMENDMENT NO. 1660

Mr. WARNER. I offer an amendment on behalf of myself and my distinguished colleague, the chairman, Mr. LEVIN. This amendment would eliminate the cap costs that the Congress very wisely and appropriately placed on the costs of the overall renovation of the Department of Defense. Given the tragic attack on September 11—and, coincidentally, that attack was directed at a portion of the building which was the subject of the very contract on which this cap rests—we think it is wise, now, the chairman and I, that the cost of repairing this area of the Department of Defense just would not enable us to work within this cap as now established in current law.

This amendment has been cleared by the chairman on his side. I believe we are ready to proceed on it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes an amendment numbered 1660.

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:

AMENDMENT NO. 1660

(Purpose: To repeal the limitation on the cost of renovation of the Pentagon Reservation)

Strike section 2842, relating to a limitation on availability of funds for renovation of the Pentagon Reservation, and insert the following:

SEC. 2842. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806) is repealed.

Mr. LEVIN. Mr. President, we support Senator WARNER's amendment. It is obvious the circumstances have changed in a massive way. Senator WARNER knows, probably more than anybody I know of, firsthand, what the necessity is out there. We certainly support his amendment.

Mr. WARNER. Mr. President, once again, I thank my distinguished colleague. He and I went out there to the Department of Defense just a matter of a few hours following that attack to join the Secretary of Defense. I think it is important we adopt this amendment, so 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. 1660) 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.

AMENDMENTS NOS. 1661 THROUGH 1670, EN BLOC

Mr. LEVIN. Mr. President, I send to the desk now 10 amendments and ask they be considered and agreed to en bloc and any statements relating to the amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes amendments numbered 1661 through 1670, en bloc.

Mr. WARNER. The chairman has correctly represented to the Senate the status of this bloc of amendments. We concur, of course.

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

The amendments Nos. 1661 through 1670 were agreed to, en bloc, as follows:

AMENDMENT NO. 1661

(Purpose: To authorize emergency supplemental appropriations made for fiscal year 2001)

At the end of subtitle A of title X, add the following:

SEC. 1009. AUTHORIZATION OF 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

(a) AUTHORIZATION.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) are hereby adjusted by the amounts of appropriations made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(b) QUARTERLY REPORT.—(1) Promptly after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of funds made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(2) The first report under paragraph (1) shall be submitted not later than January 2, 2002.

(c) PROPOSED ALLOCATION AND PLAN.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 15 days after the date on which the Director of the Office of Management and Budget submits to Committees on Appropriations of the Senate and House of Representatives the proposed allocation and plan required by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, a proposed allocation and plan for the use of the funds made available to the Department of Defense pursuant to that Act.

AMENDMENT NO. 1662

(Purpose: To authorize the use of contractors to provide logistical support to the Multinational Force and Observers)

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

SEC. 1217. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

''(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit composed of members of the United States Armed Forces.

''(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President determines that such action enhances or supports the national security interests of the United States.''.

AMENDMENT NO. 1663

(Purpose: To clarify the use of State Department authority to contract for personal services in support of activities of the Department of Defense and other departments and agencies of the United States)

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

SEC. 1217. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

''(n) exercise the authority provided in subsection (c), upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be.''.

AMENDMENT NO. 1664

(Purpose: To provide SBP eligibility for survivors of retirement-ineligible members of the uniformed services who die while on active duty)

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

SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE ON ACTIVE DUTY.

(a) SURVIVING SPOUSE ANNUITY.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

''(A) a member who dies while on active duty after—

''(i) becoming eligible to receive retired pay;

''(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

''(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

''(B) a member not described in subparagraph (A) who dies in line of duty while on active duty.''.

(b) COMPUTATION OF SURVIVOR ANNUITY.—Section 1451(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''based upon his years of active service when he died.'' and inserting ''based upon the following:''; and

(B) by adding at the end the following new clauses:

''(i) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

''(ii) In the case of an annuity payable under section 1448(d)(1)(A) of this title by reason of the death of a member not in line of duty, the member's years of active service when he died.

''(iii) In the case of an annuity under section 1448(f) of this title, the member's years of active service when he died.''; and

(2) in subparagraph (B)(i), by striking ''if the member or former member'' and all that follows and inserting ''as described in subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—(1) The heading for subsection (d) of section 1448 of such title is amended by striking ''RETIREMENT-ELIGIBLE''.

(2) Subsection (d)(3) of such section is amended by striking ''1448(d)(1)(B) or 1448(d)(1)(C)'' and inserting ''clause (ii) or (iii) of section 1448(d)(1)(A)''.

(d) EXTENSION AND INCREASE OF OBJECTIVES FOR RECEIPTS FROM DISPOSALS OF CERTAIN STOCKPILE MATERIALS AUTHORIZED FOR SEVERAL FISCAL YEARS BEGINNING WITH FISCAL YEAR 1999.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2262; 50 U.S.C. 98d note) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking ''$720,000,000'' and inserting ''$760,000,000''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) $770,000,000 by the end of fiscal year 2011.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

AMENDMENT NO. 1665

(Purpose: To provide for the construction of a parking garage at Fort DeRussy, Hawaii)

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

SEC. 2844. CONSTRUCTION OF PARKING GARAGE AT FORT DERUSSY, HAWAII.

(a) AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION.—The Secretary of the Army may authorize the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentality of the Department of Defense (in this section referred to as the ''Fund''), to enter into an agreement with a governmental, quasi-governmental, or commercial entity for the construction of a parking garage at Fort DeRussy, Hawaii.

(b) FORM OF AGREEMENT.—The agreement under subsection (a) may take the form of a non-appropriated fund contract, conditional gift, or other agreement determined by the Fund to be appropriate for purposes of construction of the parking garage.

(c) USE OF PARKING GARAGE BY PUBLIC.—The agreement under subsection (a) may permit the use by the general public of the parking garage constructed under the agreement if the Fund determines that use of the parking garage by the general public will be advantageous to the Fund.

(d) TREATMENT OF REVENUES OF FUND PARKING GARAGES AT FORT DERUSSY.—Notwithstanding any other provision of law, amounts received by the Fund by reason of operation of parking garages at Fort DeRussy, including the parking garage constructed under the agreement under subsection (a), shall be treated as non-appropriated funds, and shall accrue to the benefit of the Fund or its component funds, including the Armed Forces Recreation Center–Hawaii (Hale Koa Hotel).

AMENDMENT NO. 1666

(Purpose: To modify the authority for the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania)

Strike section 2841, relating to the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania, and insert the following:

SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) DESIGN AND CONSTRUCTION.—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto

by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) USE OF CERTAIN GIFTS.—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

AMENDMENT NO. 1667

(Purpose: To waive a restriction on the use of funds that adversely affects compliance with a requirement in law for Federal agencies to utilize consensus technical standards)

At the end of subtitle C of title XI, add the following:

SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (109 Stat. 783; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) EXPENSES OF GOVERNMENT PERSONNEL.—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.''.

AMENDMENT NO. 1668

(Purpose: To authorize use of Armed Forces Retirement Home Trust Fund funds for a blended use, multicare facility at the Naval Home)

Strike section 303 and insert the following:

SEC. 303. ARMED FORCES RETIREMENT HOME.

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of $71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

(b) AMOUNTS PREVIOUSLY AUTHORIZED.—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, an amount of $22,400,000 shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

AMENDMENT NO. 1669

(Purpose: To require a study and report on the interconnectivity of National Guard Distributive Training Technology Project networks and related public and private networks)

At the end of subtitle C of title X, add the following:

SEC. 1027. COMPTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF NATIONAL GUARD DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT NETWORKS AND RELATED PUBLIC AND PRIVATE NETWORKS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project (DTTP) and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, and networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies.

(b) PURPOSES.—The purposes of the study under subsection (a) are as follows:

(1) To identify existing capabilities, and future requirements, for transmission of voice, data, and video for purposes of operational support of disaster response, homeland defense, command and control of premobilization forces, training of military personnel, training of first responders, and shared use of the networks of the Distributive Training Technology Project by government and members of the networks.

(2) To identify appropriate connections between the networks of the Distributive Training Technology Project and networks of the Federal Emergency Management Agency, State emergency management agencies, and other Federal and State agencies having disaster response functions.

(3) To identify requirements for connectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a) in the event of a significant disruption of providers of public services.

(4) To identify means of protecting the networks of the Distributive Training Technology Project from outside intrusion, including an assessment of the manner in which so protecting the networks facilitates the mission of the National Guard and homeland defense.

(5) To identify impediments to interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(6) To identify means of improving interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(c) PARTICULAR MATTERS.—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, national security concerns impede interconnectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a).

(2) Whether, and to what extent, limitations on the technological capabilities of the Department of Defense impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(3) Whether, and to what extent, other concerns or limitations impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(4) Whether, and to what extent, any national security, technological, or other concerns justify limitations on interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) Potential improvements in National Guard or other Department technologies in order to improve interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a). The report shall describe the results of the study, and include any recommendations that the Comptroller General considers appropriate in light of the study.

AMENDMENT NO. 1670

(Purpose: To provide eligibility for senior officers of the Armed Forces to serve as Deputy Directors of facilities of the Armed Forces Retirement Home)

On page 346, line 20, insert after ''professional'' the following: ''or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander''.

AMENDMENT NO. 1667

Mr. LIEBERMAN. Mr. President, I rise to discuss an amendment to the Fiscal Year 2002 National Defense Authorization Act which will serve to assist our military in their continuing transformation into a more efficient fighting force, ready to meet the threats of the 21st century. It amends the National Technology Transfer Act of 1995 in order that the Federal Government can use appropriated funds for personnel to participate in meetings to set technical standards for products, manufacturing processes, and management practices of interest to the military. Specifically, it eliminates an obscure technical restriction established by an 89-year-old statute so that the Federal Government will be able to cover the expenses of those employees participating in standards activities critical to the Department.

The amendment is consistent with previous act of Congress, Department of Defense policy and Governmentwide policy to support efforts to replace Government-unique standards wherever possible with standards developed jointly with the private sector and other interested parties. There are major Federal savings and national security improvements that can result from this participation. I am proud to be joined by Senator SANTORUM in this effort. I thank my colleagues' for their support for this technical amendment.

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

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, the aftermath of the despicable terrorist

attacks continue to weigh heavily on our hearts, and I again express my deepest sympathy to those lost and injured in the attacks, as well as their families. We will do everything in our power to bring all of those responsible to justice and I am confident that our military, both active and reserve, stand ready to act in response to act. Congress will see that they are given all they need to accomplish the missions they are given.

This bill increases defense spending. It focuses on improving readiness, and also improving service member quality of life. It contains the largest defense spending increase in many years. At $329 billion, a $33 billion increase over last year, this bill represents a significant new investment in service members and the nation's security.

As chairman of the Seapower Subcommittee, I have strongly advocated strengthening Navy, Marine Corps and Strategic Lift forces. The worldwide presence of our armed forces requires at least a 300-ship navy. The Navy is facing a serious shortfall in the numbers of ships available to meet the Nation's future security needs. This bill fully funded the President's request for most major programs, including the *Virginia* Class attack submarine, the DDG–51 AEGIS Destroyer, research and development for the DD–21 land attack destroyer, and 13 additional C–17 airlift aircraft.

The bill also supports a series of transformation initiatives, especially the Trident submarine conversion. The Navy's budget called for converting only two of these submarines. The bill includes an increase of $307 million to reserve the option of converting all four submarines. I believe that these converted submarines can make a significant contribution to the Navy in the future.

The committee also considered the V–22 Osprey program and the future role of this aircraft. We agree that the production line needs to remain open and we have authorized the minimum sustaining production of nine aircraft. It is the committee's belief that the minimum sustaining rate is nine rather than twelve aircraft. This reduced number of aircraft will also limit future retrofit costs that the existing V–22 aircraft will require. The committee also recommended the program for the Air Force V–22 version, the CV–22, be restructured by removing the funding for acquisition, but supporting research and development.

Our Armed Forces continue to operate and train at a more robust level than at any other time during this Nation's history. At this moment, service members are being mobilized for possible action in the current crisis. They are already risking their lives daily by actively enforcing the no-fly zones over Iraq and patrolling the Arabian Gulf for oil smugglers. Our men and women in uniform are overseas providing stability in Kosovo, and they are now involved in bringing peace to Macedonia. They are also monitoring the demilitarized zone in Korea, and they are assisting in the battle against drugs in Central and South America. These activities are in addition to the daily exercises they conduct at home and with our allies overseas to maintain the readiness of our forces.

All of America's men and women in uniform put our Nation's interests above their own. When called upon, they risk their lives for our freedom. As a nation, we often take this sacrifice for granted, until we are reminded of it again by tragic events such as the vicious attack on the Pentagon.

They face constant risks in training for the many missions that they are called upon to carry out. This past year, seven Army personnel lost their lives when their helicopters crashed in a night training exercise in Hawaii. Two Marine AV–8B pilots died in a training flight in North Carolina. We lost 21 National Guardsmen when their transport plane went down in Florida. The cost of training in the name of peace and security is high, and we are very proud of the brave men and women who accept these risks to defend our Nation and our ideals.

In this bill, we continue the efforts to support service members and their families. The bill grants a minimum of a 5 percent pay raise, with personnel in certain pay grades receiving raises between 6 and 10 percent. This raise is the largest since 1982, and the third straight year that the committee has authorized a significant pay raise above the rate of inflation.

The committee also recognizes the importance of providing service members with decent housing and work conditions. The bill provides $451 million above the budget request for military family housing and facilities.

The bill also expedites the timeline for the gradual reduction to zero of the out-of-pocket housing costs for service members living off base, from 2005 to 2003. We also provide additional funding to cover the costs of military health care for service members and their families. These are important quality of life improvements that our dedicated, well-trained men and women deserve, and they are important steps in retaining them in the armed forces.

The bill allows the transferability of GI bill benefits. Senator CLELAND's dedication to this issue has resulted in the authorization of $30 million to allow the transfer of up to 18 months of unused G.I. Bill education benefits to a family member, in return for a commitment of four more years of service.

The bill also includes significant parts of the Tricare Modernization Act, which I introduced earlier this year, to ensure that disabled family members of active duty service men and women have access to the health care they deserve. Early last year, a young man in the Air Force drove 12 hours with his wife and disabled four-year old daughter to testify to Congress about the need to make Medicaid more accessible, because the military health care system did not adequately meet his daughter's needs. In order to continue her eligibility for Medicaid, he could not accept a promotion to a higher rank.

No member of the Armed Forces should ever be put in the position of having to choose between health care for their disabled child and serving our country. These families should not have to rely on Medicaid to obtain health care that works.

The Tricare Modernization Act has been endorsed by The Military Coalition, a consortium of armed forces and veterans' organizations representing 5.5 million current and former members of the military and their families. We need to correct the injustices that these families have suffered by integrating services for disabled dependents into the basic military health benefit program, so that no medically necessary services are denied.

Last year, the Armed Services Committee heeded the needs of our military retirees, and addressed their number-one priority—the cost of prescription drugs. This benefit, which began in April, lets all men and women in uniform know that we care about their service.

The bill also provides an additional $217 million for protection of our forces against terrorism, for counter-terrorism training, research and development to protect our forces against attacks by weapons of mass destruction, and to help the services in their efforts to support civilian agencies in the battle against terrorism.

The bill also recognizes the very real threat we face from biological weapons. It addresses these threats with significant investments in science and technology for chemical and biological defense and medical counter-measures. These additional investments will support needed research on chemical and biological detection technology and decontamination. It will also support lifesaving research on medical treatments, vaccines, anti-toxins, and advanced diagnostic technology.

In addition, the cyber threat to national security is very real, and our armed forces must be better prepared to deal with this threat and to protect their information systems. The bill adds $5 million to the $7.9 million requested to address this serious and growing threat.

The bill also takes an important stand to begin the process of cleaning up unexploded ordnance. At many active and closed military bases, UXO is a major challenge. The bill addresses these hazards by including a major provision requiring the Department of Defense to establish specific accounts to fund the cleanup of UXO at military bases across the country, which clearly poses a hazard to civilians, military personnel, the environment, and the safe use of live-fire ranges necessary for a high state of military readiness.

These new accounts are essential to demonstrate the Department's commitment to safety, the environment, and responsible use of its facilities.

Finally, on the issue of ballistic missile defense, the committee responsibly cut back the President's $8.3 billion request for research, development and testing of a ballistic missile defense system by $1.3 billion. The administration's request was clearly in excess of what the Ballistic Missile Defense Office could have reasonably allocated in the coming year, and the committee was right to give priority to other military programs. The committee also took a strong stand against testing that would violate the Anti-Ballistic Missile Treaty.

It makes no sense to rush forward prematurely with tests that will violate the treaty, or with deployment of a missile defense system, when there are serious doubts about whether it will work. Our European allies and Russia continue to be skeptical about abandoning the ABM Treaty and deploying a missile defense system. We should work with our allies and continue consultations with Russia, not act unilaterally or establish arbitrary deadlines.

It is disappointing that these important ballistic missile defense provisions were removed from the bill we are currently considering. These issues are, and will continue to be, very important.

I commend my colleagues on the Armed Services Committee for their leadership in dealing with the many challenges facing our nation on national and homeland defense. This bill keeps the faith with the 2.2 million men and women who make up our active duty, guard, and reserve forces. This legislation is vital to the Nation's security, and I urge the Senate to approve it.

Mr. ROBERTS. Mr. President, I rise in support of S. 1438, the National Defense Authorization Act for fiscal year 2002. As the ranking Republican on the Emerging Threats and Capabilities Subcommittee, I would like to thank subcommittee Chairman LANDRIEU and her staff for their cooperation in the preparation of this bill. While I may have some concerns with several issues contained within the legislation, I do support the bill and urge its adoption by the full Senate.

At this time I would like to take a moment to highlight a few important issues which are under the jurisdiction of the Emerging Threats and Capabilities Subcommittee.

In particular, the legislation continues to build upon the committee's past efforts to strengthen and streamline the Department of Defense's combating terrorism program. As we were tragically reminded by the events on September 11 and last year's bombing of the U.S.S. *Cole*, it is vital that we continue to focus on this growing threat.

As we all know, the threat of attacks on our national and defense information systems seem to grow daily. Last year, Senator WARNER proposed an innovative scholarship program to encourage young people to pursue careers with the Federal Government in the information assurance area. I am gratified that our collective efforts this year have increased support for this innovative program, as well as other Departmental efforts to enhance the security of our critical information systems. However, I am concerned that the funding level included in the bill for the scholarship program may not be sufficient.

Since the creation of the Emerging Threats and Capabilities Subcommittee in 1999, I have worked hard to ensure that our nonproliferation and threat reduction programs in Russia are fulfilling their national security objectives. This year I have worked hard to incorporate the kind of oversight I believe is essential if these nonproliferation programs are going to produce the desired results.

This committee has a long history of supporting a strong and stable science and technology program and I was pleased to see the administration's budget request of $8.8 billion in this important area. This $1.2 billion increase over last year's request is the first step towards achieving the Secretary's goal of having science and technology programs make up 3 percent of the overall defense budget. It remains critical that we continue our support of a vibrant science and technology base.

I strongly urge the rapid adoption of this important legislation. Our Nation is faced with a daunting task ahead and now is the time to show our strong support for the men and women in the armed services who so proudly and bravely serve our Nation.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE DAY OF NINE-ONE-ONE

Mr. REID. Mr. President, Ira Somers was my neighbor and friend when I had my house in McLean, VA. I found Ira to be not only a mental giant but also a spiritual great as well. I ask unanimous consent to have printed in the RECORD a poem written by Ira Somers that loudly outlines Americans' thoughts on the events of September 11, 2001.

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

THE DAY OF NINE-ONE-ONE

This began as a quiet day
Lives were normal in every way.
The sun arose with fullest light
And moved the shadows of the night.
But this was not to last for long,
Two big giants tall and strong
Which seemed to stand for what is good
Were struck by evil where they stood.

'Twas on the day of nine-one-one
That they were lost to everyone.
There they were, and now they're not,
And where they stood's a gruesome spot.
How could these giants of our day
Be brought to naught in such a way,
To leave this mass of jumbled parts
Which tear with grief at all our hearts?

We sensed the feelings of despair
In those who walked most every where
To find the ones that they had lost
And bring them back at any cost.
We were moved by the kindly deed
Of those who toiled for other's needs,
And the many hours they have spent
Clearing rubble from this event.

A vicious crash at the Pentagon
Tore at the souls of every one,
And reports of heroes in the air
Touched hearts of people everywhere.
We all can learn from such great loss
To look at need before the cost
When giving help to anyone,
And not say quit 'till peace has won.—Ira Somers.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred August 29, 1993 in Walla Walla, WA. A man believed to be gay was sexually assaulted with a stick, struck by the assailant's truck and abandoned in a remote area. Todd I. Klevgaard, 27, was charged with felony assault.

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.

AUTOMATIC MEMBER PAY INCREASE

Mr. FEINGOLD. Mr. President, there is a great sense of unity across the Nation as we begin to recover from the events of September 11. The President's speech last week gave both comfort and strength to the American people and to people around the globe.

I have been heartened by the bipartisan unity demonstrated by Congress as it acts to respond to the human and economic devastation, and we will need to maintain that unity as we ask for the sacrifices necessary to end this business.

Given all that has happened and all that will happen, it is all the more inappropriate for Congress to accept a $4,900 backdoor pay raise.

Of course, I believe the automatic pay raise is never appropriate. As my colleagues are aware, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the RECORD.

This process of pay raises without accountability must end. It is offensive. It is wrong. And it is unconstitutional.

In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. Almost exactly 212 years ago, on September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th amendment to the Constitution now states: ''No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.''

I try to honor that limitation in my own practices. In my own case, throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any additional income Senators get, whether from a cost-of-living adjustment or a pay raise we vote for ourselves. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th amendment.

This practice must end, and earlier this year I reintroduced legislation to end the automatic cost-of-living adjustment for congressional pay.

But we should not wait to enact that law to say ''no'' to the $4,900 pay raise that will go into effect beginning next year.

To that end, I call upon the leadership of both parties to work together, in the spirit of the bipartisan unity we have seen flourish in recent days, to stop the pay raise that is scheduled to go into effect in 2002.

I very much hope it will not be necessary to fight this issue out on the floor of the Senate. I have an amendment prepared to stop this backdoor pay raise, and am willing to offer it if that becomes necessary, but I want to give our leadership the opportunity to respond and to act together.

We are spending the hard-earned tax dollars of millions of Americans to recover from the horrific events of September 11 and to ensure that it does not happen again.

And right this minute, our Nation is sending the men and women of our Armed Services into harm's way.

This is not the time for Congress to accept a pay raise, and I am confident that upon reflection, Members of the Senate and the other body will want to stop this automatic pay raise from taking effect.

Let's stop this backdoor pay raise right now, and then, let's enact legislation to end this practice once and for all.

THE WORLD SITUATION AFTER THE TERRORIST STRIKE

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by a member of the U.S. Court of International Trade, Evan Wallach. A graduate of Cambridge and a Nevadan, this expert international jurist and expert in the law of war, with clarity reviews the world situation, only days after the terrorist strike of September 11, 2001.

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

SPEECH, 21 SEPTEMBER, 2001 HUGHES HALL COLLEGE, CAMBRIDGE

It is good to be home. Whether it is because we as peoples share the same language and laws, value the same rights of humanity, and pray to the same God, or because I have developed so many ties and deep friendships since I first set foot in these halls some twenty-one years ago, I cannot feel myself a stranger in this house and in this fair land. It is good to be home and to share with you our common hopes and our common tragedy.

When President Richards invited me to speak here some months past, I had in mind a few words about my personal history at Hughes, and some specific thoughts about how much Cambridge has meant to the cause of freedom. I meant to speak about how England stood alone and undaunted in those dark days of May and June, 1940, as the only bulwark between the free world and the dark night of unending barbarism. Long before we Americans were forced into the affair, even before her empire could effectively rally to the colors, this island held the line; and this small town, with its great university, was at the center of that resistance, providing many of its pilots, much of its intelligence apparatus, and a great deal of its military leadership.

My original thought was to come here to thank you yet again, and to speak about the links forged in that crucible of war which bind us still.

That was before Tuesday, September 11.

On that morning I was talking to my secretary Linda Sue as she prepared coffee. When we heard the first explosion I thought it was a bomb. We were relieved when the television said it was an airplane. It had to be an accident. We watched the second aircraft fly into the WTC. In one second it changed everything. We knew we were at war.

New Yorkers reacted very well. They reminded me so much of Londoners in the Blitz. Our court is exactly a half mile from the WTC. There was no panic. People helped someone when they stumbled, urged one another on, and were kind to strangers. It was as Dickens says, the best of times and the worst of times.

We are much a family, we Americans, a very large, very extended and often very dysfunctional family. When our brothers and sisters come into harm's way we react as does any family; we cry, we grieve, we pray, we hold each other close, and then we go on living.

Make no mistake about it, we will go on. The continental Europeans have a conception of America which has a strong kernel of truth. We are still, somewhat, the vaguely isolationist, happy-go-lucky plough boy who can be insulted by foreign waiters, euchred by a sidewalk grifter, blow his month's pay on a pretty bar girl, and still go home convinced he had a real nice time in the big city.

But when you slap us across the face, we know we've been wronged and it is not in our nature to slap you in return. Rather, our national instinct is to destroy your armies, drive your population into exile, pillage your cities and plow salt into the ground where they stood; in short, to act like Europeans. Then, however, being Americans we pass out chewing gum and foreign aid to help rebuild what we just destroyed.

That baser instinct, however, is fortunately also mitigated by one equally strong which we suckled at the breast of our mother country with the milk of Magna Carta. I refer, of course, to the sanctity of the rule of law. As Edmund Burke said in 1775: ''In this character of the Americans a love of freedom is the predominating feature which marks and distinguishes the whole . . . This fierce spirit of liberty is stronger in the English colonies, probably, than in any other people of the earth [because] the people of the colonies are descendants of Englishmen.''

We learned our lessons well at your knee. We learned from Entick v. Carrington that though a citizen lives in the rudest hut with no door or window, though the wind may blow through and the rain may pour in, the King of England with all his armies may not pass over his thresh hold without an invitation to enter.

We have taken the rights and liberties of Englishmen and extended them even further. We have enshrined them in a written Constitution and from time to time, as we have done wrong to individuals and learned our lesson from that wrong doing, we have added additional protections.

We have been attacked by people from one particular part of the world. I am not an Arabist or a scholar of that region's history to any great degree but I think I can say those who planned this attack are mistaken about the United States in many ways. I believe they thought to wound us deeply by attacking our national symbols, and that they viewed the WTC as one such symbol. They thought, I imagine, that as a capitalist state, worshipping the almighty dollar, we would reel back, shaken and demoralized, by the loss of this great temple of Mammon. Truly they mistake us.

We reel back, not at the loss of a building, because bricks, and mortar can always be restacked; we usually tear down our great edifices every few decades or so anyway, to construct something larger and more modern. What wounded us, what cut us to our souls, what enraged us beyond the comprehension of these bombers, was the loss of five thousand of our sons and daughters, moms, and dads, firemen, policemen, janitors, bankers, doctors and lawyers. For this we shall not forgive the perpetrators; this we shall never forget. They are sadly mistaken.

If I could say one thing to those attackers and to their followers it would be this: ''Beware of false prophets, which come to you in sheep's clothing but inwardly they are ravening wolves. Ye shall know them by their fruits . . . Every tree that bringeth not forth

good fruit is hewn down and cast into the fire. Wherefore, by their fruits shall ye know them.''

I trust we will not again make the mistake of the Second World War and presume that because an individual or his forefathers came from that region or worships our common God in its way, that he is anything other than someone entitled to mutual rights and mutual respect. There will be no mass roundups based on race, there will be no mass internment camps based on religion. We are not the same people as we were in 1941, and thank God, we are not the same people as those with whom we are at war.

I take some pride, that as a member of the federal judiciary I have taken an oath to do equal justice to all who come before me, and I have great confidence that not only shall we honor that oath, but that the executive branch will equally honor its obligation to protect the rights of those who reside within our nation whatever their race or religion. If restrictions there are, and there will be, if some limitations arise on the freedom from government interference with our ability to travel, and there will be, they will be applied equally. If individual officials make mistakes simply because of someone's color or creed, we will correct those mistakes as quickly as possible and apologize for the error. We will all face the burden together, we shall spread it as fairly as possible, and we shall bear it with quiet determination and good humor, for we are at war.

Make no mistake about it, we are at war. It is a different war than those of the recent past, and we Americans tend to be so forward looking that we confine our vision only to the front, but there is historical precedent for what we are about to do. When our nation was still in its infancy we fought an undeclared war with your neighbors across the Channel, we sent our young navy to the Mediterranean to battle the corsairs of Barbary, and over the years we have chased bandits and pirates beyond our borders whenever our national interest required it. Often, and for many decades, we shared that job with the Royal Navy.

I cannot, in this English language, say anything about this endeavor upon which we now embark in any way better than my hero who led your fight for civilization in the last world war. Let me quote from two speeches by Mr. Churchill: ''There shall be no halting or half measures, there shall be no compromise or parley. These gangs of bandits have sought to darken the light of the world; have sought to stand between the common people and their inheritance. They shall themselves be cast into the pit of death and shame, and only when the earth has been cleansed and purged of their crimes and villainy shall we turn from the task they have forced upon us, a task which we were reluctant to undertake, but which we shall now most faithfully and punctiliously discharge.

* * * * *

''We do not war primarily with races as such. Tyranny is our foe, whatever trappings or disguise it wears, whatever language it speaks, be it external or internal, we must forever be on our guard, ever mobilized, ever vigilant, always ready to spring at its throat. In this, we march together.''

In this indeed, I know, we shall march together.

ELECTIONS IN BELARUS

Mr. FEINGOLD. Mr. President, I rise today to speak about Belarus and my concerns about the country's recent presidential election.

Belarus has endured tremendous difficulties in its history. For centuries, Belarus has been fought over, occupied and carved up. It has borne heavy losses, including the loss of over 2 million people, one quarter of its population, during WWII. Today, the Belarusian people continue to suffer devastating consequences from the 1986 Chernobyl nuclear disaster in neighboring Ukraine.

Belarus' declaration of independence in 1991 held great promise for a better future. As it broke from communist rule, it had the opportunity to build a free nation and become part of a peaceful, more secure Europe. The country began to embrace economic and political reforms and democratic principles. It courageously chose to be a nuclear-free state, ratified the START Treaty, acceded to the Non-Proliferation Treaty, and became a member of NATO's Partnership for Peace. It established a constitution and held its first Presidential election in 1994.

Unfortunately, the prospect of democratic change in Belarus was quickly halted as its first President, Alexander Lukashenka, adopted increasingly authoritarian policies, including amending the constitution in a flawed referendum to extend his term and broaden his powers. Lukashenka's regime has been marked by a terrible human rights record that is progressively getting worse, with little respect for freedom of expression, assembly and an independent media. A pattern of disturbing disappearances of opposition leaders fails to be seriously investigated by authorities. The living conditions in Belarus are declining and Lukashenka's refusal to institute economic reforms has only exacerbated the situation.

For months, nations throughout the world have been following closely the events leading up to the presidential election which took place on September 9, 2001, with hope that Lukashenka would take the necessary steps to allow the election to be free, fair and transparent. The United States, the European Union and leaders of the Organization for Security and Cooperation in Europe, OSCE, had urged Lukashenka to uphold his commitments to democratic principles as an OSCE member state and adhere to international election standards. Lukashenka was encouraged to seize this opportunity to signal to his European neighbors and the rest of the world that he is ready to change his heavy handed policies which have isolated his government and earned him a reputation as the lone remaining dictator in Europe.

Unfortunately, this election process demonstrated that Lukashenka is still unwilling to acknowledge the will of the Belarusian people. Much like last year's parliamentary elections, this election was marred by reports of intimidation, harassment and fraud. The OSCE concluded that it failed to meet internationally recognized democratic election standards.

Leading up to the election the opposition was denied fair and equal access to state-controlled media coverage, the independent media was harassed, publishing houses were shut down, and newspapers reporting on the opposition were seized. International observers from the Office for Democratic Institutions and Human Rights, ODHIR, were denied entry into the country for several weeks, and some were denied visas altogether, thus hindering efforts to establish a complete and thorough observation mission. Consequently, observation of critical aspects of a free and democratic election were missed, including the formation of election commissions and the candidate registration process. As voters cast their ballots, efforts to conduct a parallel vote-count were thwarted when Belarusian authorities disqualified thousands of domestic election observers. As a result, while most of Belarus' Central and Eastern European neighbors continue to progress toward democracy and integration into a peaceful, more secure Europe, Belarus remains on a path of its own, isolated from much of the world.

The United States must continue to pressure Lukashenka to change his archaic iron fist policies and adopt political reforms that espouse democratic principles such as respect for human rights, support for civil society, and the rule of law. We must continue to urge his regime to institute desperately needed market-oriented economic reforms to promote trade, investment, growth and development in Belarus. We should also engage the Russians in high-level discussions, urging them to raise these issues with their neighbor, to pressure Lukashenka to take the steps he knows are necessary to facilitate normal, productive relations between his country and the international community.

While putting pressure on the Belarusian Government, the U.S. should also continue to support programs that will strengthen civil society and build democracy. The OSCE cited one positive observation about the Presidential election in Belarus: an increasingly pluralistic civil society is emerging and working to build the core institutions neglected by the state. The U.S. should continue to support programs that will build upon this progress within civil society and help restore democracy in Belarus.

ADDITIONAL STATEMENTS

HISPANIC HERITAGE MONTH

• Mr. SARBANES. Mr. President, today I rise in recognition of Hispanic Heritage Month. Each year, from September 15 through October 15, we recognize the contributions that Hispanic Americans bring to the United States. During this Hispanic Heritage Month, our Nation is in the process of coming to terms with the unspeakably savage attacks of September 11th and bracing for what may follow. Yet, in the wake of these heinous terrorist acts, we have demonstrated one of our greatest

strengths, the ability to unite in times of crises. A major element of that unity is recognizing and embracing our diversity. This month we do so by showing our respect and appreciation for the rich cultural heritage Hispanic Americans bring to our Nation.

Recent census figures show that there are more than 35 million Hispanic Americans in this country. Their ranks have increased 58 percent through the last decade. Hispanic Americans will soon be the largest minority group in the United States, making up 24 percent of the population by 2050. In my State of Maryland, the number of Hispanics grew more than 82 percent since 1990, making up more than 4 percent of the population statewide. I know that Hispanic Americans will continue to bring great contributions to Maryland's culture and economy.

Like America, the Hispanic culture within our country is diverse. Whether we look to the large Puerto Rican community in New York, the influx of Central Americans to the Washington Metropolitan region, Mexican Americans who have a long history in California, or Cuban Americans who have made South Florida their home, Hispanic American culture reflects the breadth and depth of the cultures of their nations of origin. Hispanic Americans are changing the face of America, challenging our tendency to view the world in terms of black and white and teaching us to accept ethnic diversity as well as racial differences.

I strongly believe that we will live up to the ideals of our Nation's founding only when all Americans have equal access to the building blocks of a strong society, education, employment, health care, housing and political participation. We must make sure that basic services and opportunities are available to Hispanic Americans. And, as this segment of the population grows, it will be increasingly important for educators, hospitals, civil services, and financial institutions to be able to communicate effectively, provide bilingual materials where appropriate, and be aware of cultural differences when delivering services. Hispanic Americans deserve to take full part in their communities and language barriers should not prevent them from doing so.

Throughout our history, different groups have come to this country contributing their culture, values and strengths to make the United States the strong diverse country that it is. The story of immigrants searching for a better life is a story that has been replayed countless times throughout our history, sustaining the growth of America since her beginning. Hispanic Americans continue this tradition and I am proud to have the opportunity to recognize their heritage this month.●

IN RECOGNITION OF DR. HENRY WALL

● Mr. DOMENICI. Mr. President, I rise today to recognize the service of Dr. Henry Wall to New Mexican veterans. Dr. Wall recently retired from the Artesia Veterans Affairs community-based outpatient clinic after nearly 50 years of service to meeting the health care needs of Artesia residents.

Dr. Wall graduated from the University of Oklahoma in 1953 and moved to Artesia shortly thereafter. Dr. Wall's private practice spanned from 1955 to 1991, and he became well known for his dedication to patient care, as well as for his maternity practice. In fact, many Artesia residents remind him that ''You delivered me, my children, and my mom.''

In 1989, the Artesia community-based clinic was founded. The clinic was an outgrowth of legislation that I sponsored to establish six satellite veterans outpatient centers. I believed that veterans should have access to quality health care at a convenient location. Dr. Wall also saw this opening as an opportunity to serve the veterans of southeastern New Mexico. He joined the clinic's staff and brought his care and expertise to the many veterans in the local community. Dr. Wall is a veteran himself, having served in the Marine Corps in World War II, and he understood the need to provide our Nation's veterans with superior health care.

I wish to express my gratitude to Dr. Henry Wall for his years of service to Artesia, and to the veteran population, in particular. I have frequently stated that ensuring the health and well-being of the servicemen and women, who have placed their lives in harm's way in order to secure our freedoms, should be a commitment that Americans do not take lightly. I am proud that Dr. Wall has done his part to live up to this commitment. I am sincerely grateful for his service to New Mexico's veterans.●

TRIBUTE TO SISTER MARGARET SMITH

● Mr. DAYTON. Mr. President, today, I would like to take the opportunity to pay special tribute to an exceptional person, Sister Margaret Smith of Park Rapids, Minnesota. With great pride, Minnesotans have named Sister Margaret Minnesota's Outstanding Older Worker for this year. This is an honor richly deserved, for Sister Margaret has spent 55 of her 80 years serving in a variety of capacities at the St. Joseph's Area Health Services, in Park Rapids.

The award for Minnesota's Outstanding Older Walker is conferred by Green Thumb, Inc., the Minnesota Department of Economic Security, and the Minnesota Department of Labor.

Sister Margaret is virtually an institution, a pillar at St. Joseph's where she has touched the lives of thousands of people. With her humor, warmth, feeling for people, and dedication, she has been a support not only for appreciative patients and their families, but also for her coworkers at St. Joseph's. Indeed, one of the affectionate nicknames conferred on her by the medical staff is ''The Presence.'' This is a fitting title, indeed: She was among the seven Sisters of Saint Joseph who arrived in Park Rapids in 1946 to establish a hospital, is always where she is needed, and has never missed a single day of work. Moreover, Sister Margaret is nothing if not versatile. Having become a certified radiology technician in 1945, she has worked in almost every department of the hospital, including the lab and surgery; was once St. Joseph's administrator; and now sits on the Board of Directors.

Although she no longer performs procedures, she keeps the radiology department running smoothly by scheduling patients' appointments; maintaining statistics, information, and activities in superb order; working with physicians to arrange radiology procedures; and supervising the department's peer review. In the hospital at large, she keeps her finger well placed on the pulse of the organization by overseeing quality control. Moreover, Sister Margaret is the hospital historian and photo archivist.

At St. Joseph's, Sister Margaret is called ''the rock, the foundation.'' So loved is she for her steadfastness, lightheartedness, and solid values, that patients of 20 years ago return and ask to see her. At its genesis, the success of St. Joseph's and its founders might not have been predicated. Rather, some in the community opposed a Catholic hospital. Today, sister Margaret says she believes her presence as a Sister of St. Joseph has made a difference. Caring for patients, she believes is sacred. Her philosophy has been to care for the whole person, spiritfully as well as physically.

Sister Margaret was to have visited Washington, D.C., during the week of September 11, in order to attend the National Prime Time Awards Program. Although our Nation's crisis made it impossible for this trip to take place, I would like to add my voice to those who have honored Sister Margaret's constancy of heart and spirit in ministering to so many patients for more than 50 years.●

IN RECOGNITION OF I. MARTIN MERCADO

● Mr. DOMENICI. Mr. President, I rise today to recognize the accomplishments of Mr. I. Martin Mercado, who will be presented today with the Small Business Administration's Minority Small Business Person of the Year Award. This prestigious award recognizes the vital role that minority-owned small businesses play in creating jobs and providing robust economic development in their communities. Mr. Mercado is the president of

Mercado Construction in Albuquerque and is the perfect example of the important contributions that small business make to our economy.

Mr. Mercado is one of seven children of immigrant parents who left their native country of Mexico in search of better opportunities for their children. Although they had little knowledge of American culture or language, they were able to provide their children with a good education and a bright future. I. Martin Mercado is a wonderful illustration of the American dream. Although he came from this humble background, he has built a successful business from the ground up.

Mercado Construction began in 1994 with only $20,000 in cash and one employee. Mr. Mercado faced enormous difficulty in securing financing and credit because it was a start-up company. However, after the successful completion of several projects, Mercado Construction was able to demonstrate its ability and began to gain access to working capital. Through hard work and resolve, Mercado Construction has grown exponentially. It now has 23 employees and $4.8 million in revenues and has contributed to many important development projects in the Albuquerque and Rio Rancho communities.

Equally important, Mercado Construction shares its success with other New Mexican small businesses. Mr. Mercado is an active member of the New Mexico 8(a) Association and frequently subcontracts with and purchases materials from other minority- and women-owned small businesses. In fact, over 50 percent of Mercado Construction's subcontractors are minority- and women-owned firms. Mercado Construction is also an active participant in the Albuquerque community. It has sponsored youth sports teams and contributes to several charities, such as the North Valley Little League and the Big Brothers/Big Sisters program.

I wish to congratulate Mercado Construction and its president, Mr. I. Martin Mercado, on being named a Minority Small Business Person of the Year. I am grateful for their contribution to economic development and job creation in New Mexico, and I look forward to their continued growth and success.●

REPORT ON BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the unusual and extraordinary threat posed to the national security, foreign policy, and economy of the United States by grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks at the World Trade Center, New York, at the Pentagon, and in Pennsylvania. I have also issued an Executive Order to help deal with this threat by giving the United States more powerful tools to reach the means by which terrorists and terrorist networks finance themselves and to encourage greater cooperation by foreign financial institutions and other entities that may have access to foreign property belonging to terrorists or terrorist organizations.

The attacks of September 11, 2001, highlighted in the most tragic way the threat posed to the security and national interests of the United States by terrorists who have abandoned any regard for humanity, decency, morality, or honor. Terrorists and terrorist networks operate across international borders and derive their financing from sources in many nations. Often, terrorist property and financial assets lie outside the jurisdiction of the United States. Our effort to combat and destroy the financial underpinnings of global terrorism must therefore be broad, and not only provide powerful sanctions against the U.S. property of terrorists and their supporters, but also encourage multilateral cooperation in identifying and freezing property and assets located elsewhere.

This Executive Order is part of our national commitment to lead the international effort to bring a halt to the evil of terrorist activity. In general terms, it provides additional means by which to disrupt the financial support network for terrorist organizations by blocking the U.S. assets not only of foreign persons or entities who commit or pose a significant risk of committing acts of terrorism, but also by blocking the assets of their subsidiaries, front organizations, agents, and associates, and any other entities that provide services or assistance to them. Although the blocking powers enumerated it the order are broad, my Administration is committed to exercising them responsibly, with due regard for the culpability of the persons and entities potentially covered by the order, and in consultation with other countries.

The specific terms of the Executive Order provide for the blocking of the property and interests in property, including bank deposits, of foreign persons designated in the order or pursuant thereto, when such property is within the United States or in the possession or control of United States persons. In addition, the Executive Order prohibits any transaction or dealing by United States persons in such property or interests in property, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such designated persons.

I have identified in an Annex to this order eleven terrorism organizations, twelve individual terrorist leaders, three charitable or humanitarian organizations that operate as fronts for terrorist financing and support, and one business entity that operates as a front for terrorist financing and support. I have determined that each of these organizations and individuals have committed, supported, or threatened acts of terrorism that imperil the security of U.S. nationals or the national security, foreign policy, or economy of the United States. I have also authorized the Secretary of State to determine and designate additional foreign persons who have committed or pose a significant risk of committing acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States. Such designations are to be made in consultation with the Secretary of the Treasury and the Attorney General.

The Executive Order further authorizes the Secretary of the Treasury to identify, in consultation with the Secretary of State and the Attorney General, additional persons or entities that:

—Are owned or controlled by, or that act for or on behalf of, those persons designated in or pursuant to the order;

—Assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of acts of terrorism or those persons designated in or pursuant to the order; or

—Are otherwise associated with those persons designated in or pursuant to the order.

Prior to designating persons that fall within the latter two categories, the Secretary of the Treasury is authorized to consult with any foreign authorities the Secretary of State deems appropriate, in consultation with the Secretary of the Treasury and the Attorney General. Such consultation is intended to avoid the need for additional designations by securing bilateral or multilateral cooperation from foreign governments and foreign financial and other institutions. Such consultation may include requests to foreign governments to seek, in accordance with international law and their domestic laws, information from financial institutions regarding terrorist property and to take action to deny terrorists the use of such property. The order also provides broad authority, with respect to the latter two categories, for the Secretary of the Treasury, in his

discretion, and in consultation with the Secretary of State and the Attorney General, to take lesser action than the complete blocking of property or interests in property if such lesser action is deemed consistent with the national interests of the United States. Some of the factors that may be considered in deciding whether a lesser action against a foreign person is consistent with the national interests of the United States include:

—The impact of blocking on the U.S. or international financial system;

—The extent to which the foreign person has cooperated with U.S. authorities;

—The degree of knowledge the foreign person had of the terrorist-related activities of the designated person;

—The extent of the relationship between the foreign person and the designated person; and

—The impact of blocking or other measures on the foreign person.

The Executive Order also directs the Secretary of State, the Secretary of the Treasury, and other agencies to make all relevant efforts to cooperate and coordinate with other countries, including through existing and future multilateral and bilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of the financing of and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

In the Executive Order, I also have made determinations to suspend otherwise applicable exemptions for certain humanitarian, medical, or agricultural transfers or donations. Regrettably, international terrorist networks make frequent use of charitable or humanitarian organizations to obtain clandestine financial and other support for their activities. If these exemptions were not suspended, the provision of humanitarian materials could be used as a loophole through which support could be provided to individuals or groups involved with terrorism and whose activities endanger the safety of United States nationals, both here and abroad.

The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is authorized to issue regulations in exercise of my authorities under IEEPA to implement the prohibitions set forth in the Executive Order. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the order, and, where applicable, to advise the Secretary of the Treasury in a timely manner of the measures taken.

The measures taken here will immediately demonstrate our resolve to bring new strength to bear in our multifaceted struggle to eradicate international terrorism. It is my hope that they will point the way for other civilized nations to adopt similar measures to attack the financial roots of global terrorist networks.

In that regard, this Executive Order is an integral part of our larger effort to form a coalition in the global war against terrorism. We have already worked with nations around the globe and groups such as the G–8, the European Union, and the Rio Group, all of which have issued strong statements of their intention to take measures to limit the ability of terrorism groups to operate. In the next several weeks the 33rd Session of the International Civil Aviation Organization (ICAO) General Assembly and other fora will focus on terrorism worldwide. It is our intention to work within the G–7/G–8, the ICAO, and other fora to reach agreement on strong concrete steps that will limit the ability of terrorists to operate. In the G–7/G–8, the United States will work with its partners, drawing on the G–8 Lyon Group on Transnational Crime, the G–8 Group on Counter-terrorism, the G–7 Financial Action Task Force, and the existing G–8 commitments to build momentum and practical cooperation in the fight to stop the flow of resources to support terrorism. In addition, both the Convention for the Suppression of the Financing of Terrorism and the Convention for the Suppression of Terrorist Bombings have been forwarded to the Senate, and I will be forwarding shortly to the Congress implementing legislation for both Conventions.

I am enclosing a copy of the Executive Order I have issued. This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 23, 2001.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26,1993.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 24, 2001.*

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO UNIT A—MESSAGE FROM THE PRESIDENT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 2001.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospects for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military operations.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 24, 2001.*

MESSAGE FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 21, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2926. An act to preserve the continued viability of the United States air transportation system.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the following enrolled bill, previously signed by the Speaker of the House, was signed by the President pro tempore (Mr. BYRD) on September 21, 2001:

H.R. 2926. An act to preserve the continued viability of the United States air transportation system.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1447. A bill to improve aviation security, 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–4095. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC–4096. A communication from the Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Framework Adjustment 2'' (RIN0648–AO92) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4097. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''Coast Guard Authorization Act of 2001''; to the Committee on Commerce, Science, and Transportation.

EC–4098. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled ''National Aeronautics and Space Administration Science and Technology Career Enhancement Act of 2001''; to the Committee on Commerce, Science, and Transportation.

EC–4099. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, National Highway Traffic Safety Administration, received on August 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4100. A communication from the Secretary of Commerce and the Secretary of the Interior, transmitting jointly, pursuant to law, a report entitled ''A Population Study of Atlantic Striped Bass''; to the Committee on Commerce, Science, and Transportation.

EC–4101. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of major defense equipment sold under a contract in the amount of $50,000,000 or more to New Zealand; to the Committee on Foreign Relations.

EC–4102. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 or more to Singapore; to the Committee on Foreign Relations.

EC–4103. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to The Arab Republic of Egypt; to the Committee on Foreign Relations.

EC–4104. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of major defense equipment sold under a contract in the amount of $50,000,000 or more to Korea; to the Committee on Foreign Relations.

EC–4105. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Brazil; to the Committee on Foreign Relations.

EC–4106. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with France; to the Committee on Foreign Relations.

EC–4107. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Technical Assistance Agreement for the export of defense articles of defense services sold commercially under a contract in the amount of $50,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EC–4108. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4109. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to North Korea; to the Committee on Foreign Relations.

EC–4110. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License with Germany; to the Committee on Foreign Relations.

EC–4111. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–4112. A communication from the Acting Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exports of Agricultural Products, Medicines, and Medical Devices to Cuba, Sudan, Libya, and Iran; Cuba Travel-Related Transactions'' received on July 9, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4113. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation relative to currency, postage stamps, and other security documents for foreign governments, and security documents for State governments and their political subdivisions, on a reimbursable basis; to the Committee on Banking, Housing, and Urban Affairs.

EC–4114. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation regarding FHA-insured multifamily housing mortgage and housing restructuring; to the Committee on Banking, Housing, and Urban Affairs.

EC–4115. A communication from the General Counsel of the Department of the Treasury and the Department of Commerce, transmitting, a draft of proposed legislation entitled ''Trade Sanctions Reform and Export Enhancement Technical Amendments Act of 2001''; to the Committee on Banking, Housing, and Urban Affairs.

EC–4116. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Bookkeeping Services Provided by Auditors to Audit Clients in Emergency or Other Unusual Situations'' (RIN3235–AI31) received on September 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4117. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Injury Prevention and Control-Related Programs and Activities of the Centers for Disease Control and Prevention for Fiscal Years 1997 and 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–4118. A communication from the Administrative Officer, Institute of Museum and Library Services, the report of the discontinuation of service in acting role for the position of Director, received on August 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4119. A communication from the Administrative Officer, Institute of Museum and Library Services, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, received on August 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4120. A communication from the Administrative Officer, Institute of Museum and Library Services, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, received on August 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4121. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on August 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4122. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Assistant Secretary for Occupational Safety and Health Administration, received on August 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4123. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Veterans Employment and Training Service, received on August 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4124. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a

nomination confirmed for the position of Assistant Secretary for Employment and Training Administration, received on August 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4125. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''Promotion and Support of Responsible Fatherhood and Health Marriage Act of 2001''; to the Committee on Health, Education, Labor, and Pensions.

EC–4126. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to transportation and environmental matters as they affect the Department; to the Committee on Armed Services.

EC–4127. A communication from the General Counsel of the Department of Transportation, transmitting, a draft of proposed legislation relative to the Revision of Determination Regarding Continuation of Navy Training on Island of Vieques; to the Committee on Armed Services.

EC–4128. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Annual Report to Congress on Combating Terrorism for Fiscal Year 2000 through 2002; to the Committee on Armed Services.

EC–4129. A communication from the General Counsel of the Department of Defense, transmitting, the Efficient Facilities Initiative of 2001; to the Committee on Armed Services.

EC–4130. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to the operations and management of the Department; to the Committee on Armed Services.

EC–4131. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary of Defense, Command, Control, Communications and Intelligence, received on August 13, 2001; to the Committee on Armed Services.

EC–4132. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy, Installations and Environment, received on August 13, 2001; to the Committee on Armed Services.

EC–4133. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Army, Installations and Environment, received on August 13, 2001; to the Committee on Armed Services.

EC–4134. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Air Force, Manpower and Resource Affairs, Installation and Environment, received on August 13, 2001; to the Committee on Armed Services.

EC–4135. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Air Force, Space, received on August 13, 2001; to the Committee on Armed Services.

EC–4136. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, International Security Policy, received on August 13, 2001; to the Committee on Armed Services.

EC–4137. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, Command, Control, Communications and Intelligence, received on August 13, 2001; to the Committee on Armed Services.

EC–4138. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, Defense Research and Engineering, received on August 13, 2001; to the Committee on Armed Services.

EC–4139. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service of acting role for the position of Assistant Secretary of the Air Force, Financial Management and Comptroller, received on August 13, 2001; to the Committee on Armed Services.

EC–4140. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Defense Health Program Obligation of Fiscal Year 2000 Emergency Supplemental Funding; to the Committee on Armed Services.

EC–4141. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to the operation and management of the Department; to the Committee on Armed Services.

EC–4142. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to the operation and management of the Department; to the Committee on Armed Services.

EC–4143. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to the reduction of recurring reporting requirements; to the Committee on Armed Services.

EC–4144. A communication from the White House Liaison, Department of Energy, transmitting, pursuant to law, the report of the designation of acting officer for the position of Deputy Administrator for Defense Programs, received on August 28, 2001; to the Committee on Armed Services.

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. BENNETT (for himself and Mr. KYL):

S. 1456. A bill to facilitate the security of the critical infrastructure of the United States, to encourage the secure disclosure and protected exchange of critical infrastructure information, to enhance the analysis, prevention, and detection of attacks on critical infrastructure, to enhance the recovery from such attacks, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SARBANES (by request):

S. 1457. A bill to extend FHA-insured multifamily housing mortgage and housing assistance restructuring authority, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 1458. A bill to facilitate the voluntary provision of emergency services during commercial air flights; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 323

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 323, a bill to amend the Elementary and Secondary Education Act of 1965 to establish scholarships for inviting new scholars to participate in renewing education, and mentor teacher programs.

S. 357

At the request of Mr. FRIST, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 357, a bill to amend the Social Security Act to preserve and improve the medicare program.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 760

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act

to provide for coordination of implementation of administrative simplification standards for health care information.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1200

At the request of Mr. CLELAND, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1200, a bill to direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor.

S. 1250

At the request of Mrs. CARNAHAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

S. 1274

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1274, a bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke.

S. 1300

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1300, a bill to amend the Internal Revenue Code of 1986 to encourage foundational and corporate charitable giving.

S. 1326

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1326, a bill to extend and improve working lands and other conservation programs administered by the Secretary of Agriculture.

S. 1343

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1343, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program.

S. 1400

At the request of Mr. KYL, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1400, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.

S. 1433

At the request of Mr. ALLEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1433, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor 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. 1447

At the request of Mr. HOLLINGS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1447, a bill to improve aviation security , and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KERRY), and the Senator from Louisiana (Ms. LANDRIEU) 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. 18

At the request of Mr. SARBANES, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mr. BOND), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S.J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. RES. 160

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 160, a resolution designating the month of October 2001, as ''Family History Month.''

S. CON. RES. 73

At the request of Mr. NICKLES, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. STEVENS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alabama (Mr. SESSIONS), the Senator from Illinois (Mr . DURBIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Con. Res. 73, a concurrent resolution expressing the profound sorrow of Congress for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

AMENDMENT NO. 1599

At the request of Mr. LOTT, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) 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. 1601

At the request of Mr. LOTT, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 1601 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. BENNETT (for himself and Mr. KYL):

S. 1456. A bill to facilitate the security of the critical infrastructure of the United States, to encourage the secure disclosure and protected exchange of critical infrastructure information, to enhance the analysis, prevention, and detection of attacks on critical infrastructure, to enhance the recovery from such attacks, and for other purposes; to the Committee on Governmental Affairs.

Mr. BENNETT. 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. 1456

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 ''Critical Infrastructure Information Security Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The critical infrastructures that underpin our society, national defense, economic

prosperity, and quality of life—including energy, banking and finance, transportation, vital human services, and telecommunications—must be viewed in a new context in the Information Age.

(2) The rapid proliferation and integration of telecommunications and computer systems have connected infrastructures to one another in a complex global network of interconnectivity and interdependence. As a result, new vulnerabilities to such systems and infrastructures have emerged, such as the threat of physical and cyber attacks from terrorists or hostile states. These attacks could disrupt the economy and endanger the security of the United States.

(3) The private sector, which owns and operates the majority of these critical infrastructures, and the Federal Government, which has unique information and analytical capabilities, could both greatly benefit from cooperating in response to threats, vulnerabilities, and actual attacks to critical infrastructures by sharing information and analysis.

(4) The private sector is hesitant to share critical infrastructure information with the Federal Government because—

(A) Federal law provides no clear assurance that critical infrastructure information voluntarily submitted to the Federal Government will be protected from disclosure or misuse;

(B) the framework of the Federal Government for critical infrastructure information sharing and analysis is not sufficiently developed; and

(C) concerns about possible prosecution under the antitrust laws inhibit some companies from partnering with other industry members, including competitors, to develop cooperative infrastructure security strategies.

(5) Statutory nondisclosure provisions that qualify as Exemption 3 statutes under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), many of them longstanding, prohibit disclosure of numerous classes of information under that Act. These statutes cover specific and narrowly defined classes of information and are consistent with the principles of free and open government that that Act seeks to facilitate.

(6) Since the infrastructure information that this Act covers is not normally in the public domain, preventing public disclosure of this sensitive information serves the greater good by promoting national security and economic stability.

SEC. 3. PURPOSE.

The purpose of this Act is to foster improved security of critical infrastructure by—

(1) promoting the increased sharing of critical infrastructure information both between private sector entities and between the Federal Government and the private sector; and

(2) encouraging the private sector and the Federal Government to conduct better analysis of critical infrastructure information in order to prevent, detect, warn of, and respond to incidents involving critical infrastructure.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''agency'' has the meaning given that term in section 551 of title 5, United States Code.

(2) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure''—

(A) means physical and cyber-based systems and services essential to the national defense, government, or economy of the United States, including systems essential for telecommunications (including voice and data transmission and the Internet), electrical power, gas and oil storage and transportation, banking and finance, transportation, water supply, emergency services (including medical, fire, and police services), and the continuity of government operations; and

(B) includes any industry sector designated by the President pursuant to the National Security Act of 1947 (50 U.S.C. 401 et seq.) or the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) as essential to provide resources for the execution of the national security strategy of the United States, including emergency preparedness activities pursuant to title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.).

(3) CRITICAL INFRASTRUCTURE INFORMATION.—The term ''critical infrastructure information'' means information related to—

(A) the ability of any protected system or critical infrastructure to resist interference, compromise, or incapacitation by either physical or computer-based attack or other similar conduct that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

(B) any planned or past assessment, projection, or estimate of the security vulnerability of a protected system or critical infrastructure, including security testing, risk evaluation, risk management planning, or risk audit;

(C) any planned or past operational problem or solution, including repair, recovery, reconstruction, insurance, or continuity, related to the security of a protected system or critical infrastructure; or

(D) any threat to the security of a protected system or critical infrastructure.

(4) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ''Information Sharing and Analysis Organization'' means any formal or informal entity or collaboration created by public or private sector organizations, and composed primarily of such organizations, for purposes of—

(A) gathering and analyzing critical infrastructure information in order to better understand security problems related to critical infrastructure and protected systems, and interdependencies of critical infrastructure and protected systems, so as to ensure the availability, integrity, and reliability of critical infrastructure and protected systems;

(B) communicating or disclosing critical infrastructure information to help prevent, detect, mitigate, or recover from the effects of a problem related to critical infrastructure or protected systems; and

(C) voluntarily disseminating critical infrastructure information to entity members, other Information Sharing and Analysis Organizations, the Federal Government, or any entities which may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

(5) PROTECTED SYSTEM.—The term ''protected system''—

(A) means any service, physical or computer-based system, process, or procedure that directly or indirectly affects a facility of critical infrastructure; and

(B) includes any physical or computer-based system, including a computer, computer system, computer or communications network, or any component hardware or element thereof, software program, processing instructions, or information or data in transmission or storage therein (irrespective of storage medium).

(6) VOLUNTARY.—The term ''voluntary'', in the case of the submittal of information or records to the Federal Government, means the submittal of the information or records in the absence of an agency's exercise of legal submission.

SEC. 5. PROTECTION OF VOLUNTARILY SHARED CRITICAL INFRASTRUCTURE INFORMATION.

(a) PROTECTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, critical infrastructure information that is voluntarily submitted to a covered Federal agency for analysis, warning, interdependency study, recovery, reconstitution, or other informational purpose, when accompanied by an express statement specified in paragraph (3)—

(A) shall not be made available under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) may not, without the written consent of the person or entity submitting such information, be used directly by such agency, any other Federal, State, or local authority, or any third party, in any civil action arising under Federal or State law, unless such information is submitted in bad faith; and

(C) may not, without the written consent of the person or entity submitting such information, be used for a purpose other than the purpose of this Act, or disclosed by any officer or employee of the United States, except pursuant to the official duties of such officer or employee pursuant to this Act.

(2) COVERED FEDERAL AGENCY DEFINED.—In paragraph (1), the term ''covered Federal agency'' means the following:

(A) The Department of Justice.

(B) The Department of Defense.

(C) The Department of Commerce.

(D) The Department of Transportation.

(E) The Department of the Treasury.

(F) The Department of Health and Human Services.

(G) The Department of Energy.

(H) The Environmental Protection Agency.

(I) The General Services Administration.

(J) The Federal Communications Commission.

(K) The Federal Emergency Management Agency.

(L) The National Infrastructure Protection Center.

(M) The National Communication System.

(3) EXPRESS STATEMENT.—For purposes of paragraph (1), the term ''express statement'', with respect to information or records, means—

(A) in the case of written information or records, a written marking on the information or records as follows: ''This information is voluntarily submitted to the Federal Government in expectation of protection from disclosure under the provisions of the Critical Infrastructure Information Security Act of 2001.''; or

(B) in the case of oral information, a statement, substantially similar to the words specified in subparagraph (A), to convey that the information is voluntarily submitted to the Federal Government in expectation of protection from disclosure under the provisions of this Act.

(b) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this section shall be construed to limit or otherwise affect the ability of the Federal Government to obtain and use under applicable law critical infrastructure information obtained by or submitted to the Federal Government in a manner not covered by subsection (a).

(c) TREATMENT OF VOLUNTARY SUBMITTAL OF INFORMATION.—The voluntary submittal to the Federal Government of information or records that are protected from disclosure by this section shall not be construed to constitute compliance with any requirement to submit such information to a Federal agency under any other provision of law.

(d) PROCEDURES.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall, in consultation with appropriate representatives of the National Security Council and the Office of Science and Technology Policy, establish uniform procedures for the receipt, care, and storage by Federal agencies of critical infrastructure information that is voluntarily submitted to the Federal Government. The procedures shall be established not later than 90 days after the date of the enactment of this Act.

(2) ELEMENTS.—The procedures established under paragraph (1) shall include mechanisms regarding—

(A) the acknowledgement of receipt by Federal agencies of critical infrastructure information that is voluntarily submitted to the Federal Government, including confirmation that such information is protected from disclosure under this Act;

(B) the marking of such information as critical infrastructure information that is voluntarily submitted to the Federal Government for purposes of this Act;

(C) the care and storage of such information; and

(D) the protection and maintenance of the confidentiality of such information so as to permit, pursuant to section 6, the sharing of such information within the Federal Government, and the issuance of notices and warnings related to protection of critical infrastructure.

SEC. 6. NOTIFICATION, DISSEMINATION, AND ANALYSIS REGARDING CRITICAL INFRASTRUCTURE INFORMATION.

(a) NOTICE REGARDING CRITICAL INFRASTRUCTURE SECURITY.—

(1) IN GENERAL.—A covered Federal agency (as specified in section 5(a)(2)) receiving significant and credible information under section 5 from a private person or entity about the security of a protected system or critical infrastructure of another known or identified private person or entity shall, to the extent consistent with requirements of national security or law enforcement, notify and convey such information to such other private person or entity as soon as reasonable after receipt of such information by the agency.

(2) CONSTRUCTION.—Paragraph (1) may not be construed to require an agency to provide specific notice where doing so would not be practicable, for example, based on the quantity of persons or entities identified as having security vulnerabilities. In instances where specific notice is not practicable, the agency should take reasonable steps, consistent with paragraph (1), to issue broadly disseminated advisories or alerts.

(b) ANALYSIS OF INFORMATION.—Upon receipt of critical infrastructure information that is voluntarily submitted to the Federal Government, the Federal agency receiving such information shall—

(1) share with appropriate covered Federal agencies (as so specified) all such information that concerns actual attacks, and threats and warnings of attacks, on critical infrastructure and protected systems;

(2) identify interdependencies; and

(3) determine whether further analysis in concert with other Federal agencies, or warnings under subsection (c), are warranted.

(c) ACTION FOLLOWING ANALYSIS.—

(1) AUTHORITY TO ISSUE WARNINGS.—As a result of analysis of critical infrastructure information under subsection (b), a Federal agency may issue warnings to individual companies, targeted sectors, other governmental entities, or the general public regarding potential threats to critical infrastructure.

(2) FORM OF WARNINGS.—In issuing a warning under paragraph (1), the Federal agency concerned shall take appropriate actions to prevent the disclosure of the source of any voluntarily submitted critical infrastructure information that forms the basis for the warning.

(d) STRATEGIC ANALYSES OF POTENTIAL THREATS TO CRITICAL INFRASTRUCTURE.—

(1) IN GENERAL.—The President shall designate an element in the Executive Branch—

(A) to conduct strategic analyses of potential threats to critical infrastructure; and

(B) to submit reports on such analyses to Information Sharing and Analysis Organizations and such other entities as the President considers appropriate.

(2) STRATEGIC ANALYSES.—

(A) INFORMATION USED.—In conducting strategic analyses under paragraph (1)(A), the element designated to conduct such analyses under paragraph (1) shall utilize a range of critical infrastructure information voluntarily submitted to the Federal Government by the private sector, as well as applicable intelligence and law enforcement information.

(B) AVAILABILITY.—The President shall take appropriate actions to ensure that, to the maximum extent practicable, all critical infrastructure information voluntarily submitted to the Federal Government by the private sector is available to the element designated under paragraph (1) to conduct strategic analyses under paragraph (1)(A).

(C) FREQUENCY.—Strategic analyses shall be conducted under this paragraph with such frequency as the President considers appropriate, and otherwise specifically at the direction of the President.

(3) REPORTS.—

(A) IN GENERAL.—Each report under paragraph (1)(B) shall contain the following:

(i) A description of currently recognized methods of attacks on critical infrastructure.

(ii) An assessment of the threats to critical infrastructure that could develop over the year following such report.

(iii) An assessment of the lessons learned from responses to previous attacks on critical infrastructure.

(iv) Such other information on the protection of critical infrastructure as the element conducting analyses under paragraph (1) considers appropriate.

(B) FORM.—Reports under this paragraph may be in classified or unclassified form, or both.

(4) CONSTRUCTION.—Nothing in this subsection shall be construed to modify or alter any responsibility of a Federal agency under subsections (a) through (c).

(e) PLAN FOR STRATEGIC ANALYSES OF THREATS TO CRITICAL INFRASTRUCTURE.—

(1) PLAN.—The President shall develop a plan for carrying out strategic analyses of threats to critical infrastructure through the element in the Executive Branch designated under subsection (d)(1).

(2) ELEMENTS.—The plan under paragraph (1) shall include the following:

(A) A methodology for the work under the plan of the element referred to in paragraph (1), including the development of expertise among the personnel of the element charged with carrying out the plan and the acquisition by the element of information relevant to the plan.

(B) Mechanisms for the studying of threats to critical infrastructure, and the issuance of warnings and recommendations regarding such threats, including the allocation of personnel and other resources of the element in order to carry out those mechanisms.

(C) An allocation of roles and responsibilities for the work under the plan among the Federal agencies specified in section 5(a)(2), including the relationship of such roles and responsibilities.

(3) REPORTS.—

(A) INTERIM REPORT.—The President shall submit to Congress an interim report on the plan developed under paragraph (1) not later than 120 days after the date of the enactment of this Act.

(B) FINAL REPORT.—The President shall submit to Congress a final report on the plan developed under paragraph (1), together with a copy of the plan, not later than 180 days after the date of the enactment of this Act.

SEC. 7. ANTITRUST EXEMPTION FOR ACTIVITY INVOLVING AGREEMENTS ON CRITICAL INFRASTRUCTURE MATTERS.

(a) ANTITRUST EXEMPTION.—The antitrust laws shall not apply to conduct engaged in by an Information Sharing and Analysis Organization or its members, including making and implementing an agreement, solely for purposes of—

(1) gathering and analyzing critical infrastructure information in order to better understand security problems related to critical infrastructure and protected systems, and interdependencies of critical infrastructure and protected systems, so as to ensure the availability, integrity, and reliability of critical infrastructure and protected systems;

(2) communicating or disclosing critical infrastructure information to help prevent, detect, mitigate, or recover from the effects of a problem related to critical infrastructure or protected systems; or

(3) voluntarily disseminating critical infrastructure information to entity members, other Information Sharing and Analysis Organizations, the Federal Government, or any entities which may be of assistance in carrying out the purposes specified in paragraphs (1) and (2).

(b) EXCEPTION.—Subsection (a) shall not apply with respect to conduct that involves or results in an agreement to boycott any person, to allocate a market, or to fix prices or output.

(c) ANTITRUST LAWS DEFINED.—In this section, the term ''antitrust laws''—

(1) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(2) includes any State law similar to the laws referred to in paragraph (1).

SEC. 8. NO PRIVATE RIGHT OF ACTION.

Nothing in this Act may be construed to create a private right of action for enforcement of any provision of this Act.

By Mr. FEINGOLD:

S. 1458. A bill to facilitate the voluntary provision of emergency services during commercial air flights; to the Committee on Commerce, Science, and Transportation.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Volunteers For Safe Skies Act of 2001. This bill will allow our Nation's firefighters, law enforcement officials, and emergency medical technicians, EMTs, to serve voluntarily on commercial aircraft to help ensure the safety of the flying public. In many cases, these public servants already notify the crew when they board that they are fully trained for emergencies and are willing to help out in the event they are needed.

This bill would simply streamline and organize this practice by requiring the Federal Aviation Administration to create a program through which

these officials can register voluntarily and confidentially with the airlines. Our Nation's law enforcement officials, firefighters, and EMTs are trained to respond to and keep calm during emergencies and can be of great assistance to an airline crew.

When I was back in Wisconsin following the vicious attacks on our country, I was proud of the outpouring of support and the number of people who wanted to help the victims, their families, and the rescue workers in the attacks. Across Wisconsin and the country, we have all heard the stories of people lining up to donate blood and food, of charities being flooded with donations of goodwill. People are searching for ways to help.

When I held one of my listening sessions last week, Fire Chief James Reseburg and Deputy Police Chief Charles Tubbs of Beloit, WI, came up to me with an idea that they thought would help make our skies safer. Part of this idea was to create a registration system through which law enforcement officials, firefighters, and EMTs could register voluntarily to serve in the event of an emergency on a commercial airplane. For example, if an official was going on vacation on an airplane, he would register with the airline beforehand to notify them that they would have a trained public safety official on that flight. Like the sky marshals, only the crew would know when one of these volunteers was on the plane.

Keep in mind that this would strictly be a volunteer program. This bill will help make our skies safer while at the same time making it easier for our police officers, firefighters, and EMTs to serve their country.

As many of my colleagues have stated, if the airline industry is to recover fully from the events of September 11, 2001, we must make the flying public feel safe once again in our skies. The Volunteers For Safe Skies Act would help us do just that.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1617. Mr. SANTORUM 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.

SA 1618. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1619. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1620. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1621. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1622. Mr. BUNNING (for himself, Mr. LOTT, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. BURNS, Mr. HUTCHINSON, Ms. COLLINS, Mr. INHOFE, Mr. SMITH, of New Hampshire, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CONRAD, Mrs. HUTCHISON, Mr. STEVENS, Mrs. CLINTON, and Mr. DORGAN) proposed an amendment to the bill S. 1438, supra.

SA 1623. 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 1624. 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 1625. 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 1626. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1627. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1628. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1629. 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 1630. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1631. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1632. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1633. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1634. Mrs. HUTCHISON (for herself, Mr. INOUYE, Mr. STEVENS, Mr. DEWINE, Mr. BENNETT, Mr. HATCH, Mr. CRAIG, Ms. MIKULSKI, Mr. SARBANES, Mr. VOINOVICH, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1635. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1636. Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1637. Ms. COLLINS (for herself, Ms. LANDRIEU, and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1638. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 1438 submitted by Mr. Feingold and intended to be proposed to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table.

SA 1639. Mr. ALLARD 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.

SA 1640. Mr. HUTCHINSON (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1641. Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1642. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and 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 1643. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1644. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1645. Mr. DOMENICI (for himself and 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 1646. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1647. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1648. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1649. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1650. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1651. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1652. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1653. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1654. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1655. Mr. DOMENICI (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, supra ; which was ordered to lie on the table.

SA 1656. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1657. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1658. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1659. Mr. LOTT submitted an amendment intended to be proposed by him to the

bill S. 1438, supra; which was ordered to lie on the table.

SA 1660. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, supra.

SA 1661. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1662. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1663. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1664. Mr. WARNER (for Mrs. HUTCHISON (for himself and Mr . LIEBERMAN)) proposed an amendment to the bill S. 1438, supra.

SA 1665. Mr. LEVIN (for Mr. AKAKA) submitted an amendment intended to be proposed by Mr. Levin to the bill S. 1438, supra.

SA 1666. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, supra.

SA 1667. Mr. LEVIN (for Mr. LIEBERMAN (for himself and Mr. SANTORUM)) proposed an amendment to the bill S. 1438, supra.

SA 1668. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1669. Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, supra.

SA 1670. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1671. Mr. DOMENICI (for himself, Mr. REID, and 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.

TEXT OF AMENDMENTS

SA 1617. Mr. SANTORUM 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:

Strike section 2841, relating to the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania, and insert the following:

SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) DESIGN AND CONSTRUCTION.—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) USE OF CERTAIN GIFTS.—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

SA 1618. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) 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 I, add the following:

SEC. 142. LIMITATIONS ON PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT

(a) PROCUREMENT THROUGH MANUFACTURERS IN NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Subsection (a) of section 2534 of title 10, United States Code, is amended by adding at the end of the following new paragraph:

''(6) AMMUNITION AND AMMUNITION PROPELLANT.—Subject to subsection (j)(5), conventional ammunition and ammunition propellant used therein.''.

(b) ADDITIONAL REQUIREMENTS FOR PROCUREMENT.—Such section is further amended by adding at the end the following new subsection:

''(j) ADDITIONAL REQUIREMENTS FOR PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT.—(1) In addition to the requirement under subsection (a)(6) and subject to paragraph (5), the Secretary of Defense shall procure ammunition or ammunition propellant only from manufacturers, whether privately owned or governmentally-owned, meeting the requirements of paragraph (2).

''(2) A manufacturer of ammunition or ammunition propellant meets the requirements of this paragraph if the manufacturer warrants that any subcontractor which furnishes smokeless nitrocellulose to the manufacturer—

''(A) is a part of the national technology and industrial base; and

''(B) was selected to furnish smokeless nitrocellulose through a competition meeting the requirements of paragraph (3).

''(3) The competition of a manufacturer for the furnishing of smokeless nitrocellulose under paragraph (2)(B) shall—

''(A) be open to all other manufacturers of smokeless nitrocellulose in the national technology and industrial base that manufacture the type of smokeless nitrocellulose that is technically appropriate for use in the product to be made by the manufacturer; and

''(B) provide that the winner of the competition may not furnish to the manufacturer an amount of smokeless nitrocellulose in excess of 1.5 times the aggregate amount of smokeless nitrocellulose to be furnished to the manufacturer by all other participants in the competition.

''(4) This subsection sets forth procurement procedures expressly authorized by statute within the meaning of section 2304(a)(1) of this title.

''(5) The Secretary may waive any requirement under this subsection, with respect to the procurement of ammunition or ammunition propellant if the Secretary determines that the waiver of such requirement is in the national security interests of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to the procurement of ammunition and ammunition propellant by the Secretary of Defense on or after that date.

SA 1619. Mr. SANTORUM 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 23, line 12, increase the amount by $1,000,000.

On page 23, line 11, reduce the amount by $1,000,000.

SA 1620. Mrs. FEINSTEIN 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 D of title III, add the following:

SEC. 335. ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies; and

(2) $1,000,000 shall be available only for the purpose of making payments to local educational agencies to assist such agencies in adjusting to reductions in the number of

military dependent students as a result of the closure or realignment of military installations, as provided in section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for assistance or a payment under subsection (a) for fiscal year 2002 of—

(1) that agency's eligibility for the assistance or payment; and

(2) the amount of the assistance or payment for which that agency is eligible.

SA 1621. Mr. DAYTON 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 X, add the following:

SEC. 1066. SENSE OF SENATE ON MOBILIZATION OF NATIONAL GUARD AND RESERVES TO ENHANCE GROUND-BASED SECURITY AT AIRPORTS.

It is the sense of the Senate that, in light of the terrorist attacks of September 11, 2001, the President, in consultation with the Secretary of Defense, the Secretary of Transportation, and the chief executive officers of the States, should consider mobilizing appropriate elements of the National Guard and Reserves in order to enhance ground-based security at airports for a period of not less than 120 days or until alternative means of providing adequate ground-based security at airports are in place.

SA 1622. Mr. BUNNING (for himself, Mr. LOTT, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. BURNS, Mr. HUTCHINSON, Ms. COLLINS, Mr. INHOFE, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CONRAD, Mrs. HUTCHISON, Mr. STEVENS, Mrs. CLINTON, and Mr. DORGAN) 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 title XXIX, relating to defense base closure and realignment.

SA 1623. 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:

On page 553, between lines 12 and 13, insert the following:

SEC. 3159. ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF DEPARTMENT OF ENERGY FACILITIES TO TERRORIST ATTACK.

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

''ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK

''SEC. 663. (a) The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department facilities to terrorist attack.

''(b) Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include the results of the assessment covered by such report, together with such findings and recommendations as the Secretary considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that Act is amended by inserting after the item relating to section 662 the following new item:

''Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.''.

SA 1624. 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. ___. CLARIFICATION OF CALCULATION OF ANNUAL INFLATION ADJUSTMENT FOR ECONOMIC ASSISTANCE PAYMENTS FOR THE WASTE ISOLATION PILOT PLANT.

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''.

SA 1625. 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:

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS PROCUREMENT COMPETITION.

(a) DEFINITION OF COVERED CONTRACTS.—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after ''bundled contract'' the following: '', the aggregate dollar value of which is anticipated to be less than $5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be $5,000,000 or more'';

(2) by striking ''In the'' and inserting the following:

''(A) IN GENERAL.—In the''; and

(3) by adding at the end the following:

''(B) CONTRACTING GOALS.—

''(i) IN GENERAL.—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

''(ii) PREPONDERANCE TEST.—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency.''.

(b) PROPORTIONATE WORK REQUIREMENTS FOR BUNDLED CONTRACTS.—

(1) SECTION 8.—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

''(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

''(II) no other concern will perform a greater proportion of the work on that contract; and

''(III) no other concern that is not a small business concern will perform work on the contract.''.

(2) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 3(p)(5)(A)(i)(III) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(III)) is amended—

(A) in item (bb), by striking ''and'' at the end;

(B) by redesignating item (cc) as item (dd); and

(C) by inserting after item (bb) the following:

''(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract; and''.

(3) SECTION 15.—Section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) notwithstanding subparagraphs (A) and (B), in the case of a bundled contract—

''(i) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

''(ii) no other concern will perform a greater proportion of the work on that contract; and

''(iii) no other concern that is not a small business concern will perform work on the contract.''.

(c) SMALL BUSINESS PROCUREMENT COMPETITION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Small Business Administration;

(B) the term ''Federal agency'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(C) the term ''Program'' means the Small Business Procurement Competition Program established under paragraph (2);

(D) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(E) the term ''small business-only joint ventures'' means a team described in section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) comprised of only small business concerns.

(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the ''Small Business Procurement Competition Program''.

(3) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to fulfill the procurement needs of Federal agencies;

(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns;

(C) to engage in outreach to small business-only joint ventures for Federal agency procurement purposes; and

(D) to engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business-only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) REGULATORY AUTHORITY.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) SMALL BUSINESS ADMINISTRATION DATABASE.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business-only joint ventures, and shall make the database available to each Federal agency and to small business concerns in electronic form to facilitate the formation of small business-only joint ventures.

(7) TERMINATION OF PROGRAM.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) REPORT TO CONGRESS.—Not later than 60 days before the date of termination of the Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business-only joint ventures may participate under the Program.

SA 1626. Mrs. LINCOLN 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.—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.

(b) AVAILABILITY.—The amount available under subsection (a) for procurement of M291 skin decontamination kits is in addition to any other amounts availabe under this Act for procurement of M291 skin decontamination kits.

SA 1627. Mr. DAYTON 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 III, add the following:

SEC. 306. IMPROVEMENTS IN INSTRUMENTATION AND TARGETS AT ARMY LIVE FIRE TRAINING RANGES.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby increased by $11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) OFFSET.—The amount authorized to be appropriated by section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by $11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

SA 1628. Mr. DORGAN 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 appropriate place in the bill, insert the following new section.

SEC. . PLAN.—The Secretary of the Navy shall, not later than February 1, 2002, submit to Congress a plan to ensure that the embarkation of selected civilian guests does not interfere with the operational readiness and safe operation of Navy vessels. The plan shall include, at a minimum:

Procedures to ensure that guest embarkations are conducted only within the framework of regularly scheduled operations and that underway operations are not conducted solely to accommodate non-official civilian guests,

Guidelines for the maximum number of guests that can be embarked on the various classes of Navy vessels,

Guidelines and procedures for supervising civilians operating or controlling any equipment on Navy vessels,

Guidelines to ensure that proper standard operating procedures are not hindered by activities related to hosting civilians,

Any other guidelines or procedures the Secretary shall consider necessary or appropriate.

Definition. For the purposes of this section, civilian guests are defined as civilians invited to embark on Navy ships solely for the purpose of furthering public awareness of the Navy and its mission. It does not include civilians conducting official business.

SA 1629. 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 any bundled contracts awarded to small business concerns, and the number and dollar value of any bundled contracts awarded to concerns that are not small business concerns.''.

(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.—The head of each contracting agency shall provide, upon request of the Administrator—

''(A) all market research required under subsection (e)(2); and

''(B) any recommendations for the study required by paragraph (1) of this subsection.

''(3) REPORT.—Not later than 180 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 1630. Mr. STEVENS (for himself and Mr. INOUYE) 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 construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

On page 50, line 16, strike ''$190,255,000'' and insert ''$230,255,000''.

SA 1631. Mr. BROWNBACK 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 construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 1217. REPEAL OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN.

Section 907 of the FREEDOM Support Act (Public Law 102–511; 22 U.S.C. 5812 note) is repealed.

SA 1632. Mr. SANTORUM 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 construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

On page 23, line 12, increase the amount by $1,000,000.

On page 23, line 11, reduce the amount or $1,000,000.

SA 1633. Mr. HAGEL 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 construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 335. DEPARTMENT OF DEFENSE MOST EFFICIENT ORGANIZATION BID-TO-GOAL AND BEST-VALUE PURCHASING PILOT PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a pilot program to demonstrate an alternative to the Office of Management Budget Circular A–76 approach for achieving cost-effective performance of Department of Defense commercial activities.

(b) ELIGIBLE ACTIVITIES.—(1) The Secretary shall provide under the pilot program for each of not more than five continuing or recurring commercial activities of the Department of Defense to be performed by an organization of the department that is to be configured as the most efficient organization for the performance of that activity.

(2) A commercial activity may be covered by the pilot program if, at the time that the activity is designated for performance under the pilot program—

(A) the commercial activity is an activity of a defense agency or a military department that is being performed by employees of the United States numbering not less than 150 employees and not more than 750 full-time employees or the equivalent number of full-time and part-time employees; and

(B) the head of the agency concerned has not issued to the public (in either draft or final form) a request for proposals for a contract for the performance of the activity by a commercial source as an action initiated under Office of Management and Budget Circular A–76 to determine whether to convert the activity to contractor performance.

(c) PROJECTS.—The Secretary shall consider whether to carry out the pilot program in several projects, as follows:

''(1) One project that involves a group of 600 to 750 employees.

''(2) Four projects, each of which involves 150 to 599 employees.

''(3) At least one project undertaken within the Defense Logistics Agency, Defense Finance and Accounting Service, or any other defense agency not performing base operations.

(d) PERFORMANCE-BASED CHARTER.—(1) The performance of a commercial activity under the pilot program shall be covered by a performance-based memorandum of understanding that is entered into by the head of the agency concerned and the subordinate of that official who is the head of the organization designated to perform the activity.

(2) The head of the agency concerned shall set forth the performance standards that are applicable to the performance of a commercial activity under the pilot program in the memorandum of understanding for that activity. The performance standards shall include the following:

(A) Achievement of the following cost and performance objectives:

(i) The total amount of the cost savings estimated, as of the beginning of the pilot program, to be achievable by use of the most efficient organization.

(ii) A total cost of performance for the period covered by the memorandum that does not exceed the amount equal to 110 percent of the estimated total cost of private sector performance of the activity for that period.

(B) Achievement of the performance improvements projected, as of the beginning of the pilot program, to be achievable by use of the most efficient organization.

(C) Any other performance standards determined appropriate by the head of the agency.

(D) Rigorous use of technology-based solutions, performance measurements, and quality of service standards that will be subject to past and future performance.

(3) Each memorandum of understanding under the pilot program shall, to the maximum extent practicable, be consistent with contracts used to procure the same performance from a commercial source and shall clearly define performance goals, standards, rewards, and penalties.

(4) Each memorandum of understanding shall be in effect for five years, except that the head of the agency concerned may terminate the memorandum of understanding earlier on the basis of a failure to achieve a performance standard provided in the memorandum during the five-year period.

(5)(A) After the first year of the performance of a memorandum of understanding under the pilot program, the head of the agency concerned shall take the actions described in subparagraph (B) if the head of the agency determines, through quarterly reviews, that the most efficient organization has failed to achieve a performance standard that is determined critical and a cause for default.

(B) The actions to be taken by the head of an agency with respect to a memorandum of understanding under subparagraph (A) are as follows:

(i) Termination of the memorandum of understanding.

(ii) Initiation of a best value source selection process that excludes participation by a public employee team and provides for competitive selection of a source of performance on the basis of performance standards comparable to those that were used as bid-to-goal targets, including the specific cost targets.

(e) DETERMINATION OF MOST EFFICIENT ORGANIZATION.—(1) The Secretary of Defense shall ensure that, for the purposes of the pilot program under this section, the most efficient organization for the performance of a Department of Defense commercial activity by employees of the United States is determined by using world class methods for benchmarking and related activity-type costing methods.

(2) Before initiating the determination of the most efficient organization for performing a Department of Defense commercial activity pursuant to a memorandum of understanding under the pilot program, the head of the agency concerned shall—

(A) define the scope of the services that comprise the performance of the activity;

(B) provide for an entity independent of the Department of Defense to estimate, for the 5-year period to be covered by the memorandum of understanding, the costs that would be incurred for the continued performance of the activity by employees of the United States without a conversion to performance by the most efficient organization;

(C) estimate the cost to the United States of private sector performance of the activity for that 5-year period; and

(D) determine appropriate cost and other performance objectives for the performance of the activity under the pilot program on the basis of comparable performance, innovation, and costs, which may not exceed 110 percent of potential costs of performance by a private sector source.

(f) MANAGEMENT PLAN.—The head of the agency concerned shall prescribe or approve a management plan for the performance of a commercial activity under the pilot program. The management plan shall include the following:

(1) A description of the most efficient organization for the performance of the activity.

(2) A plan for achieving the objectives determined appropriate for the performance of the activity under subsection (e)(2)(D).

(3) For any case in which a reduction in the workforce is necessary to achieve the most efficient organization for performing the activity, provisions for attrition to be used as the principal means for achieving the necessary reduction.

(g) MORATORIUM ON APPLICABILITY OF OMB CIRCULAR A–76.—During the period that a memorandum of understanding is in effect for a Department of Defense commercial activity under subsection (d), no action may be initiated under Office of Management and Budget Circular A–76 regarding the acquisition of performance of that commercial activity.

(h) QUARTERLY REPORT TO HEAD OF AGENCY.—Promptly after the end of each quarter of a year, the head of an organization performing a Department of Defense commercial activity under the pilot program shall submit a report on the performance of that activity during that quarter to the head of the agency concerned. The report shall include an assessment of the performance in terms of the performance standards provided in the memorandum of understanding applicable to the activity under subsection (d).

(i) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the implementation of the pilot program under this section.

(j) DEFINITIONS.—In this section:

(1) The term ''Department of Defense commercial activity'' means an activity covered by the Department of Defense commercial activities program pursuant to Department of Defense Directive 4100.15 or any successor Department of Defense Directive.

(2) The term ''head of the agency concerned'' means—

(A) the head of a Defense Agency, with respect to a Department of Defense commercial activity carried out by that official; and

(B) the Secretary of a military department, with respect to a Department of Defense commercial activity carried out by that official.

(3) The term ''Defense Agency'' has the meaning given the term in section 101(a)(11) of title 10, United States Code.

SA 1634. Mrs. HUTCHISON (for herself, Mr. INOUYE, Mr. STEVENS, Mr. DEWINE, Mr. BENNETT, Mr. HATCH, Mr. CRAIG, Ms. MIKULSKI, Mr. SARBANES, Mr. VOINOVICH, and Mr. CRAPO) 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:

On page 418, in the table before line 1, insert after the item relating to Fort Stewart/Hunter Army Air Field Georgia, the following new item:

Hawaii	Kahuku	$900,000

On page 418, in the table before line 1, strike ''$5,800,000'' in the amount column of the item relating to Fort Meade, Maryland, and insert ''$11,200,000''.

On page 418, in the table before line 1, strike the amount identified as the total in the amount column and insert ''$1,264,300,000''.

On page 420, line 21, strike ''$3,068,303,000'' and insert ''$3,074,603,000''.

On page 420, line 24, strike ''$1,027,300,000'' and insert ''$1,033,600,000''.

On page 434, in the table after line 3, strike ''$24,850,000'' in the amount column of the item relating to Wright-Patterson Air Force Base, Ohio, and insert ''$28,250,000''.

On page 434, in the table after line 3, insert before the item relating to Lackland Air Force Base, Texas, the following new item:

Texas	Dyess Air Force Base	$16,800,000

On page 434, in the table after line 3, strike ''$14,000,000'' in the amount column of the item relating to Hill Air Force Base, Utah, and insert ''$22,000,000''.

On page 434, in the table after line 3, strike the amount identified as the total in the amount column and insert ''$839,570,000''.

On page 436, in the table after line 5, insert after the item relating to Hickam Air Force Base, Hawaii, the following new item:

Idaho	Mountain Home Air Force Base.	118 Units	$10,000,000

On page 436, in the table after line 5, strike the amount identified as the total in the amount column and insert ''$150,800,000''.

On page 437, line 10, strike ''$2,579,791,000'' and insert ''$2,617,991,000''.

On page 437, line 14, strike ''$816,070,000'' and insert ''$844,270,000''.

On page 438, line 7, strike ''$542,381,000'' and insert ''$552,381,000''.

SA 1635. Mr. STEVENS 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:

Insert at the appropriate place in the bill the following new item:

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source; *Provided*, That a sale pursuant to this section shall conform to the requirements of 10 U.S.C. section 2563 (c) and (d); and *Provided further*, That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

SA 1636. Mr. HELMS 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 appropriate place in the bill, insert the following:

SEC. 1066. FORCE PROTECTION OF PERSONNEL AT UNITED STATES MILITARY INSTALLATIONS.

(a) REPEAL OF LIMITATION ON CONTRACTING FOR SECURITY-GUARD SERVICES.—(1) Section 2465(a) of title 10, United States Code, is amended by striking ''or security-guard''.

(2) The heading of section 2465 of such title is amended by striking **''or security-guard''**.

(3) The item relating to such section at the beginning of chapter 146 of such title is amended to read as follows:

''2465. Prohibition on contracts for performance of firefighting functions.''.

SA 1637. Ms. COLLINS (for herself, Ms. LANDRIEU, and Mr. ALLARD) 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 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 1638. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 1438 submitted by Mr. FEINGOLD and intended to be proposed to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

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

SEC. ___. TREATMENT OF FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.

Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) TREATMENT OF FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR SERVICES.—The Secretary concerned may include in a contract for utility services from a utility system conveyed under subsection (a) terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.''.

SA 1639. Mr. ALLARD 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:

Strike sections 3172 through 3178 and insert the following:

SEC. 3172. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure of the site;

(2) to create a process for public input on refuge management before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

SEC. 3173. DEFINITIONS.

In this subtitle:

(1) CLEANUP AND CLOSURE.—The term ''cleanup and closure'' means the response actions and decommissioning activities being carried out at Rocky Flats by the Department of Energy under the 1996 Rocky Flats Cleanup Agreement, the closure plans and baselines, and any other relevant documents or requirements.

(2) COALITION.—The term ''Coalition'' means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

(A) the city of Arvada, Colorado;

(B) the city of Boulder, Colorado;

(C) the city of Broomfield, Colorado;

(D) the city of Westminster, Colorado;

(E) the town of Superior, Colorado;

(F) Boulder County, Colorado; and

(G) Jefferson County, Colorado.

(3) HAZARDOUS SUBSTANCE.—The term ''hazardous substance'' means—

(A) any hazardous substance, pollutant, or contaminant regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any—

(i) petroleum (including any petroleum product or derivative);

(ii) unexploded ordnance;

(iii) military munition or weapon; or

(iv) nuclear or radioactive material;

not otherwise regulated as a hazardous substance under any law in effect on the date of enactment of this Act.

(4) POLLUTANT OR CONTAMINANT.—The term ''pollutant or contaminant'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(5) REFUGE.—The term ''refuge'' means the Rocky Flats National Wildlife Refuge established under section 3177.

(6) RESPONSE ACTION.—The term ''response action'' has the meaning given the term ''response'' in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) or any similar requirement under State law.

(7) RFCA.—The term ''RFCA'' means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(A) the Department of Energy;

(B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) ROCKY FLATS.—

(A) IN GENERAL.—The term ''Rocky Flats'' means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map entitled ''Rocky Flats Environmental Technology Site'', dated July 15, 1998, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) EXCLUSIONS.—The term ''Rocky Flats'' does not include—

(i) land and facilities of the Department of Energy's National Wind Technology Center; or

(ii) any land and facilities not within the boundaries depicted on the map identified in subparagraph (A).

(9) ROCKY FLATS TRUSTEES.—The term ''Rocky Flats Trustees'' means the Federal and State of Colorado entities that have been identified as trustees for Rocky Flats under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.

(a) FEDERAL OWNERSHIP.—Except as expressly provided in this subtitle or any Act enacted after the date of enactment of this Act, all right, title, and interest of the United States, held on or acquired after the date of enactment of this Act, to land or interest therein, including minerals, within the boundaries of Rocky Flats shall be retained by the United States.

(b) LINDSAY RANCH.—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3173(8), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) PROHIBITION ON ANNEXATION.—Neither the Secretary nor the Secretary of the Interior shall not allow the annexation of land within the refuge by any unit of local government.

(d) PROHIBITION ON THROUGH ROADS.—Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) TRANSPORTATION RIGHT-OF-WAY.—

(1) IN GENERAL.—

(A) AVAILABILITY OF LAND.—On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) BOUNDARIES.—Land made available under this paragraph may not extend more than 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of enactment of this Act.

(C) EASEMENT OR SALE.—Land may be made available under this paragraph by easement or sale to 1 or more appropriate entities.

(D) COMPLIANCE WITH APPLICABLE LAW.—Any action under this paragraph shall be taken in compliance with applicable law.

(2) CONDITIONS.—An application for land under this subsection may be submitted by any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—

(A) the transportation project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge; and

(B) the transportation project is included in the regional transportation plan of the metropolitan planning organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.

(a) IN GENERAL.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft memorandum of understanding under which—

(i) the Secretary shall provide for the subsequent transfer of administrative jurisdiction over Rocky Flats to the Secretary of the Interior; and

(ii) the Secretary of the Interior shall manage natural resources at Rocky Flats until the date on which the transfer becomes effective.

(B) REQUIRED ELEMENTS.—

(i) IN GENERAL.—Subject to clause (ii), the memorandum of understanding shall—

(I) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out the proposed transfer of land;

(II) for the period ending on the date of the transfer—

(aa) provide for the division of responsibilities between the Secretary and the Secretary of the Interior; and

(bb) provide for the management of the land proposed to be transferred by the Secretary of the Interior as a national wildlife refuge, for the purposes provided under section 3177(d)(2);

(III) provide for the annual transfer of funds from the Secretary to the Secretary of the Interior for the management of the land proposed to be transferred; and

(IV) subject to subsection (b)(1), identify the land proposed to be transferred to the Secretary of the Interior.

(ii) NO REDUCTION IN FUNDS.—The memorandum of understanding and the subsequent transfer shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

(C) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(2) EXCLUSIONS.—The transfer under paragraph (1) shall not include the transfer of any property or facility over which the Secretary retains jurisdiction, authority, and control under subsection (b)(1).

(3) CONDITION.—The transfer under paragraph (1) shall occur—

(A) not earlier than the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Secretary of the Interior that the cleanup and closure and all response actions at Rocky Flats have been completed, except for the operation and maintenance associated with those actions; but

(B) not later than 30 business days after that date.

(4) COST; IMPROVEMENTS.—The transfer—

(A) shall be completed without cost to the Secretary of the Interior; and

(B) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for refuge management purposes.

(b) PROPERTY AND FACILITIES EXCLUDED FROM TRANSFERS.—

(1) IN GENERAL.—The Secretary shall retain jurisdiction, authority, and control over all real property and facilities at Rocky Flats that are to be used for—

(A) any necessary and appropriate long-term operation and maintenance facility to intercept, treat, or control a radionuclide or any other hazardous substance, pollutant, or contaminant; and

(B) any other purpose relating to a response action or any other action that is required to be carried out at Rocky Flats.

(2) CONSULTATION.—

(A) IDENTIFICATION OF PROPERTY.—

(i) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the State of Colorado on the identification of all property to be retained under this subsection to ensure the continuing effectiveness of response actions.

(ii) AMENDMENT TO MEMORANDUM OF UNDERSTANDING.—

(I) IN GENERAL.—After the consultation, the Secretary and the Secretary of the Interior shall by mutual consent amend the memorandum of understanding required under subsection (a) to specifically identify the land for transfer and provide for determination of the exact acreage and legal description of the property to be transferred by a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(II) COUNCIL ON ENVIRONMENTAL QUALITY.—In the event the Secretary and the Secretary of the Interior cannot agree on any element of the land to be retained or transferred, the Secretary or the Secretary of the Interior may refer the issue to the Council on Environmental Quality, which shall decide the issue within 45 days of such referral, and the Secretary and the Secretary of the Interior shall then amend the memorandum of understanding required under subsection (a) in conformity with the decision of the Council on Environmental Quality.

(B) MANAGEMENT OF PROPERTY.—

(i) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior on the management of the retained property to minimize any conflict between the management of property transferred to the Secretary of the Interior and property retained by the Secretary for response actions.

(ii) CONFLICT.—In the case of any such conflict, implementation and maintenance of the response action shall take priority.

(3) ACCESS.—As a condition of the transfer under subsection (a), the Secretary shall be provided such easements and access as are reasonably required to carry out any obligation or address any liability.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this subtitle subject to—

(A) any response action or institutional control at Rocky Flats carried out by or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.

(2) CONFLICT.—In the case of any conflict between the management of Rocky Flats by the Secretary of the Interior and the conduct of any response action or other action described in subparagraph (A) or (B) of paragraph (1), the response action or other action shall take priority.

(3) CONTINUING ACTIONS.—Except as provided in paragraph (1), nothing in this subsection affects any response action or other action initiated at Rocky Flats on or before the date of the transfer under subsection (a).

(d) LIABILITY.—

(1) IN GENERAL.—The Secretary shall retain any obligation or other liability for land transferred under subsection (a) under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) any other applicable law.

(2) RESPONSE ACTIONS.—

(A) IN GENERAL.—The Secretary shall be liable for the cost of any necessary response actions, including any costs or claims asserted against the Secretary, for any release, or substantial threat of release, of a hazardous substance, if the release, or substantial threat of release, is—

(i) located on or emanating from land—

(I) identified for transfer by this section; or

(II) subsequently transferred under this section;

(ii)(I) known at the time of transfer; or

(II) subsequently discovered; and

(iii) attributable to—

(I) management of the land by the Secretary; or

(II) the use, management, storage, release, treatment, or disposal of a hazardous substance on the land by the Secretary.

(B) RECOVERY FROM THIRD PARTY.—Nothing in this paragraph precludes the Secretary, on behalf of the United States, from bringing a cost recovery, contribution, or other action against a third party that the Secretary reasonably believes may have contributed to the release, or substantial threat of release, of a hazardous substance.

SEC. 3176. CONTINUATION OF ENVIRONMENTAL CLEANUP AND CLOSURE.

(a) ONGOING CLEANUP AND CLOSURE.—

(1) IN GENERAL.—The Secretary shall—

(A) carry out to completion cleanup and closure at Rocky Flats; and

(B) conduct any necessary operation and maintenance of response actions.

(2) NO RESTRICTION ON USE OF NEW TECHNOLOGIES.—Nothing in this subtitle, and no action taken under this subtitle, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

(b) RULES OF CONSTRUCTION.—

(1) NO RELIEF FROM OBLIGATIONS UNDER OTHER LAW.—

(A) IN GENERAL.—Nothing in this subtitle, and no action taken under this subtitle, relieves the Secretary, the Administrator of the Environmental Protection Agency, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any applicable Federal or State law.

(B) NO EFFECT ON RFCA.—Nothing in this subtitle impairs or alters any provision of the RFCA.

(2) REQUIRED CLEANUP LEVELS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this subtitle affects the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(B) NO EFFECT FROM ESTABLISHMENT AS NATIONAL WILDLIFE REFUGE.—

(i) IN GENERAL.—The requirements of this subtitle for establishment and management of Rocky Flats as a national wildlife refuge shall not reduce the level of cleanup and closure.

(ii) CLEANUP LEVELS.—The Secretary shall conduct cleanup and closure of Rocky Flats to the levels established for soil, water, and other media, following a thorough review, by the parties to the RFCA and the public (including the United States Fish and Wildlife Service and other interested government agencies), of the appropriateness of the interim levels in the RFCA.

(3) NO EFFECT ON OBLIGATIONS FOR MEASURES TO CONTROL CONTAMINATION.—Nothing in this subtitle, and no action taken under this subtitle, affects any long-term obligation of the United States, acting through the Secretary, relating to funding, construction, monitoring, or operation and maintenance of—

(A) any necessary intercept or treatment facility; or

(B) any other measure to control contamination.

(c) PAYMENT OF RESPONSE ACTION COSTS.—Nothing in this subtitle affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(d) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior to ensure that the response action is carried out in a manner that—

(1) does not impair the attainment of the goals of the response action; but

(2) minimizes, to the maximum extent practicable, adverse effects of the response action on the refuge.

SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(a) ESTABLISHMENT.—Not later than 30 days after the transfer of jurisdiction under section 3175(a), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the ''Rocky Flats National Wildlife Refuge''.

(b) COMPOSITION.—The refuge shall consist of the real property subject to the transfer of administrative jurisdiction under section 3175(a)(1).

(c) NOTICE.—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

(d) ADMINISTRATION AND PURPOSES.—

(1) IN GENERAL.—The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) REFUGE PURPOSES.—At the conclusion of the transfer under section 3175(a)(3), the refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)); and

(D) providing opportunities for compatible, wildlife-dependent environmental scientific research.

(3) MANAGEMENT.—In managing the refuge, the Secretary shall ensure that wildlife-dependent recreation and environmental education and interpretation are the priority public uses of the refuge.

SEC. 3178. COMPREHENSIVE CONSERVATION PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in developing a comprehensive conservation plan in accordance with section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior, in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Rocky Flats Trustees, shall establish a comprehensive planning process that involves the public and local communities.

(b) OTHER PARTICIPANTS.—In addition to the entities specified in subsection (a), the comprehensive planning process shall include the opportunity for direct involvement of entities not members of the Coalition as of the date of enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) DISSOLUTION OF COALITION.—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive planning process under this section—

(1) the comprehensive planning process under this section shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in the comprehensive planning process.

(d) CONTENTS.—In addition to the requirements under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive conservation plan required by this section shall address and make recommendations on the following:

(1) The identification of any land described in section 3174(e) that could be made available for transportation purposes.

(2) The potential for leasing any land in Rocky Flats for the National Renewable Energy Laboratory to carry out projects relating to the National Wind Technology Center.

(3) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure, refuge, or other purposes.

(4) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(5) Any other issues relating to Rocky Flats.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Armed Services of the Senate and the Committee on Resources of the House of Representatives—

(1) the comprehensive conservation plan prepared under this section; and

(2) a report that—

(A) outlines the public involvement in the comprehensive planning process; and

(B) to the extent that any input or recommendation from the comprehensive planning process is not accepted, clearly states the reasons why the input or recommendation is not accepted.

SA 1640. Mr. HUTCHINSON (for himself and Mrs. LINCOLN) 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 III, add the following:

SEC. 306. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS, ARKANSAS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $1,800,000.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $1,800,000 shall be available for the Clara Barton Center for Domestic Preparedness, Arkansas.

(c) OFFSET.—The amount authorized to be appropriated by section 301(17) for operation and maintenance for environmental restoration Defense-wide is hereby reduced by $1,800,000.

SA 1641. Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, and Mr. HOLLINGS) 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 C of title XXXI, add the following:

SEC. 3135. UNITED STATES PARTICIPATION IN UNITED STATES AND RUSSIA PLUTONIUM DISPOSITION PROGRAMS.

(a) LIMITATION ON MODIFICATION OF UNITED STATES PARTICIPATION IN PROGRAMS.—No modification may be made in United States participation in the current United States and Russia plutonium disposition programs until the date of the submittal to the congressional defense committees of a report setting forth a comprehensive United States strategy for activities under such programs as so modified.

(b) PLUTONIUM DISPOSITION PROGRAMS.—For purposes of this section, the current United States and Russia plutonium disposition programs are the following:

(1) The United States Plutonium Disposition Program identified in the January 1997 Record of Decision setting forth the intention of the Department of Energy to pursue a hybrid plutonium disposition strategy that includes irradiation of mixed oxide fuel (MOX) and immobilization, and the January 2000 Record of Decision of the Surplus Plutonium Disposition Final Environmental Impact Statement identifying the Savannah River Site, South Carolina, for plutonium disposition activities.

(2) The United States-Russian Agreement on the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, signed in September 2000 by the Government of the United States and the Government of Russia.

(c) SCOPE OF MODIFICATIONS.—Any modification of United States participation in a current United States or Russia plutonium disposition program shall provide for the disposition of not less than 34 tons of Russian weapons-grade plutonium on a schedule which completes disposition of such plutonium not later than 2026, the date envisioned in the Agreement referred to in subsection (b)(2).

(d) ELEMENTS OF REPORT ACCOMPANYING MODIFICATION.—If any modification is proposed to United States participation in a current United States or Russia plutonium disposition program, the report under subsection (a)—

(1) shall assess any impact of such modification on other elements of the environmental management strategy of the Department of Energy for the closure or cleanup of current and former sites in the United States nuclear weapons complex;

(2) shall specify the costs of such modification, including any costs to be incurred in

long-term storage of weapons-grade plutonium or for research and development for proposed alternative disposition strategies; and

(3) shall describe the extent of interaction in development of such modification with, and concurrence in such modification from—

(A) States directly impacted by the plutonium disposition program;

(B) nations participating in current programs, or proposing to participate in future programs, for the disposition of Russian weapons-grade plutonium, including the willingness of such nations to offset the costs specified under paragraph (2); and

(C) the Russian Federation.

(e) ANNUAL REPORT ON FUNDING FOR FISSILE MATERIALS DISPOSITION ACTIVITIES.—The Secretary of Energy shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report setting forth the extent to which amounts requested for the Department for such fiscal year for fissile material disposition activities will enable the Department to meet commitments for such activities in such fiscal year.

(f) LIMITATION ON ALTERNATIVE USE OF CERTAIN FUNDS FOR DISPOSITION OF PLUTONIUM.—The amount made available by chapter 2 of title I of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–560) for expenditures in the Russian Federation to implement a United States/Russian accord for disposition of excess weapons plutonium shall be available only for that purpose until the submittal to the congressional defense committees of the report referred to in subsection (a).

SA 1642. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and 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 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 shall, 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 or the Secretary of State 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 1643. Mr. DOMENICI 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 B of title VII, add the following:

SEC. 718. ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''who is on active duty'' and inserting ''described in paragraph (2)''; and

(3) by adding at the end the following new paragraph:

''(2) Members of the uniformed services referred to in paragraph (1) are as follows:

''(A) A member of a uniformed service on active duty.

''(B) A member of a reserve component of a uniformed service who has been commissioned as an officer if—

''(i) the member has requested orders to active duty for the member's initial period of active duty following the commissioning of the member as an officer;

''(ii) the request for orders has been approved;

''(iii) the orders are to be issued but have not been issued; and

''(iv) does not have health care insurance and is not covered by any other health benefits plan.''.

SA 1644. Mr. DOMENICI 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 317, after line 23, add the following:

SEC. 908. EVALUATION OF STRUCTURE AND LOCATION OF ARMY ENVIRONMENTAL POLICY INSTITUTE.

(a) EVALUATION REQUIRED.—The Secretary of the Army, acting through the Assistant Secretary of the Army for Installations and Environment, shall carry out a thorough evaluation of the current structure and location of the Army Environmental Policy Institute for purposes of determining whether the structure and location of the Institute provide for the most efficient and effective fulfillment of the charter of the Institute.

(b) MATTERS TO BE EVALUATED.—In carrying out the evaluation, the Secretary shall evaluate—

(1) the performance of the Army Environmental Policy Institute in light of its charter;

(2) the current structure and location of the Institute in light of its charter; and

(3) various alternative structures (including funding mechanisms) and locations for the Institute as a means of enhancing the efficient and effective operation of Institute.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the evaluation carried out under this section. The report shall include the results of the evaluation and such recommendations as the Secretary considers appropriate.

SA 1645. Mr. DOMENICI (for himself and 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 title X, add the following:

SEC. 1066. CRITICAL INFRASTRUCTURES PROTECTION.

(a) FINDINGS.—Congress makes the following findings:

(1) The Information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.

(4) This national effort requires extensive modeling and analytic capabilities for purposes of evaluating appropriate mechanisms to ensure the stability of these complex and interdependent systems, and to underpin policy recommendations, so as to achieve the continuous viability and adequate protection of the critical infrastructure of the nation.

(b) POLICY OF UNITED STATES.—It is the policy of the United States—

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, essential human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(3) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

(c) SUPPORT OF CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BY NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—(1) The National Infrastructure Simulation and Analysis Center (NISAC) shall provide support for the activities of the President's Critical Infrastructure Protection and Continuity Board under Executive Order ____.

(2) The support provided for the Board under paragraph (1) shall include the following:

(A) Modeling, simulation, and analysis of the systems comprising critical infrastructures, including cyber infrastructure, telecommunications infrastructure, and physical infrastructure, in order to enhance understanding of the large-scale complexity of such systems and to facilitate modification of such systems to mitigate the threats to such systems and to critical infrastructures generally.

(B) Acquisition from State and local governments and the private sector of data necessary to create and maintain models of such systems and of critical infrastructures generally.

(C) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide education and training to members of the Board, and other policymakers, on matters relating to—

(i) the analysis conducted under that subparagraph;

(ii) the implications of unintended or unintentional disturbances to critical infrastructures; and

(iii) responses to incidents or crises involving critical infrastructures, including the continuity of government and private sector activities through and after such incidents or crises.

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to members of the

Board and other policymakers, and to departments and agencies of the Federal Government and private sector persons and entities upon request, regarding means of enhancing the stability of, and preserving, critical infrastructures.

(3) Modeling, simulation, and analysis provided under this subsection to the Board shall be provided, in particular, to the Infrastructure Interdependencies committee of the Board under section 9(c)(8) of the Executive Order referred to in paragraph (1).

(d) ACTIVITIES OF PRESIDENT'S CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BOARD.—The Board shall provide to the Center appropriate information on the critical infrastructure requirements of each Federal agency for purposes of facilitating the provision of support by the Center for the Board under subsection (c).

(e) CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term ''critical infrastructure'' means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on national security, national economic security, national public health or safety, or any combination of those matters.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized for the Department of Defense for fiscal year 2002, $20,000,000 for the Defense Threat Reduction Agency for activities of the National Infrastructure Simulation and Analysis Center under subsection (c) in that fiscal year.

(2) The amount available under paragraph (1) for the National Infrastructure Simulation and Analysis Center is in addition to any other amounts made available by this Act for the National Infrastructure Simulation and Analysis Center.

SA 1646. Mr. DOMENICI 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 B of title II, add the following:

SEC. 215. ADDITIONAL FUNDING FOR ADVANCED RELAY MIRROR SYSTEM DEMONSTRATION.

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Advanced Relay Mirror System (ARMS) demonstration (PE603605F) is hereby increased by $9,200,000.

(2) The amount available under paragraph (1) for the Advanced Relay Mirror System demonstration is in addition to any other amounts available under this Act for the Advanced Relay Mirror System demonstration.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for MILSATCOM (PE603430F) is hereby decreased by $9,200,000.

SA 1647. Mr. DOMENICI 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 B of title II, add the following:

SEC. 215. ADDITIONAL FUNDING FOR SATELLITE SIMULATION TOOLKIT.

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Satellite Simulation Toolkit (PE602601F) is hereby increased by $5,000,000.

(2) The amount available under paragraph (1) for the Satellite Simulation Toolkit is in addition to any other amounts available under this Act for the Satellite Simulation Toolkit.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for MILSATCOM (PE603430F) is hereby decreased by $5,000,000.

SA 1648. Mr. DOMENICI 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 B of title II, add the following:

SEC. 215. ADDITIONAL FUNDING FOR COOPERATIVE ENERGETICS INITIATIVE.

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army for the Cooperative Energetics Initiative (PE602624A) is hereby increased by $10,000,000.

(2) The amount available under paragraph (1) for the Cooperative Energetics Initiative is in addition to any other amounts available under this Act for the Cooperative Energetics Initiative.

(b) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army for Landmine Warfare/Barrier Engineering Development (PE604808A) is hereby decreased by $10,000,000.

SA 1649. Mr. DOMENICI 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 B of title II, add the following:

SEC. 215. ADDITIONAL FUNDING FOR UPGRADES TO THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY.

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Theater Aerospace Command and Control Simulation Facility (TACCSF) (PE207605F) is hereby increased by $7,250,000.

(2) The amount available under paragraph (1) for the Theater Aerospace Command and Control Simulation Facility is in addition to any other amounts available under this Act for the Theater Aerospace Command and Control Simulation Facility.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for Joint Expeditionary Force (PE207028) is hereby decreased by $7,250,000.

SA 1650. Mr. DOMENICI 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 B of title II, add the following:

SEC. 215. ADDITIONAL FUNDING FOR ADVANCED TACTICAL LASER.

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy for the Advanced Tactical Laser (ATL) (PE603851D8Z) is hereby increased by $35,000,000.

(2) The amount available under paragraph (1) for the Advanced Tactical Laser is in addition to any other amounts available under this Act for the Advanced Tactical Laser.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $35,000,000, with the amount of the decrease to be allocated as follows:

(1) $20,000,000 shall be allocated to amounts available for Deployable Joint Command and Control (PE603237N).

(2) $15,000,000 shall be allocated to amounts available for Shipboard System Component Development (PE603513N).

SA 1651. Mr. DOMENICI 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 appropriate place, insert the following:

SEC. ___. RADIATION EXPOSURE COMPENSATION TRUST FUND APPROPRIATIONS.

(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 ending September 30, 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Radiation Exposure Compensation Trust Fund for the purpose of making payments to eligible beneficiaries under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(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 1652. Mr. NELSON of Florida 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 D of title VI, add the following:

SEC. 652. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—Section 1451(c) of title 10, United States Code, is amended by striking paragraph (2).

(b) PROHIBITION OF RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date specified in subsection (c) by reason of the amendment made by the subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

SA 1653. Mr. DOMENICI 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 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 in Division C, Title XXXI, Subtitle A, insert a new section as follows:

''SEC. 31 . For weapons activities, an additional $338,944,000 is authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration.''

On page 416, line 22, strike ''$1,018,394,000'' and replace with ''$1,357,338,000''.

SA 1654. Mr. SESSIONS 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:

In title II, insert the following:

SEC. [SCO01.673]. FUNDS FOR THE FAMILY OF SYSTEMS SIMULATOR, THE LOW COST INTERCEPTOR, AND ARMY MULTI-MODE TOP ATTACK SIMULATOR.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RDT&E, ARMY.—The amount authorized to be appropriated by section 201(1) is hereby increased by $14,600,000.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(1), $10,000,000 may be available for the Army Space and Missile Defense Command, and $4,600,000 for the Army Threat Simulator Management Office, Redstone Arsenal.

(1) For the Family of Systems Simulator, $5,000,000.

(2) For the Low Cost Interceptor, $5,000,000.

(3) For the Army Multi-Mode TOP Attack Simulator, $4,600,000.

SA 1655. Mr. DOMENICI (for himself 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; which was ordered to lie on the table; as follows:

At the appropriate place in Division C, Title XXXI, Subtitle A, insert a new section as follows:

''SEC. 31 . For weapons activities, an additional $338,944,000 is authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration.''

On page 416, line 22, strike ''$1,018,394,000'' and replace with ''1,357,338,000''.

SA 1656. Mr. DOMENICI 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 600, after line 6, add the following:

TITLE XXXV—COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION

SEC. 3501. SHORT TITLE.

This title may be cited as the ''Commercial Reusable In-Space Transportation Act of 2001''.

SEC. 3502. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to encourage the utilization of cost-effective, in-space transportation systems, which would be developed and operated by the private sector on commercial basis.

(2) The use of reusable in-space transportation systems will enhance performance levels of in-space operations, enhance efficient and safe disposal of satellites at the end of their useful lives, and increase the capability and reliability of existing ground-to-space launch vehicles.

(3) Commercial reusable in-space transportation systems will enhance the economic well-being and national security of the United States by reducing space operations costs for commercial and national space programs and by adding new space capabilities to space operations.

(4) Commercial reusable in-space transportation systems will provide new cost-effective space capabilities (including orbital transfers from low altitude orbits to high altitude orbits and return, the correction of erroneous satellite orbits, and the recovery, refurbishment, and refueling of satellites) and the provision of upper stage functions to increase ground-to-orbit launch vehicle payloads to geostationary and other high energy orbits.

(5) Commercial reusable in-space transportation systems can enhance and enable the space exploration of the United States by providing lower cost trajectory injection from earth orbit, transit trajectory control, and planet arrival deceleration to support potential National Aeronautics and Space Administration missions to Mars, Pluto, and other planets.

(6) Satellites stranded in erroneous earth orbit due to deficiencies in their launch represent substantial economic loss to the United States, estimated at as much as $3,000,000,000 to $4,000,000,000 in a recent 12-month period, and present substantial concerns for the current backlog of national space assets valued at $20,000,000,000.

(7) Commercial reusable in-space transportation systems can provide new options for alternative planning approaches and risk management to enhance the mission assurance of national space assets.

(8) Commercial reusable in-space transportation systems developed by the private sector can provide in-space transportation services to the National Aeronautics and Space Administration, the Department of Defense, the National Reconnaissance Office, and other agencies without the need for the United States to bear the cost of development of such systems.

(9) The availability of limited direct loans and loan guarantees, with the cost of credit risk to the United States paid by the private-sector, is an effective means by which the United States can help qualifying private-sector companies secure otherwise unattainable private financing for the development of commercial reusable in-space transportation systems, while at the same time minimizing Government commitment and involvement in the development of such systems.

SEC. 3503. LOANS AND LOAN GUARANTEES FOR DEVELOPMENT OF COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION.

(a) AUTHORITY TO MAKE LOANS AND LOAN GUARANTEES.—The Administrator may make loans, and may guarantee loans made, to eligible United States commercial providers for purposes of developing commercial reusable in-space transportation systems.

(b) ELIGIBLE UNITED STATES COMMERCIAL PROVIDERS.—The Administrator shall prescribe requirements for the eligibility of United States commercial providers for loans, and loan guarantees, under this section. Such requirements shall ensure that eligible providers are financially capable of undertaking a loan made or guaranteed under this section.

(c) FEES.—

(1) CREDIT SUBSIDY.—

(A) COLLECTION REQUIRED.—The Administrator shall collect from each United States commercial provider receiving a loan or loan guarantee under this section an amount equal to the amount, as determined by the Administrator, to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of the loan or loan guarantee, as the case may be.

(B) PERIODIC DISBURSEMENTS.—In the case of a loan or loan guarantee in which proceeds

of the loan are disbursed over time, the Administrator shall collect the amount required under this paragraph on a pro rata basis, as determined by the Administrator, at the time of each disbursement.

(2) ADMINISTRATIVE FEE.—

(A) COLLECTION REQUIRED.—The Administrator shall collect from each United States commercial provider receiving a loan or loan guarantee under this section an amount equal to 0.5 percent of the proceeds of the loan concerned.

(B) AVAILABILITY.—Amounts collected by the Administrator under this paragraph shall be available to the Administrator for purposes of carrying out this section.

(3) PAYMENT OF AMOUNTS.—Amounts paid by a United States commercial provider under this subsection shall be derived from amounts other than the proceeds of the loan for which such amounts are paid.

(d) INTEREST RATE.—The interest rate on a loan made or guaranteed under this section may not be less than an interest rate determined by the Administrator based on a benchmark interest rate on marketable Treasury securities with a similar maturity to the loan.

(e) OTHER TERMS AND CONDITIONS.—

(1) AMORTIZATION PERIOD.—A loan made or guaranteed under this section shall be amortized over the shorter, as determined by the Administrator, of—

(A) 20 years; or

(B) the useful life of the physical asset to be financed by the loan.

(2) PROHIBITION ON SUBORDINATION.—A loan made or guaranteed under this section may not be subordinated to another debt contracted by the United States commercial provider concerned, or to any other claims against such provider.

(3) RESTRICTION ON INCOME.—A loan made or guaranteed under this section may not—

(A) provide income which is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

(B) in the case of a loan guaranteed under this section, provide significant collateral or security, as determined by the Administrator, for other obligations the income from which is so excluded.

(4) TREATMENT OF GUARANTEE.—The guarantee of a loan under this section shall be conclusive evidence of the following:

(A) That the guarantee has been properly obtained.

(B) That the loan qualifies for the guarantee.

(C) That, but for fraud or material misrepresentation by the holder of the loan, the guarantee is valid, legal, and enforceable.

(5) OTHER TERMS AND CONDITIONS.—The Administrator may establish any other terms and conditions for a loan made under this section, or for the guarantee of a loan under this section, as the Administrator considers appropriate to protect the financial interests of the United States.

(f) ENFORCEMENT OF RIGHTS.—

(1) IN GENERAL.—The Attorney General may take any action the Attorney General considers appropriate to enforce any right accruing to the United States under a loan or loan guarantee under this section.

(2) FORBEARANCE.—The Attorney General may, with the approval of the parties concerned, forebear from enforcing any right of the United States under a loan made or guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to the United States.

(3) UTILIZATION OF PROPERTY.—Notwithstanding any other provision of law and subject to the terms of a loan made or guaranteed under this section, upon the default of a United States commercial provider under the loan, the Administrator may, at the election of the Administrator—

(A) assume control of the physical asset financed by the loan; and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated $1,500,000,000 for the making of loans under this section and for the administration of loans and loan guarantees under this section.

SEC. 3504. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administer of the National Aeronautics and Space Administration.

(2) COMMERCIAL PROVIDER.—The term ''commercial provider'' means any person or entity providing commercial reusable in-orbit space transportation services, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(3) IN-SPACE TRANSPORTATION SERVICES.—The term ''in-space transportation services'' means operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle.

(4) IN-SPACE TRANSPORTATION SYSTEM.—The term ''in-space transportation system'' means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services.

(5) IN-SPACE TRANSPORTATION VEHICLE.—The term ''in-space transportation vehicle'' means a vehicle designed—

(A) to be based and operated in space;

(B) to transport various payloads or objects from one orbit to another orbit; and

(C) to be reusable and refueled in space.

(6) UNITED STATES COMMERCIAL PROVIDER.—The term ''United States commercial provider'' means any commercial provider organized under the laws of the United States that is more than 50 percent owned by United States nationals.

SA 1657. Mr. BROWNBACK 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 B of title XII, add the following:

SEC. 1217. LIMITED AUTHORITY TO PROVIDE ASSISTANCE TO PAKISTAN AND INDIA.

If the President determines that it is in the national interests of the United States to do so, the President is authorized to provide assistance to Pakistan and India under the Arms Export Control Act, the Foreign Assistance Act of 1961, the Export-Import Bank Act of 1945, or any Act without regard to any grounds for prohibiting or restricting such assistance under those Acts that arose prior to September 11, 2001.

SA 1658. Mr. LOTT 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 B of title XII add the following:

SEC. 1217. ALLIED DEFENSE BURDENSHARING.

It is the sense of the Senate that——

(1) the efforts of the President to increase defense burdensharing by allied and friendly nations deserve strong support;

(2) the efforts by the Secretary of Defense and the Secretary of the State to negotiate host nation support agreements that increase the amounts of the financial contributions made for common defense by allied and friendly nations should be aggressively prospected; and

(3) host nation support agreements should be negotiated consistent with section 1221 of the National Defense Authorization Act for Fiscal Year 1998, which set forth the goals of obtaining from host nations contributions to pay 75 percent of the nonpersonnel costs incurred by the United States Government for stationing military personnel in those nations.

SA 1659. Mr. LOTT 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 appropriate place in the bill, add the following:

SEC. 301(5). AUTHORIZATION OF ADDITIONAL FUNDS.

AUTHORIZATION.—$3,000,000 is authorized for appropriations in section 301(5), for the replacement or refurbishment of air handlers and related control systems at Keesler AFB Medical Center.

SA 1660. Mr. WARNER (for himself and Mr. LEVIN) 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 2842, relating to a limitation on availability of funds for renovation of the Pentagon Reservation, and insert the following:

SEC. 2842. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806) is repealed.

SA 1661. Mr. LEVIN (for himself and 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:

At the end of subtitle A of title X, add the following:

SEC. 1009. AUTHORIZATION OF 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

(a) AUTHORIZATION.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) are hereby adjusted by the amounts of appropriations made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(b) QUARTERLY REPORT.—(1) Promptly after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of funds made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(2) The first report under paragraph (1) shall be submitted not later than January 2, 2002.

(c) PROPOSED ALLOCATION AND PLAN.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 15 days after the date on which the Director of the Office of Management and Budget submits to the Committees on Appropriations of the Senate and House of Representatives the proposed allocation and plan required by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, a proposed allocation and plan for the use of the funds made available to the Department of Defense pursuant to that Act.

SA 1662. Mr. LEVIN (for himself and 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:

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

SEC. 1217. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

''(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit composed of members of the United States Armed Forces.

''(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President determines that such action enhances or supports the national security interests of the United States.''.

SA 1663. Mr. LEVIN (for himself and 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:

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

SEC. 1217. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

''(n) exercise the authority provided in subsection (c), upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be.''.

SA 1664. Mr. WARNER (for Mrs. HUTCHISON (for herself and Mr. LIEBERMAN)) 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 VI, add the following:

SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE ON ACTIVE DUTY.

(a) SURVIVING SPOUSE ANNUITY.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

''(A) a member who dies while on active duty after—

''(i) becoming eligible to receive retired pay;

''(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

''(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

''(B) a member not described in subparagraph (A) who dies in line of duty while on active duty.''.

(b) COMPUTATION OF SURVIVOR ANNUITY.—Section 1451(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''based upon his years of active service when he died.'' and inserting ''based upon the following:''; and

(B) by adding at the end the following new clauses:

''(i) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

''(ii) In the case of an annuity payable under section 1448(d)(1)(A) of this title by reason of the death of a member not in line of duty, the member's years of active service when he died.

''(iii) In the case of an annuity under section 1448(f) of this title, the member's years of active service when he died.''; and

(2) in subparagraph (B)(i), by striking ''if the member or former member'' and all that follows and inserting ''as described in subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—(1) The heading for subsection (d) of section 1448 of such title is amended by striking ''RETIREMENT-ELIGIBLE''.

(2) Subsection (d)(3) of such section is amended by striking ''1448(d)(1)(B) or 1448(d)(1)(C)'' and inserting ''clause (ii) or (iii) of section 1448(d)(1)(A)''.

(d) EXTENSION AND INCREASE OF OBJECTIVES FOR RECEIPTS FROM DISPOSALS OF CERTAIN STOCKPILE MATERIALS AUTHORIZED FOR SEVERAL FISCAL YEARS BEGINNING WITH FISCAL YEAR 1999.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2262; 50 U.S.C. 98d note) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking ''$720,000,000'' and inserting ''$760,000,000''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) $770,000,000 by the end of fiscal year 2011.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

SA 1665. Mr. LEVIN (for Mr. AKAKA) submitted an amendment intended to be proposed by Mr. LEVIN 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 XXVIII, add the following:

SEC. 2844. CONSTRUCTION OF PARKING GARAGE AT FORT DERUSSY, HAWAII.

(a) AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION.—The Secretary of the Army may authorize the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentality of the Department of Defense (in this section referred to as the ''Fund''), to enter into an agreement with a governmental, quasi-governmental, or commercial entity for the construction of a parking garage at Fort DeRussy, Hawaii.

(b) FORM OF AGREEMENT.—The agreement under subsection (a) may take the form of a non-appropriated fund contract, conditional gift, or other agreement determined by the Fund to be appropriate for purposes of construction of the parking garage.

(c) USE OF PARKING GARAGE BY PUBLIC.—The agreement under subsection (a) may permit the use by the general public of the parking garage constructed under the agreement if the Fund determines that use of the

parking garage by the general public will be advantageous to the Fund.

(d) TREATMENT OF REVENUES OF FUND PARKING GARAGES AT FORT DERUSSY.—Notwithstanding any other provision of law, amounts received by the Fund by reason of operation of parking garages at Fort DeRussy, including the parking garage constructed under the agreement under subsection (a), shall be treated as non-appropriated funds, and shall accrue to the benefit of the Fund or its component funds, including the Armed Forces Recreation Center–Hawaii (Hale Koa Hotel).

SA 1666. 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:

Strike section 2841, relating to the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania, and insert the following:

SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) DESIGN AND CONSTRUCTION.—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) USE OF CERTAIN GIFTS.—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

SA 1667. Mr. LEVIN (for Mr. LIEBERMAN (for himself and 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:

At the end of subtitle C of title XI, add the following:

SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (109 Stat. 783; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) EXPENSES OF GOVERNMENT PERSONNEL.—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.''.

SA 1668. Mr. WARNER (for Mr. LOTT) 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 303 and insert the following:

SEC. 303. ARMED FORCES RETIREMENT HOME.

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of $71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

(b) AMOUNTS PREVIOUSLY AUTHORIZED.—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, an amount of $22,400,000 shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

SA 1669. Mr. LEVIN (for Mrs. CARNAHAN) 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 X, add the following:

SEC. 1027. COMPTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF NATIONAL GUARD DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT NETWORKS AND RELATED PUBLIC AND PRIVATE NETWORKS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project (DTTP) and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, and networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies.

(b) PURPOSES.—The purposes of the study under subsection (a) are as follows:

(1) To identify existing capabilities, and future requirements, for transmission of voice, data, and video for purposes of operational support of disaster response, homeland defense, command and control of premobilization forces, training of military personnel, training of first responders, and shared use of the networks of the Distributive Training Technology Project by government and members of the networks.

(2) To identify appropriate connections between the networks of the Distributive Training Technology Project and networks of the Federal Emergency Management Agency, State emergency management agencies, and other Federal and State agencies having disaster response functions.

(3) To identify requirements for connectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a) in the event of a significant disruption of providers of public services.

(4) To identify means of protecting the networks of the Distributive Training Technology Project from outside intrusion, including an assessment of the manner in which so protecting the networks facilitates the mission of the National Guard and homeland defense.

(5) To identify impediments to interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(6) To identify means of improving interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(c) PARTICULAR MATTERS.—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, national security concerns impede interconnectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a).

(2) Whether, and to what extent, limitations on the technological capabilities of the Department of Defense impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(3) Whether, and to what extent, other concerns or limitations impede

interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(4) Whether, and to what extent, any national security, technological, or other concerns justify limitations on interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) Potential improvements in National Guard or other Department technologies in order to improve interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a). The report shall describe the results of the study, and include any recommendations that the Comptroller General considers appropriate in light of the study.

SA 1670. Mr. WARNER (for Mr. LOTT) 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 346, line 20, insert after ''professional'' the following: ''or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander''.

SA 1671. Mr. DOMENICI (for himself, Mr. REID, and 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 appropriate place in Division C, Title XXXI, Subtitle A, insert a new section as follows:

''SEC. 31 . For weapons activities, an additional $338,944,000 is authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration.''

On page 399, line 22, strike ''$1,018,394,000'' and replace with ''1,357,338,000''.

AUTHORITY FOR COMMITTEES TO MEET

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 Monday, September 24, 2001, at 3:30 p.m., to hold a nomination hearing.

Nominees: Ms. Charlotte Beers, of Texas, to be Under Secretary of State for Public Diplomacy; Mrs. Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs); Mr. John Wolf, of Maryland, to be an Assistant Secretary of State (Non-proliferation); the Honorable 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; the Honorable 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. Michael Malinowski, of the District of Columbia, to be Ambassador to the Kingdom of Nepal.

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

SPECIAL COMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, September 24, 2001, from 12 p.m.–3:30 p.m., in Dirksen 192 for the purpose of conducting a hearing: Re long-term care.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, September 24, 2001, at 3 p.m., to hold an open hearing: Re counter-terrorism.

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

PRIVILEGES OF THE FLOOR

Mr. INHOFE. I ask unanimous consent that a military fellow, Dave Teal, be given privileges of the floor during this debate.

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

Mr. LEVIN. I ask unanimous consent that a member of Senator Jeffords' staff, Jonathan Farnham, be given floor privileges during consideration of this bill.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that Virginia Renee Simpson, a congressional fellow in my office, be permitted floor privileges throughout the debate on the national defense authorization bill.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Kimberly Connor of Senator Bond's staff, as well as LCDR Dell Bull, during consideration of S. 1438.

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

Ms. COLLINS. Mr. President, at the request of Senator DOMENICI, I ask unanimous consent that Pete Lyons, a fellow in Senator DOMENICI's office, be granted floor privileges for the duration of the consideration of this bill.

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

MEASURE INDEFINITELY POSTPONED—S. 643

Mr. LEVIN. Mr. President, I ask unanimous consent that Calendar No. 148, S. 643, be indefinitely postponed.

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

ORDERS FOR TUESDAY, SEPTEMBER 25, 2001

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Tuesday, September 25. I further ask consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of the Department of Defense Authorization Act; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. LEVIN. On Tuesday the Senate will convene at 9:30 a.m. and resume consideration of the DOD authorization bill, with 15 minutes of closing debate on the Bunning base closure amendment. A rollcall vote on a motion to table the Bunning amendment will occur at approximately 9:45 a.m. Additional rollcall votes are expected as the Senate works to complete action on the DOD authorization bill on Tuesday.

The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:14 p.m., adjourned until Tuesday, September 25, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 24, 2001:

DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.