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Senate

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

(Continued)

AMENDMENTS NOS. 4007 AND 4046

Mr. REED. Madam President, I rise to reiterate my support for Senator LEVIN's second-degree amendment. Senator WARNER's amendment directs that any savings from inflation should be used in one of two ways: for the research and development of missile defense or for combating terrorism. However, Senator WARNER's amendment does not choose which area is more worthy of attention, and therefore it risks compromising both.

Our job in deciding the budget is about making hard choices. Senator LEVIN's amendment simply sets priorities and it states that combating terrorism should be this administration's top priority.

I do not think this is a difficult decision. We must remember that this amendment only authorizes funding for fiscal year 2003. And in the next 18 months, the citizens of the United States are going to be anxious, and even afraid, of a car bomb, an explosion in a harbor, an explosion in a mall, a dirty bomb, a biological attack. I think the way to protect Americans is clear: put resources into counterterrorism.

The senior Senator from Virginia has been assured by the Office of Management and Budget that there will be over $800 million in inflation savings at the midsession review. At that time, the President will have a choice. He can invest $800 million more into a missile defense program that has already been robustly funded at $6.8 billion or the President can invest the funds in the $1 billion of counterterrorism requirements that the military has asked for and not received.

The Levin amendment expresses the views of Congress, and I believe the views of the American people, that resources directed toward the most immediate need, the most immediate threat, fighting terrorism, will best protect the United States and its citizens.

Mr. KERRY. Madam President, I would just like to take a moment to express my thanks to Senator LEVIN and Senator WARNER for working with me to clear this amendment in such a timely fashion. I think special thanks should also go to Senator CARNAHAN, a member of both the Senate Committee on Small Business and Entrepreneurship and the Senate Armed Services Committee for her support of this amendment. Senator CARNAHAN's work was vital to this amendment's acceptance by the Armed Services Committee, and I thank her for her assistance as well as for her continuing interest and advocacy for America's small business Federal contractors. I would also like to thank Senator BOND for his help on the Republican side. Concern for our Nation's Federal contractors remains an important area of bipartisan interest on the Small Business and Entrepreneurship Committee, and I am pleased to have his support on this amendment.

Briefly, our amendment requires the Secretary of the Army to conduct a study on the impact the creation of an Army Contracting Agency will have on small business participation in Army procurement, especially at the local level where many small businesses provide support services to Army installations. When we first received word of Secretary of the Army Thomas E. White's plan to consolidate army procurement activities into a central location, I was very concerned about its possible affects on small businesses. And despite briefings from Army personnel and assurances that small business participation will not be negatively affected, I remain concerned as do my colleagues. This is a critical time for our armed forces, and I do not wish to cause any confusion in the procurement process that could affect our military preparedness. Therefore, we are taking a ''wait and see'' approach to the Army's plan.

Our amendment will help monitor the situation at the Army by requiring them to keep track of small business participation in their procurement, especially at the local level. The amendment requires the Army to track any changes in the use of bundled contracts, sometimes called consolidated contracts, as a result of this new procurement agency, as well as track small business access to procurement personnel.

Let me be clear. Removing contracting authority from Army installations and centralizing it will result in less small business participation, but steps can be taken to overcome this. These steps must be proactive and represent a real commitment to maintaining small business access to procurement opportunities. And while I do not believe Congress should dictate every detail of how the Army chooses to structure itself for procurement purposes, Congress must be concerned about the consequences of that structure.

I look forward to working with the Secretary to ensure that an appropriate level of small business participation in Army procurement is maintained.

Once again, I would like to thank Senator BOND and Senator CARNAHAN for their support on this issue, as well as Senator LEVIN and Senator WARNER for accepting this amendment.

Mr. WARNER. Madam President, I am pleased that Chairman LEVIN and I have been able to come to agreement on my amendment to restore $814 million that the President can allocate to ballistic missile defense and to activities of the Department of Defense to counter terrorism and on Chairman LEVIN's second-degree amendment.

Prior to their approval, I would like to offer some clarifying remarks concerning the intent and effect of these two amendments.

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

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The underlying Warner amendment takes advantage of the fact that the Office of Management and Budget is undertaking a midyear reassessment of the inflation assumptions built into the administration's fiscal year 2003 budget. I was informed 2 weeks ago that this reassessment will result in a new estimate that inflation in 2003 will be lower than earlier thought. What this means, in practical terms, is that the Department of Defense budget has an inflation ''bonus'' built in less funding will be required to purchase the goods and services in the Department's budget. Since these funds are excess to the Department's needs, there is no programmatic impact resulting from the inflation savings being used for other purposes.

Thus the Warner amendment will allow the President to reallocate, as he determines to be in the national interest, $814 million toward two of the highest defense priorities, ballistic missile defense and DOD activities to combat terrorism, with no other programmatic impact.

This amendment will provide the President the option to restore all the missile defense funds that were cut by the Armed Services Committee. In my view, these reductions would impede progress, increase program risk, and undermine the effort to provide for the rapid development and deployment of missile defenses for our Nation, our allies and friends, and our soldiers, sailors, marines, and airmen deployed overseas. I believe that the President would be completely justified in using the authority provided in this amendment for the missile defense effort.

I believe that Senator LEVIN shares this opinion of my amendment, even in light of the effect of his second degree amendment. Our colloquy this afternoon indicates clearly that that the chairman's intent is not to restrict the President's options in any way.

Again, I am please that Chairman LEVIN and I were able to come to agreement on this difficult issue.

I would ask unanimous consent to print in the RECORD a letter Chairman LEVIN and I received this afternoon from the Office of Management and Budget stating the view of the Director of OMB that the president retains the options of using the funds provided in my amendment on missile defense.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, June 26, 2002.

DEAR CHAIRMAN LEVIN AND SENATOR WARNER: It is the understanding of the Office of Management and Budget, based on the Levin-Warner colloquy, that if the Levin 2nd degree amendment is adopted, the funds provided in the underlying Warner amendment, if appropriated, could be expended on missile defense and other activities determined by the President.

Sincerely,

MITCHELL E. DANIELS, JR.

Mr. LEVIN. Madam President, the second degree amendment which I have offered expresses the determination and decision of Congress that the war on terrorism should be ''the top priority'' for spending the additional funds identified by the pending Warner amendment. The Warner amendment specifies two possible purposes for the expected additional funds following the inflation recalculation in the midsession review. The first specified purpose is ballistic missile defense programs. The second specified purpose is combating terrorism at home and abroad.

My amendment is based on the large number of unmet needs in our war against terrorism, including those identified by the members of the Joint Chiefs of Staff. We should put additional resources where the greatest threats exist, and the terrorist threat is clearly the number one threat that we face.

There have been a number of efforts in the last twenty-four hours to persuade me to weaken my amendment or to dilute its intention away from focusing resources on combatting terrorism. I, along with my colleagues, including Senators HARRY REID and JACK REED, have resisted these efforts. We will soon determine whether my amendment is adopted by voice vote or whether there will be a rollcall on it. But whichever way we decide to proceed, one thing needs to be clear, which is that the express language and intent of my amendment is that Congress speak clearly as to what it views as the top priority for the expenditure of any additional funds from the inflation recalculation. That priority is ''combating terrorism at home and abroad.''

I urge my colleagues to support my second-degree amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam president, I ask unanimous consent that Senator LEVIN's amendment No. 4046 be agreed to; Senator WARNER's amendment No. 4007, as amended, be agreed to; that the motion to reconsider be laid upon the table; and that the preceding all occur without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, not to object, I just ask unanimous consent that Senator KAY BAILEY HUTCHISON be added as a cosponsor to my amendment.

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

Is there objection to the request?

Hearing none, it is so ordered.

The amendment (No. 4046) was agreed to.

The amendment (No. 4007), as amended, was agreed to.

Mr. WARNER. Madam President, I would like to take a few moments to discuss an important issue that is covered in this bill: the need for the Department of Defense, as well as the entire Federal Government, to have the capability to continue essential operations after a direct attack on primary facilities. The importance of ensuring Continuity Of Operations (COOP) is a lesson that we all elevated in priority after September 11, 2001. Many of us in Congress and the Federal Government had begun to recognize the vulnerability of our critical infrastructures—especially our information networks—to disruption or destruction, prior to 9/11. I had even initiated an information assurance scholarship program to begin developing a cadre of professionals in DOD to address this potential problem area.

There were, however, many in private industry that learned this same lesson almost 10 years earlier, and as a result, were far more prepared than the Federal Government when terrorists attacked the World Trade Center.

The financial services industry is one that has historically handled an extraordinary amount of information. They track and record every financial transaction that occurs each day on Wall Street. In addition to an enormous amount of information, the financial services industry deals with information that is extremely critical in nature.

After the terrorist attacks on the World Trade Center in May, 1993 this industry asked the question: ''What if the terrorists had been successful in bringing down these buildings?'' Their conclusion was sobering. It would have resulted in an extraordinary disruption of the U.S. economy for years.

Accordingly, the New York financial institutions tasked the data storage industry to develop a technology that would allow information to be stored, in a second-by-second identical state, in two geographically separate locations. The goal was for each financial entity to have a primary data center in the city and a secondary ''mirrored-site'' in another State. If there was ever an outage at the primary location, no financial transaction would be lost, and all of the systems and networks could ''fail-over'' to the secondary center outside of the city and immediately put to use.

In 1994 this technology was developed, validated and delivered. For the first time, information of all types, coming from computer systems of all makes and models could be replicated between two geographically separate locations. The ''mirrored'' data center, using sophisticated remote data storage technologies, had been born.

No one ever envisioned that this remote data storage technology would be tested to the degree it was on September 11, 2001. The financial services industry's dedicated focus to protecting Wall Street's financial information resulted in that industry being more prepared than any other to handle an unanticipated natural or manmade disaster. As the World Trade Center towers collapsed, tragically ending the lives of thousands of hard working

Americans, numerous data centers containing massive amounts of financial information vanished in an instant. The institutions utilizing this technology, however, did not lose a single piece of information and the financial markets were able to reopen almost immediately. Some could have opened that same afternoon.

On the opposite end of the spectrum of information assurance readiness, unfortunately, is our Federal Government. Many of our key government agencies have their information backed-up only through out-dated tape systems, and with the back-up tapes stored on site, they would also be destroyed in any deliberate attacks. If destroyed, that information could never be recovered or restored.

For years, agencies within the Federal Government have neglected the requirement to make the necessary investments in back-up data centers and remote data storage technology. At the same time, however, every Federal agency has grown extremely dependant on their data centers and the information contained within. The Department of Defense creates, disseminates, and relies more and more on electronic information to execute its mission and manage its organizations and people. The loss of a critical database and the information it contains could be catastrophic for our national security. We must ensure that the U.S. military has the same level of capability that was resident in the data centers of the financial institutions operating in the World Trade Center.

Nothing can diminish the tragedy that occurred on September 11 or erase the pain that so many suffered. The foresight of private industry, however, in developing the capability to ''mirror'' information between geographically separate locations, resulted in protecting trillions of dollars in financial transactions and other critical records—the loss of which would have crippled the American, as well as the global economy, for years. I commend the exceptional competency of American industry's engineering talent, as well as the commitment of the private sector's leadership to invest the millions of research and development dollars to develop this capability. I also look forward to working with my colleagues in the U.S. Senate to ensure that the ''mirror'' capability is expeditiously and thoroughly employed within the Department of Defense. The protection of our critical information infrastructure is something we all need to be mindful of, and an area that deserves our best efforts to ensure its security.

Mr. ROBERTS. Madam President, I commend ranking member WARNER for his stewardship of the fiscal year 2003 defense budget process in the Senate. We face many challenges to our national security in this day and age and I am thankful for his leadership.

One of those emerging challenges we face is the terrorist threat to our food supply, specifically U.S. agriculture. On the Federal, State, and local level, we need to establish procedures to detect, deter, and respond to large scale coordinated attacks against livestock and agricultural commodities.

Toward that end, I ask the Senate to support my amendment to authorize, with an offset, $1,000,000 for research, development, test, and evaluation, defense-wide in-house laboratory independent research, PE 0601103D8Z, for research, analysis, and assessment of efforts to counter possible agroterrorist attacks. It is my hope that universities with established expertise in the agricultural sciences can conduct studies and exercises that lead to better coordination between Federal, State, and local authorities as they attempt to detect, deter, and respond to large-scale coordinated attacks on U.S. agriculture.

Most importantly, I envision universities assisting the Department of Defense in determining what role, if any, our military or Defense agencies play in countering agroterrorism. I ask my colleagues to support my amendment.

Mr. HOLLINGS. Madam President, the administration version of the Department of Defense authorization bill included a provision that would modify the Marine Mammal Protection Act, MMPA, with respect to ''military readiness activities.'' While acknowledging the need for a well-trained military, it is my strong view that this provision should not be included in the bill.

The administration proposal on MMPA would alter the current definition of ''harassment'' for ''takings'' of marine mammals under the MMPA—a cornerstone of the statute. Action on this provision via the Department of Defense authorization bill is problematic for several reasons.

First, the MMPA is a complex statute. These provisions have not been appropriately examined in a Senate hearing—no testimony is in the record from experts and others who need to consider the validity of the issues raised and the ramifications of the proposed language.

Second, the MMPA has many stakeholders and end users. It would be inappropriate to alter the statute for one set of users and not others. The MMPA needs to be taken as a whole, and not amended piecemeal.

Third, it is not clear that these changes are needed, or that the proposal brought forward by the administration would be the correct way to address concerns.

For these reasons, I want to make it clear that I oppose inclusion of this provision in the Department of Defense authorization bill—whether via floor amendments or via conference with the House. The committee of jurisdiction—the Committee on Commerce, Science and Transportation of which I am chairman—is the appropriate venue for considering the military's concerns and any proposals for change.

NAVY AIRBORNE RADAR TECHNOLOGY CAPABLE OF ALL-WEATHER ATTACK ON TIME CRITICAL TARGETS AND ENEMY MOBILE GROUND FORCES

Mr. LIEBERMAN. Madam President, I come to the floor today to discuss with the distinguished chair of the Emerging Threats Subcommittee, Senator LANDRIEU, and the senior Senator from Connecticut, Mr. DODD, about developing Navy airborne radar technology capable of all-weather attack of time critical targets and of the enemies' mobile ground forces.

Mr. DODD. I thank my good friend for bringing this issue to the attention of the Senate. This research area is important to the Navy and the defense of the United States. Technology being developed to support this capability is currently planned to be ready for transition to Navy aircraft in the fiscal year 2006 time frame, but can be completed sooner with additional funding in fiscal year 2003. The House of Representatives included an additional $9 million for this purpose in its version of the Defense authorization bill.

Ms. LANDRIEU. I am delighted to discuss this important technology area with my good friends from Connecticut.

Mr. LIEBERMAN. Technologies associated with one of the Navy's designated Future Naval Capabilities, ''Time Critical Strike,'' are being implemented through a team effort at the Office of Naval Research in conjunction with the responsible acquisition program management organizations within the Navy. This technology area addressed the documented requirement for reducing the target cycle to below 10 minutes and enhancing the ability to detect, locate and strike these targets under all weather conditions—a current operational deficiency.

Mr. DODD. As I mentioned earlier, the House bill includes $9 million for this purpose. My understanding, however, is that at least $12 million in fiscal year 2003 funding is needed to fully accelerate this program.

Mr. LIEBERMAN. That is my understanding as well. In light of recent hostilities, this technology area is an excellent example of the things the military will need to defeat a highly mobile enemy. We certainly hope that we can work with the distinguished chairman to provide necessary resources for the development of these capabilities when we conference this bill with the House.

Ms. LANDRIEU. I am aware of the value of time critical to strike the war fighter and look forward to working with my good friends from Connecticut on this important issue as we move to a conference with the House.

Mr. DODD. I thank my good friend for her support for this program.

SECTION 241

Ms. MIKULSKI. Madam President, I am pleased to join the chairman of the

Armed Services Committee in a colloquy regarding the extending authorization of pilot programs for revitalizing Department of Defense laboratories. I seek to clarify the congressional intent of Section 241 of the bill before the Senate.

Mr. LEVIN. Section 241 is part of the Senate's continuing efforts to improve the Department's labs and test centers. This pilot program expands and authorizes a number of innovative business practice and personnel demonstrations that are very important to developing the technological superiority that our military needs. The legislation will extend the time period for the pilot program authority for three years. This extension is consistent with the Department of Defense's legislative proposals that the Armed Services Committee received. I would like to thank Senator LANDRIEU, chair of the Emerging Threats and Capabilities Subcommittee, for taking the lead in developing this legislation.

Ms. MIKULSKI. The language stipulates that not more than one partnership may be established as a limited liability corporation, or LLC. Has that site been designated?

Mr. LEVIN. If he choose to establish an LLC as part of the program, the Secretary of Defense will designate its location from among the DoD organizations participating in the pilot program.

Ms. MIKUKSKI. I understand that the Aberdeen Test Center in Maryland has invested great effort into pursuing this opportunity. I also note that the Secretary of the Army has approved Aberdeen's LLC program as one of the new initiatives under the Army's Business Initiative Council to improve efficiency in business operations and processes.

Mr. LEVIN. I am familiar with the Aberdeen proposal and this legislation could be used to implement their plans, if the Secretary of Defense designates it.

Ms. MIKULSKI. How will the membership from the private and academic sectors be determined?

Mr. LEVIN. A competitive process will be used to select participants in any of the partnerships established by the legislation.

Ms. MIKULSKI. The legislative language permits the members of the LLC to ''contribute funds to the corporation, accept contribution of funds for the corporation, and provide materials, services, and use of facilities for research, technology, and infrastructure of the corporation,'' if doing so will improve the efficiency of the performance of research, test, and evaluation functions of the Department of Defense.

Mr. LEVIN. Yes, you are correct. The committee believes that innovative partnerships, better business practices, and the continuation and expansion of the innovative personnel demonstrations authorized in this and other programs are all important for the revitalization of the Department's labs and test centers.

Ms. MIKULSKI. I thank the chairman for his support on this important issue.

Mr. SMITH of New Hampshire. Madam President, I support the Hutchison-Bingaman amendment and am pleased to cosponsor it.

The purpose of my addressing the issue is two fold: One, to impress upon my fellow Members that if Congress intends to have input into the BRAC process, the only real time to do this is during the current session. While ''BRAC 2005'' leads people to believe that we have several years before we have to worry about this, the truth is that the criteria must be published prior to the end of 2003, and hence we should provide our input in 2002; two, this legislation, sponsored by Senator KAY BAILEY HUTCHINSON sets up criteria that must be met before consideration in closing a military facility. We are not eliminating the ability of DoD to run the process, we are pursuing legislation that will clarify the process. To bring the process out into the open allowing us all to see how a decision was derived and these are decisions that affects thousands of people and cost many millions or billions of dollars.

It is time to bring—businesslike competitive accounting into the consideration process when dealing with issues of BRAC. The Hutchison legislation will accomplish that by simply establishing some minimal, measurable, and articulated standards to be used in making major decisions. Some of these issues are: environmental costs, costs of Federal and State environmental compliance laws; costs and effects of relocating critical infrastructure; anticipated savings vs. actual savings; current or potential public or private partnerships in support of Department activities; capacity of State and localities to respond positively to economic, and this bill requires the SecDef to publish the formula to which different criteria will be weighed by the DOD in making its recommendations for closure of realignment of military installations.

Not only do I support this move on its stand alone merit of bringing accountability and transparency to major defense and economic decisions, I also support it as a Senator who has had personal experience with the secretive BRAC process as it affects my own constituents and friends.

The Portsmouth Naval Shipyard is a national asset to the defense industry and naval service. It has a long history of supporting the U.S. Navy, yet despite this long history, it has appeared on the DoD BRAC his list. Having seen the work this facility and its people contribute I will continue to support and work to enhance PNSY's capabilities. Its outstanding work performance, value to the Navy, and value to the America people are critical in ensuring national defense, and continue to examine innovative roles PNSY can perform in addition to its critical job of keeping America's nuclear submarines at sea.

If the Secretary of Defense chooses to examine facilities across the country, he may do so and I encourage his attempts at streamlining DoD and enhancing its financial practices—to make sure the taxpayers get the most for their hard-earned dollars. However, clearly defined standards of accountability, and the decisionmaking process itself, should be open to congressional scrutiny and openness.

NINTH CIRCUIT COURT OF APPEALS DECISION

Mr. LIEBERMAN. Madam President, I yield the floor to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wanted to ask this of my friend from Connecticut, who I think has variously served in so many different role models to the Senate, variously described as the Senator who is the conscience of the Senate, certainly as a former attorney general of his State, someone who understands the legal ramifications of arguments such as this.

In my earlier comments today, I had said that I thought there was in law, and the development of law, and the development of the Constitution, which you and I both quoted from, the Declaration, a clear distinction, as the distinguished Senator has noted, of the freedom of religion. And that part of that body of law that would make up that freedom, that religious freedom, would be a freedom to worship as one would want, if at all, and that that is a right we jealously protect, just as we protect the other freedoms—freedom of speech, freedom of the press, freedom of assembly, and so forth—and that when you look at this freedom, there is a distinct difference, as the case law has developed, of the separation of church and state which would embody that idea that we don't cram religion down anybody's throat, that we leave it up to them individually to express their own beliefs, if they want to at all, and to believe as they want to, if at all. That is the concept of separation of church and state, as distinguished from there not being necessarily a separation of the state and of God.

Quite to the contrary, on these historical documents, as I pointed out in that statement above the center door, in the fact that we elevate the Chaplain in the opening prayer, in the very formal and dignified opening ceremonies of the Senate, that the Chaplain is elevated on the top level and the Presiding Officer, while the Chaplain offers the prayer, is on a lower level, the fact that we have minted in our coins, ''In God we trust.''

I would ask the distinguished Senator from the great State of Connecticut if he would share with us his commentary about that separation of those two concepts.

Mr. LIEBERMAN. I thank my friend from Florida.

We have worked our way along a jurisprudential path that has taken us in our time to a result that I believe was totally unintended by the Framers of the Constitution, by the writers of the Declaration of Independence, by the drafters of the Bill of Rights particularly. This decision today is the most extreme and senseless expression of it.

We believe in the separation of church and state. We believe in freedom of religion. We believe in every individual's freedom to observe and worship as he or she is moved in his or her heart to do so. We have always respected nonbelievers. But we have asked that the great majority of Americans who may approach the altar from different paths, nonetheless worship the same God, that we not be deprived of our rights to do so, and to do so in a public context that does not diminish the rights of any one of us but enlarges and strengthens the rights of the whole. That has been the gift of this country.

I heard it once described, I read it once described by someone, as America's civic religion, nondenominational, deistic, God centered, inclusive, and tolerant. There is a great book that had a profound effect on me, written by Father Neuhaus, which was called ''The Naked Public Square.'' It commented on some of the earlier generation of decisions that had put the expressions of this civic religion, this shared faith in God, out of our public places and said we would suffer from that because the vacuum doesn't remain for long; other forces, less humane, less moral, less unifying, tend to fill the public square.

I always believed this pledge, with this simple statement that was added under President Eisenhower, that we pledge our loyalty to this one Nation under God, was beyond question, beyond rebuke. It is the baseline, most accessible statement of the source of this country's values and strengths.

To my way of thinking, it obviously in no way compromises the most important freedom of religion, which is the most important aspect of the religion clause—the freedom of religion. It doesn't compromise any single American's ability to worship God or not to worship God as they choose. It certainly does not establish religion in the sense that the Framers clearly intended because they came from a country that had an official religion and discriminated against them because of their religion. In this sense, the American people have not lost their way. I think a lot of our judges have in their decisions. This one is so far out, so offensive, that I hope it draws a reaction that is unifying and constructive.

Again, I say to my friend from Florida, my expectation is that this decision will be appealed. My hope is that the Supreme Court will overturn this decision. If they do not, then we will all join as one, I would guess, to offer a constitutional amendment.

Mr. NELSON of Florida. Will the Senator further yield?

Mr. LIEBERMAN. Yes, I will.

Mr. NELSON of Florida. I would hope also, as he has accurately outlined the legal course of appeal, that there would be a rush to the judicial chambers to stay that ruling, as it applies to the Ninth Circuit, because under existing law that would mean people could not pledge allegiance anywhere in that circuit, which includes the great State of California, and others in the immediate vicinity. I would certainly hope there would be a stay of that ruling until it would come up to the U.S. Supreme Court so that they could render their decision.

Then, as the Senator says, God forbid that they should rule that it were constitutional; then we could start our process here of adding to the Constitution that would allow that.

I just want to associate my thoughts with those articulated so eloquently by the Senator from Connecticut, who comes from a different faith perspective than mine but with whom we are joined in the historical development of this Nation to which, as he pointed out, so many people fled from a country of established religion, and, indeed, even documented in the Mayflower Compact, and then memorialized in the Declaration of Independence, that there was something different about this country. It was not going to have a state-sponsored religion; rather, it was going to be an enclave, an oasis, a place to which people of all faiths could come, and those with no faith, and within the protection of the laws they could believe and express their beliefs as they so chose.

As a result, we have this wonderful, and sometimes messy, experience of democracy. Sometimes we make mistakes, but we have the ability under this document to correct those mistakes, because of all the checks and balances that are inherent within this document.

So I appreciate very much the Senator's comments. They will mean a lot to the rest of us.

Mr. LIEBERMAN. I thank my friend from Florida very much for his leadership and eloquence. I will yield to the Senator from Nevada in a moment.

Mr. WARNER. Before the Senator yields the floor, I would like to associate myself with this colloquy, before we close this extraordinary chapter of Senate history.

I say to my colleagues, let us not wait for the Supreme Court to act. Why don't we go ahead and formulate this amendment, put it together, have it in place, presumably with all 100 U.S. Senators, and they can take judicial cognizance of what is about to happen. I think that might not be a bad idea. The Senators have initiated it, so let us join and we will start the recruiting today.

Mr. LIEBERMAN. I accept the challenge and the opportunity. We will work on that together.

A final thought on Senator NELSON's comments. This decision is so twisted. We both referred to the Declaration of Independence. There it is stated that the rights we enjoy as Americans are the endowment of our Creator or are a gift from God. So this court has interpreted the rights that we have to mean that we cannot join to pledge our allegiance to the one nation under God, whose endowment was the source of the rights. It is just a twisted piece of logic that is offensive to our values and, I believe, also to our minds.

I thank my colleagues. I am delighted to see my friend and colleague from Nevada. I yield the floor to him at this time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, I thank my colleagues for coming to the floor so quickly to respond to what I believe to be an outrageous judicial decision by the Ninth Circuit Court of Appeals.

Let me read from the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights.

The fact that our Founders referred to a Creator means that they understood that we were a Nation founded under God.

In the judicial decision, which I have with me—Mr. Newdow's daughter was the subject of this decision—it says:

> Mr. Newdow does not allege that his daughter's teacher or the school district requires his daughter to participate in reciting the Pledge of Allegiance. Rather, he claims that his daughter is injured when she is compelled to ''watch and listen'' as her state-employed teacher and her state-run school leads her classmates in a ritual proclaiming that there is a God and that ours is ''one nation under God.''

It goes on further to say in a footnote that:

> Compelling the students to recite the pledge was held to be a first amendment violation in the West Virginia Board of Education v. Barnette in 1943.

That has been clear. They were not alleging that she was forced to recite the pledge; she was just injured for having to sit there and listen to the Pledge of Allegiance.

I think that our courts are completely out of control. If we study the history of our country, the founding principles of our country, we read about the proceedings of the Continental Congress. We read that our Founders would actually stop in the middle of a session when they would be in a logjam, and that they would get down on their knees right by their desks and pray together—pray for divine guidance for the decisions they were about to make.

Does anybody really believe that our Founders, when they were drafting the Bill of Rights and the first amendment, where it says that ''Congress shall make no law,'' forbidding the establishment of a state-run religion, that this

Ninth Circuit Court decision is what they meant? No, our founding fathers explicitly ensured the free exercise of religion. Do we think that the Founders believed that a Pledge of Allegiance saying that our Nation is ''under God,'' or that we see up here ''in God we trust,'' or that we see on our money ''in God we trust,'' that was a State-established religion?

The beautiful thing about our Creator is that he gave us the freedom to worship him or not. In America, we have the freedom to worship or not, according to what our conscience tells us.

But to somehow say that having a child listen to the Pledge of Allegiance is establishing a religion and impeding on an individuals free exercise of religion, is outrageous.

Let me read from part of the dissenting opinion of the circuit, according to Judge Fernandez:

> Such phrases as ''in God we trust'' or ''under God'' have no tendency to establish a religion in this country, or to suppress anyone's exercise or non-exercise of religion, except in the fevered eye of persons who most fervently would like to drive all tincture of religion out of public life or our polity. Those expressions have not caused any real harm of that sort over the years since 1791, and are not likely to do so in the future.

I think it is up to this body to take it upon itself to correct what the Ninth Circuit has done. I agree with the senior Senator from Virginia that we need to reestablish in this country what this document—the Constitution of the United States—really says and really was about. Part of that is studying the history of the founding of this country.

What did the Founders intend when they wrote this document? Based on their practices, they did not want the state to say this is how you will practice a religion. The Baptists are not going to be our official religion, nor the Methodists, who came from Europe, where they had an official state religion. They, our Founders, wanted the free exercise to practice their religion, not according to how the state dictated, but to recognize that individuals have rights given by our Creator to worship as they, as individuals, see fit, as they were given by our Creator. To say that these Founders would have somehow said that it would be against the Constitution they were writing to recognize the rights given to an individual by the Creator is outrageous.

So I hope that all Americans will be as outraged as I am by this decision. I think they are going to be. I was on an aircraft carrier this last weekend talking to a lot of the sailors that sacrifice so much for this country. It was during the middle of a training session on the U.S.S. *Constellation* that I was visiting with them. Like we in Congress do, they take an oath to defend the Constitution. I would have liked to have heard what their opinions would have been regarding this judicial decision.

As my father taught me when I was a young man, there are no atheists in foxholes.

Any time our young men and women go in to battle, God is there to comfort them. We have chaplains in our military to counsel people because we recognize that during times of battle and war, people need spiritual guidance, not to establish a religion, but to understand that we have a Creator who has blessed this country and that we need His guidance.

In conclusion, Madam President, I believe this country needs to reestablish that we are one nation under God. Madam President, you experienced that in New York City on September 11. We saw the people of your state and the rest of the people in the United States turn to God for guidance. We saw posters everywhere: ''One nation under God,'' ''United we stand, under God.''

This country recognizes its history, and because we have been established under God, and remain under God, we have been blessed. If we abandon that now and allow the courts to abandon that, I believe this country will be in trouble. We simply cannot allow that to happen.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I wanted to come to the floor to share with our colleagues my intent to bring a resolution to the floor this afternoon expressing our strong disagreement with the decision the Senator from Nevada has just addressed.

I will soon propound a unanimous consent request to bring the resolution to the floor and to have a rollcall vote and then to allow Senators to express themselves once the vote has been cast. Just as soon as we can get agreement to set the time—I would like to do it within the next 15 or 20 minutes, if we can reach an agreement with the managers of the bill.

Madam President, I have not had the opportunity to hear all of what the Senator from Nevada said, but this decision is nuts. This decision is just nuts. We ought to recognize that there are those who differ with the overwhelming sentiment expressed by Americans of all stripes, of all regions of the country, young and old.

We added the language, ''under God'' in 1954. Then-President Dwight Eisenhower said:

> In this way, we are reaffirming the transcendence of religious faith in America's heritage and future; in this way, we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war.

I agree with President Eisenhower. I agree with the overwhelming number of people who have already expressed themselves in the hours since this decision.

The resolution we are propounding this afternoon really will state two things: First, our strong disagreement with the decision; and, second, it will authorize the legal counsel of the Senate to intervene on behalf of the Senate in the Supreme Court when the case comes before the Court. This is not unprecedented; we have done it before.

I hope overwhelming support will be demonstrated on both sides of the aisle. I hope we can do this quickly. I think we need to send a clear message that the Congress disagrees, the Congress is going to intervene, the Congress is going to do all it can to live up to the expectations of the American people.

We have been drawn together to face a tremendous tragedy in the last 9 months. In part, that healing process has come by our belief in the Supreme Being and our belief in the faith that comes in the strength that we draw from our faith.

I hope our colleagues will support the resolution. I hope we can address it within the next few minutes. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I commend our distinguished leader, and the Republican leader will soon come to the floor and join him on this matter. We had a marvelous little debate here. The distinguished Senator from Connecticut, the distinguished Senator from Florida, my distinguished colleague from Nevada, and I suggested that this body take action and take it fast. And here we are, ready to act.

I respectfully and humbly ask that my name be added as a cosponsor behind my colleague from Connecticut and my colleague from Florida, wherever they might be on the roster, and those rallying to the cause.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I simply wish to respond to the Senator from Virginia and thank him for his kind words and tell him I will be happy to add his name as a cosponsor to the resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I have listened with some interest to what has been discussed on the floor with respect to the Ninth Circuit Court opinion. I have great respect for courts in this country, but it raises the question: Is there one ounce of common sense left when you hear a decision announced today that suggests that the Pledge of Allegiance somehow is in contravention to the principles of the Constitution of the United States?

I do not understand for a moment how a majority of that court could have made this ruling. Some people need their collective heads examined when we hear opinions such as this.

We had a celebration on the 200th birthday of the writing of the Constitution in that room in Philadelphia. Fifty-five people went back to that celebration. I was selected to be 1 of the 55. Two hundred years before, 55 white men were in that room in the hot summer of Philadelphia, and they wrote the Constitution. Two hundred

years later, 55 of us went back—men, women, minorities—and we had a ceremony and a celebration of the 200th birthday of the writing of that wonderful document.

As my colleague from West Virginia, I think the resident scholar on the Constitution, knows, in that room sits the chair where George Washington sat as he presided over the Constitutional Convention, and Ben Franklin sat on one side, and Mason, and Madison. They debated during that summer the provisions of a constitution for this country.

I sat in that room that day and thought to myself: What a remarkable thing it was for a man from a town of 300 people in a farming community in southwestern North Dakota to be able to sit in that room and celebrate with 54 of my colleagues the 200th birthday of the writing of the Constitution.

I do not know the Constitution as my colleague, Senator BYRD, does. I have read it many times and studied it as best I can, but I guarantee you, there is not any way to creatively read that document that allows a court to say that somehow the Pledge of Allegiance abridges that document called the U.S. Constitution.

As my colleague said, that is just plain nuts. I do not for the life of me understand where common sense has gone. Is there not a shred of common sense left when we hear these kinds of decisions coming out of a court, in this case the Ninth Circuit Court of Appeals?

I am very pleased my colleague from South Dakota, the majority leader, will bring a resolution to the floor. I will ask to be a cosponsor and to speak on that resolution. We ought to not waste a minute in saying to that court, in responding to that opinion that says that is not what the Constitution says, it is not the way the Constitution is written, and there is not any creative way for a group of people to make that judgment.

I am very pleased the Senate will this afternoon apparently have a record vote to say: No; absolutely not; there is not any way on Earth we can agree with what this court has determined.

Madam President, I know the Senator from West Virginia is waiting to speak, and I will be anxious to hear his words of wisdom because he, in my judgment, knows more about the Constitution than anybody else in the Senate. He carries it with him every day, all day. He has studied it more than any other Member of the Senate. I know that document is revered by all of us, but perhaps revered by none of us quite as much as it is by the Senator from West Virginia. Let's hope we find ways in this country not to have to turn on the news and discover the next news cycle, the next opinion of a majority of a court that defies all common sense and something that requires us this afternoon to respond to, to restore some faith with the American people that there are some people at least who are able to read that Constitution and read what it says and understand what it says.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, it would be my suggestion that this judge go back and read the Declaration of Independence. I wonder if he can hold that Declaration to be unconstitutional—the Declaration of Independence.

This is what it says:

> When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

Let that judge read further, ''We hold these truths to be self-evident, that all men are created equal, that they are endowed,''—by whom?—''by their Creator.''

It is in the Declaration of Independence, ''by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.''

Let that same judge go a little further and read in this same Declaration of Independence, in case he has not read it lately, and let him declare it unconstitutional, the reference to ''the Supreme Judge of the World.'' Who is this ''Supreme Judge of the World?'' Certainly, not some atheist. Nor is it a judge who sits on the Ninth Circuit and whose name is Goodwin.

The final words of the Declaration state, ''with a firm Reliance on the Protection of divine Providence.'' Let atheists find something to bring before that judge in this Declaration of Independence. Let that atheist lawyer do that. Let that judge sit in his black robe and address the court and the Constitution and the people of the United States as to whether or not the words I have quoted from the Declaration of Independence are unconstitutional.

Here are these words printed in the Declaration of Independence, ''with a firm reliance on the protection of divine Providence.'' That judge should not be a judge in my opinion—and I can say this: I hope his name never comes before this Senate, while I am a Member of it, for any promotion. He will be remembered. Let him declare this Declaration of Independence unconstitutional. Do the words I have quoted offend the Constitution?

I am the only Member of Congress today, bar none, in either body, who was a Member of the House on June 7, 1954, when the words ''under God'' were included in the Pledge of Allegiance. Coincidentally, may I say, on that same day, June 7, one year later, 1955, the House of Representatives voted to inscribe the words ''in God we trust'' on the currency and coin of the United States. Some of the coins already bore the inscription, but on that day, June 7, 1955, the House of Representatives, of which I was a member, voted to make that the national motto and to have it inscribed on the currency and the coin.

Let that judge's name ever come before this Senate while I am a Member, and he will be blackballed—if Senators know what ''blackballed'' means—fast. I say the sooner we can pass a resolution—and I want my name to be third because I am the only Member of Congress—let him who would challenge that stand—in either body today who was in Congress on the day we voted to include the words ''under God'' in the Pledge of Allegiance.

That same judge ought to go back and read the Mayflower Compact.

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

Mr. BYRD. Yes.

Mr. REID. Madam President, I ask unanimous consent that when the resolution is presented, Senator BYRD's name appear third following the two leaders.

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

Mr. BYRD. Madam President, I thank the distinguished Democratic whip.

That is all I have to say for now. I hope the Senate will waste no time in throwing this back in the face of this stupid judge.

Think of the history of this country, the men and the women who have shed their blood for this country. The men who founded this country, who wrote the Constitution in Philadelphia, George Washington, James Madison, Benjamin Franklin—what would they say if they were living today?

A country that was founded by men and women who believed in a higher power—we do not all have to be Baptists, we do not all have to be Methodists, we do not all have to be Christians. But the people by and large who founded this country, who hewed the forests, who dredged the rivers, who built the bridges and who created a country from sea to shining sea believed in a higher power.

What is this country coming to? What is it coming to? ''Blessed is the Nation whose God is the Lord.'' He can be your Lord. He can be mine. What are we coming to when we cannot speak God's name? Let them put me in jail. I will read that Bible right here on this desk. I have done it before. I will do it again. I have recited the pledge and so has every other Member of this body time and time again. Come, Judge Goodwin of the Ninth Circuit, put us in jail.

I say the people of America are not going to stand for this. I, for one, am not going to stand for this country's being ruled by a bunch of atheists. If they do not like it, let them leave. They do not have to worship my God, but I will worship my God and no atheist and no court is going to tell me I

cannot do so whether at a school commencement or anywhere else. I say let's let the people speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend from West Virginia, the distinguished senior Senator, the distinguished Member of this body, I have had the good fortune that two of my sons have been law clerks for the chief judge of the Ninth Circuit. In fact, one of my sons was his administrative assistant. He was a judge from Nevada, served in the very prestigious Ninth Circuit.

I have had calls from my sons today. They are embarrassed about what has taken place in that Ninth Circuit. They said: Dad, don't worry about it because the court will meet en banc and reverse it.

These are the two most liberal members of the court. They come up at random. It was by chance Goodwin and Reinhardt were thrown together, but they have done the mischief they have done to embarrass every lawyer in America, every judge in America except those two, and the people of this country are repulsed.

I have great faith that court will reverse itself when they sit en banc. If they do not, I applaud the majority leader, whom I now understand has the support of the Republican leader, to move forward expeditiously tonight to let the world know the Senate is not going to stand idly by while these people—I had a little dialogue with Senator LIEBERMAN on the floor today, with his experience as attorney general, being the legal scholar that I believe he is, who said without question that what they did was illogical.

I agree with what the Senator from West Virginia said—it is stupid.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, this is, indeed, a shocking culmination of a decade-long trend of liberal activist courts that have been misreading the first amendment of the Constitution. The first amendment protects the free exercise of religion. That is what it says. It says Congress shall make no law respecting the establishment of a religion nor prohibiting the free exercise thereof. There is no word in the Constitution, the document ratified by the people of the United States, about a wall of separation. There is nothing in the Constitution that says we cannot have any reference in public life in America to a higher being.

As the Senator from West Virginia has eloquently stated, our founding documents make multiple references to God.

Indeed, the Declaration says we are created with certain inalienable rights. We did not create ourselves but were, indeed, created by a higher being. That is a strong part of our belief as a nation.

Our courts have been on the wrong track for a long time. They have consistently gotten this thing wrong. Not all the courts, but the Federal courts to a large degree. Particularly the Ninth Circuit is out of the main stream, in my view. This trend has been there for some time. It is not part of the American tradition. In America, we need to respect people's religion. We need to give people a full chance to express their faith wherever they may choose. We should not put down or laugh or demean somebody else's religious belief. That is a cornerstone of our country.

Madison was passionate that no State had the right to mandate somebody's religious faith. However, the entire trend of this country and the whole understanding of what we are about is that we have the free exercise of religion. We are entitled to exercise that faith in a public way. It has been part of our public life since the founding of our country. Somehow, the courts have gotten the idea that they should reverse this.

Some say this is just one court and they are out of step. It is deeper than that. We have been affirming judges who have shared these philosophies without looking into it very closely. We have allowed judges to carry on a more activist view of what they think life is about.

We had a recent decision of the Supreme Court, that is activist, when the author of the opinion declared that evolving standards call us to not execute a retarded person. I am not for executing retarded persons. I am willing to support a law to that effect. What is that saying? This justice and a majority on the Supreme Court were saying that they could change the law if they thought somebody was ''evolving'' and changing their views about life in general.

Who reflects the American people in the changed views? It is the legislative branch. Federal judges are given lifetime appointments. They hold office for the rest of their life. They are required to discipline themselves. If they love the law, if they love the Constitution, as all in this country must do, they must discipline themselves and simply enforce that law. This trend has been unhealthy. We have allowed it to continue unchallenged. It is afoot in our law schools. They teach you cannot have any reference to faith.

Right on the wall we have ''In God We Trust.'' The anteroom has a picture of a woman on the wall holding a Bible in her hand. There are three words engraved on the sides of the wall: One is ''government,'' one is ''philosophy,'' and one is ''religion.'' That is the nature of the founding of our country. We never doubted that religion played a part in American life. What we did not want was the Government to dictate to someone how they ought to worship. We have never done that. I defend anyone who thinks they are being forced to do anything with which they disagree.

Life is complex. We work together and live together in harmony. If someone does not like the Declaration of Independence, if someone does not like the Constitution, they do not have to read them. If someone does not believe in the Pledge, they do not have to recite it. That is clear constitutional law.

This is a big mistake by the court. I hope this Senate will take action to express the views of the people of the United States. I hope we will not hear talk that this is something that will be dismissed. It is a serious, pernicious, antireligious trend. There is a tendency and a trend in America by the courts to eliminate from public life any reference to a higher being and anybody who reads the newspapers or reads court opinions knows that is true.

The Ninth Circuit is the worst. One year 27 out of 28 cases were reversed. They have consistently been reversed more than any other circuit in America.

The New York Times, in writing about the Ninth Circuit, says a majority of the Supreme Court of the United States considers the Ninth Circuit to be a rogue circuit.

I have been the most outspoken Member of this Senate in the years I have been here, over 5 years, in expressing my concern about some of these trends in the court, particularly in the Ninth Circuit. I have talked about the issues in the Ninth Circuit. We have to do better. I encouraged President Clinton and I encourage President Bush to send nominees to that circuit who will bring it back into the mainstream of American law.

I hope on full rehearing en banc, the court will reverse the opinion. I am not absolutely sure it will, because there are others on that court I have no doubt will join in this opinion. Then it will go to the Supreme Court of the United States. They are going to have to wrestle with this a little bit more. They have not yet fully thought through their position on the free expression of religious faith in American life.

It is a difficult thing. We have to cherish our freedom of religion, our freedom to practice religion, as well as our freedom not to have someone coerce any American into any religious belief. That is so much a part of our life that so much distinguished America from nations that want to have a government founded strictly on their view of faith. That is unhealthy.

I hope we can adopt an expression in this Senate of our disapproval of this decision, but, at the same time, we do not need to treat it lightly. We need to go back to the grassroots, the initial heritage of faith in America. We need to look at some of these decisions of the court that have gone beyond prohibiting the establishment of a religion, to prohibiting any expression of religious faith at all.

I remember Judge Griffin Bell, a great judge on the Fifth Circuit Court of Appeals, President Carter's Attorney

General. He was speaking to an Alabama Bar Association meeting when President Reagan was in office, not long after he left as Attorney General. The bar members asked: Judge Bell, what do you think about this litmus test that President Reagan is supposed to be applying to judges? I will never forget, he walked up to the microphone and said: We need a litmus test for judges. We don't need anybody on the Supreme Court who does not believe in prayer at football games.

This is where we are. We have the courts of the United States prepared to send in the 82nd Airborne to some high school that allows a voluntary prayer to be said before the ball game starts—an expression that there is something more important than who is the biggest, meanest, and toughest out on the football field.

I think we have a serious problem with the understanding of the first amendment. I am glad this body is taking it seriously. Hopefully, we can do something about it, but it is going to take a longtime effort.

I yield the floor.

EXPRESSION OF SUPPORT FOR THE PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I indicated a few minutes ago that it was our intention, after consultation with the Republican leader and our colleagues, to offer a resolution immediately on the matter of the Ninth Circuit Court decision. That is our intention at this point.

I will propound a unanimous consent request that allows us to go to a vote. I know a number of other Senators wish to be heard, but I think it would be appropriate for scheduling purposes for us to have the vote and then accommodate other Senators who wish to be heard. We will certainly allow the floor to be available for purposes of additional comment by our colleagues.

Let me ask Senators to vote from their desks on this particular vote. I think it would be appropriate, given the strength of feeling we have on the issue, that we draw a distinction between this and other votes. I ask Senators to vote from their desks.

I also note as we have already announced through our cloakrooms, every Senator will be listed as a cosponsor unless they ask to be removed from that list. So Senators will automatically be listed as a cosponsor. We have had so many requests on both sides of the aisle, it was our view it would be appropriate for us to do that.

I also ask unanimous consent that the resolution be submitted and stated for the record, prior to the vote.

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

Mr. DASCHLE. I ask unanimous consent the Senate proceed to the consideration of the resolution at the desk earlier introduced by myself and Senator LOTT regarding the Pledge of Allegiance, that no amendments or motions be in order, the Senate immediately vote on passage of the resolution, that any statements thereon appear in the RECORD as though read.

Mr. LOTT. Reserving the right to object only for parliamentary inquiry, is it the majority leader's intent to put the vote immediately?

If I could, under my reservation, then just make a couple of points.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I certainly support this effort. I have no intent at all of objecting. I am very pleased the Senate is going to act so quickly on this matter.

Senator DASCHLE and I have been talking about it the last few minutes. We have developed what I think is very good language to address this outrageous decision by the Ninth Circuit Court of Appeals.

Just as the Supreme Court has recognized that elected officials may invoke God's blessing on their work as we do here every day, and as in the House Chamber they have over the Speaker's chair, ''In God We Trust,'' for our children to be allowed to invoke God's blessing on our country in the Pledge of Allegiance is certainly something we want to do.

If there is ever a time when we need this additional blessing, perhaps it is now more than ever in our lifetimes. I have seen that and felt that as I have gone around, not only my own State but this country. So I think it is essential the Senate speak immediately in clarification. I hope the Ninth Circuit will have an en banc panel that will reverse this decision; failing that, that the Supreme Court will act on it expeditiously.

In our resolved clause, we state that we disapprove of the decision by the Ninth Circuit and that we authorize and instruct the Senate legal counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance.

Beyond that, to further make it clear, the Senate should consider a recodification of the language that was passed in 1954. There was no uncertainty or ambiguity about what was done in 1954. The Congress, in fact the American people, spoke through their Congress. We should make it clear once again.

I commend you, Senator DASCHLE, for moving this matter forward aggressively. For the Senate to have this vote is absolutely the right thing to do. I know the American people agree with that decision.

I withdraw my reservation.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I compliment the Senator on his remarks. I appreciate very much his cooperation in the last couple of hours.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 292) expressing support for the Pledge of Allegiance.

Whereas, this country was founded on religious freedom by founders, many of whom were deeply religious;

Whereas, the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the government establishing a religion;

Whereas, the Pledge of Allegiance was written by Francis Bellamy, a Baptist Minister, and first published in the September 8, 1892, issue of the Youth's Companion;

Whereas, Congress in 1954 added the words ''under God'' to the Pledge of Allegiance;

Whereas, the Pledge of Allegiance has for almost 50 years included references to the U.S. flag, the country, to our country having been established as a union ''under God'' and to this country being dedicated to securing ''liberty and justice for all;''

Whereas, the Congress in 1954 believed it as acting constitutionally when it revised the Pledge of Allegiance;

Whereas, this Senate of the 107th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas, patriotic songs, engravings on U.S. legal tender, engravings on federal buildings also contain general references to ''God'';

Whereas, in accordance with decisions of the U.S. Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights;

Whereas, the Congress expects that the U.S. of Appeals for the Ninth Circuit will rehear the case of Newdow v. U.S. Congress, en branc;

Resolved, That the Senate strongly disapproves of the ninth circuit decision in Newdow v. U.S. Congress; and that the Senate authorizes and instructs the Senate Legal Counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance.

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

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

Mr. DASCHLE. Again, I ask Senators to vote from their desks.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—99

Akaka	Biden	Bunning
Allard	Bingaman	Burns
Allen	Bond	Byrd
Baucus	Boxer	Campbell
Bayh	Breaux	Cantwell
Bennett	Brownback	Carnahan

Carper	Gregg	Murray
Chafee	Hagel	Nelson (FL)
Cleland	Harkin	Nelson (NE)
Clinton	Hatch	Nickles
Cochran	Hollings	Reed
Collins	Hutchinson	Reid
Conrad	Hutchison	Roberts
Corzine	Inhofe	Rockefeller
Craig	Inouye	Santorum
Crapo	Jeffords	Sarbanes
Daschle	Johnson	Schumer
Dayton	Kennedy	Sessions
DeWine	Kerry	Shelby
Dodd	Kohl	Smith (NH)
Domenici	Kyl	Smith (OR)
Dorgan	Landrieu	Snowe
Durbin	Leahy	Specter
Edwards	Levin	Stabenow
Ensign	Lieberman	Stevens
Enzi	Lincoln	Thomas
Feingold	Lott	Thompson
Feinstein	Lugar	Thurmond
Fitzgerald	McCain	Torricelli
Frist	McConnell	Voinovich
Graham	Mikulski	Warner
Gramm	Miller	Wellstone
Grassley	Murkowski	Wyden

NOT VOTING—1

Helms

The resolution (S. Res. 292) was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, this was the last vote of the evening.

Under the normal rules of the Senate, of course, it is the custom of the Senate each morning to pledge allegiance to the flag. We will be coming into session tomorrow morning at 9:30. It would be my suggestion—not my original suggestion, I hasten to add—that we as Senators be here at 9:30 to pledge allegiance to the flag. I encourage Senators to be present at their desks at 9:30 to accommodate that suggestion.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I think the distinguished majority leader has made an excellent suggestion. I also wish to express my appreciation to him for bringing up S. Res. 292 and doing so in a bipartisan fashion. I also express my appreciation to the staff of the Senate Judiciary Committee who worked so very hard to move on this resolution as quickly as they did. I appreciate the distinguished majority leader requesting that we have such a resolution. He is absolutely right. I have to assume that the Ninth Circuit will now hear this case en banc, and I have to hope the decision will not be upheld.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I simply want to respond to the distinguished Senator from Vermont and, as always, thank him for his kind words and support for the resolution and, as always, his willingness to be helpful. I am also pleased with the unanimity with which the Senate has expressed itself this afternoon. It was the right thing to do. It was important that we did it in a timely manner.

Again, let me reiterate my thanks to the distinguished Republican leader for the tremendous cooperation he has shown in allowing the Senate to move as quickly as it has. It sends as clear and unequivocal a message as I believe we are capable of sending.

We strongly disagree with the decision made today. We will authorize our Senate legal counsel to intercede on behalf of our position before the court. That is the right thing to do. I am very pleased we were able to say it as strongly as we have on a bipartisan basis that we have today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, over the weekend I had the experience and the pleasure of narrating Aaron Copeland's ''Lincoln Portrait'' in a presentation by an orchestra back home in Utah. I had not done that before.

Aaron Copeland took some of Abraham Lincoln's most stirring words and accompanied them with music, and it is a great opportunity for those of us who don't have as much musical ability as some others to participate in that kind of a presentation.

I was interested that one of the things in the ''Lincoln Portrait'' by Aaron Copeland is a quotation from the Gettysburg Address, when Abraham Lincoln prophesied that this Nation, under God, shall have a new birth of freedom, and that government of the people and by the people and for the people shall not perish from the Earth. If the Ninth Circuit Court position is upheld and made universal, that means that Aaron Copeland's tribute to the memory of Abraham Lincoln will have to be censored and that we will no longer allow our schoolchildren to learn the Gettysburg Address.

Indeed, if this position is upheld, we will no longer be able to teach our children the Declaration of Independence because Thomas Jefferson referred to our rights as having been endowed by the Creator.

The Ninth Circuit makes it very clear that they do not believe any public official should speak of the Creator in a way that implies that he exists or, if you prefer, that she exists.

The word ''God'' is sufficiently universal and nonspecific as to allow those who use it to ascribe any quality, any gender, any doctrine, any position that those people might wish to ascribe to it. It is inconceivable to me that the Ninth Circuit should suggest that the generic term ''God'' is somehow endorsement of a specific religion.

It is interesting that the vote we have just taken takes place under words carved in marble, literally carved in marble and gilded in gold here in the Senate Chamber, that say: ''In God we trust.'' I would hope that the judges on the Ninth Circuit would not attempt to send U.S. marshals into the Chamber of the Senate with jackhammers in an effort to remove that marble from above our entryway. It has been there since the Chamber was built. I hope it remains there as long as the Chamber remains, the judges on the Ninth Circuit to the contrary notwithstanding.

As I walked over to come to this vote, I came under the flags of the 50 States. They are displayed in the walkway in the tunnel that comes between the Senate Office Building and the Capitol. I noticed that on two of those flags, Florida and Georgia, there are the same words that we have here in the Chamber, ''in God we trust.''

I wonder if the justices of the Ninth Circuit wish to order the State legislatures of those two States to change the State flags in their effort to see to it that we remove any reference whatsoever to God from our public discourse. Oh, I understand that they do not wish to remove all references to God. It will still clearly be fine for the people in Hollywood and on television to curse people in the name of God. It will only be illegal for someone to bless people in the name of God. The use of the name of deity in oaths of blasphemy are protected under the first amendment. It is just the use of the name of God in expressions of belief that these judges wish to strike down—an inconsistency which I hope will enter into their hearts and make them realize how foolish their decision is.

Finally, my mind goes back to the experience in the Middle Ages when Galileo—who said that the Earth revolves around the Sun rather than the Sun revolving around the Earth—was forced by the legal structure of his time to recant. And in order to save his life he did so. He stood there and proclaimed aloud that the Sun revolved around the Earth, and then as he stepped away from the place where he had made that public recantation, he muttered—speaking of the Earth going around the Sun—''nonetheless, it still revolves.''

Regardless of what the courts may say, the American people still trust in God. As long as they do, it will remain our national motto because it is a correct statement of how we feel, and it belongs in the Pledge of Allegiance to our flag.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to say a few words about the resolution. Before I do, I know Senator LANDRIEU would like to speak and perhaps others. Perhaps I could offer a unanimous consent agreement that directly following me—does Senator BURNS wish to speak?

Mr. BURNS. Yes.

Mrs. FEINSTEIN. That Senator BURNS, and then Senator LANDRIEU, and Senator ALLEN have 5 minutes each.

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

Mr. LEVIN. Reserving the right to object, was that a unanimous consent request?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. I would like some indication of approximately how long each

Senator plans on speaking. I have no desire to limit them, but I would like to get an idea.

Mrs. FEINSTEIN. Not very long for me.

Ms. LANDRIEU. Five minutes.

Mr. LEVIN. If it is 5 minutes each, that is fine.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise as a Senator from California, a member of the Judiciary Committee, and one who has been trying to hold together the Ninth Circuit. I find this decision, at best, very embarrassing—embarrassing because perhaps the court doesn't know, but our coins have contained ''in God we trust'' for a century and a half. This was put into action by the Congress in 1954, almost 50 years ago. So we have had reference to God on our coins for a century and a half and reference to God in the Pledge of Allegiance for over a half century. In 30 years of public life, I have never had an objection from anyone about either.

When I heard about this decision, knowing how Senator BURNS has felt about the Ninth Circuit, I quickly looked to see who the judges were. I found that one is a Nixon judge, one is a Carter judge, and the dissenting judge was a George Bush, Sr., judge.

I can only say that I would be hopeful that the full Ninth Circuit would take up this matter and straighten it out, and, if they do not, that it goes rapidly on appeal to the Supreme Court of the United States, and that the Supreme Court of the United States straightens it out.

From the beginning of our country, God has always played a role. All you have to do is look at some of the remaining churches in the Thirteen Colonies to know that God has always played a role in the foundation and the continuation of our Nation. For the Ninth Circuit to suddenly say that it is unconstitutional for the Pledge of Allegiance to make reference that we are one nation under God is incomprehensible to many of us. So our remedy must rest with the remainder of the Ninth Circuit.

For me, it is going to be interesting to see whether they will measure up to this challenge or whether they will let a three-judge panel speak for them. I strongly urge that, if they feel as strongly as the Members of this Senate do, they sit en banc and take a look at this matter. If not, it certainly should go to the Supreme Court.

I can only say this Senator is embarrassed.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, words cannot express the outrage I felt when I heard this decision. There will be those of us who will express it in different words than probably lawyers will. A couple of weeks ago we were visited and addressed by the Prime Minister of Australia, John Howard, when he related his feelings because he was in this country on September 11 of last year. He said that, since then, this country has reacted in a way that reestablishes or reconfirms the very values on which this country is based.

Then we have a circuit court that comes down with a decision such as this. It is absolutely unbelievable. Can our children no longer sing ''God Bless America,'' or even ''America the Beautiful,'' or all the stanzas to our National Anthem?

Do you want to take a look at the dollar bill? On the back of it is the symbol of this country, the eagle, and, of course, the eternal eye. This is a value-based society, and to say those who are sheltered from being removed from office, unless the crime is really something, but just for an opinion such as this, I find that unbelievable.

We are a nation founded upon the acknowledgement of a Creator. It has been that way since day one, or even when the flame of freedom was ignited in the men and women way back in the 1700s. Men and women have died, given their lives, on the field of battle to protect it, just as they have another symbol of this country called our flag.

It doesn't make a lot of sense. Of course, there are a lot of things that do not make sense in this world. I always refer to this place as 17 square miles of logic-free environment. Nonetheless, whenever you jump across the street, we find another logic that I fail to understand. So I will stand here and tell America that those values—this being one of them—that those men and women did not die in vain. And it did not take very long for this body, that represents constituencies across the width and breath of our country, to react to it. That has to tell you something about who we are and what we are and how we got here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I thank the Chair. Mr. President, I wish to add my voice to all of those who have risen in the last several hours to express my feelings and the feelings of people from Louisiana about this unfortunate ruling.

It is clear to most of us at least that we believe God is infallible, but clearly these judges are not. This case and this decision are very disappointing to many of us, and I am sure around the Nation it has caused a great deal of anxiety, anguish, disappointment, and anger.

We remember all too well the Dred Scott decision that relegated African Americans to a status as property, and the Plessy v. Ferguson decision that disgracefully upheld the Jim Crow laws of this Nation. In these cases the American judiciary unfortunately demonstrated its ability to be just plain wrong, and today is another one of those occasions.

A wonderful aspect, however, about our democracy is that when we make mistakes, those mistakes can be corrected, and there are a variety of ways that can happen today.

I thank Senator DASCHLE, our leader, and Senator LOTT for so quickly assembling a resolution in which we all have joined as coauthors stating our position in the Senate that reflects, I believe, the overwhelming views of the American people. The force of that resolution will have a very positive impact.

I also understand the entire Circuit Court will hear this case en banc, and I am almost certain, or at least very hopeful, that this decision will be reversed and this wrong righted.

There have been many beautiful things read into the RECORD that remind us of our heritage, that remind us of why this country is so great, is so wonderful, is so unique, and so special; from the eloquent remarks of the Senator from West Virginia to the Senators who have recently spoken.

I thought it might be appropriate at this time to read into the RECORD for this occasion a wonderful quote from Abraham Lincoln—one of our greatest Presidents, if not our greatest on what he had to say about our relationship to God and our Creator as a nation and as a collective people. It was on the occasion of the first Presidential resolution to set aside at least 1 day for a national day of prayer and fasting. This was established many years ago in 1863.

In this statement, Abraham Lincoln calls for our Nation to come together in prayer and to acknowledge God and to acknowledge a Supreme Being and our Creator. He said:

> We have been the recipients of the choicest bounties of Heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth and power, as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us.

It behooves us then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness.

This is just one of the many writings—hundreds, thousands—by Presidents, Senators, Congressmen, Governors, council members, mayors, elected officials, leaders of this great country that we call America acknowledging that we as a nation stand under God, acknowledging His presence, although we worship Him in different ways, we may call Him by different names, and we strongly support the rights of those in our society to not acknowledge His presence. But we collectively as a nation will in no way back down in acknowledging His presence and His divine creation.

Madam President, I wanted to submit my thoughts on this issue for the

RECORD and also say that I am introducing a proposed constitutional amendment to address this issue in the event that the court decisions do not unfold the way I suspect they will. I send to the desk a joint resolution.

The PRESIDING OFFICER (Ms. CANTWELL). The measure will be received and appropriately referred.

Ms. LANDRIEU. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I associate myself with the remarks of the Senator from Louisiana, Ms. LANDRIEU, and I commend her for her resolution. With her consent, I would like to add my name to her resolution in the event the Ninth Circuit and the Supreme Court continue this errant miscarriage of justice.

Madam President, we often talk about ''miscarriages of justice,'' but today I talk about an instance in which proper administration of justice was dragged into a dark alley and mugged.

Many of us are outraged to learn today that a divided three-judge panel of the Ninth Circuit Court of Appeals believed it knew better than the properly exercised wisdom of the people and their duly elected representatives in striking down the Pledge of Allegiance and stating that the Pledge of Allegiance is unconstitutional. These judges ignored the very basis of our democracy and representative Government. They have ignored, right before Independence Day, the spirit of our country that Mr. Jefferson, in the Declaration of Independence, proclaimed to the British monarchy, which had an established religion, that our rights are God-given rights.

He stated in the Declaration of Independence that we are endowed by our Creator ''with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'' All of this came from the Virginia Declaration of Rights which expressed the same sentiments.

Let's understand, if these judges do not understand, with their judicial activist decisions such as this, the judges are to interpret the laws, they are not to write the laws. The laws on the Pledge of Allegiance and the laws for the recitation of the Pledge of Allegiance in our schools are passed by State legislatures all across our country. They are reflecting the will, the desire, and the value of the people in their States and in their communities.

Let's also understand that these activist judges, like the two involved in this majority decision of the Ninth Circuit, often cite the first 10 words of the Establishment Clause, which says:

> Congress shall make no law respecting an establishment of religion . . .

But they too often forget the six words that follow:

> or prohibiting the free exercise thereof.

To understand the history of religious freedom in this country, one must understand that this country, in the very beginning, starting with the Virginia Company, which was a commercial venture—it still was a crown colony, as were all the colonies, and as such it was associated with the Church of England or the Anglican Church. People were compelled to pay taxes to that church whether they wanted to go to that church or not.

The concept of the statute of religious freedom first started in Virginia with Thomas Jefferson. He drafted the Virginia Statute for Religious Freedom. It is on his gravestone as one of his three most proud accomplishments, along with the founding of the University of Virginia, and drafting the Declaration of Independence.

The statute of religious freedom was a novel idea. It was a radical idea because what you had in the 1700s and before then were monarchies, theocracies in effect, where the monarchs were ruling because of bloodlines not because of merit or popular will. They also had a single church and that church was given that exclusive monopoly in that they would then say that those monarchs were ruling by divine guidance and divine right. In all of these monarchies, the idea that people could believe as they saw fit and not be compelled to join a church or be compelled to support a church was a very radical idea and upsetting to the tyrannical monarchs because that upset their whole justification for being in power in the first place.

The Virginia Statute for Religious Freedom actually took 7 years to pass in the Virginia General Assembly. Good ideas still sometimes take a long time. Mr. Jefferson was the Minister to France when James Madison finally got this Statute through the Virginia General Assembly.

The Virginia Statute for Religious Freedom states very clearly, in article I, section 16, of the Virginia Constitution, ''That religion, or the duty which we owe our Creator and the manner of discharging it, can be directed by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; . . . '' and so forth. It goes on to say that people's rights and individual's rights should not be enhanced nor should they be diminished due to their religious beliefs.

Now the purpose of the Establishment Clause, which was then put into the Federal Constitution in the First Amendment of the Bill of Rights, was not to expunge religion or matters of faith from all aspects of public life. The Pledge of Allegiance should remain in our schools and other public functions, but it should be voluntary. The Commonwealth of Virginia has such a law but it is voluntary. If a student does not want to recite the Pledge of Allegiance, he or she is not compelled to do so. One needs to respect that individual conscience.

The way it is in the law, whether in this case in the Ninth Circuit or elsewhere, is that it allows, in accordance with the founding documents of our Nation, the ability of the majority to express their values and their wisdom. If somebody somehow does not want to recite it, they are not compelled to do so.

So the Establishment Clause, as well as our Bill of Rights, and our Declaration of Independence, are all modeled on the Virginia Statute for Religious Freedom, and the Virginia Declaration of Rights.

The Virginia Statute for Religious Freedom, as drafted by Mr. Jefferson and then carried forward by James Madison and adopted in 1786, counsels against the impious presumption of legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men who have assumed dominion over the faith of others.

The Virginia Declaration of Rights holds that all men are equally entitled to the free exercise of religion according to the dictates of their conscience. Minimal reference is made to a nondenominational creator or natural rights or God and that is consistent with the values and the desires of the people. This is in step, and the laws are, fortunately, in this regard, in step with our society and the views of the people, as they have been throughout our history.

It is my hope, and it is not without basis, that this decision of the Ninth Circuit will be handily reversed by the Supreme Court of the United States.

I remind the Senate that the Ninth Circuit Court of Appeals has by far the most dismal reversal rate in the Supreme Court of any court of appeals in our land. In recent years, the reversal rate has hovered around 80 percent compared to about 50 percent for the next highest circuit, which is the Eighth Circuit. In one recent session of the Supreme Court alone, an astonishing 28 out of 29 decisions of the Ninth Circuit Court were overturned. That is 97 percent. What ruling from the Ninth Circuit will come next? Are they going to white out passages of the Declaration of Independence? Will it be improper to recite on public grounds the Declaration of Independence because it refers to our Creator giving us unalienable rights? Will the Ninth Circuit order currency and our coinage to knock out the insidious message of ''In God We Trust''? Will they say that all coins have to be destroyed and melted down? Will they imprison school choirs and have the school directors imprisoned because the children are singing ''God Bless America''? Who knows what is next out of the Ninth Circuit.

At some point, though, a proper respect for the rights of the people, their desires, and also common sense and reason must be guiding our courts, especially this particular circuit court, and today's activist, offensive decision.

Today's action by the Ninth Circuit is hit-and-run jurisprudence. It is smug judicial activism at its rankest. It is

outrageously out-of-touch with the desires and values of the American people. It is striking down the basic concept that laws made by Congress or by State legislatures, unless they are clearly unconstitutional, ought to be respected.

I am proud today, only days before the 226th anniversary of our Nation's birth, of our Declaration of Independence, where we ceded from the monarchy of Britain, that we are going to stand for what is right. We are going to stand by our flag and the principles of freedom and justice and with our Pledge of Allegiance.

I thank my colleagues for their united, bipartisan stand for what is right about America and what is right for our schools and our youngsters, and that is stating the Pledge of Allegiance to our flag.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Madam President, I rise today to discuss this recent Federal court of appeals ruling on the Pledge of Allegiance and to express with my colleagues the universal outrage of the court's ruling today, and the delight with how we have joined together so quickly, and I express this on behalf of all Americans that we believe ''In God We Trust.'' We believe that this is a nation under God. We believe in what is placed on the mantel above the Senate Chamber, ''In God We Trust.'' Our very Constitution itself signs off using the word, ''Lord.''

Can we declare the Constitution unconstitutional? I guess it would be a legitimate question to ask the Ninth Circuit Court of Appeals. Is the Constitution unconstitutional? Our Declaration of Independence refers to God multiple times including saying that our certain unalienable rights are endowed by our Creator.

George Washington's Farewell Address, which is read in the House and Senate each year, refers to God and faith and religion. Abraham Lincoln's Gettysburg Address uses the word ''God,'' proclaiming that this Nation under God shall have a new birth of freedom. Booker T. Washington repeatedly referred to God when speaking. Even Elizabeth Cady Stanton and Sojourner Truth referred to God in their writings and speeches. Will it now be unconstitutional to teach American history to our children, to require them to read some of the words of the great men and women of our Nation because they mention God? Will those have to be stricken from all of the speeches of Lincoln and Washington and Martin Luther King? Will it have to be taken out of the Declaration of Independence? According to the Ninth Circuit Court of Appeals, this could indeed be so. After all, if saying the Pledge of Allegiance violates the establishment clause of our Constitution, how can these others not do so as well?

What about our money—I think we are in a real problem here—which has the motto ''In God We Trust'' on it, or the fact that every day we open Congress with a prayer, maintain full-time Chaplains on each side of the Capitol Building, and in the very Chamber in which we stand today it twice says ''God''. Do we have to get the putty out and fill them in?

Consider the very founding of our Nation. At that time, the brave men and women trusted in God and believed we owed our success to him. In fact, the first act of the first Continental Congress was a public prayer. As Sam Adams noted then in support of the idea, he was no bigot and could hear a prayer from any gentleman of piety and virtue who at the same time was a friend of his country. And so on September 7, 1774, the first official prayer before the Continental Congress took place when an Episcopal clergyman read aloud Psalm 35 from the Book of Common Prayer—a now unconstitutional act that he performed in 1774, the first Continental Congress.

In 1779, the Congress urged the Nation ''humbly to approach the throne of almighty God,'' to ask ''that he would establish the independence of these United States upon the basis of religion and virtue.''

Just 2 years later, Congress passed ''The Congressional Decree of 1781'':

> Whereas, it hath pleased Almighty God, the father of mercies, remarkably to assist and support the United States of America in their important struggle for liberty, against the long continued efforts of a powerful nation: it is the duty of all ranks to observe and thankfully acknowledge the interpositions of his Providence in their behalf. Through the whole of the context, from its first rise to this time, the influence of Divine Providence may be clearly perceived in many signal instances, of which we mention but a few.

An unconstitutional act?

The founders also inscribed on the seal of our nation the Latin phrase, ''Annuit Ceoptis''—translated as ''God favors our undertakings.''

This belief infused those courageous risk-takers then when they faced an unimaginable and seemingly insurmountable undertaking—and it inspires many of us today, especially as we face an unimaginable and seemingly insurmountable undertaking in challenging terrorists around the world.

Indeed, according to the 9th Circuit, it would be illegal to teach children about President Bush's address to Congress following the terrorist attacks.

That's not just sad, it is an injustice to our children, our nation and our government. It cries out for logic and commonsense—but clearly this Court has neither. Although I am not surprised—it turns out that in recent years, more than 80 percent of the rulings by the 9th Circuit have been overturned. Just a few years ago the 9th managed to compile an 1–28 record at the Supreme Court—that is, the Supreme Court reviewed 29 cases from the 9th Circuit Court and reversed a stunning 28 of them.

Although I must admit that I can't just criticize the 9th Circuit, as, interestingly enough, we can make an accurate and strong argument that the Establishment Clause is clearly misinterpreted by the entire legal system today. The concept of a ''wall of separation'' is actually from a letter Thomas Jefferson wrote in 1802 that was completely unnoticed until a mistaken transcription of the original letter was cited by the Supreme Court in 1879 in Reynolds v. United States. The focus in 1879 was not on ''separation'' but on the term ''legislative powers''—yet the transcriber had written that wrong; The original, in Jefferson's neat handwriting, said ''legitimate power.'' This metaphor again remained unused and virtually unknown until Justice Black drew it from obscurity in 1947—again using the erroneous translation.

So it is clear that our nation, perhaps even from the beginning, needs commonsense, reasonable judges—judges who will defend our principles, ideals and way of life. Judges who understand the risks and sacrifices made both by those who founded our nation and fought for its principles—and by those who continue to do so today.

It is why today I thank Frank Bellamy, who wrote this beautiful poem that our Pledge was based upon in 1892 when he lived in my home state of Kansas in the small town of Cherryvale. And why I thank those sincere leaders who in 1954 sought to reaffirm, as the Declaration of Independence first declared, our ''firm Reliance on the Protection of divine Providence.''

On a side note, Madam President, we have people every day who seek to emulate the model after the United States, thankfully. It is a great country. It is a country that stood for so much freedom for people around the world, people such as Mi-Hwa Rhyu and Sol-Hee Rhyu, a mother and daughter captured by police in Asia today, North Korean refugees seeking to flee North Korea and get to someplace like the United States, to be free and be able to live in a nation that honors God. They are now being detained and probably sent back to a country that does not honor God—North Korea—that does not believe, to suffer an ill fate there.

Yet people yearn to be free, to come into a place that says, ''In God we trust.'' And they are willing to risk their lives to come into a place such as this. Countries seek to emulate our great land.

Why, why, why will we seek to remove the foundation of all those basic beliefs that we have? I tell our schoolchildren not only is it wrong but unconstitutional to say ''under God'' or ''in God.''

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.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Madam President, we have been discussing with some passion this afternoon, the ruling of the Ninth Circuit Court of Appeals on the Pledge of Allegiance, their ruling that the Pledge of Allegiance violates the Constitution of the United States. I think it is important for us to note that this is not a total surprise, although it has been a surprise. It should not have been a total surprise, let me say, because we have had a number of decisions by courts in America that have lost sight of the balance contained in the first amendment and have rendered opinions that go beyond the intent of the Framers of the Constitution.

When we say go beyond the intent of the Framers, that is really not quite strong enough. The Constitution starts off saying:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

We, the people, ordain and establish this Constitution—the one that we have, not one somebody would like it to be, not one that they wish it would be, but the one that we ordained, passed, the one that was ratified by the people of the United States.

Over the years, we have amended that Constitution, as we have chosen to do so, from time to time. That is the way it should be amended. What the Constitution does not give is the power to judges to amend the Constitution. Some judges say: We will just redefine the Constitution. We are just matching it up with modern, enlightened standards. They may have meant that back then, but we want to reinterpret it today in the light of the standards and values that we have.

And whose standards and values are they? It is the standards and values of the judge.

I was very troubled about this recent ruling, the way it occurred, involving the death penalty law with regard to retarded individuals. The Court seemed to say that they had divined, somehow, that the American people had evolved in their thinking and, therefore, the laws their legislatures had passed were not valid anymore; that they could not execute people who were retarded.

However you feel about that, that is a dangerous philosophy, but it is a philosophy afoot in America today. It is a philosophy, I think, that is dangerous to liberty. If you care about the Constitution, really respect the Constitution, as Professor Van Alstyne, of Duke University, one time said: If you respect the document, you will enforce it, the good and bad parts. You will enforce the parts you do not agree with, if you love, respect, and revere the Constitution.

The way to erode the power of the Constitution to protect our liberties is to start playing around with the meaning of words, just redefining those words, and they come to mean whatever a judge says they do. That is a particularly pernicious thing because, you see, judges are not accountable. Federal judges are not accountable to the public. They are given a lifetime appointment.

The one thing we have is a moment in time to review their record, to make sure they are committed to follow the Constitution. We vote on them in the Senate, they are confirmed or not, and they go on to serve, and then they are there forever.

I think from a point of view of a democracy, our judges must show self-restraint. That is what President Bush has talked about in his judicial nominees—finding judges who follow the law, for the layman. Not make up law, not expand law, not make it say what they think the American people want it to say today—even though they may be correct. They may not be correct. They do not have the power to do that. It is an antidemocratic act when an unelected, lifetime-appointed judge simply takes a political view and imposes that through the reinterpretation of words.

I remember Hodding Carter, President Carter's aide, was on ''Meet The Press.'' He used to be on there regularly. One time he said: We liberals have gotten to the point where we want the courts to do for us that which we can no longer win at the ballot box.

I think that touched a nerve, really. I think that is too close to what I think is a problem in the legal system today.

I don't expect the courts to carry out my political agenda. I want them just to enforce the law. I will be satisfied with that. As one professor testified with regard to the Bush nominees: If you appoint a nominee who says he is going to be faithful and in fact he is consistently faithful to the meaning of the words in the statutes and the Constitution, then what do we have to fear of that? How does that threaten us?

What does threaten us is if a judge goes beyond that. I have been a big critic of the Ninth Circuit. I have spoken in this body more on this subject than any other Senator.

I have been shocked by the rate of reversals they have had.

Senator BROWNBACK from Kansas had something to say about that.

There was a Law Review article published recently that went into even more detail. The University of Oregon Law Review discussed this particularly troublesome trend.

They said:

> Another interesting phenomenon is that the Supreme Court unanimously agrees——

That means the U.S. Supreme Court, across the political spectrum, unanimously agrees that the Ninth Circuit was wrong 17 times during the 1996–1997 term. This is a fairly remarkable record considering that the rest of the circuits combined logged in with only 20 unanimous votes, 7 of which were affirmative.

We have liberals and conservatives on the U.S. Supreme Court, and 13 of these cases were unanimous reversals of the Ninth Circuit.

This article goes on to say that only 13 unanimous reversals were found throughout the rest of the United States but 17 in the Ninth Circuit.

So that is the problem for us. We need to be concerned about it.

I opposed two judges I sincerely believed were good people but who clearly—I had concluded clearly—had activist tendencies. And I was particularly concerned when President Clinton pushed those nominees because they were going to this circuit that has been out of step.

We have to understand why we need to confirm judges who will consistently follow the law, whether they like it or not. That is what President Bush campaigned on; that is what he promised to do. That is what he has been submitting—men and women of the highest possible integrity, and high legal ability. These men and women are clear in their record as being people who just follow the law, whether they like it or not. That is what we expect out of a judge. It is important or it undermines democracy otherwise.

I wanted to mention that.

I also want to discuss just briefly the trouble we are having throughout the court system of America. The U.S. Supreme Court is not blameless in this issue. Somehow they have got it in their heads that virtually any expression of religious faith in a public activity violates the Constitution. We have problems with valedictorians making speeches out of their own hearts. They cannot say certain things because we have gotten to that point, as I mentioned earlier.

That was criticized by Judge Griffin Bell, former Attorney of the United States under President Carter. Judge Bell said we ought to have a litmus test. Nobody ought to serve on the Court who doesn't believe in prayer at football games.

How did we get to this point? How did we get to the point that a voluntary prayer—you don't have to bow your head. There is no requirement that anybody has to do anything before football games. We take a minute, and somebody says a little prayer that acknowledges something more important than who is the toughest football player on the field. I don't think there is anything wrong with that. I don't believe that violates anybody's right.

Just as I believe I should respect somebody who has a different faith than mine, just as I am required to respect the person who believes in no God whatsoever, and to have a decent respect for the opinions of others who would say to me: If we want to have a little prayer and everybody wants to have a little prayer, it is not going to bother me. I don't believe in God anyway. Let them have it.

It is a part of our culture. It is not legitimate, in my view, for the Supreme Court or its subsidiary courts to come in and declare that it is in violation of the Constitution. After all, what does the Constitution say? The first amendment is the only reference to religion.

It says Congress shall make no law respecting the establishment of a religion or prohibit the free exercise thereof. That is what the Constitution says. There is nothing in the Constitution about a law of separation between church and state.

Thomas Jefferson wrote a letter to the Baptist Association not long before he died in which he expressed an opinion that there ought to be a wall of separation. What he meant by that, who knows? But judges have seized on that and rendered these opinions, many of them citing that quote as if it is somehow part of the Constitution. But the American people didn't ratify that. They ratified the Constitution. That is the law of the land. What he wrote in a letter before he died is of no benefit in interpreting the Constitution—or a minuscule benefit, if any.

In fact, Thomas Jefferson wasn't even at the Constitutional Convention when they were drafting the Constitution. He was off in France.

We are off base here. Somehow, under the idea that we have raised the establishment clause higher than all reason dictates that it be raised, we are saying anything that expresses religious faith publicly is somehow an establishment of a religion. But everybody who knows the history of the deal understands that Virginia had an established church, and England had the established Church of England—the Anglican Church, the Episcopal Church. Other countries had the Catholic Church as the established church. We didn't establish a church. No church was going to be given preferential treatment over another one.

That is what the Constitution was all about. That cannot be denied, in my view.

Congress shall pass no law respecting the establishment of a religion.

That is what the Founding Fathers wanted to prohibit. They didn't want to prohibit nor want to go back and strike the language from the Declaration of Independence, for Heaven's sake.

For 150 years, we never had a problem with this. We rolled on—no problem. We have chaplains. We have thanksgiving days. We have all kinds of things occurring that reflect an acknowledgment in general terms of religious beliefs, and of a higher being.

The Supreme Court said some things over the years. In recent years—during the last 50 or 70 years—they have been inconsistent about it. I think that has given some circuits, like the Ninth Circuit, and some judges the opportunity to perhaps run with some liberty to go further than I hope the Supreme Court wants them to go. But the Supreme Court has some fault here. We have had a long period of these kinds of opinions that go beyond reason, in my view.

For example, in Lynch v. Donnelly, the U.S. Supreme Court in 1984 recognized ''an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789.''

And it adds, ''Our history is replete with official references to the value and invocation of Divine guidance in the deliberation and pronouncements of the Founding Fathers and contemporary leaders.''

We just have to be relaxed here, and be natural in our understanding of what we mean by not establishing a religion.

We also do not need to forget the free exercise clause of the first amendment that we shall not be denied the free exercise of our religion. That is of equal value with nonestablishment of religion.

Other things are important.

Engraved on the top of the Washington Monument are the words ''Praise be to God.''

I suppose the judges out there that rendered the opinion are going to have to take a chisel up there and go after it.

The Tomb of the Unknown Soldier: At that tomb are these words engraved: ''Here rests in honored glory an American soldier known but to God.'' Is somebody going to take the chisel to that?

Let me mention this final quote. It shows how, in the middle of this past century, we were not so far out of sync about what the first amendment really means.

Justice William O. Douglas, whom many would recognize as perhaps the most liberal member ever to serve on the Court—certainly one of the most, maybe, radical members of the Court; his background was quite unusual, but he was a brilliant man—he wrote many interesting opinions. This one, writing for the majority on the Court, in 1952, in Zorach v. Clauson, he stated this:

> The First Amendment . . . does not say that in every and all respects there should be a separation of Church and State. . . . Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. . . . Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; ''so help me God'' in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment.

If that were the way we were going to interpret it. He is exactly correct.

So my concern is that we would be in error if we simply stood up and said that the Ninth Circuit made a mistake and somehow it is all going to get corrected. There are Members of this body who have advocated aggressively for these kinds of opinions. There are Members of this body who have fought hard to confirm the kind of judges who render these rulings.

In fact, this ruling, I assume, is going to be compatible with the views, probably, of a majority of law professors in America today—maybe not, hopefully not—but a whole lot of them because that is what a lot of the people think.

We have had a radicalized version of the establishment clause that is being taught, that has been adopted, and in significant part adopted by the Supreme Court. So they have a problem now, as I see it. They are going to have to deal with this.

They say a schoolchild cannot say a prayer, cannot express religious faith through a prayer that nobody has to listen to, but we can chisel on a wall of the Senate: ''In God we trust.''

They are saying we can have paid chaplains in this Senate and in the Armed Forces by the taxpayers of the United States, but nonmandatory, free expressions of faith all over the country they strike down in many different ways.

So I think they have a problem. I hope this Supreme Court will reevaluate what they have done. I hope they will go back to the 1940s and 1950s, and all the century and a half of the founding of this country, and follow that history of jurisprudence. If they do so, they can get us out of this thicket.

What we simply need to do is to respect other people's religion. If a group of kids want to have a little prayer, so be it. Let's let them have it. It does not hurt me. I do not think it hurts anybody else. That is the way I was raised: to respect people's faith, and not to denigrate someone else's faith when they do not agree with you.

I hope that as we go through this whole debate, this resolution will have some impact. I doubt it will have much. But I hope in the course of responding to this opinion, which is, unfortunately, too consistent with some of the rulings of courts in America, that we will once again reattach ourselves to the great historic principles of America that venerate respect and further and nourish religious faith, not attempt to eliminate it from public life, but, at the same time, not allow anybody to impose their will on somebody else.

I think we can reach that balance. I think we can show courtesy to one another. I hope we will be able to do so. If we do, America will be better off for it. It is time for us to get to the bottom of it, confront the issues honestly, and head on, and maybe we can make some improvements.

Mrs. CLINTON. Mr. President, I am surprised and offended by the decision of the Appeals Court of the Ninth Circuit and hope that it will be promptly

appealed and overturned. I believe that the Court has misinterpreted the intent of the Framers of the Constitution and has sought to undermine one of the bedrock values of our democracy, that we are indeed ''one nation under God,'' as embodied in the Pledge of Allegiance to the flag of the United States of America.

While our men and women in uniform are battling overseas and defending us here at home to preserve the freedom that we all cherish for our country and its citizens, we should never forget the blessings of Divine Providence that undergird our Nation. That includes the freedom to recite the pledge of allegiance in our Nation's schools. I can only imagine how they will feel about this decision as they risk their lives for our values.

And the children of America, who share a bond with each other and with our Nation by reciting the pledge each day, what effect will a decision like this have on them? It will cause them to wonder about the ways in which our beliefs can be stretched, our heritage can be assaulted. It is the wrong decision, and it is an unfair decision, especially unfair to those who defend our Nation, and to the young people who will inherit our Nation's future.

Ours is a Nation founded by people of faith. People of faith have helped lead some of the most significant movements of social justice throughout our history: to end slavery, to win civil rights for all Americans. No one is required to have faith, and our Government does not impose faith on its citizens. But ours is the most faith-filled nation on Earth, and there is no moral or constitutional argument why our Pledge of Allegiance cannot acknowledge our commonly held belief that ours is one nation, under God, indivisible, with liberty and justice for all.

I am honored to support S. 292, the Pledge of Allegiance resolution, and I hope that the rule of law will be upheld by an ultimate rejection of this wrongheaded decision of the Ninth Circuit Court of Appeals.

Mr. SMITH of New Hampshire. Mr. President, I am outraged with the decision by the 9th U.S. Circuit Court of Appeals that the Pledge of Allegiance is unconstitutional because it contains the words ''Under God.''

The pledge is part of the fabric of our society, a wonderful tradition that is observed in thousands of schools each day by millions of school children.

For two activist judges to decide for thousands of schools and thousands of parents that their children can't recite the pledge is the height of liberal intolerance and arrogance.

The Declaration of Independence talks about our Creator. Our coins and dollars have ''In God We Trust'' imprinted on them. Our public officials take their oath on the Bible. The Ten Commandments is posted in the U.S. Supreme Court. The House and Senate start off each day with the Pledge of Allegiance. If it's good enough for Senators to say the pledge each day, it's good enough for America's school children to do the same.

There are countless more examples of religion in American public life. The First Congress enacted the Northwest Ordinance, which provided that ''religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.'' President George Washington offered a prayer at his First Inaugural Address. Many of our nation's Founding Fathers and Framers of our Constitution commented publicly and privately about the values and importance of religion in American public life. Our armed services provide chaplains, priests and rabbis. The U.S. House of Representatives and the U.S. Senate begin each day with an opening prayer. For this court to single out the pledge for including the phrase ''One Nation, Under God,'' is simply incredible.

Nobody's forcing school children to recite the pledge. What we want, and what millions of parents want, is to simply give American children the chance to pledge allegiance to our Flag and to everything that it represents: patriotism, sacrifice, courage, justice, perseverance. The list goes on.

Now, more than ever, we should encourage our young people to learn and respect the patriotic values embodied in our Flag, the symbol of our country, and in the Pledge of Allegiance.

Mr. HOLLINGS. Mr. President, the judges who today declared the Pledge of Allegiance unconstitutional because of the words ''under God'' threw out reason and common sense and misread the Constitution. What we are left with is an absurd result.

The first amendment of the Constitution allows for not only freedom of religion, but freedom to exercise religion. It is ludicrous that we can't say ''under God.'' Using these judges' twisted logic, ''In God We Trust'' couldn't be on coins, and we would have to edit the Declaration of Independence because it says that all men are ''endowed by their Creator.''

When reason, common sense, and the correct interpretation of the Constitution return, this opinion will be reversed.

I thank the Chair and yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 4111, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent the previously agreed to Lott amendment, No. 4111, be modified with the changes that are now at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4111), as modified, is as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 503. REINSTATEMENT OF AUTHORITY TO REDUCE SERVICE REQUIREMENT FOR RETIREMENT IN GRADES ABOVE O-4

(a) OFFICERS ON ACTIVE DUTY.—Subsection (a)(2)(A) of section 1370 of title 10, United States Code, is amended—

(1) by striking ''may authorize'' and all that follows and inserting ''may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—''; and

(2) by adding at the end the following:

''(1) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

''(2) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period to a period of required service not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.''.

(b) RESERVE OFFICERS.—Subsection (d)(5) of such section is amended—

(1) in the first sentence—

(A) by striking ''may authorize'' and all that follows and inserting ''may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—''; and

(B) by adding at the end the following:

''(A) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

''(B) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period of required service to a period not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.'';

(2) by designating the second sentence as paragraph (6) and realigning such paragraph, as so redesignated 2 ems from the left margin; and

(3) in paragraph (6), as so redesignated, by striking ''this paragraph'' and inserting ''paragraph (5)''.

(c) ADVANCE NOTICE TO THE PRESIDENT AND CONGRESS.—Such section is further amended by adding at the end the following new subsection:

''(e) ADVANCE NOTICE TO CONGRESS.—(1) The Secretary of Defense shall notify the Committees on Armed Services of the Senate and House of Representatives of—

''(A) an exercise of authority under paragraph (2)(A) of subsection (a) to reduce the 3-year minimum period of required service on

active duty in a grade in the case of an officer to whom such paragraph applies before the officer is retired in such grade under such subsection without having satisfied that 3-year service requirement; and

''(B) an exercise of authority under paragraph (5) of subsection (d) to reduce the 3-year minimum period of service in grade required under paragraph (3)(A) of such subsection in the case of an officer to whom such paragraph applies before the officer is credited with satisfactory service in such grade under subsection (d) without having satisfied that 3-year service requirement.

''(2) The requirement for a notification under paragraph (1) is satisfied in the case of an officer to whom subsection (c) applies if the notification is included in the certification submitted with respect to such officer under paragraph (1) of such subsection.

''(3) The notification requirement under paragraph (1) does not apply to an officer being retired in the grade of lieutenant colonel or colonel or, in the case of the Navy, commander or captain.''.

AMENDMENTS NOS. 4117 THROUGH 4163, EN BLOC

Mr. REID. Mr. President, I ask unanimous consent that it be in order for the Senate to consider, en bloc, the amendments that are at the desk; that the amendments be considered and agreed to, en bloc; that the motion to reconsider be laid on the table, en bloc, and that the consideration of these amendments appear separately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 4117

(Purpose: To provide an amount for lift support for mine warfare ships and other vessels)

On page 90, between lines 19 and 20, insert the following:

SEC. 346. LIFT SUPPORT FOR MINE WARFARE SHIPS AND OTHER VESSELS.

(a) AMOUNT.—Of the amount authorized to be appropriated by section 302(2), $10,000,000 shall be available for implementing the recommendations resulting from the Navy's Non-Self Deployable Watercraft (NDSW) Study and the Joint Chiefs of Staff Focused Logistics Study, which are to determine the requirements of the Navy for providing lift support for mine warfare ships and other vessels.

(b) OFFSETTING REDUCTION.—Of the amount authorized to be appropriated by section 302(2), the amount provided for the procurement of mine countermeasures ships cradles is hereby reduced by $10,000,000.

AMENDMENT NO. 4118

(Purpose: To add an amount for the Navy Data Conversion and Management Laboratory to support data conversion activities for the Navy, and to provide an offset)

On page 90, between lines 19 and 20, insert the following:

SEC. 346. NAVY DATA CONVERSION ACTIVITIES.

(a) AMOUNT FOR ACTIVITIES.—The amount authorized to be appropriated by section 301(a)(2) is hereby increased by $2,000,000. The total amount of such increase may be available for the Navy Data Conversion and Management Laboratory to support data conversion activities for the Navy.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) is hereby reduced by $2,000,000 to reflect a reduction in the utilities privatization efforts previously planned by the Army.

AMENDMENT NO. 4119

(Purpose: To require a report on efforts to ensure the adequacy of fire fighting staffs at military installations)

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON EFFORTS TO ENSURE ADEQUACY OF FIRE FIGHTING STAFFS AT MILITARY INSTALLATIONS.

Not later than Mary 31, 2003, the Secretary of Defense shall submit to Congress a report on the actions being undertaken to ensure that the fire fighting staffs at military installations are adequate under applicable Department of Defense regulations.

ANENDMENT NO. 4120

(Purpose: To set aside $1,500,000 for the Navy Pilot Human Resources Call Center, Cutler, Maine)

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

SEC. 305. NAVY PILOT HUMAN RESOURCES CALL CENTER, CUTLER, MAINE.

Of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, $1,500,000 may be available for the Navy Pilot Human Resources Call Center, Cutler, Maine.

AMENDMENT NO. 4121

(Purpose: To authorize, with an offset, $9,000,000 for a military construction project for the Army National Guard for a Reserve Center in Lane County, Oregon)

At the end of title XXVI, add the following:

SEC. 2602. ARMY NATIONAL GUARD RESERVE CENTER, LANE COUNTY, OREGON.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States is hereby increased by $9,000,000.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States, as increased by subsection (a), $9,000,000 may be available for a military construction project for a Reserve Center in Lane County, Oregon.

(2) The amount available under paragraph (1) for the military construction project referred to in that paragraph is in addition to any other amounts available under this Act for that project.

(c) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $2,500,000, with the amount of the reduction to be allocated to Warfighter Sustainment Advanced Technology (PE0603236N).

(2) The amount authorized to be appropriated by section 301(a)(6) for operation and maintenance for the Army Reserve is hereby reduced by $6,000,000, with the amount of the reduction to be allocated to the Enhanced Secure Communications Program.

AMENDMENT NO. 4122

(Purpose: To authorize a military construction project in the amount of $3,580,000 for construction of a National Guard Readiness Center, Kosciusko, Mississippi)

In section 301(a)(1), decrease the amount by $1,100,000.

In section 2601(1)(A), increase the amount by $3,580,000.

In section 2204(a)(5), reduce the amount by $2,000,000.

AMENDMENT NO. 4123

(Purpose: To authorize, with an offset, a military construction project in the amount of $7,500,000 for construction of a new air traffic control facility at Dover Air Force Base, Delaware)

At the end of title XXIII, add the following:

SEC. 2305. ADDITIONAL PROJECT AUTHORIZATION FOR AIR TRAFFIC CONTROL FACILITY AT DOVER AIR FORCE BASE, DELAWARE.

(a) PROJECT AUTHORIZED.—In addition to the projects authorized by section 2301(a), the Secretary of the Air Force may carry out carry out a military construction project, including land acquisition relating thereto, for construction of a new air traffic control facility at Dover Air Force Base, Delaware, in the amount of $7,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2304(a), and by paragraph (1) of that section, is hereby increased by $7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(10) for operation and maintenance for the Army National Guard is hereby reduced by $7,500,000, with the amount of the reduction to be allocated to the Classified Network Program.

AMENDMENT NO. 4124

(Purpose: To authorize, with an offset, $3,000,000 for a planning and design for a new anechoic chamber at White Sands Missile Range, New Mexico (Project No. 56232))

At the end of title XXI, add the following:

SEC. 2109. PLANNING AND DESIGN FOR ANECHOIC CHAMBER AT WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) PLANNING AND DESIGN.—The amount authorized to be appropriated by section 2104(a)(5), for planning and design for military construction for the Army is hereby increased by $3,000,000, with the amount of the increase to be available for planning and design for an anechoic chamber at White Sands Missile Range, New Mexico.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Base Operations Support (Servicewide Support).

AMENDMENT NO. 4125

(Purpose: To authorize, with an offset, $10,000,000 for the Air National Guard for a military construction project for a Composite Support Facility for the 183rd Fighter Wing of the Illinois Air National Guard)

In title XXVI, add at the end the following:

SEC. 2602. ADDITIONAL PROJECT AUTHORIZATION FOR COMPOSITE SUPPORT FACILITY FOR ILLINOIS AIR NATIONAL GUARD.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard is hereby increased by $10,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard, as increased by subsection (a), $10,000,000 shall be available for a military construction project for a Composite Support Facility for the 183rd Fighter Wing of the Illinois Air National Guard.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance, defense-wide, is hereby reduced by $10,000,000, with the amount of the reduction to be allocated to amounts available for the Information Operations Program.

AMENDMENT NO. 4126

(Purpose: To authorize $8,000,000 for the construction of a parking garage at Walter Reed Army Medical Center, Washington, District of Columbia, and to offset the amount with a reduction in operation and maintenance for the Army in amounts available for Base Operations Support (Servicewide Support))

In section 301(a)(1), strike ''$24,195,242,000'' and insert ''$24,187,242,000''.

In the table in section 2101(a), in the item relating to Walter Reed Army Medical Center, District of Columbia, strike ''$9,500,000'' in the amount column and insert ''$17,500,000''.

In the table in section 2101(a), strike the amount identified as the total in the amount column and insert ''$964,697,000''.

In section 2104(a), strike ''$2,999,345,000'' in the matter preceding paragraph (1) and insert ''$3,007,345,000''.

In section 2104(a)(1), strike ''$750,497,000'' and insert ''$758,497,000''.

AMENDMENT NO. 4127

(Purpose: To authorize a military construction project in the amount of $8,400,000 for the Air National Guard for completion of construction of the Composite Aviation Aircraft Maintenance Complex (PN#BKTZ989063) in Nashville, Tennessee, and to offset the authorization with a reduction of $2,400,000 in operation and maintenance for the Army from amounts available for Base Operations Support (Servicewide Support), a reduction of $3,000,000 in operation and maintenance for the Army from amounts available for Recruiting and Advertising, and a reduction of $3,000,000 in operation and maintenance for the Air Force from amounts available for Recruiting and Advertising)

In section 301(a)(1), decrease the amount indicated by $5,400,000.

In section 301(a)(2), decrease the amount indicated by $3,000,000.

In section 2601(3)(A), add $8,400,000 to the amount indicated.

AMENDMENT NO. 4128

(Purpose: To authorize, with an offset, $15,200,000 for a military construction project for the Air Force for consolidation of the materials computational research facility at Wright–Patterson Air Force Base, Ohio (PNZHTV033301A))

At the end of title XXIII, add the following:

SEC. 2305. AVAILABILITY OF FUNDS FOR CONSOLIDATION OF MATERIALS COMPUTATIONAL RESEARCH FACILITY AT WRIGHT–PATTERSON AIR FORCE BASE, OHIO.

(a) AVAILABILITY.—Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright–Patterson Air Force Base, Ohio, $15,200,000 may be available for a military construction project for consolidation of the materials computational research facility at Wright–Patterson Air Force Base (PNZHTV033301A).

(b) OFFSET.—(1) The amount authorized to be appropriated by section 301(a)(4) for the Air Force for operation and maintenance is hereby reduced by $2,800,000, with the amount of the reduction to be allocated to Recruiting and Advertising.

(2) Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright–Patterson Air Force Base—

(A) the amount available for a dormitory is hereby reduced by $10,400,000; and

(B) the amount available for construction of a Fully Contained Small Arms Range Complex is hereby reduced by $2,000,000.

AMENDMENT NO. 4129

(Purpose: To authorize $2,000,000 for reasearch, development, test, and evaluation for the Air Force for Support Systems Development (PE0708611F) for Aging Aircraft and to offset the amount with a reduction in research, development, test, and evaluation for the Navy from amounts available for Warfighting Sustainment Advanced Technology (PE0603236N))

In section 201(2), strike ''$12, 929,135,000'' and insert ''$12,927,135,000''.

In section 201(3), strike ''$18,603,684,000'' and insert ''$18,605,684,000''.

AMENDMENT NO. 4130

(Purpose: To authorize, with an offset, $4,500,000 for research, development, test, and evaluation for the Army for radar power technology)

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

SEC. 214. RADAR POWER TECHNOLOGY FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army is hereby increased by $4,500,000, with the amount of the increase to be allocated to Army missile defense systems integration (DEM/VAL) (PE0603308A).

(b) AVAILABILITY FOR RADAR POWER TECHNOLOGY.—(1) Of the amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army, as increased by subsection (a), $4,500,000 shall be available for radar power technology.

(2) The amount available under paragraph (1) for radar power technology is in addition to any other amounts available under this Act for such technology.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $4,500,000, with the amount of the reduction to be allocated to common picture advanced technology (PE0603235N).

AMENDMENT NO. 4131

(Purpose: To increase the amount provided for RDT&E, Defense-wide activities, for critical infrastructure protection (PE 35190D8Z), and to offset the increase by reducing the amount provided for RDT&E, Defense-wide activities, for power projection advanced technology (PE 63114N)).

On page 26, after line 22, insert the following:

SEC. 214. CRITICAL INFRASTRUCTURE PROTECTION.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated in section 201(4), $4,500,000 may be available for critical infrastructure protection (PE 35190D8Z).

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2), the amount for power projection advanced technology (PE 63114N) is hereby reduced by $4,500,000.

AMENDMENT NO. 4132

(Purpose: To increase the amount for the Air Force for RDT&E for wargaming and simulation centers, and to provide an offset)

On page 26, after line 22, insert the following:

SEC. 214. THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY UPGRADES.

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for the Air Force for wargaming and simulation centers (PE 0207605F) is increased by $2,500,000. The total amount of the increase may be available for Theater Aerospace Command and Control Simulation Facility (TACCSF) upgrades.

(2) The amount available under paragraph (1) for Theater Aerospace Command and Control Simulation Facility upgrades is in addition to any other amounts available under this Act for such upgrades.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for the Navy for Mine and Expeditionary Warfare Applied Research (PE 0602782N) is reduced by $2,500,000.

AMENDMENT NO. 4133

At the appropriate place insert the following:

SEC. . RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) FINDINGS.—

The Congress makes the following findings:

(1) Al Qaeda and other terrorist organizations, in addition to rogue states, are known to be working to acquire weapons of mass destruction, and particularly nuclear warheads.

(2) The largest and least secure potential source of nuclear warheads for terrorists or rogue states is Russia's arsenal of non-strategic or ''tactical'' nuclear warheads, which according to unclassified estimates numbers from 7,000 to 12,000 warheads. Security at Russian nuclear weapon storage sites is insufficient, and tactical nuclear warheads are more vulnerable to terrorist or rogue state acquisition due to their smaller size, greater portability, and greater numbers compared to Russian strategic nuclear weapons.

(3) Russia's tactical nuclear warheads were not covered by the START treaties or the recent Moscow Treaty. Russia is not legally bound to reduce its tactical nuclear stockpile and the United States has no inspection rights regarding Russia's tactical nuclear arsenal.

(b) SENSE OF THE SENATE.—

(1) One of the most likely nuclear weapon attack scenarios against the United States would involve detonation of a stolen Russian tactical nuclear warhead smuggled into the country.

(2) It is a top national security priority of the United States to accelerate efforts to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(3) This imminent threat warrants a special non-proliferation initiative.

(c) REPORT.—

Not later than 30 days after enactment of this act, the President shall report to Congress on efforts to reduce the particular threats associated with Russia's tactical nuclear arsenal and the outlines of a special initiative related to reducing the threat from Russia's tactical nuclear stockpile.

AMENDMENT NO. 4134

(Purpose: to authorize, with an offset, $2,500,000 for research, development, test, and evaluation for the Navy for the DDG optimized manning initiative)

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

SEC. 214. DDG OPTIMIZED MANNING INITIATIVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $2,500,000, with the amount of the increase to be allocated to surface combatant combat system engineering (PE0604307N).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2)

for research, development, test, and evaluation for the Navy, as increased by subsection (a), $2,500,000 may be available for the DDG optimized manning initiative.

(2) The amount available under paragraph (1) for the initiative referred to in that paragraph is in addition to any other amounts available under this Act for that initiative.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Artillery Systems–Dem/Val, PE0603854A, by $2,500,000.

AMENDMENT NO. 4135

(Purpose: To prohibit the use of authorized funds for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system)

On page 34, after line 23, insert the following:

SEC. 226. LIMITATION ON USE OF FUNDS FOR NUCLEAR ARMED INTERCEPTORS.

None of the funds authorized to be appropriated by this or any other Act may be used for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system.

AMENDMENT NO. 4136

(Purpose: To add $1,000,000 for Defense-Wide RDT&E for key enabling robotics technologies for the support of Army, Navy, and Air Force robotic and unmanned military platforms (PE 604709D8Z), and to offset the increase by reducing the amount provided for the Navy for other procurement for gun fire control equipment, SPQ–9B solid state transmitter, by $1,000,000)

On page 24, line 2, increase the first amount by $1,000,000.

On page 14, line 5, reduce the amount by $1,000,000.

AMENDMENT NO. 4137

(Purpose: To prohibit denial of TRICARE services to a covered beneficiary receiving medical care from the Department of Veterans Affairs under certain circumstances)

On page 154, after line 20, insert the following:

SEC. 708. HEALTH CARE UNDER TRICARE FOR TRICARE BENEFICIARIES RECEIVING MEDICAL CARE AS VETERANS FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1097 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) PERSONS RECEIVING MEDICAL CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.—A covered beneficiary who is enrolled in and seeks care under the TRICARE program may not be denied such care on the ground that the covered beneficiary is receiving health care from the Department of Veterans Affairs on an ongoing basis if the Department of Veterans Affairs cannot provide the covered beneficiary with the particular care sought by the covered beneficiary within the maximum period provided in the access to care standards that are applicable to that particular care under TRICARE program policy.''.

AMENDMENT NO. 4138

(Purpose: To authorize, with an offset, $1,000,000 for research, development, test, and evaluation, defense-wide, for In-House Laboratory Independent Research (PE0601103D8Z) for research, analysis, and assessment of efforts to counter potential agroterrorist attacks)

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

SEC. 214. AGROTERRORIST ATTACKS.

(a) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, defense-wide, the amount available for basic research for the Chemical and Biological Defense Program (PE0601384BP) is hereby increased by $1,000,000, with the amount of such increase to be available for research, analysis, and assessment of efforts to counter potential agroterrorist attacks.

(2) The amount available under paragraph (1) for research, analysis, and assessment described in that paragraph is in addition to any other amounts available in this Act for such research, analysis, and assessment.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, the amount available for biological terrorism and agroterrorism risk assessment and prediction in the program element relating to the Chemical and Biological Defense Program (PE0603384BP) is hereby reduced by $1,000,000.

AMENDMENT NO. 4139

(Purpose: To authorize the Secretary of Defense to pay monetary rewards for assistance in combating terrorism)

On page 258, after line 24, insert the following:

SEC. 1065. REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) AUTHORITY.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127a the following new section:

''§ 127b. Rewards for assistance in combating terrorism

''(a) AUTHORITY.—The Secretary of Defense may pay a monetary reward to a person for providing United States personnel with information or nonlethal assistance that is beneficial to—

''(1) an operation of the armed forces conducted outside the United States against international terrorism; or

''(2) force protection of the armed forces.

''(b) MAXIMUM AMOUNT.—The amount of a reward paid to a recipient under this section may not exceed $200,000.

''(c) DELEGATION TO COMMANDER OF COMBATANT COMMAND.—(1) The Secretary of Defense may delegate to the commander of a combatant command authority to pay a reward under this section in an amount not in excess of $50,000.

''(2) A commander to whom authority to pay rewards is delegated under paragraph (1) may further delegate authority to pay a reward under this section in an amount not in excess of $2,500.

''(c) COORDINATION.—(1) The Secretary of Defense, in consultation with the Secretary of State and the Attorney General, shall prescribe policies and procedures for offering and paying rewards under this section, and otherwise for administering the authority under this section, that ensure that the payment of a reward under this section does not duplicate or interfere with the payment of a reward authorized by the Secretary of State or the Attorney General.

''(2) The Secretary of Defense shall coordinate with the Secretary of State regarding any payment of a reward in excess of $100,000 under this section.

''(d) PERSONS NOT ELIGIBLE.—The following persons are not eligible to receive an award under this section:

''(1) A citizen of the United States.

''(2) An employee of the United States.

''(3) An employee of a contractor of the United States.

''(e) ANNUAL REPORT.—(1) Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report on the administration of the rewards program during that fiscal year.

''(2) The report for a fiscal year shall include information on the total amount expended during that fiscal year to carry out this section, including—

''(A) a specification of the amount, if any, expended to publicize the availability of rewards; and

''(B) with respect to each award paid during that fiscal year—

''(i) the amount of the reward;

''(ii) the recipient of the reward; and

''(iii) a description of the information or assistance for which the reward was paid, together with an assessment of the significance of the information or assistance.

''(3) The Secretary may submit the report in classified form if the Secretary determines that it is necessary to do so.

''(f) DETERMINATIONS BY THE SECRETARY.—A determination by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127a the following new item:

''127b. Rewards for assistance in combating terrorism.''.

AMENDMENT NO. 4140

(Purpose: To establish the position of Under Secretary of Defense for Intelligence)

On page 200, between lines 14 and 15, insert the following:

SEC. 905. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

(a) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended—

(1) by transferring section 137 within such chapter to appear following section 138;

(2) by redesignating sections 137 and 139 as sections 139 and 139a, respectively; and

(3) by inserting after section 136a the following new section 137:

''§ 137. Under Secretary of Defense for Intelligence

''(a) There is an Under Secretary of Defense for Intelligence, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

''(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.''.

(b) CONFORMING AMENDMENTS.—(1) Section 131 of such title is amended—

(A) by striking paragraphs (2), (3), (4), and (5), and inserting the following:

''(2) The Under Secretaries of Defense, as follows:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(B) The Under Secretary of Defense for Policy.

''(C) The Under Secretary of Defense (Comptroller).

''(D) The Under Secretary of Defense for Personnel and Readiness.

''(E) The Under Secretary of Defense for Intelligence.''; and

(B) by redesignating paragraphs (6), (7), (8), (9), (10), and (11) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(2) The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 137 and inserting the following:

''137. Under Secretary of Defense for Intelligence.'';

and

(B) by striking the item relating to section 139 and inserting the following:

''139. Director of Research and Engineering.

''139a. Director of Operational Test and Evaluation.''.

(c) EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Personnel and Readiness.'' the following:

''Under Secretary of Defense for Intelligence.''.

AMENDMENT NO. 4141

(Purpose: To require a study on the designation of a highway in the State of Louisiana as a defense access road)

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON DESIGNATION OF CERTAIN LOUISIANA HIGHWAY AS DEFENSE ACCESS ROAD.

Not later than March 1, 2003, the Secretary of Army shall submit to the congressional defense committees a report containing the results of a study on the advisability of designating Louisiana Highway 28 between Alexandria, Louisiana, and Leesville, Louisiana, a road providing access to the Joint Readiness Training Center, Louisiana, and to Fort Polk, Louisiana, as a defense access road for purposes of section 210 of title 23, United States Code.

AMENDMENT NO. 4142

(Purpose: To authorize the conveyance of 2,000 acres at the Sunflower Army Ammunition Plant, Kansas)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Administrator of General Services may convey, without consideration, to the Johnson County Park and Recreation District, Kansas (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the State of Kansas consisting of approximately 2,000 acres, a portion of the Sunflower Army Ammunition Plant. The purpose of the conveyance is to permit the District to use the parcel for public recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage, location, and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official making the conveyance. The cost of such legal description, survey, or both shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The official making the conveyance of real property under subsection (a) may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

(d) EFFECTIVE DATE.—This section shall take effect on January 31, 2003.

AMENDMENT NO. 4143

(Purpose: To require an annual long-range plan for the construction of ships for the Navy)

On page 221, after line 21, insert the following:

SEC. 1024. ANNUAL LONG-RANGE PLAN FOR THE CONSTRUCTION OF SHIPS FOR THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) Navy ships provide a forward presence for the United States that is a key to the national defense of the United States.

(2) The Navy has demonstrated that its ships contribute significantly to homeland defense.

(3) The Navy's ship recapitalization plan is inadequate to maintain the ship force structure that is described as the current force in the 2001 Quadrennial Defense Review.

(4) The Navy is decommissioning ships as much as 10 years earlier than the projected ship life upon which ship replacement rates are based.

(5) The current force was assessed in the 2001 Quadrennial Defense Review as having moderate to high risk, depending on the scenario considered.

(b) ANNUAL SHIP CONSTRUCTION PLAN.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 231. Annual ship construction plan

''(a) ANNUAL SHIP CONSTRUCTION PLAN.—The Secretary of Defense shall include in the defense budget materials for each fiscal year a plan for the construction of combatant and support ships for the Navy that—

''(1) supports the National Security Strategy; or

''(2) if there is no National Security Strategy in effect, supports the ship force structure called for in the report of the latest Quadrennial Defense Review.

''(b) CONTENT.—The ship construction plan included in the defense budget materials for a fiscal year shall provide in detail for the construction of combatant and support ships for the Navy over the 30 consecutive fiscal years beginning with the fiscal year covered by the defense budget materials and shall include the following matters:

''(1) A description of the necessary ship force structure of the Navy.

''(2) The estimated levels of funding necessary to carry out the plan, together with a discussion of the procurement strategies on which such estimated funding levels are based.

''(3) A certification by the Secretary of Defense that both the budget for the fiscal year covered by the defense budget materials and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding ship construction for the Navy at a level that is sufficient for the procurement of the ships provided for in the plan on schedule.

''(4) If the budget for the fiscal year provides for funding ship construction at a level that is not sufficient for the recapitalization of the force of Navy ships at the annual rate necessary to sustain the force, an assessment (coordinated with the commanders of the combatant commands in advance) that describes and discusses the risks associated with the reduced force structure that will result from funding ship construction at such insufficient level.

''(c) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for such fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for such fiscal year.

''(3) The term 'Quadrennial Defense Review' means the Quadrennial Defense Review that is carried out under section 118 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''231. Annual ship construction plan.''.

AMENDMENT NO. 4144

(Purpose: To provide for the conveyance of a portion of the Bluegrass Army Depot in Richmond, Kentucky, to Madison County, Kentucky)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, BLUEGRASS ARMY DEPOT, RICHMOND, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to Madison County, Kentucky (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at the Bluegrass Army Depot, Richmond, Kentucky, for the purpose of facilitating the construction of a veterans' center on the parcel by the State of Kentucky.

(2) The Secretary may not make the conveyance authorized by this subsection unless the Secretary determines that the State of Kentucky has appropriated adequate funds for the construction of the veterans' center.

(b) REVERSIONARY INTEREST.—If the Secretary determines that the real property conveyed under subsection (a) ceases to be utilized for the sole purpose of a veterans' center or that reasonable progress is not demonstrated in constructing the center and initiating services to veterans, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—The Secretary shall apply section 2695 of title 10, United States Code, to the conveyance authorized by subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 4145

(Purpose: To extend the authority of the Defense Advanced Research Projects Agency to award prizes for advanced technology achievements)

At the end of subtitle E of title II, add the following:

SEC. 246. FOUR-YEAR EXTENSION OF AUTHORITY OF DARPA TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXTENSION.—Section 2374a(f) of title 10, United States Code, is amended by striking ''September 30, 2003'' and inserting ''September 30, 2007''.

(b) REPORT ON ADMINISTRATION OF PROGRAM.—(1) Not later than December 31, 2002, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a report on the proposal of the Director for the administration of the program to award prizes for advanced technology achievements under section 2374a of title 10, United States Code.

(2) The report shall include the following:

(A) A description of the proposed goals of the competition under the program, including the technology areas to be promoted by the competition and the relationship of such area to military missions of the Department of Defense.

(B) The proposed rules of the competition under the program, and a description of the proposed management of the competition.

(C) A description of the manner in which funds for cash prizes under the program will be allocated within the accounts of the Agency if a prize is awarded and claimed.

(D) A statement of the reasons why the competition is a preferable means of promoting basic, advanced, and applied research, technology development, and prototype projects when compared with other means of promotion of such activities, including contracts, grants, cooperative agreements, and other transactions.

AMENDMENT NO. 4146

(Purpose: To authorize the provision of space and services for militry welfare societies)

At the end of subtitle E of title X, add the following:

SEC. 1065. PROVISION OF SPACE AND SERVICES TO MILITARY WELFARE SOCIETIES.

(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2566. Space and services: provision to military welfare societies

''(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—The Secretary of a military department may provide, without charge, space and services under the jurisdiction of that Secretary to a military welfare society.

''(b) DEFINITIONS.—In this section:

''(1) The term 'military welfare society' means the following:

''(A) The Army Emergency Relief Society.

''(B) The Navy-Marine Corps Relief Society.

''(C) The Air Force Aid Society, Inc.

''(2) The term 'services' includes lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone and other information technology services (including installation of lines and equipment, connectivity, and other associated services), and security systems (including installation and other associated expenses).''.

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

''2566. Space and services: provision to military welfare societies.''.

AMENDMENT NO. 4147

(Purpose: To authorize, with an offset, $5,500,000 for research, development, test, and evaluation for the Army for development of a very high speed support vessel for the Army)

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

SEC. 214. VERY HIGH SPEED SUPPORT VESSEL FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,500,000, with the amount of the increase to be allocated to logistics and engineering equipment–advanced development (PE0603804A).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,500,000 may be available for development of a prototype composite hull design to meet the theater support vessel requirement.

(2) The amount available under paragraph (1) for development of the hull design referred to in that paragraph is in addition to any other amounts available under this Act for development of that hull design.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $5,500,000, with the amount of the decrease to be allocated to submarine tactical warfare system (PE0604562N) and amounts available under that program element for upgrades of combat control software to commercial architecture.

AMENDMENT NO. 4148

(Purpose: To add $1,000,000 for Other Procurement, Air Force, for the procurement of technical C–E equipment, Mobile Emergency Broadband System, and to offset the increase by reducing the amount provided for the Navy for other procurement for gun fire control equipment, SPQ–9B solid state transmitter, by $1,000,000)

On page 23, between lines 12 and 13, insert the following:

SEC. 135. MOBILE EMERGENCY BROADBAND SYSTEM.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 103(4), $1,000,000 may be available for the procurement of technical communications-electronics equipment for the Mobile Emergency Broadband System.

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 103(4), the amount available under such section for the Navy for other procurement for gun fire control equipment, SPQ–9B solid state transmitter, is hereby reduced by $1,000,000.

AMENDMENT NO. 4149

(Purpose: To add $1,500,000 for the Air Force for other procurement for base procured equipment for a Combat Arms Training System (CATS) for the Air National Guard, and to offset the increase by reducing the amount provided for the Army for RDT&E for artillery system demonstration and validation (PE 0603854A) by $1,500,000)

On page 14, line 20, increase the amount by $1,500,000.

On page 23, line 22, reduce the amount by $1,500,000.

AMENDMENT NO. 4150

(Purpose: To authorize, with an offset, $100,000 for the Army for activation efforts with respect to the National Army Museum, Fort Belvoir, Virginia)

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

SEC. 305. NATIONAL ARMY MUSEUM, FORT BELVOIR, VIRGINIA.

(a) ACTIVATION EFFORTS.—The Secretary of the Army may carry out efforts to facilitate the commencement of development for the National Army Museum at Fort Belvoir, Virginia.

(b) FUNDING.—(1) The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby increased by $100,000.

(2) Of the amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army, as increased by paragraph (1), $100,000 shall be available to carry out the efforts authorized by subsection (a).

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $100,000.

AMENDMENT NO. 4151

(Purpose: To authorize, with an offset, $1,000,000 for research, development, test, and evaluation for the Navy for Force Protection Advanced Technology (PE0603123N) for development and demonstration of a full-scale high-speed permanent magnet generator)

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

SEC. 214. FULL-SCALE HIGH-SPEED PERMANENT MAGNET GENERATOR.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $1,000,000, with the amount of the increase to be allocated to Force Protection Advanced Technology (PE0603123N).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $1,000,000 may be available for development and demonstration of a full-scale high-speed permanent magnet generator.

(2) The amount available under paragraph (1) for development and demonstration of the generator described in that paragraph is in addition to any other amounts available in this Act for development and demonstration of that generator.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to Artillery Systems–Dem/Val (PE0603854A).

AMENDMENT NO. 4152

(Purpose: To modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index)

At the end of subtitle E of title VI, add the following:

SEC. 655. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

''(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.''.

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

AMENDMENT NO. 4153

(Purpose: To require a plan for a five-year program to enhance the measurement and signatures intelligence capabilities of the Federal Government)

At the end of subtitle C of title X, add the following:

SEC. 1035. PLAN FOR FIVE-YEAR PROGRAM FOR ENHANCEMENT OF MEASUREMENT AND SIGNATURES INTELLIGENCE CAPABILITIES

(a) FINDING.—Congress finds that the national interest will be served by the rapid exploitation of basic research on sensors for purposes of enhancing the measurement and signatures intelligence (MASINT) capabilities of the Federal Government.

(b) PLAN FOR PROGRAM.—(1) Not later than March 30, 2003, the Director of the Central Measurement and Signatures Intelligence Office shall submit to Congress a plan for a five-year program of research intended to provide for the incorporation of the results of basic research on sensors into the measurement and signatures intelligence systems fielded by the Federal Government, including the review and assessment of basic research on sensors for that purpose.

(2) Activities under the plan shall be carried out by a consortium consisting of such governmental and non-governmental entities as the Director considers appropriate for purposes of incorporating the broadest practicable range of sensor capabilities into the systems referred to in paragraph (1). The consortium may include national laboratories, universities, and private sector entities.

(3) The plan shall include a proposal for the funding of activities under the plan, including cost-sharing by non-governmental participants in the consortium under paragraph (2).

AMENDMENT NO. 4154

(Purpose: To require a report on volunteer services of members of the reserve components in support of emergency response to the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001)

At the end of subtitle C of title X, insert the following:

SEC. 1035. REPORT ON VOLUNTEER SERVICES OF MEMBERS OF THE RESERVE COMPONENTS IN EMERGENCY RESPONSE TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on volunteer services described in subsection (b) that were provided by members of the National Guard and other reserve components of the Armed Forces, while not in a duty status pursuant to orders, during the period of September 11 through 14, 2001. The report shall include a discussion of any personnel actions that the Secretary considers appropriate for the members regarding the performance of such services.

(b) COVERED SERVICES.—The volunteer services referred to in subsection (a) are as follows:

(1) Volunteer services provided in the vicinity of the site of the World Trade Center, New York, New York, in support of emergency response to the terrorist attack on the World Trade Center on September 11, 2001.

(2) Volunteer services provided in the vicinity of the Pentagon in support of emergency response to the terrorist attack on the Pentagon on September 11, 2001.

AMENDMENT NO. 4155

(Purpose: To authorize use of an amount of the authorization of appropriations for RDT&E for the Navy for the aviation-shipboard information technology initiative)

On page 26, after line 22, insert the following:

SEC. 214. AVIATION-SHIPBOARD INFORMATION TECHNOLOGY INITIATIVE.

Of the amount authorized to be appropriated by section 201(2) for shipboard aviation systems, up to $8,200,000 may be used for the aviation-shipboard information technology initiative.

AMENDMENT NO. 4156

(Purpose: To require the Secretary of the Navy to maintain the scope of the cruiser conversion program for the Ticonderoga class of AEGIS cruisers)

In subtitle C of title I, strike ''(reserved)'' and insert the following:

SEC. 121. MAINTENANCE OF SCOPE OF CRUISER CONVERSION OF TICONDEROGA CLASS AEGIS CRUISERS.

The Secretary of the Navy should maintain the scope of the cruiser conversion program for the Ticonderoga class of AEGIS cruisers such that the program—

(1) covers all 27 Ticonderoga class AEGIS cruisers; and

(2) modernizes the class of cruisers to include an appropriate mix of upgrades to ships' capabilities for theater missile defense, naval fire support, and air dominance.

AMENDMENT NO. 4157

(Purpose: To require the Secretary of Defense to expand the Department of Defense program of HIV/AIDS prevention educational activities undertaken in connection with the conduct of United States military training, exercises, and humanitarian assistance in sub-Saharan African countries)

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. DEPARTMENT OF DEFENSE HIV/AIDS PREVENTION ASSISTANCE PROGRAM.

(a) EXPANSION OF PROGRAM.—The Secretary of Defense is authorized to expand, in accordance with this section, the Department of Defense program of HIV/AIDS prevention educational activities undertaken in connection with the conduct of United States military training, exercises, and humanitarian assistance in sub-Saharan African countries.

(b) ELIGIBLE COUNTRIES.—The Secretary may carry out the program in all eligible countries. A country shall be eligible for activities under the program if the country—

(1) is a country suffering a public health crisis (as defined in subsection (e)); and

(2) participates in the military-to-military contacts program of the Department of Defense.

(c) PROGRAM ACTIVITIES.—The Secretary shall provide for the activities under the program—

(1) to focus, to the extent possible, on military units that participate in peace keeping operations; and

(2) to include HIV/AIDS-related voluntary counseling and testing and HIV/AIDS-related surveillance.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(a)(22) to the Department of Defense for operation and maintenance of the Defense Health Program, $30,000,000 may be available for carrying out the program described in subsection (a) as expanded pursuant to this section.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(e) COUNTRY SUFFERING A PUBLIC HEALTH CRISIS DEFINED.—In this section, the term ''country suffering a public health crisis'' means a country that has rapidly rising rates of incidence of HIV/AIDS or in which HIV/AIDS is causing significant family, community, or societal disruption.

AMENDMENT NO. 4158

(Purpose: To set aside $6,000,000 for the Aerospace Relay Mirror System (ARMS) Demonstration)

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

SEC. 214. AEROSPACE RELAY MIRROR SYSTEM (ARMS) DEMONSTRATION.

Of the amount authorized to be appropriated by section 201(3) for the Department of Defense for research, development, test, and evaluation for the Air Force, $6,000,000 may be available for the Aerospace Relay Mirror System (ARMS) Demonstration.

AMENDMENT NO. 4159

At the appropriate place insert:

AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated by Section 201(2) for research and development, test and evaluation, Navy, $4,000,000 may be available for requirements development of a littoral ship in Ship Concept Advanced Design PE 0603563N.

OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 201(2) for research and development, test and evaluation, Navy, the amount available for FORCENET in Tactical Command System, PE 0604231N is hereby reduced by an additional $4,000,000.

AMENDMENT NO. 4160

(Purpose: To provide for monitoring implementation of the 1979 United States-China Agreement on Cooperation in Science and Technology)

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. MONITORING IMPLEMENTATION OF THE 1979 UNITED STATES-CHINA AGREEMENT ON COOPERATION IN SCIENCE AND TECHNOLOGY.

(a) RESPONSIBILITIES OF THE OFFICE OF SCIENCE AND TECHNOLOGY COOPERATION.—The Office of Science and Technology Cooperation of the Department of State shall monitor the implementation of the 1979 United States-China Agreement on Cooperation in Science and Technology and its protocols (in this section referred to as the ''Agreement''), and keep a systematic account of the protocols thereto. The Office shall coordinate the activities of all agencies of the United States Government that carry out cooperative activities under the Agreement.

(b) GUIDELINES.—The Secretary of State shall ensure that all activities conducted under the Agreement and its protocols comply with applicable laws and regulations concerning the transfer of militarily sensitive and dual-use technologies.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than April 1, 2004, and every two years thereafter, the Secretary of State, shall submit a report to Congress, in both classified and unclassified form, on the implementation of the Agreement and activities thereunder.

(2) REPORT ELEMENTS.—Each report under this subsection shall provide an evaluation of the benefits of the Agreement to the Chinese economy, military, and defense industrial base and shall include the following:

(A) An accounting of all activities conducted under the Agreement since the previous report, and a projection of activities to be undertaken in the next two years.

(B) An estimate of the costs to the United States to administer the Agreement within the period covered by the report.

(C) An assessment of how the Agreement has influenced the policies of the People's Republic of China toward scientific and technological cooperation with the United States.

(D) An analysis of the involvement of Chinese nuclear weapons and military missile specialists in the activities of the Joint Commission.

(E) A determination of the extent to which the activities conducted under the Agreement have enhanced the military and industrial base of the People's Republic of China, and an assessment of the impact of projected activities for the next two years, including transfers of technology, on China's economic and military capabilities.

(F) Any recommendations on improving the monitoring of the activities of the Commission by the Secretaries of Defense and State.

(3) CONSULTATION PRIOR TO SUBMISSION OF REPORTS.—The Secretary of State shall prepare the report in consultation with the Secretaries of Commerce, Defense, and Energy, the Directors of the National Science Foundation and the Federal Bureau of Investigation, and the intelligence community.

AMENDMENT NO. 4161

(Purpose: To require biannual reports on foreign persons who contribute to the proliferation of weapons of mass destruction, and their delivery systems, by countries of proliferation concern)

At the end of subtitle C of title X, add the following:

SEC. 1035. BIANNUAL REPORTS ON CONTRIBUTIONS TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND DELIVERY SYSTEMS BY COUNTRIES OF PROLIFERATION CONCERN.

(a) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President shall submit to Congress a report identifying each foreign person that, during the six-month period ending on the date of such report, made a material contribution to the development by a country of proliferation concern of—

(1) nuclear, biological, or chemical weapons; or

(2) ballistic or cruise missile systems.

(b) FORM OF SUBMITTAL.—(1) A report under subsection (a) may be submitted in classified form, whether in whole or in part, if the President determines that submittal in that form is advisable.

(2) Any portion of a report under subsection (a) that is submitted in classified form shall be accompanied by an unclassified summary of such portion.

(c) DEFINITIONS.—In this section:

(1) The term ''foreign person'' means—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) The term ''country of proliferation concern'' means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear, chemical, and biological weapons) and advanced conventional munitions in the most current report under section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104–293; 50 U.S.C. 2366), or any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

AMENDMENT NO. 4162

(Purpose: To commend military chaplains)

On page 258, after line 24, insert the following:

SEC. 1065. COMMENDATION OF MILITARY CHAPLAINS.

(a) FINDINGS.—Congress finds the following:

(1) Military chaplains have served with those who fought for the cause of freedom since the founding of the Nation.

(2) Military chaplains and religious support personnel of the Armed Forces have served with distinction as uniformed members of the Armed Forces in support of the Nation's defense missions during every conflict in the history of the United States.

(3) 400 United States military chaplains have died in combat, some as a result of direct fire while ministering to fallen Americans, while others made the ultimate sacrifice as a prisoner of war.

(4) Military chaplains currently serve in humanitarian operations, rotational deployments, and in the war on terrorism.

(5) Religious organizations make up the very fabric of religious diversity and represent unparalleled levels of freedom of conscience, speech, and worship that set the United States apart from any other nation on Earth.

(6) Religious organizations have richly blessed the uniformed services by sending clergy to comfort and encourage all persons of faith in the Armed Forces.

(7) During the sinking of the USS Dorchester in February 1943 during World War II, four chaplains (Reverend Fox, Reverend Poling, Father Washington, and Rabbi Goode) gave their lives so that others might live.

(8) All military chaplains aid and assist members of the Armed Forces and their family members with the challenging issues of today's world.

(9) The current war against terrorism has brought to the shores of the United States new threats and concerns that strike at the beliefs and emotions of Americans.

(10) Military chaplains must, as never before, deal with the spiritual well-being of the members of the Armed Forces and their families.

(b) COMMENDATION.—Congress, on behalf of the Nation, expresses its appreciation for the outstanding contribution that all military chaplains make to the members of the Armed Forces and their families.

(c) PRESIDENTIAL PROCLAMATION.—The President is authorized and requested to issue a proclamation calling on the people of the United States to recognize the distinguished service of the Nation's military chaplains.

AMENDMENT NO. 4163

(Purpose: To grant a Federal charter to Korean War Veterans Association, Incorporated)

At the end of subtitle E of title X, add the following:

SEC. 1065. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Duty to maintain corporate and tax-exempt status.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.

"§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

''The purposes of the corporation are as provided in its articles of incorporation and include—

''(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

''(2) providing a means of contact and communication among members of the corporation;

''(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

''(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

''The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

''(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

''(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

''(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

''The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 120111. Annual report

''The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

''1201. Korean War Veterans Association, Incorporated .....120101''.

AMENDMENT NO. 4136

Mr. SANTORUM. Mr. President, I would like to note that the Senate authorizes $1.0M for efforts designed to enhance the development of key enabling robotics technologies that will support Army, Navy and Air Force transformational programs. These efforts will leverage and coordinate capabilities that exist in the federal government, industry, academia and not-for-profit entities.

The Department of the Army has embarked on a new and ambitious program to develop a Future Combat System (FCS). Robotic and unmanned systems are expected to play a role in the platforms that are developed to support this Objective Force initiative. In addition to FCS, the Air Force and the Navy are pursuing the development of unmanned aircraft and, in the case of the Navy, underwater unmanned platforms.

These funds are to be used to begin work and continue work on key robotics technologies that are identified by the Department of Defense and military services as essential to achieving transformational or leap ahead capabilities.

Currently, there is no single coordinated service-wide robotics initiative that will support military efforts to transform. The authorized funds would begin the process of advanced product development, prototype development, product testing, demonstration, and validation projects for defense-related unmanned and/or robotic platforms.

AMENDMENT NO. 4138

Mr. ROBERTS. Mr. President, I commend Ranking Member WARNER for his stewardship of the FY 2003 defense budget process in the Senate. We face many challenges to our national security in this day and age and I am thankful for his leadership. One of those emerging challenges we face is the terrorist threat to our food supply, specifically U.S. agriculture. On the federal, state, and local level, we need to establish procedures to detect, deter, and respond to large scale coordinated attacks against livestock and agricultural commodities. Toward that end, I ask the Senate to support my amendment to authorize, with an offset, $1,000,000 for research, development, test, and evaluation, for basic research for the chemical and biological defense program (PE 0601384BP) for research, analysis, and assessment of efforts to counter possible agroterrorist attacks. It is my hope that universities with established expertise in the agricultural sciences can conduct studies and exercises that lead to better coordination between federal, state, and local authorities as they attempt to detect, deter, and respond to large scale coordinated attacks on U.S. agriculture. Most importantly, I envision universities assisting the Department of Defense in determining what role—if any—our military or defense agencies play in countering agroterroism. I ask my colleagues to support my amendment. I thank the chair.

AMENDMENT NO. 4160

Mr. BYRD. Mr. President, the Fiscal Year 2002 Defense Appropriations Act directed the State Department to study and report on the United States-People's Republic of China Science and Technology Agreement of 1979, and its protocols. The Agreement has been the basis for nearly a quarter century of science and technology transfers from the U.S. to China by twelve agencies of our government.

While the Cox Report of 1999 detailed how private companies in the United States have transferred technologies that have aided the development of China's military, up until now there has never been an assessment of the joint scientific activities between the governments of the U.S. and China. As the report on the science and technology agreement states, this report ''is the first major analysis of the agreement in nearly 25 years and is intended to provide a comprehensive review of the agreement, its protocols, and their impact on the Chinese economy, military, and defense industrial base.''

The report, which was developed in close consultation with the U.S.-China National Security Review Commission, has been delivered to Congress. It is in both an unclassified form, with an executive summary and voluminous annexes, and in classified form, which is available in S–407 in the Capitol for my colleagues to review.

There are several troubling aspects of this report.

It makes clear, for example, that there is no coordinating mechanism to oversee the activities undertaken by the twelve agencies and dozens of offices and bureaus of our government that are carrying out the 1979 Agreement with China. In fact, the report, noting certain changes to the State Department bureaucracy in 1996, ''there has been no mechanism within the U.S. Government since then to keep a systematic account of protocols under the U.S.-China Science and Technology Agreement.'' Furthermore, this report was reportedly the first time that the intelligence community has had an opportunity to evaluate the range of programs that are underway.

According to the State Department, we have spent an average of $5 million in taxpayer funds over each of the last five years to carry out this Agreement and its protocols, yet there is no single office in our government that oversees the spider's web of the technology exchange programs that have spun from it.

The report fails to fully analyze the impact of the science and technology exchange programs on the development of Chinese military power. While it argues that the development of China's industrial and military power has been based primarily on its economic growth and its general efforts to acquire technology from the West, the State Department also states that ''the degree to which cooperative science and technology activities conducted under the Agreement may have contributed to China's economic and military growth is difficult to assess.'' That amounts to, at the very least, a mixed message.

The report also notes that there is no regular reporting requirement to Congress on the range and types of programs that are carried out under the Science and Technology Agreement. This lack of reporting indicates that no one is paying very much attention to what activities we are undertaking with regard to the Agreement. Just who is minding the store? Is anyone in the Executive Branch truly concerned with these technology transfer programs? Or is this Agreement considered just another means to smooth over the inevitable hiccups in relations between our countries?

Finally, to no surprise, the State Department provided no recommendations for improving the monitoring of the Science and Technology Agreement. In essence, the report argues

that whatever technology and scientific knowledge China might have gained through cooperative programs with the United States pales in comparison to the knowledge China has gained through other channels. The report points to the number of Chinese students studying in U.S. universities, China's investment policies, and scientific agreements with other countries as other routes for technology transfer.

The State Department's contention is akin to arguing that the Chinese are gorging so heartily on science and technology through universities, private industry, and other countries, that another few morsels from Uncle Sam cannot be very important. Ridiculous!

As a result of this analysis, the State Department's principal recommendation is to ''allow the Agreement to operate, as heretofore, without the encumbrance of any special monitoring mechanism, which we,'' referring to the State Department, ''do not believe is either necessary or desirable.''

I do not think that it is going out on a limb to suggest that the U.S.-China Science and Technology Agreement has been used as a balm to soothe the sore spots of our bilateral relations. As the State Department report says, ''In April 2001, at the height of the EP–3 plane incident, the U.S. and China quietly renewed the Science and Technology Agreement despite the severe chill in political/economic relations resulting from this diplomatic confrontation.''

It is astounding to note that in the very same month that a Chinese fighter jet crashed into one of our reconnaissance airplanes in international airspace, and the same month that China detained our military personnel after executing an emergency landing at a Chinese airfield, we ''quietly'' renewed this significant bilateral agreement. I wonder if the Secretary of Defense was aware of the renewal of this agreement at that time? I wonder if the President knew about it?

Mr. President, I do not think that it is wise to view the transfer of advanced technology and scientific knowledge as simply a diplomatic tool. The amendment I offer today takes very basic steps to improve oversight of the 1979 Science and Technology Agreement. The amendment simply designates the Office of Science and Technology Cooperation in the State Department as responsible for monitoring the Agreement. According to its report, the State Department has not even kept track of the sixty protocols to this Agreement since 1996. This needs to be changed. The amendment also requires the Secretary of State to see that activities carried out under the Agreement are consistent with our laws and regulations that prohibit the transfer of sensitive technology.

Further, the amendment establishes a reporting requirement so that the State Department will inform Congress every two years on what activities have taken place under the Agreement. As I stated earlier, the State Department report released in May 2002 was the first-ever comprehensive assessment of the implementation of the 1979 U.S.-China Science and Technology Agreement. It does not make sense to wait another 23 years for the next assessment.

Mr. President, China is embarking on a substantial military buildup. They are using technologies that have been acquired from a vast number of sources. It is hard to believe that our own government has been cooperating with China in exchanging scientific information that has the potential, in the words of the State Department, to facilitate China's military research programs. My amendment takes very simple steps to make sure that the government-to-government scientific exchanges that take place are focused on peaceful uses of technology. I urge my colleagues to support the amendment.

Mr. REID. Mr. President, let me say that there has been a tremendous amount of work done today. I know we were in long quorum calls and people could not see the work that has been done. But one very important amendment dealing with national missile defense was completed. That was done by voice vote after many hours of work. Then, today and this evening, staff, with Senators Warner and Levin, have approved almost 50 amendments. So this very important bill is on the way toward being completed.

We are going to vote in the morning on cloture. People will have to deal with germane amendments after that. But I just want to spread on the RECORD comments about the work done by the staffs, today and tonight, and the two managers of the bill.

Mr. WARNER. Mr. President, if I might address the Senate, I wish to express my appreciation to the distinguished majority whip. We did succeed on missile defense, but it could not have been done without the cooperation of the majority leader, the Republican leader, yourself, and our distinguished chairman, who departed a few minutes or so ago.

We did achieve a good deal of work. I am confident that tomorrow, with the support of all the Senators, we will achieve a landmark bill on behalf of the men and women in the armed services of this great Nation.

I thank all Members, and particularly the Presiding Officer for his patience and guidance throughout the day, and the Senate staff.

I thank my distinguished colleague and friend.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

CORPORATE RESPONSIBILITY

Mr. DURBIN. Mr. President, this morning's Wall Street Journal, on the front page, alerts us that WorldCom admits a $3.8 billion error in its accounting. ''The Firm Ousts Financial Chief and Struggles for Survival; SEC Probe Likely to Widen.''

As I come to the floor of the Senate this afternoon, the news from the stock market is not encouraging. But it hasn't been encouraging for a long period of time. At least since the Enron scandal we have been dealing not just with recession but with what we must term a crisis in corporate responsibility.

It is hard to imagine the ultimate impact this will have on average Americans and their families, let alone other businesses. But it really calls into question the responsibility and role of the Federal Government to respond to this crisis in corporate responsibility.

Very soon, we will be considering legislation reported from the Banking Committee that will seek to address some of the most glaring problems in corporate governance in America today. It is talking about the role of accounting firms that are serving both as consultants and auditors—in a dual and sometimes conflicting capacity—that will establish standards for regulation of accounting firms so there is more credibility in their findings for the American public. It will address a number of other areas, such as strengthening the SEC. I believe all of these things are long overdue.

When we return from the Fourth of July recess, the Senate will be addressing this issue. There will be differences of opinion. There will be some who will come to the floor and you will hear the debate. Some will argue to leave business alone, Government should not meddle. Yet the fact is that unless Government steps in in this situation offering sound advice, counsel, and regulation, we are going to continue to see this crisis in America's confidence in corporate institutions. There was a day when the robber barons ruled in America. Corporations, frankly, cared little or nothing about public opinion. The richest people in America were very powerful here on Capitol Hill. Those days hearken back to the era of Teddy Roosevelt, a Republican who came in and said: We are going to have an antitrust law and we are going to establish the agencies that we need to make certain business is regulated.

About 35 years later, along came a relative, Franklin Roosevelt, facing a recession which led to a depression, which again called into question whether Government was doing enough to regulate business. His decision to create the SEC and other key agencies restored confidence in American business.

I am afraid this year, in this new century, we face a similar challenge. If Congress shirks its responsibility, if the administration does not accept its responsibility, we will continue to see a decline not only in the stock market but in the savings, the pensions, the nest eggs of American families across the board.

We really call on the leaders in the business community to step forward—and there are many honorable, hard-working people who have done such a fine job in creating good business, good enterprises, opportunities for people to work and profits to be made. They need to step forward and make it clear that the good people in the business sector will not tolerate what we are reading day in and day out in the Wall Street Journal about corporate activity.

Recently, we had a hearing before the Governmental Affairs Committee and brought in some of the people from Enron who made the decisions. One of them a person I have admired for many years, who is a medical doctor in the Houston area, was head of the compensation committee for Enron. We asked him during the course of the hearing: How in the world could you justify hundreds of millions of dollars to individual corporate officials at Enron at a time when the company was clearly misleading the public?

He said: We had to do it. We were the seventh largest corporation in America and we had to have the seventh highest salary in America for a CEO.

It turned out the performance of the corporate officers really wasn't the important issue here; the question was, within that click, that fraternity, whether they were being compensated as their peers would expect.

What happened to the old days when an entrepreneur not only engaged in risk but accepted the consequences when it didn't work out? You don't see that these days. People are being compensated hundreds of millions of dollars in stock options and, with that compensation, we look at the corporate records and find companies are losing money.

The board of directors seems oblivious to the obvious. the People leading these corporations are not doing a good job managing. They are not creating the profitability for shareholders, and they are being rewarded with outrageous sums for salaries and stock options.

My colleague, Senator LEVIN of Michigan, who is not in the Chamber, has been a leader in the whole question of stock options and the impact these options have on corporate America. They create incentives for greed, incentives for falsification in terms of companies' profitability. Time and again, we have seen that these incentives have led to a disastrous outcome, such as the situation with WorldCom.

We are also seeing a gross disparity between the amount of money being paid to the average American working for a company and the compensation for officials at the highest levels. It is the greatest disparity in the history of our country. Truly, the rich are getting richer, the middle class is struggling, and the poor are getting poorer.

Kevin Phillips, who has written a book called ''Wealth and Democracy'' analyzes the disparity of wealth and income in America. Now, it is understood in this country that if you are willing to take a risk and work hard, you should be compensated. That is one of the great parts of America, part of the American dream. But we see at WorldCom and other corporations where they are falsifying their profitability, where the average person, whether buying a mutual fund or a share of this stock, could not have a clue as to the reality and honesty of the corporate books.

I say to President Bush and members of the administration: You cannot ignore this problem. This is a problem that calls for Presidential leadership and congressional leadership on both sides of the aisle. Those who want to take a hands-off, laissez-faire attitude toward this business crisis are inviting, unfortunately, even worse results in terms of our economy and our stock market.

There is a standing joke, I guess, some comedians talk about: My 401(k) has now become a 201(k).

I guess we can laugh a little about that, but the fact is many people I meet in my home State of Illinois talk about postponing retirement. They have to keep working because what they had hoped to rely on just isn't going to be there. Today, at end of the day, when we look at Dow Jones, and NASDAQ, and other reports from financial communities, I am afraid we are seeing that even more wealth in America has evaporated.

It is not because of this one corporation, WorldCom; it is because of this looming crisis in corporate responsibility, which is a specter over the economy of our Nation.

This calls on us to be honest and real in our dealings with corporate America. It is not just a matter of their reporting accurately as to whether they are profitable or losing money; it is a question of corporate conduct. We have to demand corporate responsibility when it comes to treating pensioners from their companies fairly. If a promise is made to someone that they will have health insurance and a pension, that corporation should not be allowed to escape that responsibility or that liability—to leave these poor people alone, after promises of a lifetime, and unprotected and unguarded with the perils of the economy literally at their door.

Secondly, we have to insist that corporations, when it comes to their conduct involving world trade, do the responsible thing for America. When Stanley Tools recently announced they were going to move their corporate operations to Bermuda to avoid American income taxes, this consumer said I will never buy another one of their products because, as far as I am concerned, if they can go to that Bermuda Triangle where their tax liability and American jobs disappear, they may as well disappear, too, as far as I am concerned.

That is the kind of corporate misconduct that has become rampant and is creating a cynicism among Americans about many corporate leaders, and that has to change.

In addition, when it comes to the whole question of the environment, time and time again, we find corporations that have created a toxic impact on the environment—those that have left behind toxic waste, for example, that are trying to escape liability.

It is an issue being debated over Superfund sites. A Superfund site is a place in America where a corporation has done business and left behind dangerous toxic waste. The question is, Who should pay to clean it up? I think the answer is simple. The polluters should pay it; the person who makes the mess should pay it. That is not what we are hearing from this administration. We are hearing: No, no, you cannot ask the businesses and corporate community to be responsible for their misconduct; the taxpayers in general should pay for the cleanup.

That is wrong, just plain wrong. That is not fair and it is not just.

This issue of corporate responsibility is rising as the Dow Jones falls. People across America are understanding that the great corporations and the great businesses that are truly the backbone and strength of our economy have to stand up and be responsible in their conduct.

As I said earlier, there are good ones. I know many great business leaders. In my State of Illinois and the city of Chicago, I can list dozens of them for you. But there are some who are bringing shame on this sector of the economy and the people who are dedicated to American business.

I hope this WorldCom scandal which has been announced this morning in the Wall Street Journal is a wake-up call not only for the President but for Congress as well.

I yield the floor.

AMERICA CANNOT AFFORD AN AMTRAK SHUTDOWN

Mrs. FEINSTEIN. Mr. President, I rise today to reiterate my steadfast and unwavering support for Amtrak.

I believe that President Bush, Transportation Secretary Norm Mineta, Amtrak President David Gunn, and the Congress need to work together immediately to prevent our passenger rail system from grinding to a halt and stranding millions of commuters coast to coast.

Amtrak's passenger rail service is an essential link in our transportation system and our economy.

Every day Americans use Amtrak and local commuter rail systems that

depend on Amtrak to get to and from work. And as we approach the July Fourth holiday, more and more Americans are relying on Amtrak trains for their vacation travel, especially this year because of security changes at our Nation's airports.

I cannot think of a worse time for Amtrak to have run out of money and I find it unconscionable that Members of Congress and the President are not unified to see that our trains continue to run.

What will happen if Amtrak shuts down? You can be sure the roads will jam up even more and air travel will become an even greater headache.

I agree with Secretary Mineta when he said Monday night that the burden is not on President Bush alone to save the rail system from bankruptcy. However, it is important to point out that President Bush alone can keep Amtrak out of bankruptcy by announcing today that he will approve the company's application for a $200 million loan guaranty and support an additional appropriation of $200 million in the supplemental appropriations bill that is now in conference negotiations.

Here is how I believe we must respond to the current situation. First, I believe the $200 million emergency loan guaranty that Amtrak needs to keep the trains running must be approved immediately. This $200 million will allow Amtrak to again find private financing that has dried up over the past several months because of the company's deteriorating financial condition.

Second, the members of the conference committee on the supplemental appropriations bill are trying to include a $200 million emergency appropriation for Amtrak. If this bill can emerge from conference negotiations this week and if the President agrees to sign the legislation, the funds will get to Amtrak before the July Fourth holiday.

Third, I have joined many of my colleagues in a commitment to work for $1.2 billion for Amtrak in fiscal year 2003. This is the amount Amtrak needs and I believe it is the amount Congress should deliver.

I cannot understand why President Bush continues to stand by his paltry budget request of $521 million and threaten to veto the Transportation appropriations bill if more than that amount is provided to Amtrak.

Fourth, I believe the Senate should take up Senator HOLLINGS' legislation to fund Amtrak for the next 5 years. The National Defense Rail Act would authorize $4.6 billion annually from 2003 to 2007 for passenger rail service. The legislation, which passed the Commerce Committee by a vote of 20–3 in April would fund rail security improvements, high speed rail development, and operational costs for existing rail routes.

I believe Congress must take each of these four steps to preserve and improve Amtrak.

I strongly believe that Amtrak is not a failure, it is the government that has failed Amtrak. If we do not properly fund our rail system, how do we expect it to thrive?

Since 1971, when Amtrak was founded, only $25 billion has been spent on passenger rail, compared to over $750 billion that has been invested in highways and aviation. The Federal Government has made a commitment to fund road construction and expand aviation capacity, but we have always come up short to provide fair funding for our rail system.

The Federal Government provided $15 billion in payments and loan guaranties to aid the airlines after the September 11 terrorist attacks. Why can't we provide $200 million to keep our trains running?

Imagine the chaos that will ensue if Amtrak does shutdown this summer. There will be even more traffic on our roads and air travel will slow down if trains are not an option for commuters heading to work or travelers on vacation.

On Monday, Senator BOXER and I wrote President Bush to ask him to approve Amtrak's $200 million loan guaranty. This letter illustrates how important Amtrak is to California and why a shutdown would threaten the State's economy.

As we mention in the letter, last week a transportation think tank declared southern California and the Bay Area as the two urban areas of the country with the longest traffic delays. Californians do not need any more gridlock.

Yet if Amtrak shuts down, thousands of people in California who depend on Amtrak service every day will be stranded. Amtrak trains that travel throughout the State and regional commuter trains could both grid to a halt if the $200 million loan guaranty is not forthcoming.

Since most rail lines in California are run by Amtrak or depend on Amtrak, everything is in jeopardy. These include three Amtrak routes funded by the State and the Federal Government: 1. the Capitol Corridor route between San Jose and Auburn; 2. the San Joaquin route between Oakland and Bakersfield; 3. the Pacific Surfliner route between San Diego and San Luis Obispo.

These are three of the most successful routes in the United States. In fact, all three are among the top five intercity rail corridors and the Pacific Surfliner is the fastest growing route in the nation. Overall the State of California has added 28 new daily trains since 1995 and over 1.5 million new passengers.

But a shutdown will also threaten some of California's largest regional transportation systems including: 1. Caltrain, the rail service between San Francisco and San Jose 2. Metrolink, Southern California's regional transit system 3. The Coaster, San Diego County's regional train.

In fact, on Monday Metrolink passengers in Southern California found these flyers on their seats. The flyer updates commuters on the imminent Amtrak shutdown and tells them to ''explore other commute options.''

This week I also received a letter from the North County Transit District on the impact an Amtrak shutdown will have on San Diego County's Coaster Commuter Rail Service.

It is clear to me that a shutdown of Amtrak will be devastating for rail passengers across the Nation. I believe we must act immediately to avoid it. I urge President Bush to provide a $200 million loan guaranty to prevent a shutdown of Amtrak service in California and the rest of the country.

I ask unanimous consent to print additional material in the RECORD.

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

U.S. SENATE,
Washington, DC, June 24, 2002.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to approve a $200 million federal loan guaranty to allow Amtrak to continue to operate. Amtrak is extremely important to California. After New York, California has the second highest ridership in the country. Without this funding, thousands of people in California who depend on Amtrak service every day will be stranded.

Just last week, a respected analyst rated Los Angeles and San Francisco-Oakland as the two urban areas of the country with the longest annual delays per rush-hour driver. Californians have gridlock. Without Amtrak, the 69,000 daily commuters that use the three Amtrak commuter train systems will not be able to get to work. These services also have financial support from the state of California, which spent $72 million in the state's fiscal year 2002.

Amtrak is important and growing outside the Northeast Corridor. For example, California has the second most traveled line in the country: the ''Pacific Surfliner''—from San Diego to Los Angeles. Amtrak West has increased the daily number of trains from 36 intercity trains in 1995 to 64 intercity trains in 2001, which is a 78 percent increase. All but three of these are in California. The number of passengers has increased by 52 percent and passenger related revenues have increased by 49 percent during the same period of time.

We strongly believe that the federal government must continue to support Amtrak and the partnership with the State of California for a viable national intercity passenger rail service. Again, we urge you to provide a $200 million loan guaranty to prevent a shutdown to Amtrak service in California and the rest of the country.

Sincerely,

DIANNE FEINSTEIN,
United States Senator
BARBARA BOXER,
United States Senator

METROLINK COMMUTER
June 24, 2002.

DEAR METROLINK COMMUTERS: Within the last few weeks, the nation learned that Amtrak is facing urgent financial challenges to continue national passenger rail services through the end of the federal fiscal year (October 2002). As of June 19, 2002, Amtrak

had not been able to secure a needed $200 million bank loan. David L. Gunn, the newly appointed Amtrak CEO, testified before a U.S. Senate Sub-committee on that day that failure to obtain $200 million in federal loan guarantees or cash by July 1 would leave him no choice but to begin an orderly shutdown of rail passenger service nationwide, to place the company into bankruptcy, and to place the corporation's assets under a court appointed trustee.

You may be aware that Metrolink dispatchers, locomotive engineers and conductors are provided under a contract with Amtrak. Our contract with Amtrak is similar to many other passenger rail operator contracts with Amtrak throughout the country. The Metrolink contract, which expires on June 30, 2004, covers all Amtrak costs of providing the 145 Amtrak employees needed to dispatch trains and to operate Metrolink's 138 weekday trains and 32 weekend trains.

At this time, we have no additional information as to exactly how a shutdown of Amtrak passenger rail service would affect Metrolink. Metrolink sent Amtrak and federal officials a letter on June 10th stating that no federal subsidies are used for the Metrolink contract and that there should be no cash flow concerns for Amtrak by continuing to provide the contract services. To date, Amtrak has not provided a response. We have also begun to explore the limited options we have to try to avoid an interruption in Metrolink services in case Amtrak is unable or unwilling to meet its contractual obligations. In order to ensure uninterrupted safe operation of Metrolink, we need the continued availability of the existing Amtrak certified and qualified employees.

While we encourage you to purchase your July Metrolink fare media as usual, you should also explore other commute options. Should Metrolink services be interrupted we will reconcile any fare payment issues. We also will provide updated information through the media, on our website (www.metrolinktrains.com), and with fax and email updates to the employee transportation coordinator that participate in our Corporate Pass Program. You may also call (800) 371–LINK.

We apologize for any inconvenience or uncertainty that this potential Amtrak action may have. We have hope that Amtrak and the federal government can secure the needed funding to avert the crisis.

DAVID SOLOW, *CEO*

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Building, Room 331, Washington, D.C.

DEAR SENATOR FEINSTEIN: On behalf of the Southern California Regional Rail Authority, operators of Metrolink, I am writing to urge your support for an immediate Amtrak loan guarantee. We contract with Amtrak to provide our commuter rail service throughout six counties of Southern California. If bridge funds are not provided to Amtrak, our service is at risk for shutting down as well.

As you are probably aware, David Gunn, Amtrak's new president recently announced that Amtrak needs a $200 million loan guarantee by June 30th from Congress or the company will have to begin an orderly shutdown of all services. Metrolink dispatchers, locomotive engineers and conductors are provided under a contract with Amtrak. Our contract with Amtrak is similar to many other passenger rail operator contracts with Amtrak throughout the country. The Metrolink contract, which expires on June 30, 2004, covers all Amtrak costs of providing the 145 Amtrak employees needed to dispatch trains and to operate Metrolink's 138 weekday trains and 32 weekend trains.

Our commuter rail services are obtained through cost-reimbursement contracts. This means we are not subsidized by Amtrak. Nonetheless, Amtrak has been unable to ensure continued Metrolink commuter rail service. In order to ensure uninterrupted safe operation of Metrolink, we need the continued availability of the existing Amtrak certified and qualified employees.

Metrolink operates in the nation's most congested region. Shutting down our service will not only impact our ridership—34,000 daily—but also contribute to increased peak hour congestion on the highways. Metrolink removes one lane of traffic during peak hours on the highways we parallel. Without our service, those lanes will be flooded again with frustrated drivers.

Please contact President Bush to request his support for Amtrak's request of $200 million in loan guarantees. We respectfully urge you to work with Congress to ensure continued operation of passenger rail and the contract services upon which Metrolink depends.

Sincerely,

DAVID SOLOW,
Chief Executive Officer.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to you on behalf of the North San Diego County Transit Development Board to request your support for Amtrak and its provision of NCTD's ''Coaster'' Commuter Rail Service in San Diego County.

David Gunn, Amtrak's new President, has recently announced that unless Amtrak receives a $200 million loan guarantee by the end of this month, the company will have no choice but to shut down all passenger train services nationwide. NCTD, along with three other public agencies in California, contract with Amtrak for the operation of critical commuter rail and inter-city rail services. Our commuter rail services are obtained through cost-reimbursement contracts and do not contribute to the national subsidy requirements for Amtrak's overall network. Nevertheless, Amtrak has been unable to provide assurance of continued commuter rail service operation for the Coaster.

The shutdown of commuter rail service in San Diego County would severely impact 5,000 Coaster passengers per day, add significantly to peak hour freeway congestion, and reduce regional mobility. Due to the complex requirements of railroad operations, Amtrak's services cannot be readily replaced overnight if Amtrak shuts its doors.

Please contact the President to request his support for Amtrak's request for $200 million in loan guarantees, and work with Congressional leaders to ensure continued operation of passenger rail and the contract services upon which Coaster operations depend.

Sincerely,

THOMAS P. WALTERS,
Washington Representative.

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 last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 4, 2000 in Casper, WY. A man was arrested on charges of firing shots at a group of people watching a Fourth of July fireworks display in what police described as a hate crime. Johnny Lee Hodge, who is white, was being held on $100,000 bond after firing a shotgun at least three times at several black men and pointing a gun at the head of a teenage Indian girl, authorities said. Hodge made racial slurs before shooting at the group.

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

ADDITIONAL STATEMENTS

10TH ANNIVERSARY OF THE TOWNSHIP OF PRINCETON, NEW JERSEY AND THEIR SISTER CITY PETTORANELLO, ITALY

• Mr. TORRICELLI. Mr. President, I rise today to recognize the 10th anniversary of the renewed sister city relationship between the Township of Princeton, NJ, and the village of Pettoranello, Italy. Over the past 10 years the township and village have formed a strong bond and benefitted greatly from their relationship.

Guiseppe Perna and Achille Carnevale, sons of the village of Pettoranello, came to Princeton in the 1850s. They, along with the many immigrants who followed, built much of the Princeton community and University that still stands today. The people of Pettoranello had a great influence on the Princeton community that continues to be felt. Those first immigrants from Pettoranello brought not only their families, but also their traditions while maintaining strong ties to their village in Italy.

In 1994, a group of Princeton citizens led by Mayor Phyllis L. Marchand visited Mayor Antonio Camillo Paolino and the village of Pettoranello, renewing the special sister city relationship between the two municipalities. Over the years, the Township of Princeton continues to recognize the ties that bind the Princeton community and the village of Pettoranello, Italy. The two sister cities have gained a great deal from each other through the exchange of music, athletics, medicine and literature.

So, I join with people of the Township of Princeton, NJ, and Pettoranello, Italy, in saluting the 10th anniversary of the renewed sister city relationship between these two municipalities. May their spirit of friendship and continued exchange of ideas and goods be a model for all of us to admire and emulate.•

TRIBUTE TO ROBERT J. SEMLER

• Mr. KENNEDY. Mr. President, I rise today joined by my New England colleagues Senators Jeffords, Kerry, Snowe, Reed, Dodd, Gregg, Lieberman, Chafee, Collins, and Leahy to congratulate Robert J. Semler as he ends an impressive career as the Regional Administrator for the Department of Labor. Since 1985, Bob has been responsible for the administration of the Federal employment and training programs throughout New England. He has ensured that workers and employers in New England understood and took advantage of the opportunities in the Job Training Partnership Act, the School-to-Work Act, the Welfare-to-Work Act, and most recently in the Workforce Investment Act. He has taken federal programs from print to the people and made every program work for the particular needs of New England.

During his 33-year career with the Department of Labor Bob has actively tried to meet the needs of employers and employees, understanding that economic development means investing in people. He has made the six New England States operate as a region, and with that collaboration has come a renewed commitment to the cross-State initiatives that have allowed our region to remain competitive in attracting new industries.

Bob's commitment to people began with his time with the Peace Corps. From 1964 to 1970 he served as the Western Venezuela Regional Director overseeing Peace Corps volunteers and programs that worked with community development, health initiatives and agricultural cooperatives. He took the lessons learned in community building and imbedded those beliefs in the implementation of job training policy over the next 27 years.

Countless New England workers have raised their skills and found better jobs because of the work of Bob Semler, and it is with great pride and genuine affection that we recognize his impressive contributions to our region and wish him all our best as he begins the next phase in his impressive career.•

FREE OVER-THE-AIR BROADCASTING

• Mr. HUTCHINSON. Mr. President, I rise today to recognize the important role that free, over-the-air broadcasting plays in local communities.

Every 2 years, the National Association of Broadcasters conducts an industry-wide census of television and radio broadcasters' public service efforts. The results from the most recent census found that America's radio and television stations contributed a staggering $9.9 billion in service to their local communities throughout 2001.

The President has spoken in recent months of how Americans have rediscovered the value of service. Today, I would like to applaud an industry that consistently demonstrates how small business can weave itself into the fabric of a community and play a vital role in helping others.

In my home State, radio and television stations often assist local charities and non-profits. It is estimated that local Arkansas television and radio stations' community service efforts during 2001 amounted to over 71 million dollars.

During 2001, KPOM–TV in Fort Smith continued its partnership with the Salvation Army to support the charity's year-end Red Kettle Drive. The event netted a quarter of a million dollars to support needy families in the surrounding area. On their end, KPOM ran a schedule of 10 public service announcements per day to support the effort.

Local Arkansas stations have also actively worked to promote health and health awareness in their communities. In Little Rock, radio stations KURB–FM and KLAL–FM were official sponsors and hosts of this year's Arkansas Race for the Cure benefit for the Susan G. Komen Breast Cancer Foundation. Thanks to these stations' promotional activities, more than 34 thousand people participated, bringing in more than 1.6 million dollars to fight cancer. In Mountain Home, AM and FM stations KTLO and KCCT–FM partner every year to put on a Senior Fair and Hospital Expo. The event brings in more than 3,000 senior citizens every year for free health tests, information and referrals. In Jonesboro, KAIT–TV conducted an active Public Service Announcement campaign to promote prostate cancer awareness. The on-air effort included interviews with prostate cancer survivors in the community. The timing of the campaign coincided with a local hospital's program to provide free screenings for area men.

While $9.9 billion is an impressive figure, what is most impressive about broadcasters' community service work is that each station endeavors to meet the community's unique needs. The efforts of broadcasters are as diverse as the different communities they serve. Local broadcast stations serve every community differently.

In this new era, I think it is important that we recognize those among us who have a solid record of service. And so to my local Arkansas broadcasters, I would like to say thank you. We appreciate everything that you do to make our communities and our lives better, and we sincerely hope that you will keep up the good work.•

SALUTING SOUTH CAROLINA CREDIT UNIONS

• Mr. HOLLINGS. Mr. President, as we watch our budget deficits going up, up, and away, I take solace in knowing that today in South Carolina we are teaching our teenagers the real value of money.

The South Carolina Credit Union League, in conjunction with the Clemson Cooperative Extension, is furnishing materials to teachers throughout the State to help build financial literacy among our teenagers. Teenagers spend $155 billion a year nationwide, yet only 10 percent have any financial training in high school. It is imperative that they learn, as early as possible, sound fiscal habits. I thank the credit unions in South Carolina for taking on this initiative, which is part of a nationwide effort, spearheaded by the National Endowment for Financial Education.

To recognize the important role high school teachers play in this effort, the credit unions also recently named Sue Dillon, a teacher at Spring Valley High School in Columbia, SC, as the Financial Literacy Educator of the Year. Her commitment to students' financial knowledge is reaching hundreds of young people in five South Carolina schools. Since today's high school graduates stand to earn more than $1 million as adults, the lessons Ms. Dillon teaches may be some of the most valuable her students ever learn. I congratulate her on receiving this honor.•

TRIBUTE TO RAY UHALDE

• Mr. KENNEDY. Mr. President, I want to pay a special tribute to a great public servant who is retiring later this month after nearly 25 years of tireless and effective service. Raymond J. Uhalde has served as Deputy Assistant Secretary of Labor for Employment and Training for the past 8 years. As the senior career professional in the Employment and Training Administration (ETA), he provided executive direction for its $11 billion annual budget and 1300 employees. Ray also served as acting Assistant Secretary from 1996 to 1998, and held other key policy positions during his tenure at the Department of Labor. As Deputy Assistant Secretary, he led important initiatives that improved the nationwide systems of job training, job placement, and income support that are administered by ETA. These public investments help millions of Americans increase their job skills, make smoother transitions between jobs, and improve their wage levels. They also help employers find the skilled workers they need. As a result, family incomes and our nation's prosperity have both improved.

Ray has received many accolades for his leadership over his years of service, including recognition by President Clinton in awarding him with the rank of Meritorious Executive in the Senior Executive Service, as well as the Department of Labor's most prestigious career award, the Philip Arnow Award for excellence. But what stands above even these awards is Ray's unquestionable integrity and professionalism on a bipartisan basis. Ray enjoys a great deal of respect for his leadership and skill in shaping employment policy from Members of Congress and their staffs on both sides of the aisle, enabling him to be an effective representative for the Department of Labor

through several different Administrations.

His work has made a real difference in the lives of millions of Americans. His legislative and administrative skills have played critical roles in the enactment and implementation of many important bills including the Workforce Investment Act, a 5-year effort which fundamentally reformed the Nation's job training system; the Welfare to Work program, which has helped transition welfare recipients to gainful employment; and the reauthorization of the Older Americans Act, which assists low income seniors earn a paycheck while providing important community services. The passage and administration of each of these acts was due in large part to Ray's personal skills and dedicated efforts to assist in the development of consensus bills that would reflect the Administration's priorities and help Americans in need.

I am also grateful for his help and advice over the years on a range of immigration issues facing the Department of Labor. Ray embraced our immigrant heritage, but also understood the importance of strengthening our immigration laws to ensure they would not be misused by those who sought to bring in immigrants to abuse them with substandard wages and working conditions, and to displace U.S. workers.

These efforts represent only a small fraction of the most recent accomplishments that mark Ray's career at the Department of Labor. His fellow workers in the Department of Labor and throughout the administration will sorely miss his wisdom and guidance, as will State and local workforce development leaders in every corner of the Nation. While I am sad to see Ray leave the civil service, I am happy to know that he is going to become Co-Director of the Workforce Program at the National Center on Education and the Economy, where I look forward to continuing to work with him in the years to come on issues involving workforce development—a crucial social policy area in helping all Americans to become full participants in the economic, social and political life of this great country.●

TRIBUTE TO RICHARD PEMBROKE

● Mr. JEFFORDS. Mr. President, I rise today to congratulate Richard ''Dick'' Pembroke, Chairman of the Vermont House Transportation Committee, on his 16 years of service to Vermonters in the Legislature.

Dick has decided to retire from politics after a career largely devoted to solving Vermont's transportation problems. And to be sure, he understands the importance of a farsighted and diverse plan to meet Vermonter's transportation needs.

But Dick will be remembered for more than just good transportation policies for routes around Vermont. He was a politician in the finest sense. Bipartisan majorities consistently elected him, giving him the largest numbers of votes in his two-seat district. He rightly considered consensus, negotiation, and compromise as the key ingredients of good politics.

His attitude of cooperation in Montpelier spoke to voters so much, that he never had to spend more than a few dollars on his campaigns. He was repeatedly re-elected because of his exceptional spirit to get important things done. He used the legislative process for the benefit of all and the detriment of none.

His daily work in the Legislature was honest, and he served his district and Vermont to the best of his abilities. As a Vermonter, I would like to thank Dick for his years of service in the State House.

I am sure that his retirement from politics will never keep Dick from calling me to discuss the issues that he thinks I should care about. And if an issue is important to Dick, it should be important to all Vermonters.

My congratulations to Dick, and good luck.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4623. An act to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes.

H.R. 4679. An act to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders.

H.R. 4846. An act to amend title 31, United States Code, to clarify the sources of silver for bullion coins, and for other purposes.

H.R. 4858. An act to improve access to physicians in medically underserved areas.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4623. An act to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; to the Committee on the Judiciary.

H.R. 4679. An act to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders; to the Committee on the Judiciary.

H.R. 4846. An act to amend title 31, United States Code, to clarify the sources of silver for bullion coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4858. An act to improve access to physicians in medically underserved areas; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill read the second time, and placed on the calendar.

H.R. 3971. An act to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3937. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1227: A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes. (Rept. No. 107–179).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1325: A bill to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes. (Rept. No. 107–180).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 601: To redesignate certain lands within the Craters of the Moon National Monument, and for other purposes. (Rept. No. 107–181).

H.R. 2440: A bill to rename Wolf Trap Farm Park as ''Wolf Trap National Park for the Performing Arts'', and for other purposes. (Rept . No. 107–182).

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. DODD (for himself and Mr. CHAFEE):

S. 2681. A bill to provide for safe equestrian helmets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMPSON:

S. 2682. A bill to provide for reliquidation and payment of antidumping duties on certain entries of televisions; to the Committee on Finance.

By Mr. HUTCHINSON:

S. 2683. A bill to amend the Internal Revenue Code of 1986 to clarify that church employees are eligible for the exclusion for qualified tuition reduction programs of charitable educational organizations; to the Committee on Finance.

By Mrs. CLINTON:

S. 2684. A bill to amend the Atomic Energy Act of 1954 to establish a task force to identify legislative and administrative action that can be taken to ensure the security of sealed sources of radioactive material, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 2685. A bill to amend the Black Lung Benefits Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. LEVIN):

S. 2686. A bill to strengthen national security by providing whistleblower protections to certain employees at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI:

S. 2687. A bill to facilitate the extension of the Alaska Railroad for national defense purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself and Mr. ALLEN):

S.J. Res. 39. A joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. LOTT, Mr. BYRD, Mr. LEAHY, Mr. WARNER, Mr. REID, Mr. BINGAMAN, Mr. JOHNSON, Mr. DEWINE, Mr. MCCAIN, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 292. A resolution expressing support for the Pledge of Allegiance; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. DODD, Mr. FEINGOLD, Mrs. CLINTON, and Mr. WELLSTONE):

S. Con. Res. 124. A concurrent resolution condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for victims of those practices; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 351

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 917

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. CLINTON) 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. 1132

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1132, a bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the names of the Senator from Nevada (Mr. REID) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2108

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2108, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2268

At the request of Mr. MILLER, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2317

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2430

At the request of Mr. BREAUX, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2430, a bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes.

S. 2552

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2552, a bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education.

S. 2611

At the request of Mr. REED, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2625

At the request of Mr. GRAHAM, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2625, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2628

At the request of Mr. CORZINE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2628, a bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the temporary assistance to needy families program and to allow financial education to count as a work activity under that program.

S. 2636

At the request of Mr. TORRICELLI, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2636, a bill to ensure that the Secretary of the Army treats recreation benefits the same as hurricane and storm damage reduction benefits and environmental protection and restoration.

S. 2637

At the request of Mr. CONRAD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2637, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund and 1992 Benefit Plan by providing additional sources of revenue to the Fund and Plan, and for other purposes.

S. 2649

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. REED), the Senator from North Carolina (Mr. EDWARDS), the Senator from Iowa (Mr. HARKIN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2649, a bill to provide assistance to combat the HIV/AIDS pandemic in developing foreign countries.

S. 2667

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

S.RES. 258

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 258, a resolution urging Saudi Arabia to dissolve its ''martyrs'' fund and to refuse to support terrorism in any way.

S.RES. 266

At the request of Mr. ROBERTS, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S.Res. 266, a resolution designating October 10, 2002, as ''Put the Brakes on Fatalities Day.''

AMENDMENT NO. 3615

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 3615 proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3986

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3986 intended to be proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2681. A bill to provide for safe equestrian helmets, and for other purposes; to the Committee on Commerce, Science, and Transporation.

Mr. DODD. Mr. President, I rise today with my colleague from Rhode Island, Senator CHAFEE, to introduce legislation to provide greater safety for children and adults who ride horses in the United States. Each year in our country, nearly 15 million people go horseback riding. Whether it be professionally or for pleasure, Americans of all ages and from all walks of life enjoy equestrian sports. And, while everyone acknowledges that horseback riding is a high-risk activity, there are serious issues related to equestrian sports that can and should be addressed.

I first became aware of the problem of equestrian helmets when Kemi O'Donnell, a constituent of mine in Connecticut, called by office to relate her family's tragic experience. The story she shared opened my eyes to the danger posed by certain equestrian helmets. In 1998 Kemi's daughter, Christen O'Donnell, was a young 12-year-old resident of Darien, CT, and a 7th-grader at New Canaan Country School. Active and sporty, Christen was a talented intermediate rider who had 5 years or riding experience under her belt when she mounted her horse on the morning of August 11. As always, Christen wore a helmet and was accompanied by here trainer when she began a slow walk through the ring. Suddenly, without warning, the horse she was riding shook its head, and Christen was thrown off onto 4 inches of sand. Even though her horse was only at a walk, and Christen was wearing a helmet, that helmet offered her little protection, and she sustained severe head injuries as a result of the fall. She was rushed to Stamford hospital where, despite efforts to save here, she died the next day. The magnitude of their loss has been compounded by the thought that, had Christen been wearing a better constructed helmet, it is possible she could have survived this accident.

My colleagues may be shocked to learn, as Christen's parents were, that there are no government standards in existence for the manufacturing of equestrian helmets. Some helmets are voluntarily constructed to meet strict American Society of Testing and Materials, ASTM, testing requirements, but the vast majority of helmets sold in the United States offer little or no real protection and are merely cosmetic hat, a form of apparel. Frequently, parents of young riders like Christen, and even more mature riders, do not know that they are buying an untested and unapproved item when they purchase a riding helmet. Indeed, most riders believe that when they buy a helmet at the store, they are purchasing a product that meets standards designed to provide real and adequate head protection. Bike helmets are built to minimum safety requirements, as are motorcycle helmets.

Apparel helmets, like the one worn by Christen, offer little or no head protection, while ASTM-approved helmets are designed to significantly reduce head injury. The difference in aesthetic design between the two is minimal, but the underlying support structures of these types of helmet are substantial. ASTM-approved helmets offer a high degree of head protection, increase the survivability of equestrian accidents and, in my view, should be the standard for all equestrian helmets.

This lack of adequate safety standards in riding helmets is why USA Equestrian, (USAEq), one of the largest

equestrian organizations in the country, recently mandated that ASTM-approved helmets must be worn in all USAEq-sanctioned events. While this decision effectively eliminates the danger posed by ''apparel helmets'' at these events, each day many more students ride in lessons and in private shows that are not USAEq-sanctioned. For their safety, I believe that Congress should establish minimum safety standards for all equestrian helmets sold in the United States, so that all riders can obtain headgear that offers actual protection against head injury. This not an unprecedented suggestion. As I stated before, Congress has already acted to similarly ensure the safety of bike helmets. The legislation that I and Senator Chafee introduce in Christen's memory today is modeled on this successful bike helmet law and would go a long way toward reducing the mortality of equestrian accidents.

The Christen O'Donnell Equestrian Helmet Safety Act would require that the Consumer Product Safety Commission establish minimum requirements, based on the already proven ASTM standard, for all equestrian helmets in the United States. Thus, there would be a uniform standard for all equestrain helmets, and riders could be confident that the helmet they buy offers real head protection. Let me be clear. This modest legislation does not mandate that riders wear helmets. That is a matter better left to individual States. But, it would take a significant step toward improving the survivability of equestrian accidents and would bring the United States in line with other industrialized countries with sizable riding populations. Countries like Australia and New Zealand have enacted similar helmet safety legislation, and the European Union has set standards to make sure that helmets for equestrian activities meet continental standards. It is time for the United States to take similar steps.

This bill is supported by a wide-ranging coalition of equestrian, child safety, and medical groups. This bill has received the endorsement of USA Equestrian, one of the nation's largest equestrian groups, the National SAFEKIDS coalition, an organization dedicated to preventing accidental injury to children, and the Brain Trauma Foundation, a leading medical group dedicated to preventing and treating brain injury. Further, in the ''Chronicle of the Horse,'' the trade publication for the Masters of Foxhounds Association, the U.S. Equestrian Team, the U.S. Pony Clubs, the National Riding Commission, the Foxhound Club of North America, the National Beagle Club, the U.S. Dressage Foundation, the American Vaulting Association, the North American Riding for the Handicapped Association, and the Intercollegiate Horse Show Association, an article was published endorsing the ASTM rule. Given the wide range of organizations that endorse this bill, or have endorsed the ASTM rule, it is clear that riders, coaches, and medical professionals alike recognize the need for a standard, tested helmet design.

I would like to draw my colleague's attention to some alarming statistics that further demonstrate the importance and expediency of this bill. Emergency rooms all across America have to deal with an influx of horse-related injuries each year. Nationwide in 1999, an estimated 15,000 horse-related emergency department visits were made by youths under 15 years old. Of these injuries, head injuries were by far the most numerous and accounted for around 60 percent of equestrian-related deaths. These injuries occurred, and continue to occur, at all ages and at all levels of riding experience. That an inadequately protected fall from a horse can kill is not surprising when you examine the medical statistics. A human skull can be shattered by an impact of less than 6.2 miles per hour, while horse can gallop at approximately 40 miles per hour. A fall from two feet can cause permanent brain damage, and a horse elevates a rider to eight feet or more above the ground. These statistics make it evident that horseback riding is a high-risk sport. While all riders acknowledge this fact, reducing the risk of serious injury while horseback riding is attainable through the use of appropriate head protection. We should pass this bill, and pass it soon, to ensure that head protection for equestrian events is safe and effective.

American consumers deserve to be confident that their protective gear, should they choose to wear it, offers real protection. I urge my colleagues to support this bill, and 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. 2681

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 ''Christen O'Donnell Equestrian Helmet Safety Act of 2002''.

SEC. 2. STANDARDS FOR EQUESTRIAN HELMETS.

(a) IN GENERAL.—Equestrian helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—

(1) the interim standard specified in subsection (b), pending the establishment of a final standard pursuant to subsection (c); and

(2) the final standard, once it has been established pursuant to subsection (c).

(b) INTERIM STANDARD.—The interim standard is the American Society for Testing and Materials (ASTM) standard designated as F 1163.

(c) FINAL STANDARD.—

(1) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(A) review the requirements of the interim standard specified in subsection (b) and establish a final standard based on such requirements;

(B) include in the final standard a provision to protect against the risk of helmets coming off the heads of equestrian riders;

(C) include in the final standard provisions that address the risk of injury to children; and

(D) include any additional provisions that the commission considers appropriate.

(2) INAPPLICABILITY OF CERTAIN LAWS.—Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection, and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding.

(3) EFFECTIVE DATE.—The final standard shall take effect 1 year after the date it is issued.

(d) FAILURE TO MEET STANDARDS.—

(1) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, an equestrian helmet that does not conform to the interim standard as required under subsection (a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(2) STATUS OF FINAL STANDARD.—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

9c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Consumer Product Safety Commission to carry out activities under this section, $700,000 for fiscal year 2003, with the amount to remain available until expended.

(f) EQUESTRIAN HELMET DEFINED.—In this section, the term ''equestrian helmet'' means a heard-shell head covering intended to be worn while participating in an equestrian event or activity.

By Mr. ROCKEFELLER:

S. 2685. A bill to amend the Black Lung Benefits Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, coalminers in this country have risked their lives and limbs, making enormous sacrifices to fuel our nation. We owe them the respect and benefits they have earned. Sadly, these miners' families are being abandoned in their time of greatest need: when they are coping with the devastating loss of a loved one from black lung disease. Current policy arbitrarily forces some widows of black lung victims to wade through bureaucracy to prove and reprove their spouse's illness, and this simply is not right.

The Black Lung Disability Trust Fund was created to assist miners who were terminated prior to 1970, or who worked in mines where no mine operator can be assigned health care liabilities. The Black Lung Benefits Act, BLBA, was amended in 1981 to strengthen the finances of the Trust Fund, but it made it extremely difficult for those suffering from black lung to qualify for benefits.

Currently, there are two very different standards governing entitlement to benefits for the spouses of deceased black lung victims. In the event that a Trust Fund beneficiary died prior to

January 1, 1982, benefits rightly continue uninterrupted to the surviving spouse. But if the beneficiary died or dies after January 1, 1982, the surviving spouse must file a new claim to benefits and must prove that the miner was already deemed eligible to receive benefits.

This issue affects more than 11,000 West Virginia retirees and their survivors, as well as another 51,000 black lung families across the country. I have introduced legislation that would begin to rectify the failures of the Black Lung Benefits Act. It is a companion to legislation Representative RAHALL introduced in the House. The Black Lung Benefits Survivors Equity Act of 2002 would give benefits to widows of black lung victims, benefits that these women rightfully deserve.

Linda Chapman, one very strong and courageous woman from Spencer, WV, tragically lost her husband, Carson, to black lung disease last January. On top of this tragedy, she was denied survivor benefits simply because of the BLBA's double standards. But rather than giving up, Linda stood up.

On behalf of the surviving widows of black lung victims, she walked several hundred miles from Charleston, WV, to Washington, DC, to generate public interest and to get the attention of lawmakers as well. I applaud Mrs. Chapman's efforts, and was pleased to meet her when she arrived in Washington.

I hope this Senate will act quickly to remedy this problem for Mrs. Chapman and other black lung widows like her. After all that they have endured, these women should not have to fight against bureaucracy simply to obtain the survivors' benefits due them.

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. 2685

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 ''Black Lung Benefits Survivors Equity Act of 2002''.

SEC. 2. EQUITY FOR CERTAIN ELIGIBLE SURVIVORS.

(a) REBUTTABLE PRESUMPTION.—Paragraph (4) of section 411(c) of the Black Lung Benefits Act (30 U.S.C. 921(c)(4)) is amended by striking the last sentence.

(b) CONTINUATION OF BENEFITS.—Section 422(l) of the Black Lung Benefits Act (30 U.S.C. 932(l)) is amended by striking '', except with respect to a claim filed under this part on or after the effective date of the Black Lung Benefits Amendments of 1981''.

By Mr. GRASSLEY (for himself and Mr. LEVIN):

S. 2686. A bill to strengthen national security by providing whistleblower protections to certain employees at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. GRASSLEY. Mr. President, I, along with Senator LEVIN, am pleased to introduce a bill, the Airport Employee Whistleblower Protection Act of 2002, that will enhance airport and air travel safety. It will do this by protecting all security screeners at all airports from reprisal for blowing the whistle on security violations, not just the select few who are currently protected. As my colleagues know, I have long believed that a good government is an accountable government, and whistleblower protection laws go a long way toward making government accountable.

This is particularly true when it involves our nation's security. Just recently we saw enlightening disclosures of massive systemic problems at the FBI by a whistleblower, Special Agent Rowley, that will no doubt lead to improvements and better security for Americans. Although Director Mueller has promised Special Agent Rowley that she will not be discriminated against because of her disclosures, whistleblower protection laws do not currently apply to the FBI, a problem that I'm trying to fix. Likewise, whistleblower protection laws do not currently protect many baggage screeners and x-ray technicians who witness security breaches.

In the Spring of 2000, Congress passed a law known as Air 21 that provided whistleblower protection to employees and contract employers to air carriers. At that time, when baggage screening was usually the responsibility of the airlines, screeners with whistleblower protection could alert their bosses or the Federal Aviation Administration about security violations. But that legislation didn't go far enough. That's because only employees of air carriers were protected from retribution under the law.

Under Air 21, security screeners employed by state or municipal governments, or regional airport authorities, had to rely on a patchwork of state whistleblower protection laws, or just the good sense of their employers, when they decided to blow the whistle on security breaches.

Worse still, when Congress passed the Aviation and Transportation Security Act last Fall, it specifically denied whistleblower protection to the new Federal baggage screeners. During the debates, I called for whistleblower protection for airport screeners because the best way to make an effective workforce is by creating an accountable government. But when Congress federalized the baggage screeners, it took Federal screeners out of the Air 21 air carrier whistleblower protections, and created a class of Federal contractors that perform security screening services, but are not covered by any whistleblower protections.

This legislation will fix these problems. First, the bill will ensure that until airport security screener personnel are fully federalized, all airport security screeners are given whistleblower protection, regardless of whether they're employed by air carriers, state or local governments, regional airport authorities, or contractors. Second, the bill will close the loophole in the law so that Federal baggage screeners receive protection under the same Whistleblower Protection Act that protects many other Federal employees, and so that contractors for the Federal government also will get whistleblower protection.

I note that the Secretary of the Department of Transportation has taken a good step toward supplying whistleblower protection to Federal screeners by signing a memorandum of understanding with the Office of Special Counsel, the office that enforces the Whistleblower Protection Act. The idea is that the OSC will agree to investigate cases of alleged whistleblower retaliation by the Transportation Safety Administration. But this agreement is not enough because it does not afford a right of appeal, so the TSA is free to ignore any OSC recommendation. Further, it does not provide whistleblower protection for contract screeners. Finally, unlike legislation, the agreement can be cancelled by either the TSA or the OSC on 90 day's notice. So the administration's agreement to provide whistleblower protection, though an admirable effort, is just not enough. We need statutory whistleblower protection for airport screeners.

In all my years of doing oversight, I have found that it's pretty rare for an agency to identify and fix its own problems, especially security problems. Most of the time, it takes a whistleblower or an Inspector General or a Congressional investigation to expose and fix security problems.

In conclusion, I urge my colleagues to support the Airport Employee Whistleblower Protection Act of 2002 to improve security at our nation's airports. Let's close the loophole and give all security screeners whistleblower protection so that our nation's aviation system is more safe and secure.

By. Mr. MURKOWSKI:

S. 2687. A bill to facilitate the extension of the Alaska Railroad for national defense purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MURKOWSKI. Mr. President, I rise to introduce a bill to facilitate the construction of national defense facilities in Alaska.

It is a given that the best way to move very large quantities of bulk goods between points is by sea or by train. This bill will allow the extension of the Alaska Railroad from Eielson Air Force Base, just south of Fairbanks, AK, to a point near the location on Fort Greely, AK that has been chosen for the national missile defense system. This will significantly reduce the cost of shipping construction materials and operational supplies to the site, and incidentally allow a considerable savings in the cost of wear and tear on the highway system that would otherwise be the only possible route for those goods.

The extension will allow materials to be shipped to Alaska by sea to be transferred to the railroad and carried all the way to the vicinity of the defense project by rail. This is preferential to being loaded, unloaded, loaded on long-distance trucks, unloaded, and loaded again when they move to the actual work site.

The bill provides for the Secretary of the Interior, working with other agencies as appropriate and necessary, to identify and acquire all of the lands necessary for this modest rail line extension of approximately 80 miles. Where those lands are held by other entities, there will be a fair exchange for lands held elsewhere. Once the entire route has been acquired, the lands will be transferred to the Alaska Railroad under the same circumstances that have been used previously under the Alaska Railroad Transfer Act.

This is a very important step toward ensuring the most economical possible approach to this major project, and I urge my colleagues support.

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. 2687

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 ''National Defense Rail Connection Act of 2002.''

SEC. 2. FINDINGS.

(a) A comprehensive rail transportation network is a key element of an integrated transportation system for the North American continent, and federal leadership is required to address the needs of a reliable, safe, and secure rail network, and to connect all areas of the United States for national defense and economic development, as previously done for the interstate highway system, the Federal aviation network, and the transcontinental railroad;

(b) The creation and use of joint use corridors for rail transportation, fiber optics, pipelines, and utilities are an efficient and appropriate approach to optimizing the nation's interconnectivity and national security;

(c) Government assistance and encouragement in the development of the transcontinental rail system successfully led to the growth of economically strong and socially stable communities throughout the western United States;

(d) Government assistance and encouragement in the development of the Alaska Railroad between Seward, Alaska and Fairbanks, Alaska successfully led to the growth of economically strong and socially stable communities along the route, which today provide homes for over 70% of Alaska's total population;

(e) While Alaska and the remainder of the continental United States has been connected by highway and air transportation, no rail connection exists despite the fact that Alaska is accessible by land routes and is a logical destination for the North American rail system:

(f) Rail transportation in otherwise isolated areas is an appropriate means of providing controlled access, reducing overall impacts to environmentally sensitive areas over other methods of land-based access;

(g) Because Congress originally authorized 1,000 miles of rail line to be built in Alaska, and because the system today covers only approximately half that distance, substantially limiting its beneficial effect on the economy of Alaska and the nation, it is appropriate to support the expansion of the Alaska system to ensure the originally planned benefits are achieved;

(h) Alaska has an abundance of natural resources, both material and aesthetic, access to which would significantly increase Alaska's contribution to the national economy;

(i) Alaska contains many key national defense installations, including sites chosen for the construction of the first phase of the National Missile Defense system, the cost of which could be significantly reduced if rail transportation were available for the movement of materials necessary for construction and for the secure movement of launch vehicles, fuel and other operational supplies;

(j) The 106th Congress recognized the potential benefits of establishing a rail connection to Alaska by enacting legislation to authorize a U.S. -Canada bilateral commission to study the feasibility of linking the rail system in Alaska to the nearest appropriate point in Canada of the North American rail network; and

(k) In support of pending bilateral activities between the United States and Canada, it is appropriate for the United States to undertake activities relating to elements within the United States.

SEC. 3. IDENTIFICATION OF NATIONAL DEFENSE RAILROAD-UTILITY CORRIDOR.

(a) Within one year from the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Transportation, the State of Alaska and the Alaska Railroad Corporation, shall identify a proposed national defense railroad-utility corridor linking the existing corridor of the Alaska Railroad to the vicinity of the proposed National Missile Defense facilities at Fort Greely, Alaska. The corridor shall be at least 500 feet wide and shall also identify land for such terminals, stations, maintenance facilities, switching yards, and material sites as are considered necessary.

(b) The identification of the corridor under paragraph (a) shall include information providing a complete legal description for and noting the current ownership of the proposed corridor and associated land.

(c) In identifying the corridor under paragraph (a), the Secretary shall consider, at a minimum, the following factors:

(a) The proximity of national defense installations and national defense considerations;

(2) The location of and access to natural resources that could contribute to economic development of the region;

(3) Grade and alignment standards that are commensurate with rail and utility construction standards and that minimize the prospect of at-grade railroad and highway crossings;

(4) Availability of construction materials;

(5) Safety;

(6) Effects on and service to adjacent communities and potential intermodal transportation connections;

(7) Environmental concerns;

(8) Use of public land to the maximum degree possible;

(9) Minimization of probable construction costs;

(10) An estimate of probable construction costs and methods of financing such costs through a combination of private, state, and federal sources; and

(11) Appropriate utility elements for the corridor, including but not limited to petroleum product pipelines, fiber-optic telecommunication facilities, and electrical power transmission lines, and

(12) Prior and established traditional uses.

(d) the Secretary may, as part of the corridor identification, include issues related to the further extension of such corridor to a connection with the nearest appropriate terminus of the North American rail network in Canada.

SEC. 4. NEGOTIATION AND LAND TRANSFER.

(a) The Secretary of the Interior shall—

(1) upon completion of the corridor identification in Sec. 3, negotiate the acquisition of any lands in the corridor which are not federally owned through an exchange for lands of equal or greater value held by the federal government elsewhere in Alaska; and

(2) upon completion of the acquisition of lands under paragraph (1), the Secretary shall convey to the Alaska Railroad Corporation, subject to valid existing rights, title to the lands identified under Section 3 as necessary to complete the national defense railroad-utility corridor, on condition that the Alaska Railroad Corporation construct in the corridor an extension of the railroad system to the vicinity of the proposed national missile defense installation at Fort Greely, Alaska, together with such other utilities, including but not limited to fiber-optic transmission lines and electrical transmission lines, as it considers necessary and appropriate. The Federal interest in lands conveyed to the Alaska Railroad Corporation under this Act shall be the same as in lands conveyed pursuant to the Alaska Railroad Transfer Act (45 USC 1201 et seq.).

SEC. 5. APPLICABILITY OF OTHER LAWS.

Actions authorized in this Act shall proceed immediately and to conclusion not withstanding the land-use planning provisions of Section 202 of the Federal Land Policy and Management Act of 1976, P.L. 94–579.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 292—EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. DASCHLE (for himself, Mr. LOTT, Mr. BYRD, Mr. LEAHY, Mr. WARNER, Mr. REID, Mr. BINGAMAN, Mr. JOHNSON, Mr. DEWINE, Mr. MCCAIN, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN Mr. LUGAR, Mr. MCCONNELL, Ms. MIKULSKI Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY Mr. NELSON

of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORIUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Whereas, this country was founded in religious freedom by founders, many of whom were deeply religious;

Whereas, the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the government establishing a religion;

Whereas, the Pledge of Allegiance was written by Francis Bellamy, a Baptist Minister, and first published in the September 8, 1892, issue of the Youth's Companion;

Whereas, Congress in 1954 added the words ''under God'' to the Pledge of Allegiance;

Whereas, the Pledge of Allegiance has for almost 50 years included references to the U.S. flag, the country, to our country having been established as a union ''under God'' and to this country being dedicated to securing ''liberty and justice for all,''

Whereas, the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas, this Senate of the 107th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas, patriotic songs, engravings on U.S. legal tender, engravings on federal buildings also contain general references to ''God'';

Whereas, in accordance with decisions of the U.S. Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights;

Whereas, the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will rehear the case of the *Newdow v. U.S. Congress*, en banc;

Resolved, That The Senate Strongly Disapproves of the Ninth Circuit Decision in Newdow v. U.S. Congress; and that the Senate authorizes and instructs the Senate Legal Counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance.

SENATE CONCURRENT RESOLUTION 124—CONDEMNING THE USE OF TORTURE AND OTHER FORMS OF CRUEL, INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT IN THE UNITED STATES AND OTHER COUNTRIES, AND EXPRESSING SUPPORT FOR VICTIMS OF THOSE PRACTICES

Mr. CAMPBELL (for himself, Mr. DODD, Mr. FEINGOLD, Mrs. CLINTON, and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 124

Whereas the Eighth Amendment to the United States Constitution prohibits ''cruel and unusual punishments'' and torture is prohibited by law throughout the United States without exception;

Whereas the prohibition against torture in international agreements is absolute, unqualified, and non-derogable under any circumstance, even during a state of war or national emergency;

Whereas an important component of the concept of comprehensive security in a free society is the fundamental service provided by law enforcement personnel to protect the basic human rights of individuals in society;

Whereas individuals require and deserve protection by law enforcement personnel and need the confidence in knowing that such personnel are not themselves agents of torture or other forms of cruel, inhumane, or degrading treatment or punishment, including extortion or other unlawful acts;

Whereas individuals who are incarcerated should be treated with respect in accordance with the inherent dignity of the human person;

Whereas there is a growing commitment by governments to eradicate torture and other forms of cruel, inhumane, or degrading treatment or punishment, to provide in law and practice procedural and substantive safeguards and remedies to combat such practices, to assist the victims of such practices, and to cooperate with relevant international organizations and nongovernmental organizations with the goal of eradicating such practices;

Whereas torture and other forms of cruel, inhumane, or degrading treatment or punishment continues in many countries despite international commitments to take effective legislative, administrative, judicial and other measures to prevent and punish such practices;

Whereas the rape of prisoners by prison officials or other prisoners, tolerated for the purpose of intimidation and abuse, is a particularly egregious form of torture;

Whereas incommunicado detention facilitates the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment, and may constitute, in and of itself, a form of such practices;

Whereas the use of racial profiling to stop, search, investigate, arrest, or convict an individual who is a minority severely erodes the confidence of a society in law enforcement personnel and may make minorities especially vulnerable to torture and other forms of cruel, inhumane, or degrading treatment or punishment;

Whereas the use of confessions and other evidence obtained through torture or other forms of cruel, inhumane, or degrading treatment or punishment in legal proceedings runs counter to efforts to eradicate such practices;

Whereas more than 500,000 individuals who are survivors of torture live in the United States;

Whereas the victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment and their families often suffer devastating effects and therefore require extensive medical and psychological treatment;

Whereas medical personnel and torture treatment centers play a critical role in the identification, treatment, and rehabilitation of victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment; and

Whereas each year the United Nations designates June 26 as an International Day in Support of Victims of Torture: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries;

(2) recognizes the United Nations International Day in Support of the Victims of Torture and expresses support for all victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment who are struggling to overcome the physical scars and psychological effects of such practices;

(3) encourages the training of law enforcement personnel and others who are involved in the custody, interrogation, or treatment of any individual who is arrested, detained, or imprisoned, in the prevention of torture and other forms of cruel, inhumane, or degrading treatment or punishment, in order to reduce and eradicate such practices; and

(4) encourages the Secretary of State to seek, at relevant international fora, the adoption of a commitment—

(A) to treat confessions and other evidence obtained through torture or other forms of cruel, inhumane, or degrading treatment or punishment, as inadmissible in any legal proceeding; and

(B) to prohibit, in law and in practice, incommunicado detention.

Mr. CAMPBELL. Mr. President, I am joined by Senators DODD, FEINGOLD, CLINTON, and WELLSTONE in introducing today a resolution condemning the use of torture and other forms of cruel, inhumane, or degrading treatment or punishment in the United States and other countries, and expressing support for the victims of torture. An identical version is being introduced by Congressman CHRISTOPHER H. SMITH, who co-chairs the Commission on Security and Cooperation in Europe, which I am privileged to chair.

Torture is prohibited by a raft of international agreements, including documents of the 55-nation Organization for Security and Cooperation in Europe. It remains, however, a serious problem in many countries. In the worst cases, torture occurs not merely from rogue elements in the police or a lack of appropriate training among law enforcement personnel, but is systematically used by the controlling regime to target political opposition members; racial, ethnic, linguistic or religious minorities; and others.

In some countries, medical professionals who treat the victims of torture have become, themselves, victims of torture in government's efforts to document this abuse and to hold perpetrators accountable. The U.S. Congress can continue to play a leadership role by signaling our unwavering condemnation of such egregious practices.

Torture is, in effect, prohibited by several articles of the U.S. Constitution. Nevertheless, some commentators have suggested that torture might be an acceptable tool in the war on terrorism. I believe we should answer that proposition with a resounding ''no''. To repeat: torture is unconstitutional. Moreover, as many trained law enforcement officials note, it is also a lousy way to get reliable information. People subjected to torture will often say anything to end the torture. Finally, it makes no sense to wage war to defend our great democracy and use methods that denigrate the very values we seek to protect. Torture is unacceptable, period.

The resolution I am introducing today underscores that message. It recognizes the United Nations International Day in Support of the Victims of Torture, marked each June 26th, and encourages the training of law enforcement personnel. Experts estimate that more than 500,000 individuals who are survivors of torture live in the United States. Victims of torture and other forms of cruel, inhumane, or degrading treatment or punishment and their families often suffer devastating effects and therefore require extensive medical and psychological treatment.

I am pleased to note the contribution of the Rocky Mountain Survivors Center, located in Denver, CO, in meeting the needs of torture survivors living in Colorado. The Rocky Mountain Center and similar torture treatment centers located elsewhere in the United States play a critical role in the identification, treatment, and rehabilitation of victims of torture and deserve our continued support.

As we mark the United Nations International Day in Support of the Victims of Torture, I urge my colleagues to declare their opposition to torture and solidarity with torture survivors by lending their support to this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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.

SA 3991. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3992. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3993. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3994. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3995. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3996. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3997. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3998. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3999. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4000. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4001. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4002. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4003. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4004. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4005. Mr. MILLER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4006. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4007. Mr. WARNER (for himself, Mr. MILLER, Mr. LOTT, Mr. STEVENS, Mr. COCHRAN, Mr. ALLARD, Mr. KYL, Mr. SMITH, of New Hampshire, Mr. INHOFE, Mr. THURMOND, Mr. SESSIONS, Mr. ROBERTS, Mr. HUTCHINSON, Mr. BUNNING, Mr. HELMS, Mr. MCCAIN, Mr. NICKLES, Mr. HAGEL, and Mrs. HUTCHISON) proposed an amendment to the bill S. 2514, supra.

SA 4008. Mr. REID (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4009. Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mrs. CARNAHAN, Mr. MURKOWSKI, Mr. BINGAMAN, Mrs. LINCOLN, and Ms. MIKULSKI) proposed an amendment to the bill S. 2514, supra.

SA 4010. Mr. KERRY (for himself, Mr. BOND, and Mrs. CARNAHAN) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4011. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4012. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4013. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4014. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4015. Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4016. Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4017. Mr. WARNER (for Mr. HELMS (for himself and Mr. CLELAND)) submitted an amendment intended to be proposed by Mr. Warner to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4018. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4019. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4020. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4021. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4022. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4023. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4024. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4025. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4026. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4027. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4028. Mr. ALLARD (for himself, Mr. REED, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4029. Mr. REED (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4030. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4031. Mr. FRIST (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4032. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4033. Mr. CLELAND (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4034. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4035. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4036. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4037. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, supra ; which was ordered to lie on the table.

SA 4038. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, supra ; which was ordered to lie on the table.

SA 4039. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4040. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4041. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4042. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2514, supra ; which was ordered to lie on the table.

SA 4043. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2514, supra ; which was ordered to lie on the table.

SA 4044. Mr. JEFFORDS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4045. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4046. Mr. LEVIN proposed an amendment to amendment SA 4007 proposed by Mr. WARNER (for himself, Mr. MILLER, Mr. LOTT, Mr. STEVENS, Mr. COCHRAN, Mr. ALLARD, Mr. KYL, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. THURMOND, Mr. SESSIONS, Mr. ROBERTS, Mr. HUTCHINSON, Mr. BUNNING, Mr. HELMS, Mr. MCCAIN, Mr. NICKLES, Mr. HAGEL, and Mrs. HUTCHISON) to the bill (S. 2514) supra.

SA 4047. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4048. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4049. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4050. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4051. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. SCHUMER, Mr. DODD, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4052. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4053. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4054. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4055. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4057. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4058. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4059. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4060. Mr. WYDEN (for himself and Mr. SMITH, of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4061. Mr. WYDEN (for himself and Mr. SMITH, of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4062. Mr. BINGAMAN (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4063. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4064. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4065. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4066. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mrs. CARNAHAN) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4067. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4068. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4069. Mr. HUTCHINSON (for himself, Ms. MIKULSKI, Mrs. HUTCHISON, Mrs. LINCOLN, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4070. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4071. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4072. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4073. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4074. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4075. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4076. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4077. Mr. MILLER (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4078. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4079. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4080. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4081. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4082. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4083. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4084. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4085. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4086. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4087. Mr. LEVIN proposed an amendment to the bill S. 2514, supra.

SA 4088. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 4089. Mr. LEVIN (for Mr. KENNEDY (for himself, Mr. HELMS, Mr. EDWARDS, Mr. FRIST, Mr. THOMPSON, Mr. KERRY, Mrs. BOXER, and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 2514, supra.

SA 4090. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 4091. Mr. LEVIN (for Mr. INOUYE) proposed an amendment to the bill S. 2514, supra.

SA 4092. Mr. ALLARD (for himself and Mr. REID) proposed an amendment to the bill S. 2514, supra.

SA 4093. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2514, supra.

SA 4094. Mr. ALLARD (for Ms. COLLINS) proposed an amendment to the bill S. 2514, supra.

SA 4095. Mr. LEVIN (for Ms. LANDRIEU (for himself and Mr. ROBERTS)) proposed an amendment to the bill S. 2514, supra.

SA 4096. Mr. ALLARD (for Mr. INHOFE (for himself and Mr. AKAKA)) proposed an amendment to the bill S. 2514, supra.

SA 4097. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. THURMOND)) proposed an amendment to the bill S. 2514, supra.

SA 4098. Mr. ALLARD (for Mr. HELMS (for himself and Mr. CLELAND)) proposed an amendment to the bill S. 2514, supra.

SA 4099. Mr. LEVIN (for Mr. NELSON, of Florida (for himself, Mr. MCCAIN, Mr. CLELAND, Mr. ROBERTS, and Mr. DASCHLE)) proposed an amendment to the bill S. 2514, supra.

SA 4100. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 4101. Mr. NELSON of Florida (for himself, Mr. ROBERTS, Mr. DASCHLE, Mr. SMITH of New Hampshire, and Mr. GRAHAM) proposed an amendment to the bill S. 2514, supra.

SA 4102. Mr. LEVIN (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill S. 2514, supra.

SA 4103. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 4104. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 2514, supra.

SA 4105. Mr. ALLARD (for Mr. KYL) proposed an amendment to the bill S. 2514, supra.

SA 4106. Mr. LEVIN (for Mr. KERRY (for himself, Mr. BOND, and Mrs. CARNAHAN)) proposed an amendment to the bill S. 2514, supra.

SA 4107. Mr. ALLARD (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, supra.

SA 4108. Mr. LEVIN (for Mr. CLELAND (for himself, Mr. HUTCHINSON, and Mr. KENNEDY)) proposed an amendment to the bill S. 2514, supra.

SA 4109. Mr. ALLARD (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, supra.

SA 4110. Mr. LEVIN (for Mr. REID) proposed an amendment to the bill S. 2514, supra.

SA 4111. Mr. ALLARD (for Mr. LOTT) proposed an amendment to the bill S. 2514, supra.

SA 4112. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4113. Mr. REID (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 2047, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes.

SA 4114. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4002 submitted by Ms. LANDRIEU and intended to be proposed to the bill (S. 2514) to authorize appropriations for fiscal year 2003 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.

SA 4115. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2047, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes.

SA 4116. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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.

SA 4117. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 2514, supra.

SA 4118. Mr. WARNER proposed an amendment to the bill S. 2514, supra.

SA 4119. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 4120. Mr. WARNER (for Ms. SNOWE (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 2514, supra.

SA 4121. Mr. REID (for Mr. WYDEN (for himself and Mr. SMITH, of Oregon)) proposed an amendment to the bill S. 2514, supra.

SA 4122. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, supra.

SA 4123. Mr. REID (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill S. 2514, supra.

SA 4124. Mr. WARNER (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2514, supra.

SA 4125. Mr. REID (for Mr. DURBIN) proposed an amendment to the bill S. 2514, supra.

SA 4126. Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 2514, supra.

SA 4127. Mr. WARNER (for Mr. FRIST (for himself and Mr. THOMPSON)) proposed an amendment to the bill S. 2514, supra.

SA 4128. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 2514, supra.

SA 4129. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 4130. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, supra.

SA 4131. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, supra.

SA 4132. Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill S. 2514, supra.

SA 4133. Mr. REID (for Mr. CONRAD) proposed an amendment to the bill S. 2514, supra.

SA 4134. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 2514, supra.

SA 4135. Mr. REID (for Mrs. FEINSTEIN (for himself and Mr. STEVENS)) proposed an amendment to the bill S. 2514, supra.

SA 4136. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, supra.

SA 4137. Mr. REID (for Mr. CLELAND (for himself and Mr. HUTCHINSON)) proposed an amendment to the bill S. 2514, supra.

SA 4138. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 2514, supra.

SA 4139. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill S. 2514, supra.

SA 4140. Mr. WARNER proposed an amendment to the bill S. 2514, supra.

SA 4141. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, supra.

SA 4142. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 2514, supra.

SA 4143. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, supra.

SA 4144. Mr. WARNER (for Mr. BUNNING) proposed an amendment to the bill S. 2514, supra.

SA 4145. Mr. REID (for Mr. BINGAMAN (for himself and Mr. SANTORUM)) proposed an amendment to the bill S. 2514, supra.

SA 4146. Mr. WARNER (for Mr. INHOFE (for himself and Mr. AKAKA)) proposed an amendment to the bill S. 2514, supra.

SA 4147. Mr. REID (for Mr. REED) proposed an amendment to the bill S. 2514, supra.

SA 4148. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, supra.

SA 4149. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 4150. Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 2514, supra.

SA 4151. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2514, supra.

SA 4152. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 2514, supra.

SA 4153. Mr. REID (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 2514, supra.

SA 4154. Mr. WARNER (for Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. SCHUMER, Mr. DODD, Mr. TORRICELLI, Mr. CLELAND, Ms. MIKULSKI, and Mr. SARBANES)) proposed an amendment to the bill S. 2514, supra.

SA 4155. Mr. REID (for Mr. CORZINE (for himself and Mr. TORRICELLI)) proposed an amendment to the bill S. 2514, supra.

SA 4156. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, supra.

SA 4157. Mr. REID (for Mr. KERRY (for himself and Mr. FRIST)) proposed an amendment to the bill S. 2514, supra.

SA 4158. Mr. WARNER (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2514, supra.

SA 4159. Mr. WARNER proposed an amendment to the bill S. 2514, supra.

SA 4160. Mr. REID (for Mr. BYRD) proposed an amendment to the bill S. 2514, supra.

SA 4161. Mr. WARNER (for Mr. THOMPSON) proposed an amendment to the bill S. 2514, supra.

SA 4162. Mr. WARNER (for Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. SANTORUM)) proposed an amendment to the bill S. 2514, supra.

SA 4163. Mr. REID (for Mr. SARBANES) proposed an amendment to the bill S. 2514, supra.

SA 4164. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 4068 submitted by Mr. HUTCHINSON and intended to be proposed to the bill (S. 2514) supra; which was ordered to lie on the table.

SA 4165. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 4068 submitted by Mr. HUTCHINSON and intended to be proposed to the bill (S. 2514) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In 201(4), strike ''$17,542,927,000'' and insert ''$17,532,927,000''.

In section 2601(3)(A), strike ''$204,059,000'' and insert ''$214,059,000''.

SA 3991. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 C of title VIII, add the following:

SEC. 828. AUTHORITY FOR NONPROFIT ORGANIZATIONS TO SELF-CERTIFY ELIGIBILITY FOR TREATMENT AS QUALIFIED ORGANIZATIONS EMPLOYING SEVERELY DISABLED UNDER MENTOR-PROTEGE PROGRAM.

Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended by adding at the end the following new subsection:

''(n) SELF-CERTIFICATION OF NONPROFIT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS EMPLOYING THE SEVERELY DISABLED.—(1) The Secretary of Defense may, in accordance with such requirements as the Secretary may establish, permit a business entity operating on a non-profit basis to self-certify its eligibility for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).

''(2) The Secretary shall treat any entity described in paragraph (1) that submits a

self-certification under that paragraph as a qualified organization employing the severely disabled until the Secretary receives evidence, if any, that such entity is not described by paragraph (1) or does not merit treatment as a qualified organization employing the severely disabled in accordance with applicable provisions of subsection (m).

''(3) Paragraphs (1) and (2) shall cease to be effective on the effective date of regulations prescribed by the Small Business Administration under this section setting forth a process for the certification of business entities as eligible for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).''.

SA 3992. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 258, after line 24, insert the following:

SEC. 1065. DESIGNATION OF MEDAL OF HONOR FLAG.

(a) FINDINGS.—Congress finds that—

(1) the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Forces of the United States;

(2) the Medal of Honor was established by Congress during the Civil War to recognize soldiers who had distinguished themselves by gallantry in action;

(3) the Medal of Honor was conceived by Senator James Grimes of the State of Iowa in 1861; and

(4) the Medal of Honor is the Nation's highest military honor, awarded for acts of personal bravery or self-sacrifice above and beyond the call of duty.

(b) DESIGNATION OF MEDAL OF HONOR FLAG.—(1) Chapter 9 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 903. Designation of Medal of Honor Flag

''(a) DESIGNATION.—The Secretary of Defense shall design and designate a flag as the Medal of Honor Flag. In selecting the design for the flag, the Secretary shall consider designs submitted by the general public.

''(b) PRESENTATION.—The Medal of Honor Flag shall be presented as specified in sections 3755, 6257, and 8755 of title 10 and section 505 of title 14.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''903. Designation of Medal of Honor Flag.''.

(c) PRESENTATION OF FLAG TO MEDAL OF HONOR RECIPIENTS.—(1)(A) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3755. Medal of honor: presentation of Medal of Honor Flag

''The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 3741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 3741 or 3752(a) of this title.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3755. Medal of honor: presentation of Medal of Honor Flag.''.

(2)(A) Chapter 567 of such title is amended by adding at the end the following new section:

''§ 6257. Medal of honor: presentation of Medal of Honor Flag

''The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 6241 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 6241 or 6250 of this title.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6257. Medal of honor: presentation of Medal of Honor Flag.''.

(3)(A) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8755. Medal of honor: presentation of Medal of Honor Flag

''The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 8741 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 8741 or 8752(a) of this title.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8755. Medal of honor: presentation of Medal of Honor Flag.''.

(4)(A) Chapter 13 of title 14, United States Code, is amended by inserting after section 504 the following new section:

''§ 505. Medal of honor: presentation of Medal of Honor Flag

''The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 491 of this title after the date of the enactment of this section. Presentation of the flag shall be made at the same time as the presentation of the medal under section 491 or 498 of this title.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 504 the following new item:

''505. Medal of honor: presentation of Medal of Honor Flag.''.

(d) PRIOR RECIPIENTS.—The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36, United States Code, as added by subsection (b), to each person awarded the Medal of Honor before the date of enactment of this Act who is living as of that date. Such presentation shall be made as expeditiously as possible after the date of the designation of the Medal of Honor Flag by the Secretary of Defense under such section.

SA 3993. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 E of title VI, add the following:

SEC. 655. ELIGIBILITY FOR COMPENSATION FROM SEPTEMBER 11TH VICTIM COMPENSATION FUND OF MEMBERS OF ARMED FORCES AND OTHER OFFICERS AND EMPLOYEES OF THE UNITED STATES GOVERNMENT WHO SUFFER PHYSICAL HARM OR DEATH AS A RESULT OF OPERATIONS AGAINST TERRORISM.

(a) PURPOSE.—Section 403 of the September 11th Victim Compensation Fund of 2001 (title IV of Public Law 107–42; 115 Stat. 237; 49 U.S.C. 40101 note) is amended to read as follows:

''SEC. 403. PURPOSE.

''It is the purpose of this title to provide compensation to the following:

''(1) Any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

''(2) Any member of the United States Armed Forces (or relatives of a deceased member of the Armed Forces) who was physically injured or killed as a result of an offensive or defensive military operation relating to the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224) after September 11, 2001.

''(3) Any other member, officer, employee, or contract employee of the United States Government (or relatives of a deceased member, officer, employee, or contract employee of the United States Government) who was physically injured or killed as a result of an offensive or defensive military operation relating to the Authorization for Use of Military Force after September 11, 2001.''.

(b) CONTENTS OF CLAIMS.—Subsection (a)(2)(B) of section 405 of that Act (115 Stat. 238; 49 U.S.C. 40101 note) is amended to read as follows:

''(B) CONTENTS.—The form developed under subparagraph (A) shall request—

''(i) in the case of a claimant seeking to establish eligibility for compensation for or on behalf of an individual described in subparagraph (A) or (B) of subsection (c)(2)—

''(I) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent's death, as a result of the terrorist-related aircraft crashes of September 11, 2001;

''(II) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and

''(III) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes; or

''(ii) in the case of a claimant seeking to establish eligibility for compensation for or on behalf of an individual described in subparagraph (C) of subsection (c)(2)—

''(I) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent, information confirming the decedent's death, as a result of an offensive or defensive military operation relating to the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224) after September 11, 2001;

''(II) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such operations; and

''(III) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such operations.''.

(c) ELIGIBILITY.—Subsection (c)(2) of such section 405 (115 Stat. 239; 49 U.S.C. 40101 note) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D);

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

''(C) an individual who is a member of the United States Armed Forces, or a member, officer, employee, or contract employee of the United States Government, who suffered physical harm or death as a result of an offensive or defensive military operation relating to the Authorization for Use of Military Force after September 11, 2001; or''; and

(4) in subparagraph (D), as so amended, by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''.

(d) REGULATIONS.—(1) Not later than 90 days after the date of the enactment of this Act, the Attorney General shall prescribe regulations to take into account the amendments to the September 11th Victim Compensation Fund of 2001 made by this section.

(2) The Attorney General shall prescribe regulations under this subsection in consultation with the Secretary of Defense and the Special Master appointed under section 404(a) of the September 11th Victim Compensation Fund of 2001 (115 Stat. 237; 49 U.S.C. 40101 note).

SA 3994. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 209, line 5, strike ''March 1'' and insert ''March 2''.

SA 3995. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 206, line 23, strike ''March 15, 2003'' and insert ''March 16, 2003''.

SA 3996. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 54, line 12, strike ''90 days'' and insert ''91 days''.

SA 3997. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 53, line 24, strike ''September 1, 2003'' and insert ''September 2, 2003''.

SA 3998. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 53, line 12, strike ''January 1, 2003'' and insert ''January 2, 2003''.

SA 3999. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 46, line 16, strike ''March 15, 2003'' and insert ''March 16, 2003''.

SA 4000. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 26, line 8, strike ''March 30, 2003'' and insert ''March 31, 2003''.

SA 4001. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

One page 18, line 16, strike ''March 15, 2003'' and insert ''March 16, 2003''.

SA 4002. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 C of title X, add the following:

SEC. 1035. REPORT ON DESIGNATION OF CERTAIN LOUISIANA HIGHWAY AS DEFENSE ACCESS ROAD.

Not later than December 31, 2002, the Secretary of the Army shall submit to the congressional defense committees a report containing the results of a study on the advisability of designating Louisiana Highway 28 between Alexandria, Louisiana, and Leesville, Louisiana, a road providing access to the Joint Readiness Training Center, Louisiana, and to Fort Polk, Louisiana, as a defense access road for purposes of section 210 of title 23, United States Code.

SA 4003. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 146, between lines 2 and 3, insert the following:

SEC. 644. EQUITABLE AMOUNT OF SURVIVOR ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) FORMULA.—Subsection (b) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448 note) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) An annuity payable under this section for the surviving spouse of a deceased member shall be equal to the higher of $186 per month, as adjusted from time to time under paragraph (3), or the applicable amount as follows:

''(A) In the case of the surviving spouse of a deceased member described in subparagraph (A) of subsection (a)(1) who died before September 21, 1972, the amount computed under the SBP program, from the day after the date of death, as if—

''(i) the SBP program had become effective on the day before the date of the death of the deceased member; and

''(ii) the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under the SBP program.

''(B) In the case of the surviving spouse of a deceased member described in subparagraph (A) of subsection (a)(1) who died after September 20, 1972, the amount computed under the SBP program, from the day after the date of death, as if the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under that program.

''(C) In the case of the surviving spouse of a deceased member described in subparagraph (B) of subsection (a)(1) who died before October 1, 1978, the amount computed under the SBP program, from the day after the date of death, as if—

''(i) the SBP program, as in effect on October 1, 1978, had become effective on the day before the date of the death of the deceased member;

''(ii) the member had been 60 years of age on that day; and

''(iii) the member had effectively elected to provide the maximum survivor annuity for the surviving spouse under the SBP program.''; and

(2) in paragraph (3), by inserting after ''the annuity that is payable under this section''

the following: ''in the amount under paragraph (1) that is adjustable under this paragraph''.

(b) SBP PROGRAM DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) The term 'SBP program' means subchapter II of chapter 73 of title 10, United States Code.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b) shall take effect on October 1, 2002.

(2) The Secretary concerned shall recompute under section 644 of Public Law 105–85 (as amended by subsections (a) and (b)) the amounts of the survivor annuities that are payable under such section for months beginning after the effective date under paragraph (1).

(3) No benefit shall be payable for any period before the effective date under paragraph (1) by reason of the amendments made by subsections (a) and (b).

SA 4004. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Seaside, California (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 105 acres at former Fort Ord, California, and known as lower Hayes Housing.

(b) CONSIDERATION.—(1) As consideration for the conveyance authorized by subsection (a) the City shall convey to the United States all right, title, and interest of the City in and to a parcel of real property, including any improvements thereon, consisting of approximately 102 acres at former Fort Ord and known as Stilwell Kidney.

(2) All payments or charges owed the United States by the City for the lower Hayes Housing pursuant to the agreement between the Army and the City shall be deemed satisfied by the conveyance under paragraph (1).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 4005. Mr. MILLER submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In subtitle C of title I, strike ''(reserved)'' and insert the following:

SEC. 121. MARINE CORPS LIVE FIRE RANGE IMPROVEMENTS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by $1,900,000, with the amount of the increase to be allocated to Training Devices.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), $1,900,000 shall be available as follows:

(A) For upgrading live fire range target movers.

(B) To bring live fire range radio controls into compliance with Federal Communications Commission narrow band requirements.

(2) Amounts available under paragraph (1) for the purposes set forth in that paragraph are in addition to any other amounts available in this Act for such purposes.

SA 4006. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 C of title X, add the following:

SEC. 1035. PLAN FOR FIVE-YEAR PROGRAM FOR ENHANCEMENT OF MEASUREMENT AND SIGNATURES INTELLIGENCE CAPABILITIES.

(a) FINDING.—Congress finds that the national interest will be served by the rapid exploitation of basic research on sensors for purposes of enhancing the measurement and signatures intelligence (MASINT) capabilities of the Federal Government.

(b) PLAN FOR PROGRAM.—(1) Not later than March 30, 2003, the Director of the Central Measurement and Signatures Intelligence Office shall submit to Congress a plan for a five-year program of research intended to provide for the incorporation of the results of basic research on sensors into the measurement and signatures intelligence systems fielded by the Federal Government, including the review and assessment of basic research on sensors for that purpose.

(2) Activities under the plan shall be carried out by a consortium consisting of such governmental and non-governmental entities as the Director considers appropriate for purposes of incorporating the broadest practicable range of sensor capabilities into the systems referred to in paragraph (1). The consortium may include national laboratories, universities, and private sector entities.

(3) The plan shall include a proposal for the funding of activities under the plan, including cost-sharing by non-governmental participants in the consortium under paragraph (2).

SA 4007. Mr. WARNER (for himself, Mr. MILLER, Mr. LOTT, Mr. STEVENS, Mr. COCHRAN, Mr. ALLARD, Mr. KYL, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. THURMOND, Mr. SESSIONS, Mr. ROBERTS, Mr. HUTCHINSON, Mr. BUNNING, Mr. HELMS, Mr. MCCAIN, Mr. NICKLES, Mr. HAGEL, and Mrs. HUTCHISON) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 217, between lines 13 and 14, insert the following:

SEC. 1010. ADDITIONAL AMOUNT FOR BALLISTIC MISSILE DEFENSE OR COMBATING TERRORISM IN ACCORDANCE WITH NATIONAL SECURITY PRIORITIES OF THE PRESIDENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated by other provisions of this division, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2003, $814,300,000 for whichever of the following purposes the President determines that the additional amount is necessary in the national security interests of the United States:

(1) Research, development, test, and evaluation for ballistic missile defense programs of the Department of Defense.

(2) Activities of the Department of Defense for combating terrorism at home and abroad.

(b) OFFSET.—The total amount authorized to be appropriated under the other provisions of this division is hereby reduced by $814,300,000 to reflect the amounts that the Secretary determines unnecessary by reason of a revision of assumptions regarding inflation that are applied as a result of the midsession review of the budget conducted by the Office of Management and Budget during the spring and early summer of 2002.

(c) PRIORITY FOR ALLOCATING FUNDS.—In the expenditure of additional funds made available by a lower rate of inflation, the top priority shall be the use of such additional funds for Department of Defense activities for combating terrorism and protecting the American people at home and abroad.

SA 4008. Mr. REID (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 200, between lines 14 and 15, insert the following:

SEC. 905. VETERINARY CORPS OF THE ARMY.

(a) COMPOSITION AND ADMINISTRATION.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section 3071:

''§ 3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade

''(a) COMPOSITION.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

''(b) CHIEF.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular

grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

''(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3070 the following new item:

''3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.''.

(b) EFFECTIVE DATE.—Section 3071 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002.

SA 4009. Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mrs. CARNAHAN, Mr. MURKOWSKI, Mr. BINGAMAN, Mrs. LINCOLN, and Ms. MIKULSKI) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

Strike section 3152.

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

SEC. 3155. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, OR BIOLOGICAL WEAPONS.

(a) EXTENSION OF TESTING.—Section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2720; 50 U.S.C. 2315) is amended—

(1) in subsection (a)(2), by striking ''of five successive fiscal years beginning with fiscal year 1997'' and inserting ''of fiscal years 1997 through 2013''; and

(2) in subsection (b)(2), by striking ''of five successive fiscal years beginning with fiscal year 1997'' and inserting ''of fiscal years 1997 through 2013''.

(b) CONSTRUCTION OF EXTENSION WITH DESIGNATION OF ATTORNEY GENERAL AS LEAD OFFICIAL.—The amendment made by subsection (a) may not be construed as modifying the designation of the President entitled ''Designation of the Attorney General as the Lead Official for the Emergency Response Assistance Program Under Sections 1412 and 1415 of the National Defense Authorization Act for Fiscal Year 1997'', dated April 6, 2000, designating the Attorney General to assume programmatic and funding responsibilities for the Emergency Response Assistance Program under sections 1412 and 1415 of the Defense Against Weapons of Mass Destruction Act of 1996.

SEC. 3156. PROGRAM ON RESEARCH AND TECHNOLOGY FOR PROTECTION FROM NUCLEAR OR RADIOLOGICAL TERRORISM.

(a) PROGRAM REQUIRED.—(1) The Administrator for Nuclear Security shall carry out a program on research and technology for protection from nuclear or radiological terrorism, including technology for the detection (particularly as border crossings and ports of entry), identification, assessment, control, disposition, consequence management, and consequence mitigation of the dispersal of radiological materials or of nuclear terrorism.

(2) The Administrator shall carry out the program as part of the support of the Administrator for homeland security and counterterrorism within the National Nuclear Security Administration

(b) PROGRAM ELEMENTS.—In carrying out the program required by subsection (a), the Administrator shall—

(1) provide for the development of technologies to respond to threats or incidents involving nuclear or radiological terrorism in the United States;

(2) demonstrate applications of the technologies developed under paragraph (1), including joint demonstrations with the Office of Homeland Security and other appropriate Federal agencies;

(3) provide, where feasible, for the development in cooperation with the Russian Federation of technologies to respond to nuclear or radiological terrorism in the former states of the Soviet Union, including the demonstration of technologies so developed;

(4) provide, where feasible, assistance to other countries on matters relating to nuclear or radiological terrorism, including—

(A) the provision of technology and assistance on means of addressing nuclear or radiological incidents;

(B) the provision of assistance in developing means for the safe disposal of radioactive materials;

(C) in coordination with the Nuclear Regulatory Commission, the provision of assistance in developing the regulatory framework for licensing and developing programs for the protection and control of radioactive sources; and

(D) the provision of assistance in evaluating the radiological sources identified as not under current accounting programs in the report of the Inspector General of the Department of Energy entitled ''Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries'', and in identifying and controlling radiological sources that represent significant risks; and

(5) in coordination with the Office of Environment, Safety, and Health of the Department of Energy, the Department of Commerce, and the International Atomic Energy Agency, develop consistent criteria for screening international transfers of radiological materials.

(c) REQUIREMENTS FOR INTERNATIONAL ELEMENTS OF PROGRAM.—(1) In carrying out activities in accordance with paragraphs (3) and (4) of subsection (b), the Administrator shall consult with—

(A) the Secretary of Defense, Secretary of State, and Secretary of Commerce; and

(B) the International Atomic Energy Agency.

(2) The Administrator shall encourage joint leadership between the United States and the Russian Federation of activities on the development of technologies under subsection (b)(4).

(d) INCORPORATION OF RESULTS IN EMERGENCY RESPONSE ASSISTANCE PROGRAM.—To the maximum extent practicable, the technologies and information developed under the program required by subsection (a) shall be incorporated into the program on responses to emergencies involving nuclear and radiological weapons carried out under section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 50 U.S.C. 2315).

(e) AMOUNT FOR ACTIVITIES.—Of the amount authorized to be appropriated by section 3101(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation and available for the development of a new generation of radiation detectors for homeland defense, up to $15,000,000 shall be available for carrying out this section.

SEC. 3157. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.—The Secretary of Energy may expand the International Materials Protection, Control, and Accounting (MPC&A) program of the Department of Energy to encompass countries outside the Russian Federation and the independent states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS FOR ADDITIONAL COUNTRIES.—Not later than 30 days after the Secretary obligates funds for the International Materials Protection, Control, and Accounting program, as expanded under subsection (a), for activities in or with respect to a country outside the Russian Federation and the independent states of the former Soviet Union, the Secretary shall submit to Congress a notice of the obligation of such funds for such activities.

(c) ASSISTANCE TO DEPARTMENT OF STATE FOR NUCLEAR MATERIALS SECURITY PROGRAMS.—(1) As part of the International Materials Protection, Control, and Accounting program, the Secretary of Energy may provide technical assistance to the Secretary of State in the efforts of the Secretary of State to assist other nuclear weapons states to review and improve their nuclear materials security programs.

(2) The technical assistance provided under paragraph (1) may include the sharing of technology or methodologies to the states referred to in that paragraph. Any such sharing shall—

(A) be consistent with the treaty obligations of the United States; and

(B) take into account the sovereignty of the state concerned and its weapons programs, as well the sensitivity of any information involved regarding United States weapons or weapons systems.

(3) The Secretary of Energy may include the Russian Federation in activities under paragraph (1) if the Secretary determines that the experience of the Russian Federation under the International Materials Protection, Control, and Accounting program with the Russian Federation would make the participation of the Russian Federation in such activities useful in providing technical assistance under that paragraph.

(d) PLAN FOR ACCELERATED CONVERSION OR RETURN OF WEAPONS-USABLE NUCLEAR MATERIALS.—(1) The Secretary shall develop a plan to accelerate the conversion or return to the country of origin of all weapons-usable nuclear materials located in research reactors and other facilities outside the country of origin.

(2) The plan under paragraph (1) for nuclear materials of origin in the Soviet Union shall be developed in consultation with the Russian Federation.

(3) As part of the plan under paragraph (1), the Secretary shall identify the funding and schedules required to assist the research reactors and facilities referred to in that paragraph in upgrading their materials protection, control, and accounting procedures until the weapons-usable nuclear materials in such reactors and facilities are converted or returned in accordance with that paragraph.

(4) The provision of assistance under paragraph (3) shall be closely coordinated with ongoing efforts of the International Atomic Energy Agency for the same purpose.

(e) RADIOLOGICAL DISPERSAL DEVICE MATERIALS PROTECTION, CONTROL, AND ACCOUNTING.—(1) The Secretary shall establish within the International Materials Protection, Control, and Accounting program a program on

the protection, control, and accounting of materials usable in radiological dispersal devices.

(2) The program under paragraph (1) shall include—

(A) an identification of vulnerabilities regarding radiological materials worldwide;

(B) the mitigation of vulnerabilities so identified through appropriate security enhancements; and

(C) an acceleration of efforts to recover and control diffused radiation sources and 'orphaned'' radiological sources that are of sufficient strength to represent a significant risk.

(3) The program under paragraph (1) shall be known as the Radiological Dispersal Device Materials Protection, Control, and Accounting program.

(f) STUDY OF PROGRAM TO SECURE CERTAIN RADIOLOGICAL MATERIALS.—(1) The Secretary, acting through the Administrator for Nuclear Security, shall require the Office of International Materials Protection, Control, and Accounting of the Department of Energy to conduct a study to determine the feasibility and advisability of developing a program to secure radiological materials outside the United States that pose a threat to the national security of the United States.

(2) The study under paragraph (1) shall include the following:

(A) An identification of the categories of radiological materials that are covered by that paragraph, including an order of priority for securing each category of such radiological materials.

(B) An estimate of the number of sites at which such radiological materials are present.

(C) An assessment of the effort required to secure such radiological materials at such sites, including—

(i) a description of the security upgrades, if any, that are required at such sites;

(ii) an assessment of the costs of securing such radiological materials at such sites;

(iii) a description of any cost-sharing arrangements to defray such costs;

(iv) a description of any legal impediments to such effort, including a description of means of overcoming such impediments; and

(v) a description of the coordination required for such effort among appropriate United States Government entities (including the Nuclear Regulatory Commission), participating countries, and international bodies (including the International Atomic Energy Agency).

(D) A description of the pilot project undertaken in Russia.

(3) In identifying categories of radiological materials under paragraph (2)(A), the Secretary shall take into account matters relating to specific activity, half-life, radiation type and energy, attainability, difficulty of handling, and toxicity, and such other matters as the Secretary considers appropriate.

(4) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this subsection. The report shall include the matters specified under paragraph (2) and such other matters, including recommendations, as the Secretary considers appropriate as a result of the study.

(5) In this subsection, the term ''radiological material'' means any radioactive material, other than plutonium (Pu) or uranium enriched above 20 percent uranium–235.

(g) AMENDMENT OF CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL.—(1) It is the sense of Congress that the President should encourage amendment of the Convention on the Physical Protection of Nuclear Materials in order to provide that the Convention shall—

(A) apply to both the domestic and international use and transport of nuclear materials;

(B) incorporate fundamental practices for the physical protection of such materials; and

(C) address protection against sabotage involving nuclear materials.

(2) In this subsection, the term ''Convention on the Physical Protection of Nuclear Materials'' means the Convention on the Physical Protection of Nuclear Materials, With Annex, done at Vienna on October 26, 1979.

(h) AMOUNT FOR ACTIVITIES.—Of the amount authorized to be appropriated by section 3102(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to $5,000,000 shall be available for carrying out this section.

SEC. 3158. ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM AND PLUTONIUM.

(a) SENSE OF CONGRESS ON PROGRAM TO SECURE STOCKPILES OF HIGHLY ENRICHED URANIUM AND PLUTONIUM.—(1) It is the sense of Congress that the Secretary of Energy, in consultation with the Secretary of State and Secretary of Defense, should develop a comprehensive program of activities to encourage all countries with nuclear materials to adhere to, or to adopt standards equivalent to, the International Atomic Energy Agency standard on The Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Rev.4), relating to the security of stockpiles of highly enriched uranium (HEU) and plutonium (Pu).

(2) To the maximum extent practicable, the program should be developed in consultation with the Russian Federation, other Group of 8 countries, and other allies of the United States.

(3) Activities under the program should include specific, targeted incentives intended to encourage countries that cannot undertake the expense of conforming to the standard referred to in paragraph (1) to relinquish their highly enriched uranium (HEU) or plutonium (Pu), including incentives in which a country, group of countries, or international body—

(A) purchase such materials and provide for their security (including by removal to another location);

(B) undertake the costs of decommissioning facilities that house such materials;

(C) in the case of research reactors, convert such reactors to low-enriched uranium reactors; or

(D) upgrade the security of facilities that house such materials in order to meet stringent security standards that are established for purposes of the program based upon agreed best practices.

(b) PROGRAM ON ACCELERATED DISPOSITION OF HEU AUTHORIZED.—(1) The Secretary of Energy may carry out a program to pursue with the Russian Federation, and any other nation that possesses highly enriched uranium, options for blending such uranium so that the concentration of U–235 in such uranium is below 20 percent.

(2) The options pursued under paragraph (1) shall include expansion of the Material Consolidation and Conversion program of the Department of Energy to include—

(A) additional facilities for the blending of highly enriched uranium; and

(B) additional centralized secure storage facilities for highly enriched uranium designated for blending.

(c) INCENTIVES REGARDING HIGHLY ENRICHED URANIUM IN RUSSIA.—As part of the options pursued under subsection (b) with the Russian Federation, the Secretary may provide financial and other incentives for the removal of all highly enriched uranium from any particular facility in the Russian Federation if the Secretary determines that such incentives will facilitate the consolidation of highly enriched uranium in the Russian Federation to the best-secured facilities.

(d) CONSTRUCTION WITH HEU DISPOSITION AGREEMENT.—Nothing in this section may be construed as terminating, modifying, or otherwise effecting requirements for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.

(e) PRIORITY IN BLENDING ACTIVITIES.—In pursuing options under this section, the Secretary shall give priority to the blending of highly enriched uranium from weapons, though highly enriched uranium from sources other than weapons may also be blended.

(f) TRANSFER OF HIGHLY ENRICHED URANIUM AND PLUTONIUM TO UNITED STATES.—(1) As part of the program under subsection (b), the Secretary may, upon the request of any nation—

(A) purchase highly enriched uranium or weapons grade plutonium from the nation at a price determined by the Secretary;

(B) transport any uranium or plutonium so purchased to the United States; and

(C) store any uranium or plutonium so transported in the United States.

(2) The Secretary is not required to blend any highly enriched uranium purchased under paragraph (1)(A) in order to reduce the concentration of U–235 in such uranium to below 20 percent. Amounts authorized to be appropriated by subsection (m) may not be used for purposes of blending such uranium.

(g) TRANSFER OF HIGHLY ENRICHED URANIUM TO RUSSIA.—(1) As part of the program under subsection (b), the Secretary may encourage nations with highly enriched uranium to transfer such uranium to the Russian Federation for disposition under this section.

(2) The Secretary may pay any nation that transfers highly enriched uranium to the Russian Federation under this subsection an amount determined appropriate by the Secretary.

(3) The Secretary may bear the cost of any blending and storage of uranium transferred to the Russian Federation under this subsection, including any costs of blending and storage under a contract under subsection (h). Any site selected for such storage shall have undergone complete materials protection, control, and accounting upgrades before the commencement of such storage.

(h) CONTRACTS FOR BLENDING AND STORAGE OF HIGHLY ENRICHED URANIUM IN RUSSIA.—(1) As part of the program under subsection (b), the Secretary may enter into one or more contracts with the Russian Federation—

(A) to blend in the Russian Federation highly enriched uranium of the Russian Federation and highly enriched uranium transferred to the Russian Federation under subsection (g); or

(B) to store in the Russian Federation highly enriched uranium before blending or the blended material.

(2) Any site selected for the storage of uranium or blended material under paragraph (1)(B) shall have undergone complete materials protection, control, and accounting upgrades before the commencement of such storage.

(i) LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.—Uranium blended under this section may not be released for sale until the earlier of—

(1) January 1, 2014; or

(2) the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining industry in the United States.

(j) PROCEEDS OF SALE OF URANIUM BLENDED BY RUSSIA.—Upon the sale by the Russian Federation of uranium blended under this section by the Russian Federation, the Secretary may elect to receive from the proceeds of such sale an amount not to exceed 75 percent of the costs incurred by the Department of Energy under subsections (c), (g), and (h).

(k) REPORT ON STATUS OF PROGRAM.—Not later than July 1, 2003, the Secretary shall submit to Congress a report on the status of the program carried out under the authority in subsection (b). The report shall include—

(1) a description of international interest in the program;

(2) schedules and operational details of the program; and

(3) recommendations for future funding for the program.

(l) HIGHLY ENRICHED URANIUM DEFINED.—In this section, the term ''highly enriched uranium'' means uranium with a concentration of U–235 of 20 percent or more.

(m) AMOUNT FOR ACTIVITIES.—Of the amount to be appropriated by section 3102(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to $40,000,000 shall be available for carrying out this section.

SEC. 3159A. DISPOSITION OF PLUTONIUM IN RUSSIA.

(a) NEGOTIATIONS WITH RUSSIAN FEDERATION.—(1) The Secretary of Energy is encouraged to continue to support the Secretary of State in negotiations with the Ministry of Atomic Energy of the Russian Federation to finalize the plutonium disposition program of the Russian Federation (as established under the agreement described in subsection (b)).

(2) As part of the negotiations, the Secretary of Energy may consider providing additional funds to the Ministry of Atomic Energy in order to reach a successful agreement.

(3) If such an agreement, meeting the requirements in subsection (c), is reached with the Ministry of Atomic Energy, which requires additional funds for the Russian work, the Secretary shall either seek authority to use funds available for another purpose, or request supplemental appropriations, for such work.

(b) AGREEMENT.—The agreement referred to in subsection (a) is the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated As No Longer Required For Defense Purposes and Related Cooperation, signed August 29, 2000, and September 1, 2000.

(c) REQUIREMENT FOR DISPOSITION PROGRAM.— The plutonium disposition program under subsection (a)—

(1) shall include transparent verifiable steps;

(2) shall proceed at a rate approximately equivalent to the rate of the United States program for the disposition of plutonium;

(3) shall provide for cost-sharing among a variety of countries;

(4) shall provide for contributions by the Russian Federation;

(5) shall include steps over the near term to provide high confidence that the schedules for the disposition of plutonium of the Russian Federation will be achieved; and

(6) may include research on more speculative long-term options for the future disposition of the plutonium of the Russian Federation in addition to the near-term steps under paragraph (5).

SEC. 3159B. STRENGTHENED INTERNATIONAL SECURITY FOR NUCLEAR MATERIALS AND SAFETY AND SECURITY OF NUCLEAR OPERATIONS.

(a) REPORT ON OPTIONS FOR INTERNATIONAL PROGRAM TO STRENGTHEN SECURITY AND SAFETY.—(1) Not later than 270 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on options for an international program to develop strengthened security for all nuclear materials and safety and security for current nuclear operations.

(2) The Secretary shall consult with the Office of Nuclear Energy Science and Technology of the Department of Energy in the development of options for purposes of the report.

(3) In evaluating options for purposes of the report, the Secretary shall consult with the Nuclear Regulatory Commission and the International Atomic Energy Agency on the feasibility and advisability of actions to reduce the risks associated with terrorist attacks on nuclear power plants outside the United States.

(4) Each option for an international program under paragraph (1) may provide that the program is jointly led by the United States, the Russian Federation, and the International Atomic Energy Agency.

(5) The Secretary shall include with the report on options for an international program under paragraph (1) a description and assessment of various management alternatives for the international program. If any option requires Federal funding or legislation to implement, the report shall also include recommendations for such funding or legislation, as the case may be.

(b) JOINT PROGRAMS WITH RUSSIA ON PROLIFERATION RESISTANT NUCLEAR ENERGY TECHNOLOGIES.—The Director of the Office of Nuclear Energy Science and Technology Energy shall, in coordination with the Secretary, pursue with the Ministry of Atomic Energy of the Russian Federation joint programs between the United States and the Russian Federation on the development of proliferation resistant nuclear energy technologies, including advanced fuel cycles.

(c) PARTICIPATION OF INTERNATIONAL TECHNICAL EXPERTS.—In developing options under subsection (a), the Secretary shall, in consultation with the Nuclear Regulatory Commission, the Russian Federation, and the International Atomic Energy Agency, convene and consult with an appropriate group of international technical experts on the development of various options for technologies to provide strengthened security for nuclear materials and safety and security for current nuclear operations, including the implementation of such options.

(d) ASSISTANCE REGARDING HOSTILE INSIDERS AND AIRCRAFT IMPACTS.—(1) The Secretary may, utilizing appropriate expertise of the Department of Energy and the Nuclear Regulatory Commission, provide assistance to nuclear facilities abroad on the interdiction of hostile insiders at such facilities in order to prevent incidents arising from the disablement of the vital systems of such facilities.

(2) The Secretary may carry out a joint program with the Russian Federation and other countries to address and mitigate concerns on the impact of aircraft with nuclear facilities in such countries.

(e) ASSISTANCE TO IAEA IN STRENGTHENING INTERNATIONAL NUCLEAR SAFETY AND SECURITY.—The Secretary may expand and accelerate the programs of the Department of Energy to support the International Atomic Energy Agency in strengthening international nuclear safety and security.

(f) AMOUNT FOR ACTIVITIES.—Of the amount authorized to be appropriated by section 3102(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to $35,000,000 shall be available for carrying out this section as follows:

(1) For activities under subsections (a) through (d), $20,000,000, of which—

(A) $5,000,000 shall be available for sabotage protection for nuclear power plants and other nuclear facilities abroad; and

(B) $10,000,000 shall be available for development of proliferation resistant nuclear energy technologies under subsection (b).

(2) For activities under subsection (e), $15,000,000.

SEC. 3159C. EXPORT CONTROL PROGRAMS.

(a) AUTHORITY TO PURSUE OPTIONS FOR STRENGTHENING EXPORT CONTROL PROGRAMS.—The Secretary of Energy may pursue in the former Soviet Union and other regions of concern, principally in South Asia, the Middle East, and the Far East, options for accelerating programs that assist countries in such regions in improving their domestic export control programs for materials, technologies, and expertise relevant to the construction or use of a nuclear or radiological dispersal device.

(b) AMOUNT FOR ACTIVITIES.—Of the amount authorized to be appropriated by section 3102(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to $5,000,000 shall be available for carrying out this section.

SEC. 3159D. IMPROVEMENTS TO NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE RUSSIAN FEDERATION.

(a) REVISED FOCUS FOR PROGRAM.—(1) The Secretary of Energy shall work cooperatively with the Russian Federation to update and improve the Joint Action Plan for the Materials Protection, Control, and Accounting programs of the Department and the Russian Federation Ministry of Atomic Energy.

(2) The updated plan shall shift the focus of the upgrades of the nuclear materials protection, control, and accounting program of the Russian Federation in order to assist the Russian Federation in achieving, as soon as practicable but not later than January 1, 2012, a sustainable nuclear materials protection, control, and accounting system for the nuclear materials of the Russian Federation that is supported solely by the Russian Federation.

(b) PACE OF PROGRAM.—The Secretary shall work with the Russian Federation, including applicable institutes in Russia, to pursue acceleration of the nuclear materials protection, control, and accounting programs at nuclear defense facilities in the Russian Federation.

(c) TRANSPARENCY OF PROGRAM.—The Secretary shall work with the Russian Federation to identify various alternatives to provide the United States adequate transparency in the nuclear materials protection, control, and accounting program of the Russian Federation to assure that such program is meeting applicable goals for nuclear materials protection, control, and accounting.

(d) SENSE OF CONGRESS.—In furtherance of the activities required under this section, it is the sense of Congress the Secretary should—

(1) enhance the partnership with the Russian Ministry of Atomic Energy in order to increase the pace and effectiveness of nuclear materials accounting and security activities at facilities in the Russian Federation, including serial production enterprises; and

(2) clearly identify the assistance required by the Russian Federation, the contributions

anticipated from the Russian Federation, and the transparency milestones that can be used to assess progress in meeting the requirements of this section.

SEC. 3159E. COMPREHENSIVE ANNUAL REPORT TO CONGRESS ON COORDINATION AND INTEGRATION OF ALL UNITED STATES NONPROLIFERATION ACTIVITIES.

Section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247) is amended by adding at the end the following new subsection:

''(d) ANNUAL REPORT ON IMPLEMENTATION OF PLAN.—(1) Not later than January 31, 2003, and each year thereafter, the President shall submit to Congress a report on the implementation of the plan required by subsection (a) during the preceding year.

''(2) Each report under paragraph (1) shall include—

''(A) a discussion of progress made during the year covered by such report in the matters of the plan required by subsection (a);

''(B) a discussion of consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan;

''(C) a discussion of cooperation, coordination, and integration during such year in the implementation of the plan among the various departments and agencies of the United States Government, as well as private entities that share objectives similar to the objectives of the plan; and

''(D) any recommendations that the President considers appropriate regarding modifications to law or regulations, or to the administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.''.

SEC. 3159F. UTILIZATION OF DEPARTMENT OF ENERGY NATIONAL LABORATORIES AND SITES IN SUPPORT OF COUNTERTERRORISM AND HOMELAND SECURITY ACTIVITIES.

(a) AGENCIES AS JOINT SPONSORS OF LABORATORIES FOR WORK ON ACTIVITIES.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on counterterrorism and homeland security activities at a Department of Energy national laboratory may be a joint sponsor, under a multiple agency sponsorship arrangement with the Department, of such laboratory in the performance of such work.

(b) AGENCIES AS JOINT SPONSORS OF SITES FOR WORK ON ACTIVITIES.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on counterterrorism and homeland security activities at a Department of Energy site may be a joint sponsor of such site in the performance of such work as if such site were a federally funded research and development center and such work were performed under a multiple agency sponsorship arrangement with the Department.

(c) PRIMARY SPONSORSHIP.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement required under subsection (a) or (b).

(d) WORK.—(1) The Administrator for Nuclear Security shall act as the lead agent in coordinating the formation and performance of a joint sponsorship agreement between a requesting agency and a Department of Energy national laboratory or site for work on counterterrorism and homeland security.

(2) A request for work may not be submitted to a national laboratory or site under this section unless approved in advance by the Administrator.

(3) Any work performed by a national laboratory or site under this section shall comply with the policy on the use of federally funded research and development centers under section 35.017(a)(4) of the Federal Acquisition Regulation.

(4) The Administrator shall ensure that the work of a national laboratory or site requested under this section is performed expeditiously and to the satisfaction of the head of the department or agency submitting the request.

(e) FUNDING.—(1) Subject to paragraph (2), a joint sponsor of a Department of Energy national laboratory or site under this section shall provide funds for work of such national laboratory or site, as the case may be, under this section under the same terms and conditions as apply to the primary sponsor of such national laboratory under section 303(b)(1)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)(1)(C)) or of such site to the extent such section applies to such site as a federally funded research and development center by reason of subsection (b).

(2) The total amount of funds provided a national laboratory or site in a fiscal year under this subsection by joint sponsors other than the Department of Energy shall not exceed an amount equal to 25 percent of the total funds provided such national laboratory or site, as the case may be, in such fiscal year from all sources.

SA 4010. Mr. KERRY (for himself, Mr. BOND, and Mrs. CARNAHAN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 194, between lines 13 and 14, insert the following:

SEC. 828. REPORT ON EFFECTS OF ARMY CONTRACTING AGENCY.

(a) IN GENERAL.—The Secretary of the Army shall submit a report on the effects of the establishment of an Army Contracting Agency on small business participation in Army procurements during the first year of operation of such an agency to—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

(b) CONTENT.—The report required under subsection (a) shall include, in detail—

(1) the justification for the establishment of an Army Contracting Agency;

(2) a discussion of how the establishment and operations of an Army Contracting Agency has affected Army compliance with—

(A) Department of Defense Directive 4205.1;

(B) section 15(g) of the Small Business Act; and

(C) section 15(k) of the Small Business Act;

(3) the effect of the establishment and operations of an Army Contracting Agency on small business participation in Army procurement contracts, including—

(A) the impact on small businesses located near Army installations, including—

(i) the increase or decrease in the total value of Army prime contracting with local small businesses; and

(ii) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(B) the increase in consolidated contracts and bundled contracts; and

(4) if there is a negative effect on small business participation in Army procurement contracts, in general or near any Army installation, a description of the Army's plan to increase small business participation where it is negatively affected.

(c) TIME FOR SUBMISSION.—The report under this section shall be due 15 months after the date of the establishment of the Army Contracting Agency.

SA 4011. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 appropriate place, insert the following:

SEC. ___. REPORT ON INDUSTRIES UNDERREPRESENTED BY WOMEN.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit a report on the results of the study required by section 8(m)(4) of the Small Business Act (15 U.S.C. 637(m)(4)) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

SA 4012. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 II, add the following:

SEC. 214. AGROTERRORIST ATTACKS.

(a) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, defense-wide, the amount available for basic research for the Chemical and Biological Defense Program (PE0601384BP) is hereby increased by $1,000,000, with the amount of such increase to be available for research, analysis, and assessment of efforts to counter potential agroterrorist attacks.

(2) The amount available under paragraph (1) for research, analysis, and assessment described in that paragraph is in addition to any other amounts available in this Act for such research, analysis, and assessment.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, the amount available for biological terrorism and agroterrorism risk assessment and prediction in the program element relating to the Chemical and Biological Defense Program (PE0603384BP) is hereby reduced by $1,000,000.

SA 4013. Mr. DOMENICI submitted an amendment intended to be proposed by

him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 26, after line 22, insert the following:

SEC. 214. THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY UPGRADES.

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for the Air Force for wargaming and simulation centers (PE 0207605F) is increased by $2,500,000. The total amount of the increase shall be available for Theater Aerospace Command and Control Simulation Facility (TACCSF) upgrades.

(2) The amount available under paragraph (1) for Theater Aerospace Command and Control Simulation Facility upgrades is in addition to any other amounts available under this Act for such upgrades.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for the Navy for Mine and Expeditionary Warfare Applied Research (PE 0602782N) is reduced by $2,500,000.

SA 4014. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 E of title X, add the following:

SEC. 1065. PROVISION OF SPACE AND SERVICES TO THE NAVY-MARINE CORPS RELIEF SOCIETY.

(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—Chapter 649 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7583. Navy-Marine Corps Relief Society: provision of space and services

''(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—The Secretary of the Navy may provide, without charge, space and services under the jurisdiction of the Secretary to the Navy-Marine Corps Relief Society.

''(b) SERVICES DEFINED.—In this section, the term 'services' includes lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone and other information technology services (including installation of lines and equipment, connectivity, and associated services), and security systems (including installation).''.

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

''7583. Navy-Marine Corps Relief Society: provision of space and services.''.

SA 4015. Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 A of title III, add the following:

SEC. 305. NATIONAL ARMY MUSEUM, FORT BELVOIR, VIRGINIA.

(a) ACTIVATION EFFORTS.—The Secretary of the Army may carry out efforts to facilitate the commencement of development for the National Army Museum at Fort Belvoir, Virginia. Such efforts may be carried out by any entity, including a not-for profit private entity, designated by the Secretary for that purpose.

(b) FUNDING.—(1) The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby increased by $100,000.

(2) Of the amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army, as increased by paragraph (1), $100,000 shall be available to carry out the efforts authorized by subsection (a).

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $100,000.

SA 4016. Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In section 301(a)(1), strike ''$24,195,242,000'' and insert ''$24,187,242,000''.

In the table in section 2101(a), in the item relating to Walter Reed Army Medical Center, District of Columbia, strike ''$9,500,000'' in the amount column and insert ''$17,500,000''.

In the table in section 2101(a), strike the amount identified as the total in the amount column and insert ''$964,697,000''.

In section 2104(a), strike ''$2,999,345,000'' in the matter preceding paragraph (1) and insert ''$3,007,345,000''.

In section 2104(a)(1), strike ''$750,497,000'' and insert ''$758,497,000''.

SA 4017. Mr. WARNER (for Mr. HELMS (for himself and Mr. CLELAND)) submitted an amendment intended to be proposed by Mr. Warner to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 90, between lines 19 and 20, insert the following:

SEC. 346. INSTALLATION AND CONNECTION POLICY AND PROCEDURES REGARDING DEFENSE SWITCH NETWORK.

(a) ESTABLISHMENT OF POLICY AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clear and uniform policy and procedures, applicable to the military departments and Defense Agencies, regarding the installation and connection of telecom switches to the Defense Switch Network.

(b) ELEMENTS OF POLICY AND PROCEDURES.—The policy and procedures shall address at a minimum the following:

(1) Clear interoperability and compatibility requirements for procuring, certifying, installing, and connecting telecom switches to the Defense Switch Network.

(2) Current, complete, and enforceable testing, validation, and certification procedures needed to ensure the interoperability and compatibility requirements are satisfied.

(c) EXCEPTIONS.—(1) The Secretary of Defense may specify certain circumstances in which—

(A) the requirements for testing, validation, and certification of telecom switches may be waived; or

(B) interim authority for the installation and connection of telecom switches to the Defense Switch Network may be granted.

(2) Only the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, after consultation with the Chairman of the Joint Chiefs of Staff, may approve a waiver or grant of interim authority under paragraph (1).

(d) INVENTORY OF DEFENSE SWITCH NETWORK.—The Secretary of Defense shall prepare and maintain an inventory of all telecom switches that, as of the date on which the Secretary issues the policy and procedures—

(1) are installed or connected to the Defense Switch Network; but

(2) have not been tested, validated, and certified by the Defense Information Systems Agency (Joint Interoperability Test Center).

(e) INTEROPERABILITY RISKS.—(1) The Secretary of Defense shall, on an ongoing basis—

(A) identify and assess the interoperability risks that are associated with the installation or connection of uncertified switches to the Defense Switch Network and the maintenance of such switches on the Defense Switch Network; and

(B) develop and implement a plan to eliminate or mitigate such risks as identified.

(2) The Secretary shall initiate action under paragraph (1) upon completing the initial inventory of telecom switches required by subsection (d).

(f) TELECOM SWITCH DEFINED.—In this section, the term ''telecom switch'' means hardware or software designed to send and receive voice, data, or video signals across a network that provides customer voice, data, or video equipment access to the Defense Switch Network or public switched telecommunications networks.

SA 4018. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 130, between lines 6 and 7, insert the following:

SEC. 604. TEMPORARY AUTHORITY FOR HIGHER RATES OF PARTIAL BASIC ALLOWANCE FOR HOUSING FOR CERTAIN MEMBERS ASSIGNED TO HOUSING UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) AUTHORITY.—The Secretary of Defense may prescribe and, under section 403(n) of title 37, United States Code, pay for members of the Armed Forces (without dependents) in privatized housing higher rates of partial basic allowance for housing than those that are authorized under paragraph (2) of such section 403(n).

(b) MEMBERS IN PRIVATIZED HOUSING.—For the purposes of this section, a member of the Armed Forces (without dependents) is a member of the Armed Forces (without dependents) in privatized housing while the member is assigned to housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code.

(c) TREATMENT OF HOUSING AS GOVERNMENT QUARTERS.—For purposes of section 403 of title 37, United States Code, a member of the Armed Forces (without dependents) in privatized housing shall be treated as residing in quarters of the United States or a housing facility under the jurisdiction of the Secretary of a military department while a higher rate of partial allowance for housing is paid for the member under this section.

(d) PAYMENT TO PRIVATE SOURCE.—The partial basic allowance for housing paid for a member at a higher rate under this section may be paid directly to the private sector source of the housing to whom the member is obligated to pay rent or other charge for residing in such housing if the private sector source credits the amount so paid against the amount owed by the member for the rent or other charge.

(e) TERMINATION OF AUTHORITY.—Rates prescribed under subsection (a) may not be paid under the authority of this section in connection with contracts that are entered into after December 31, 2007, for the construction or acquisition of housing under the authority of subchapter IV of chapter 169 of title 10, United States Code.

SA 4019. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 A of title III, add the following:

SEC. 305. DISPOSAL OF OBSOLETE VESSELS OF THE NATIONAL DEFENSE RESERVE FLEET.

Of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, $20,000,000 may be available, without fiscal year limitation if so provided in appropriations Acts, for expenses related to the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet.

SA 4020. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 90, between lines 19 and 20, insert the following:

SEC. 346. NAVY DATA CONVERSION ACTIVITIES.

(a) AMOUNT FOR ACTIVITIES.—The amount authorized to be appropriated by section 301(a)(2) is hereby increased by $1,500,000. The total amount of such increase may be available for the Navy Data Conversion and Management Laboratory to support data conversion activities for the Navy.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) is hereby reduced by $2,000,000 to reflect a reduction in the utilities privatization efforts previously planned by the Army.

SA 4021. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 II, add the following:

SEC. 214. ANALYSIS OF EMERGING THREATS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $2,000,000 with the amount of the increase to be allocated to Marine Corps Advanced Technology Demonstration (ATD) (PE0603640M).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $2,000,000 shall be available for analysis of emerging threats.

(2) The amount available under paragraph (1) for analysis of emerging threats is in addition to any other amounts available under this Act for analysis of emerging threats.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $2,000,000, with the amount of the reduction allocated as follows:

(1) $1,000,000 shall be allocated to Weapons and Munitions Technology (PE0602624A) and available for countermobility systems.

(2) $1,000,000 shall be allocated to Warfighter Advanced Technology (PE0603001A) and available for Objective Force Warrior technologies.

SA 4022. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCES, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONVEYANCE TO FAIRFAX COUNTY, VIRGINIA, AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to Fairfax County, Virginia, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 135 acres, located in the northwest portion of the Engineer Proving Ground (EPG) at Fort Belvoir, Virginia, in order to permit the County to use such property for park and recreational purposes.

(2) The parcel of real property authorized to be conveyed by paragraph (1) is generally described as that portion of the Engineer Proving Ground located west of Accotink Creek, east of the Fairfax County Parkway, and north of Cissna Road to the northern boundary, but excludes a parcel of land consisting of approximately 15 acres located in the southeast corner of such portion of the Engineer Proving Ground.

(3) The land excluded under paragraph (2) from the parcel of real property authorized to be conveyed by paragraph (1) shall be reserved for an access road to be constructed in the future.

(b) CONVEYANCE OF BALANCE OF PROPERTY AUTHORIZED.—The Secretary may convey to any competitively selected grantee all right, title, and interest of the United States in and to the real property, including any improvements thereon, at the Engineering Proving Ground, not conveyed under the authority in subsection (a).

(c) CONSIDERATION.—(1) As consideration for the conveyance authorized by subsection (b), the grantee shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by the Secretary, of the property conveyed under that subsection.

(2) In-kind consideration under paragraph (1) may include the maintenance, improvement, alteration, repair, remodeling, restoration (including environmental restoration), or construction of facilities for the Department of the Army at Fort Belvoir or at any other site or sites designated by the Secretary.

(3) If in-kind consideration under paragraph (1) includes the construction of facilities, the grantee shall also convey to the United States—

(A) title to such facilities, free of all liens and other encumbrances; and

(B) if the United States does not have fee simple title to the land underlying such facilities, convey to the United States all right, title, and interest in and to such lands not held by the United States.

(4) The Secretary shall deposit any cash received as consideration under this subsection in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of each such survey shall be borne by the grantee.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional

terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SA 4023. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 C of title XXVIII, add the following:

SEC. 2829. MASTER PLAN FOR USE OF NAVY ANNEX, ARLINGTON, VIRGINIA.

(a) REPEAL OF COMMISSION ON NATIONAL MILITARY MUSEUM.—Title XXIX of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 880; 10 U.S.C. 111 note) is repealed.

(b) MODIFICATION OF AUTHORITY FOR TRANSFER FROM NAVY ANNEX.—Section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 879) is amended—

(1) in subsection (b)(2), as amended by section 2863(f) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1332), by striking ''as a site—'' and all that follows and inserting ''as a site for such other memorials or museums that the Secretary considers compatible with Arlington National Cemetery and the Air Force Memorial.''; and

(2) in subsection (d)—

(A) in paragraph (2), by striking ''the recommendation (if any) of the Commission on the National Military Museum to use a portion of the Navy Annex property as the site for the National Military Museum'', and inserting ''the use of the acres reserved under (b)(2) as a memorial or museum''; and

(B) in paragraph (4), by striking ''the date on which the Commission on the National Military Museum submits to Congress its report under section 2903'' and inserting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003''.

(c) CONSTRUCTION OF AMENDMENTS.—The amendments made by subsections (a) and (b) may not be construed to delay the establishment of the United States Air Force Memorial authorized by section 2863 of the Military Construction Authorization Act for Fiscal Year 2002 (115 Stat. 1330).

SA 4024. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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. 346. ENGINEERING STUDY AND ENVIRONMENTAL ANALYSIS OF ROAD MODIFICATIONS IN VICINITY OF FORT BELVOIR, VIRGINIA.

(a) STUDY AND ANALYSIS.—(1) The Secretary of the Army shall conduct a preliminary engineering study and environmental analysis to evaluate the feasibility of establishing a connector road between Richmond Highway (United States Route 1) and Telegraph Road in order to provide an alternative to Beulah Road (State Route 613) and Woodlawn Road (State Route 618) at Fort Belvoir, Virginia, which were closed as a force protection measure.

(2) It is the sense of Congress that the study and analysis should consider as one alternative the extension of Old Mill Road between Richmond Highway and Telegraph Road.

(b) CONSULTATION.—The study required by subsection (a) shall be conducted in consultation with the Department of Transportation of the Commonwealth of Virginia and Fairfax County, Virginia.

(c) REPORT.—The Secretary shall submit to Congress a summary report on the study and analysis required by subsection (a). The summary report shall be submitted together with the budget justification materials in support of the budget of the President for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance, $5,000,000 shall be available for the study and analysis required by subsection (a).

SA 4025. Ms. COLLINS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 II, add the following:

SEC. 214. DDG OPTIMIZED MANNING INITIATIVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $5,000,000, with the amount of the increase to be allocated to surface combatant combat system engineering (PE0604307N).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $5,000,000 shall be available for the DDG optimized manning initiative.

(2) The amount available under paragraph (1) for the initiative referred to in that paragraph is in addition to any other amounts available under this Act for that initiative.

(c) OFFSET.—The amount authorized to be appropriated by section 104 for procurement for defense-wide activities is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to Global Information Grid.

SA 4026. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 17, strike line 14 and insert the following:

SEC. 121. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR DDG–51 CLASS DESTROYERS.

Section 122(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122 of Public Law 106–65 (113 Stat. 534) and section 122(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–24), is further amended by striking ''October 1, 2005'' in the first sentence and inserting ''October 1, 2007''.

SA 4027. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Administrator of General Services may convey, without consideration, to the Johnson County Park and Recreation District, Kansas (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the State of Kansas consisting of approximately 2,000 acres, a portion of the Sunflower Army Ammunition Plant. The purpose of the conveyance is to permit the District to use the parcel for public recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage, location, and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official making the conveyance. The cost of such legal description, survey, or both shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The official making the conveyance of real property under subsection (a) may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

(d) EFFECTIVE DATE.—This section shall take effect on January 31, 2003.

SA 4028. Mr. ALLARD (for himself, Mr. REED, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 200, between lines 14 and 15, insert the following:

SEC. 905. VETERINARY CORPS OF THE ARMY.

(a) COMPOSITION AND ADMINISTRATION.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section 3071:

"§ 3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade

''(a) COMPOSITION.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

''(b) CHIEF.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade may be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

''(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3070 the following new item:

''3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.''.

(b) EFFECTIVE DATE.—Section 3071 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002.

SA 4029. Mr. REED (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 34, after line 23, insert the following:

SEC. 226. REPORTS ON FLIGHT TESTING OF GROUND-BASED MIDCOURSE NATIONAL MISSILE DEFENSE SYSTEM.

(a) REQUIREMENT.—The Director of the United States Missile Defense Agency shall submit to the congressional defense committees a report on each flight test of the Ground-based Midcourse national missile defense system. The report shall be submitted not later than 90 days after the date of the test.

(b) CONTENT.—A report on a flight test under subsection (a) shall include the following matters:

(1) A detailed discussion of the content and objectives of the test.

(2) For each test objective, a statement regarding whether the objective was achieved.

(3) For any test objective not achieved—

(A) a detailed discussion describing the reasons for not achieving the objective; and

(B) a discussion of any plans for future tests to achieve the objective.

(c) FORMAT.—The reports required under subsection (a) shall be submitted in unclassified form, with a classified annex as necessary.

SA 4030. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 E of title XXXI, add the following:

SEC. 3165. ELIGIBILITY FOR BENEFITS UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000 OF DEPARTMENT OF ENERGY AND CONTRACTOR EMPLOYEES WITH MERCURY POISONING RELATING TO ATOMIC WEAPONS.

(a) ELIGIBILITY.—The Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398; 42 U.S.C. 7384 et seq.), is amended by adding inserting section 3627 the following new section:

"SEC. 3627A. MERCURY POISONING RELATING TO ATOMIC WEAPONS.

''(a) IN GENERAL.—A Department of Energy employee, or Department of Energy contractor employee, who was exposed to mercury in the performance of duty and who experienced mercury poisoning shall be treated as a covered employee with an occupational illness consisting of mercury poisoning for purposes of benefits under this subtitle.

''(b) EXPOSURE TO MERCURY IN THE PERFORMANCE OF DUTY.—An employee referred to in subsection (a) shall, in the absence of substantial evidence to the contrary, be determined to have been exposed to mercury in the performance of duty if, and only if, while employed at Department of Energy facilities associated with the design, production, or testing of atomic weapons, or clean-up operations related thereto, the employee was present in a Department of Energy facility that—

''(1) contained more than 100 kilograms of mercury; and

''(2) did not confine mercury operations to work spaces with effective and dedicated ventilation systems for the removal of airborne toxic substances.

''(c) MERCURY POISONING.—(1) An employee referred to in subsection (a) shall be treated as having experienced mercury poisoning if the employee manifests a physical, psychological, or neurological illness consistent with mercury poisoning.

''(2) The Secretary of Labor shall rely on evaluations, tests, or other medical information obtained pursuant to section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2646; 42 U.S.C. 7274i), or any other mechanism established by the Secretary of Labor, in evaluating whether an illness referred to in paragraph (1) is consistent with mercury poisoning.''.

(b) CONFORMING AMENDMENT.—Section 3621(1) of that Act (42 U.S.C. 7384l(1)) is amended by adding at the end the following new subparagraph:

''(D) To the extent provided in section 3627A, a Department of Energy employee, or Department of Energy contractor employee, who was exposed to mercury in the performance of duty and who experienced mercury poisoning.''.

SA 4031. Mr. FRIST (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In section 301(a)(1), decrease the amount indicated by $2,400,000.

In section 301(a)(2), decrease the amount indicated by $3,000,000.

In section 301(a)(4), decrease the amount indicated by $3,000,000.

In section 2601(3)(A), add $8,400,000 to the amount indicated.

SA 4032. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 E of title X, add the following:

SEC. 1065. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by striking ''Each State shall'' and inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—Each State shall''; and

(2) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking ''**FOR FEDERAL OFFICE**''.

SA 4033. Mr. CLELAND (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 91, strike lines 1 through 4, and insert the following:

(1) The Army, 485,000.

(2) The Navy, 379,200.

(3) The Marine Corps, 175,000.

(4) The Air Force, 362,500.

SA 4034. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for

military activities of the Department of Defense, for military construction, and for defense activities of 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 IV, add the following:

SEC. 405. SENSE OF CONGRESS FOR FOLLOW-ON FISCAL YEAR END STRENGTHS.

It is the sense of Congress that the authorized end strength for active duty personnel for each of the Army, Navy, and Air Force should increase in each successive fiscal year (over the authorized end strength for the preceding fiscal year) as follows:

(1) For the Army:

(A) For fiscal year 2004, by 5,000.

(B) For fiscal year 2005, by 5,000.

(C) For fiscal year 2006, by 5,000.

(D) For fiscal year 2007, by 5,000.

(2) For the Navy, for fiscal year 2004, by 1,000.

(3) For the Air Force:

(A) For fiscal year 2004, by 2,500.

(B) For fiscal year 2005, by 2,000.

SA 4035. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 C of title X, add the following:

SEC. 1035. REPORT ON EFFORTS TO ENSURE ADEQUACY OF FIRE FIGHTING STAFFS AT MILITARY INSTALLATIONS.

Not later than March 31, 2003, the Secretary of Defense shall submit to Congress a report on the actions being undertaken to ensure that the fire fighting staffs at military installations are adequate under applicable Department of Defense regulations.

SA 4036. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In section 201(2), strike ''$12,929,135,000'' and insert ''$12,927,135,000''.

In section 201(3), strike ''$18,603,684,000'' and insert ''$18,605,684,000''.

SA 4037. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 II, add the following:

SEC. 214. RADAR POWER TECHNOLOGY FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army is hereby increased by $4,500,000, with the amount of the increase to be allocated to Army missile defense systems integration (DEM/VAL) (PE0603308A).

(b) AVAILABILITY FOR RADAR POWER TECHNOLOGY.—(1) Of the amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army, as increased by subsection (a), $4,500,000 shall be available for radar power technology.

(2) The amount available under paragraph (1) for radar power technology is in addition to any other amounts available under this Act for such technology.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $4,500,000, with the amount of the reduction to be allocated to common picture advanced technology (PE0603235N).

SA 4038. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In section 301(a)(2), decrease the amount by $3,580,000.

In section 2601(1)(A), increase the amount by $3,580,000.

SA 4039. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 26, after line 22, insert the following:

SEC. 214. THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY UPGRADES.

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for the Air Force for wargaming and simulation centers (PE 0207605F) is increased by $2,500,000. The total amount of the increase shall be available for Theater Aerospace Command and Control Simulation Facility (TACCSF) upgrades.

(2) The amount available under paragraph (1) for Theater Aerospace Command and Control Simulation Facility upgrades is in addition to any other amounts available under this Act for such upgrades.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for the Navy for Mine and Expeditionary Warfare Applied Research (PE 0602782N) is reduced by $2,500,000.

SA 4040. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 II, add the following:

SEC. 214. AEROSPACE RELAY MIRROR SYSTEM (ARMS) DEMONSTRATION.

Of the amount authorized to be appropriated by section 201(3) for the Department of Defense for research, development, test, and evaluation for the Air Force, $6,000,000 may be available for the Aerospace Relay Mirror System (ARMS) Demonstration.

SA 4041. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 title XXI, add the following:

SEC. 2109. PLANNING AND DESIGN FOR ANECHOIC CHAMBER AT WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) PLANNING AND DESIGN.—The amount authorized to be appropriated by section 2104(a)(5), for planning and design for military construction for the Army is hereby increased by $3,000,000, with the amount of the increase to be available for planning and design for an anechoic chamber at White Sands Missile Range, New Mexico.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Base Operations Support (Serviceable Support).

SA 4042. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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. 346. EXTENSION OF WORK SAFETY DEMONSTRATION PROGRAM.

Section 1112 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–313) is amended—

(1) in subsection (d), by striking ''September 30, 2002'' and inserting ''September 30, 2003''; and

(2) in subsection (e)(2), by striking ''December 1, 2002'' and inserting ''December 1, 2003''.

SA 4043. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment

intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 title XXIII, add the following:

SEC. 2305. ADDITIONAL PROJECT AUTHORIZATION FOR AIR TRAFFIC CONTROL FACILITY AT DOVER AIR FORCE BASE, DELAWARE.

(a) PROJECT AUTHORIZED.—In addition to the projects authorized by section 2301(a), the Secretary of the Air Force may carry out carry out a military construction project, including land acquisition relating thereto, for construction of a new air traffic control facility at Dover Air Force Base, Delaware, in the amount of $7,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2304(a), and by paragraph (1) of that section, is hereby increased by $7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(10) for operation and maintenance for the Army National Guard is hereby reduced by $7,500,000, with the amount of the reduction to be allocated to the Classified Network Program.

SA 4044. Mr. JEFFORDS (for himself, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 appropriate place, add the following:

SEC. 554. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

''(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

''(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

''(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

''(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

''(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).''.

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

''(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

''(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

''(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

''(2) Not more than $2,500,000 may be obligated or expended in any fiscal year under subsection (c).

''(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''AUTHORIZED ACTIVITIES.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''AUTHORIZED LOCATIONS.—'' after ''(b)''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting ''and'' after the semicolon;

(B) in paragraph (2), by striking ''; or'' and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

''§ 504. National Guard schools; small arms competitions; athletic competitions''.

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 32, United States Code, is amended to read as follows:

''504. National Guard schools; small arms competitions; athletic competitions.''.

SA 4045. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 14, line 20, increase the amount by $1,500,000.

On page 23, line 22, reduce the amount by $1,500,000.

SA. 4046. Mr. LEVIN proposed an amendment to amendment SA 4007 proposed by Mr. WARNER (for himself, Mr. MILLER, Mr. LOTT, Mr. STEVENS, Mr. COCHRAN, Mr. ALLARD, Mr. KYL, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. THURMOND, Mr. SESSIONS, Mr. ROBERTS, Mr. HUTCHINSON, Mr. BUNNING, Mr. HELMS, Mr. MCCAIN, Mr. NICKLES, Mr. HAGEL, and Mrs. HUTCHISON) to the bill (S. 2514) to authorize appropriations for fiscal year 2003 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; as follows:

On page 3, strike subsection (c) and insert the following:

''(c) PRIORITY FOR ALLOCATING FUNDS.—In the expenditure of additional funds made available by a lower rate of inflation, the top priority shall be the use of such funds for Department of Defense activities for protecting the American people at home and abroad by combating terrorism at home and abroad.''

SA 4047. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 256, before line 3, insert the following:

(c) DEFERRAL OF EXPIRATION DATE.—Section 3536 to title 44, United States Code, is amended by striking ''the date that is two years after the date on which this subchapter takes effect'' and inserting ''December 31, 2004''.

SA 4048. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 29, after line 8, insert the following:

(c) REPORTS ON FISCAL YEAR 2003 FLIGHT TESTING OF GROUND-BASED MIDCOURSE NATIONAL MISSILE DEFENSE SYSTEM.

(1) REQUIREMENT.—The Director of the United States Missile Defense Agency shall submit to the congressional defense committees a report on each flight test of the Ground-based Midcourse national missile defense system (for fiscal year 2003). The report shall be submitted not later than 90 days after the date of the test.

(2) CONTENT.—A report on a flight test under subsection (a) shall include the following matters:

(a) A detailed discussion of the content and objectives of the test.

(b) For each test objective, a statement regarding whether the objective was achieved.

(c) For any test objective not achieved—

(1) a detailed discussion describing the reasons for not achieving the objective; and

(2) a discussion of any plans for future tests to achieve the objective.

(3) FORMAT.—The reports required under subsection (1) shall be submitted in unclassified form, with a classified annex as necessary:

SA 4049. Mr. ENZI submitted an amendment intended to be proposed by

him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 appropriate place, insert:

For Air Force research and development of the Slender Hypervelocity Aerothermodynamic Research Probes (SHARP) spaceplane, there shall be made available $100,000 through aerospace materials manufacturing and research by the U.S. Department of the Air Force.

SA 4050. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 appropriate place, insert:

For military construction for an Aerial Port Complex for the Wyoming Air National Guard, there shall be made available $6,000,000 through Section 2601 of title XXVI.

SA 4051. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. SCHUMER, Mr. DODD, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense 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 C of title X, insert the following:

SEC. 1035. REPORT ON VOLUNTEER SERVICES OF MEMBERS OF THE RESERVE COMPONENTS IN EMERGENCY RESPONSE TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on volunteer services described in subsection (b) that were provided by members of the National Guard and other reserve components of the Armed Forces, while not in a duty status pursuant to orders, during the period of September 11 through 14, 2001. The report shall include a discussion of any personnel actions that the Secretary considers appropriate for the members regarding the performance of such services.

(b) COVERED SERVICES.—The volunteer services referred to in subsection (a) are as follows:

(1) Volunteer services provided in the vicinity of the site of the World Trade Center, New York, New York, in support of emergency response to the terrorist attack on the World Trade Center on September 11, 2001.

(2) Volunteer services provided in the vicinity of the Pentagon in support of emergency response to the terrorist attack on the Pentagon on September 11, 2001.

SA 4052. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 E of title VI, add the following:

SEC. 655. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

''(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.''.

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

SA 4053. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 154, after line 20, insert the following:

SEC. 708. MEDICARE+CHOICE DEMONSTRATION PROJECT FOR MILITARY RETIREES.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE+CHOICE DEMONSTRATION PROJECT FOR MILITARY RETIREES

''SEC. 1897. (a) DEFINITIONS.—In this section:

''(1) ACCRUAL FUND.—The term 'accrual fund' means the Department of Defense Medicare-Eligible Retiree Health Care Fund established under section 1111 of title 10, United States Code.

''(2) ADMINISTERING SECRETARIES.—The term 'administering Secretaries' means the Secretary and the Secretary of Defense acting jointly.

''(3) DEMONSTRATION PROJECT; PROJECT.—The terms 'demonstration project' and 'project' mean the demonstration project carried out under this section.

''(4) MEDICARE-ELIGIBLE MILITARY RETIREE OR DEPENDENT.—The term 'medicare-eligible military retiree or dependent' means an individual described in section 1086(c) of title 10, United States Code, who is a Medicare+Choice eligible individual (as defined in section 1851(a)(3)).

''(5) MEDICARE+CHOICE ORGANIZATION; MEDICARE+CHOICE PLAN.—The terms 'Medicare+Choice organization' and 'Medicare+Choice plan' have the meanings given such terms in subsections (a)(1) and (b)(1), respectively, of section 1859.

''(6) MILITARY TREATMENT FACILITY.—The term 'military treatment facility' means a facility referred to in section 1074(a) of title 10, United States Code.

''(7) TRICARE.—The term 'TRICARE' has the same meaning as the term 'TRICARE program' under section 1072(7) of title 10, United States Code.

''(b) DEMONSTRATION PROJECT.—

''(1) ESTABLISHMENT.—The administering Secretaries are authorized to establish a demonstration project (under an agreement entered into by the administering Secretaries) under which—

''(A) Medicare+Choice organizations may offer Medicare+Choice plans (in an area designated under paragraph (2)) that restrict the enrollment of individuals under this part to medicare-eligible military retirees or dependents residing in the area;

''(B) medicare-eligible military retirees or dependents may voluntarily enroll in such plans; and

''(C) such organizations may enter into an agreement with the Secretary of Defense under which—

''(i) individuals enrolled in such plans may be referred to military treatment facilities in the area in order to obtain items and services from such facilities; and

''(ii) such organizations reimburse the military treatment facilities for the furnishing of such items and services to such individuals.

''(2) AGREEMENT BETWEEN MEDICARE+CHOICE ORGANIZATION AND SECRETARY OF DEFENSE.—An agreement entered into between the Medicare+Choice organization offering the Medicare+Choice plan that is participating in the demonstration project in an area and the Secretary of Defense pursuant to paragraph (1)(B) shall include at a minimum a description of—

''(A) the items and services that military treatment facilities in the area will be available to provide to medicare-eligible military retirees or dependents enrolled in the plan;

''(B) how and at what levels the organization will provided reimbursement to the military treatment facilities for items and services furnished to medicare-eligible military retirees or dependents enrolled in the plan;

''(C) how the organization will determine whether an individual is a medicare-eligible military retiree or dependent; and

''(D) cost-sharing requirements for medicare-eligible military retirees or dependents with respect to items and services furnished by a military treatment facility.

''(3) SITES.—

''(A) IN GENERAL.—The administering Secretaries may designate up to 6 metropolitan

areas in which to conduct the demonstration project.

''(B) REQUIREMENT.—The administering Secretaries may not designate an area under subparagraph (A) unless—

''(i) at least 10,000 medicare-eligible military retirees or dependents reside in the area; and

''(ii) a sufficient number of military treatment facilities are located in the area.

''(4) DURATION.—The authority of the administering Secretaries to conduct the demonstration project shall terminate on January 1, 2007.

''(c) CREDITING OF PAYMENTS TO ACCRUAL FUND.—A payment received by a military treatment facility from a Medicare+Choice organization under the demonstration project shall be credited to the accrual fund. Amounts credited to the accrual fund shall be merged with the other sums in such fund and shall be available until expended for the same purposes as such sums are available under section 1113 of title 10, United States Code.

''(d) RULES RELATING TO MAINTENANCE OF EFFORT LEVEL UNDER THE ACCRUAL FUND.—

''(1) MEDICARE+CHOICE PAYMENTS TO BE MADE REGARDLESS OF WHETHER MAINTENANCE OF EFFORT LEVEL REACHED FOR THE YEAR UNDER THE ACCRUAL FUND.—Payments by a Medicare+Choice organization to a military treatment facility pursuant to an agreement under the demonstration project shall be made regardless of whether the facility has reached the maintenance of effort level required of the facility for the year under the accrual fund.

''(2) EXPENSES INCURRED BY MILITARY TREATMENT FACILITY COUNT TOWARD MAINTENANCE OF EFFORT LEVEL FOR THE YEAR AND REIMBURSABLE EXPENSES UNDER THE ACCRUAL FUND.—Expenses incurred by a military treatment facility in providing items and services to medicare-eligible military retirees or dependents shall count toward reaching the maintenance of effort level required of the facility for the year under the accrual fund, and for purposes of determining reimbursable expenses under such fund, regardless of the fact that the facility has been reimbursed by a Medicare+Choice organization for part or all of such expenses pursuant to an agreement under the demonstration project.

''(e) WAIVER AUTHORITY.—The Secretary may waive such requirements of title XI and this title as may be necessary for the purpose of carrying out the demonstration project.

''(f) VOLUNTARY PARTICIPATION.—Participation of Medicare+Choice organizations, military treatment facilities, and medicare-eligible military retirees or dependents in the demonstration project shall be voluntary.

''(g) MODIFICATION OF TRICARE CONTRACTS.—In carrying out the demonstration project, the Secretary of Defense is authorized to amend existing TRICARE contracts (including contracts with designated providers) in order to provide the items and services described in subsection (b)(2)(A) to medicare-eligible military retirees or dependents enrolled in a Medicare+Choice plan participating in the demonstration project.

''(h) ANNUAL REPORTS.—Not later than 30 days after the date on which 1 full year of data is available for analysis of the demonstration project, and annually thereafter until the conclusion of the project, the administering Secretaries shall submit a report on the project to the committees of jurisdiction in the Congress.''.

SA 5054. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2514, authorize appropriations for fiscal year 2003 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 appropriate place insert the following:

SEC. . RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) FINDINGS.—

The Congress makes the following findings:

(1) Al Qaeda and other terrorist organizations, in addition to rogue states, are known to be working to acquire weapons of mass destruction, and particularly nuclear warheads.

(2) The largest and least secure potential source of nuclear warheads for terrorists or rogue states is Russia's arsenal of non-strategic or ''tactical'' nuclear warheads, which according to unclassified estimates numbers from 7,000 to 12,000 warheads. Security at Russian nuclear weapon storage sites is insufficient, and tactical nuclear warheads are more vulnerable to terrorist or rogue state acquisition due to their smaller size, greater portability, and greater numbers compared to Russian strategic nuclear weapons.

(3) Russia's tactical nuclear warheads were not covered by the START treaties or the recent Moscow Treaty. Russia is not legally bound to reduce its tactical nuclear stockpile and the United States has no inspection rights regarding Russia's tactical nuclear arsenal.

(b) SENSE OF THE SENATE.—

(1) One of the most likely nuclear weapons attack scenarios against the United States would involve detonation of a stolen Russian tactical nuclear warhead smuggled into the country.

(2) It is a top national security priority of the United States to accelerate efforts to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(3) This imminent threat warrants a special non-proliferation initiative.

(c) REPORT.—

Not later than 30 days after enaction of this act, the President shall report to Congress on efforts to reduce the particular threats associated with Russia's tactical nuclear arsenal and the outlines of a special initiative related to reducing the threat from Russia's tactical nuclear stockpile.

SA 4055. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 division A, add the following:

TITLE XIII—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

Subtitle A—Certain Fiscal Year 2003 and 2004 Procurements

SEC. 1301. PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

The authorities provided in this subtitle apply to any fiscal year 2003 or 2004 procurement of property or services by or for an executive agency that, as determined by the head of the executive agency, are to be used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

SEC. 1302. INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR PROCUREMENTS IN SUPPORT OF HUMANITARIAN OR PEACEKEEPING OPERATIONS OR CONTINGENCY OPERATIONS.

(a) FISCAL YEAR 2003 AND 2004 THRESHOLD AMOUNTS.—For a procurement referred to in section 1301 that is carried out in support of a humanitarian or peacekeeping operation or a contingency operation, the simplified acquisition threshold definitions shall be applied as if the amount determined under the exception provided for such an operation in those definitions were—

(1) in the case of a contract to be awarded and performed, or purchase to be made, inside the United States, $250,000; or

(2) in the case of a contract to be awarded and performed, or purchase to be made, outside the United States, $500,000.

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINITIONS.—In this section, the term ''simplified acquisition threshold definitions'' means the following:

(1) Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

(2) Section 309(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(d)).

(3) Section 2302(7) of title 10, United States Code.

(c) SMALL BUSINESS RESERVE FOR FISCAL YEAR 2003 AND 2004.—For a procurement carried out pursuant to subsection (a), section 15(j) of the Small Business Act (15 U.S.C. 644(j)) shall be applied as if the maximum anticipated value identified therein is equal to the amounts referred to in subsection (a).

SEC. 1303. INCREASED MICRO-PURCHASE THRESHOLD FOR CERTAIN PROCUREMENTS.

In the administration of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) with respect to a procurement referred to in section 1301, the amount specified in subsections (c), (d), and (f) of such section 32 shall be deemed to be $15,000.

SEC. 1304. APPLICATION OF CERTAIN COMMERCIAL ITEMS AUTHORITIES TO CERTAIN PROCUREMENTS.

(a) AUTHORITY.—

(1) IN GENERAL.—The head of an executive agency may apply the provisions of law listed in paragraph (2) to a procurement referred to in section 1301 without regard to whether the property or services are commercial items.

(2) COMMERCIAL ITEM LAWS.—The provisions of law referred to in paragraph (1) are as follows:

(A) Sections 31 and 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 427, 430).

(B) Section 2304(g) of title 10, United States Code.

(C) Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)).

(b) INAPPLICABILITY OF LIMITATION ON USE OF SIMPLIFIED ACQUISITION PROCEDURES.—

(1) IN GENERAL.—The $5,000,000 limitation provided in section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)), section 2304(g)(1)(B) of title 10, United States Code, and section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)) shall not apply to purchases of property or services to which any of the provisions of law referred to in subsection (a) are applied under the authority of this section.

(2) OMB GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance and procedures for the use of simplified acquisition procedures for a purchase of property or services in excess of $5,000,000 under the authority of this section.

(c) CONTINUATION OF AUTHORITY FOR SIMPLIFIED PURCHASE PROCEDURES.—Authority under a provision of law referred to in subsection (a)(2) that expires under section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) shall, notwithstanding such section, continue to apply for use by the head of an executive agency as provided in subsections (a) and (b).

SEC. 1305. USE OF STREAMLINED PROCEDURES.

(a) REQUIRED USE.—The head of an executive agency shall, when appropriate, use streamlined acquisition authorities and procedures authorized by law for a procurement referred to in section 1301, including authorities and procedures that are provided under the following provisions of law:

(1) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—In title III of the Federal Property and Administrative Services Act of 1949:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 303 (41 U.S.C. 253), relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 303J (41 U.S.C. 253j), relating to orders under task and delivery order contracts.

(2) TITLE 10, UNITED STATES CODE.—In chapter 137 of title 10, United States Code:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 2304, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 2304c, relating to orders under task and delivery order contracts.

(3) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Paragraphs (1)(B), (1)(D), and (2) of section 18(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)), relating to inapplicability of a requirement for procurement notice.

(b) WAIVER OF CERTAIN SMALL BUSINESS THRESHOLD REQUIREMENTS.—Subclause (II) of section 8(a)(1)(D)(i) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)) and clause (ii) of section 31(b)(2)(A) of such Act (15 U.S.C. 657a(b)(2)(A)) shall not apply in the use of streamlined acquisition authorities and procedures referred to in paragraphs (1)(A) and (2)(A) of subsection (a) for a procurement referred to in section 101.

SEC. 1306. REVIEW AND REPORT BY COMPTROLLER GENERAL.

(a) REQUIREMENTS.—Not later than March 31, 2005, the Comptroller General shall—

(1) complete a review of the extent to which procurements of property and services have been made in accordance with this subtitle; and

(2) submit a report on the results of the review to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) CONTENT OF REPORT.—The report under subsection (a)(2) shall include the following matters:

(1) ASSESSMENT.—The Comptroller General's assessment of the extent to which property and services procured in accordance with this title have contributed to the capacity of the workforce of Federal Government employees within each executive agency to carry out the mission of the executive agency, and the extent to which Federal Government employees have been trained on the use of those technologies.

(2) RECOMMENDATIONS.—Any recommendations of the Comptroller General resulting from the assessment described in paragraph (1).

(c) CONSULTATION.—In preparing for the review under subsection (a)(1), the Comptroller General shall consult with the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the specific issues and topics to be reviewed. The extent of coverage needed in areas such as technology integration, employee training, and human capital management, as well as the data requirements of the study, shall be included as part of this consultation.

Subtitle B—Research and Development

SEC. 1321. CERTAIN RESEARCH AND DEVELOPMENT BY CIVILIAN AGENCIES.

(a) AUTHORITY.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

"SEC. 317. RESEARCH AND DEVELOPMENT TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The head of an executive agency may engage in basic research, applied research, advanced research, and development projects that—

"(A) are necessary to the responsibilities of such official's executive agency in the field of research and development; and

"(B) have the potential to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

"(2) AUTHORIZED MEANS.—To engage in projects authorized under paragraph (1), the head of an executive agency may exercise the same authority (subject to the same restrictions and conditions) as the Secretary of Defense may exercise under sections 2358 and 2371 of title 10, United States Code, except for subsections (b), (f), and (g) of such section 2371.

"(3) APPLICABILITY TO SELECTED EXECUTIVE AGENCIES.—The head of an executive agency may exercise authority under this subsection only if authorized by the Director of the Office of Management and Budget to do so.

"(b) ANNUAL REPORT.—The annual report of the head of an executive agency that is required under subsection (h) of section 2371 of title 10, United States Code, as applied to the head of an executive agency by subsection (a), shall be submitted to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

"(c) REGULATIONS.—The Director of the Office of Management and Budget shall prescribe regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by inserting after the item relating to section 316 the following new item:

"Sec. 317. Research and development to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.".

SEC. 1322. TEMPORARY AUTHORITY FOR CARRYING OUT CERTAIN PROTOTYPE PROJECTS.

(a) IN GENERAL.—The head of an executive agency designated by the Director of the Office of Management and Budget to do so may, under the authority of section 317 of the Federal Property and Administrative Services Act of 1949 (as added by section 1321), carry out prototype projects that meet the requirements of subparagraphs (A) and (B) of subsection (a)(1) of such section in accordance with the same requirements and conditions as are provided for carrying out prototype projects under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note).

(b) CONFORMING AUTHORITY.—In the application of the requirements and conditions of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) to the administration of authority under subsection (a)—

(1) subsection (c) of such section shall apply with respect to prototype projects carried out under this subsection; and

(2) the Director of the Office of Management and Budget shall perform the function of the Secretary of Defense under subsection (d) of such section.

Subtitle C—Other matters

SEC. 1331. IDENTIFICATION OF NEW ENTRANTS INTO THE FEDERAL MARKETPLACE.

The head of each executive agency shall conduct market research on an ongoing basis to identify effectively the capabilities, including the capabilities of small businesses and new entrants into Federal contracting, that are available in the marketplace for meeting the requirements of the executive agency in furtherance of defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack. The head of the executive agency shall, to the maximum extent practicable, take advantage of commercially available market research methods, including use of commercial databases, to carry out the research.

SA 4056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 258, after line 24, insert the following:

SEC. 1065. REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) AUTHORITY.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127a the following new section:

"§ 127b. Rewards for assistance in combating terrorism

"(a) AUTHORITY.—The Secretary of Defense may pay a monetary reward to a person for providing United States personnel with information or nonlethal assistance that is beneficial to—

"(1) an operation of the armed forces conducted outside the United States against international terrorism; or

"(2) force protection of the armed forces.

"(b) MAXIMUM AMOUNT.—The amount of a reward paid to a recipient under this section may not exceed $200,000.

"(c) DELEGATION TO COMMANDER OF COMBATANT COMMAND.—(1) The Secretary of Defense may delegate to the commander of a combatant command authority to pay a reward under this section in an amount not in excess of $50,000.

"(2) A commander to whom authority to pay rewards is delegated under paragraph (1) may further delegate authority to pay a reward under this section in an amount not in excess of $2,500.

"(c) COORDINATION.—(1) The Secretary of Defense, in consultation with the Secretary

of State and the Attorney General, shall prescribe policies and procedures for offering and paying rewards under this section, and otherwise for administering the authority under this section, that ensure that the payment of a reward under this section does not duplicate or interfere with the payment of a reward authorized by the Secretary of State or the Attorney General.

''(2) The Secretary of Defense shall coordinate with the Secretary of State regarding any payment of a reward in excess of $100,000 under this section.

''(d) PERSONS NOT ELIGIBLE.—The following persons are not eligible to receive an award under this section:

''(1) A citizen of the United States.

''(2) An employee of the United States.

''(3) An employee of a contractor of the United States.

''(e) ANNUAL REPORT.—(1) Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report on the administration of the rewards program during that fiscal year.

''(2) The report for a fiscal year shall include information on the total amount expended during that fiscal year to carry out this section, including—

''(A) a specification of the amount, if any, expended to publicize the availability of rewards; and

''(B) with respect to each award paid during that fiscal year—

''(i) the amount of the reward;

''(ii) the recipient of the reward; and

''(iii) a description of the information or assistance for which the reward was paid, together with an assessment of the significance of the information or assistance.

''(3) The Secretary may submit the report in classified form if the Secretary determines that it is necessary to do so.

''(f) DETERMINATIONS BY THE SECRETARY.—A determination by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127a the following new item:

''127b. Rewards for assistance in combating terrorism.''.

SA 4057. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 26, after line 22, insert the following:

SEC. 214. AVIATION-SHIPBOARD INFORMATION TECHNOLOGY INITIATIVE.

Of the amount authorized to be appropriated by section 201(2) for shipboard aviation systems, up to $8,200,000 may be used for the aviation-shipboard information technology initiative.

SA 4058. Mr. CORZINE (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 X, add the following:

SEC. 1035. REPORT ON EFFECT OF CONTRACT AWARD FOR NEXT GENERATION DESTROYER (DD(X)) ON SURFACE COMBATANT INDUSTRIAL BASE.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the impact of the recently-announced contract award for the next generation destroyer (DD(X)) on the technology and industrial base for ship combat systems, including systems integration, radar, electronic warfare, launch systems, and other components.

(b) REPORT REQUIRED.—Not later than March 31, 2003, the Secretary shall submit to the congressional defense committees a report on the review conducted under subsection (a). The report shall include—

(1) an assessment of the impact of the contract award for the next generation destroyer (DD(X)) on the technology and industrial base for ship combat systems; and

(2) a description of the actions required to be undertaken to ensure future competition in the development and production of technologies for the array of combat systems of future surface ships, including the next generation cruiser (CG(X)), the littoral combat ship (LCS), and the joint command ship (JCC(X)).

SA 4059. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 II, add the following:

SEC. 214. VERY HIGH SPEED, COMPOSITE CONSTRUCTION RIGID CATAMARAN FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,500,000, with the amount of the increase to be allocated to logistics and engineering equipment–advanced development (PE0603804A).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,500,000 shall be available for development of a prototype composite hull design to meet the theater support vessel requirement.

(2) The amount available under paragraph (1) for development of the hull design referred to in that paragraph is in addition to any other amounts available under this Act for development of that hull design.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $5,500,000, with the amount of the decrease to be allocated to submarine tactical warfare system (PE0604562N) and amounts available under that program element for upgrades of combat control software to commercial architecture.

SA 4060. Mr. WYDEN (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 A of title X, add the following:

SEC. 1010. AVAILABILITY OF AMOUNTS FOR OREGON ARMY NATIONAL GUARD FOR SEARCH AND RESCUE AND MEDICAL EVACUATION MISSIONS IN ADVERSE WEATHER CONDITIONS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY PROCUREMENT.—The amount authorized to be appropriated by section 101(1) for procurement for the Army for aircraft is hereby increased by $3,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 101(1) for procurement for the Army for aircraft, as increased by subsection (a), $3,000,000 shall be available for the upgrade of three UH–60L Blackhawk helicopters of the Oregon Army National Guard to the capabilities of UH–60Q Search and Rescue model helicopters, including Star Safire FLIR, Breeze-Eastern External Rescue Hoist, and Air Methods COTS Medical Systems upgrades, in order to improve the utility of such UH–60L Blackhawk helicopters in search and rescue and medical evacuation missions in adverse weather conditions.

(c) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421 for military personnel is hereby increased by $1,800,000.

(d) AVAILABILITY.—Of the amount authorized to be appropriated by section 421 for military personnel, as increased by subsection (d), $1,800,000 shall be available for up to 26 additional personnel for the Oregon Army National Guard.

(e) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby reduced by $4,800,000, with the amount of the reduction to be allocated to Base Operations Support (Servicewide Support).

SA 4061. Mr. WYDEN (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 title XXVI, add the following:

SEC. 2602. ARMY NATIONAL GUARD RESERVE CENTER, LANE COUNTY, OREGON.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States is hereby increased by $9,000,000.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section

2601(1)(A) for the Army National Guard of the United States, as increased by subsection (a), $9,000,000 shall be available for a military construction project for a Reserve Center in Lane County, Oregon.

(2) The amount available under paragraph (1) for the military construction project referred to in that paragraph is in addition to any other amounts available under this Act for that project.

(c) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Warfighter Sustainment Advanced Technology (PE0603236N).

(2) The amount authorized to be appropriated by section 301(a)(6) for operation and maintenance for the Army Reserve is hereby reduced by $6,000,000, with the amount of the reduction to be allocated to the Enhanced Secure Communications Program.

SA 4062. Mr. BINGAMAN (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 E of title II, add the following:

SEC. 246. FOUR-YEAR EXTENSION OF AUTHORITY OF DARPA TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXTENSION.—Section 2374a(f) of title 10, United States Code, is amended by striking ''September 30, 2003'' and inserting ''September 30, 2007''.

(b) REPORT ON ADMINISTRATION OF PROGRAM.—(1) Not later than December 31, 2002, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a report on the proposal of the Director for the administration of the program to award prizes for advanced technology achievements under section 2374a of title 10, United States Code.

(2) The report shall include the following:

(A) A description of the proposed goals of the competition under the program, including the technology areas to be promoted by the competition and the relationship of such area to military missions of the Department of Defense.

(B) The proposed rules of the competition under the program, and a description of the proposed management of the competition.

(C) A description of the manner in which funds for cash prizes under the program will be allocated within the accounts of the Agency if a prize is awarded and claimed.

(D) A statement of the reasons why the competition is a preferable means of promoting basic, advanced, and applied research, technology development, and prototype projects when compared with other means of promotion of such activities, including contracts, grants, cooperative agreements, and other transactions.

SA 4063. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In title XXVI, add at the end the following:

SEC. 2602. ADDITIONAL PROJECT AUTHORIZATION FOR COMPOSITE SUPPORT FACILITY FOR ILLINOIS AIR NATIONAL GUARD.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard is hereby increased by $10,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard, as increased by subsection (a), $10,000,000 shall be available for a military construction project for a Composite Support Facility for the 183rd Fighter Wing of the Illinois Air National Guard.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance, defense-wide, is hereby reduced by $10,000,000, with the amount of the reduction to be allocated to amounts available for the Information Operations Program.

SA 4064. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 221, after line 21, insert the following:

SEC. 1024. ANNUAL LONG-RANGE PLAN FOR THE CONSTRUCTION OF SHIPS FOR THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) Navy ships provide a forward presence for the United States that is a key to the national defense of the United States.

(2) The Navy has demonstrated that its ships contribute significantly to homeland defense.

(3) The Navy's ship recapitalization plan is inadequate to maintain the ship force structure that is described as the current force in the 2001 Quadrennial Defense Review.

(4) The Navy is decommissioning ships as much as 10 years earlier than the projected ship life upon which ship replacement rates are based.

(5) The current force was assessed in the 2001 Quadrennial Defense Review as having moderate to high risk, depending on the scenario considered.

(b) ANNUAL SHIP CONSTRUCTION PLAN.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 231. Annual ship construction plan

''(a) ANNUAL SHIP CONSTRUCTION PLAN.—The Secretary of Defense shall include in the defense budget materials for each fiscal year a plan for the construction of combatant and support ships for the Navy that—

''(1) supports the National Security Strategy; or

''(2) if there is no National Security Strategy in effect, supports the ship force structure called for in the report of the latest Quadrennial Defense Review.

''(b) CONTENT.—The ship construction plan included in the defense budget materials for a fiscal year shall provide in detail for the construction of combatant and support ships for the Navy over the 30 consecutive fiscal years beginning with the fiscal year covered by the defense budget materials and shall include the following matters:

''(1) A description of the necessary ship force structure of the Navy.

''(2) The estimated levels of funding necessary to carry out the plan, together with a discussion of the procurement strategies on which such estimated funding levels are based.

''(3) A certification by the Secretary of Defense that both the budget for the fiscal year covered by the defense budget materials and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding ship construction for the Navy at a level that is sufficient for the procurement of the ships provided for in the plan on schedule.

''(4) If the budget for the fiscal year provides for funding ship construction at a level that is not sufficient for the recapitalization of the force of Navy ships at the annual rate necessary to sustain the force, an assessment (coordinated with the commanders of the combatant commands in advance) that describes and discusses the risks associated with the reduced force structure that will result from funding ship construction at such insufficient level.

''(c) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for such fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for such fiscal year.

''(3) The term 'Quadrennial Defense Review' means the Quadrennial Defense Review that is carried out under section 118 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''231. Annual ship construction plan.''.

SA 4065. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 217, between lines 13 and 14, insert the following:

SEC. 1010. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY.

(a) AMOUNT.—There is authorized to be appropriated for fiscal year 2003 for a Department of Homeland Security to be established within the executive branch, $3,500,000,000 for the programs, projects, and activities of that department.

(b) AVAILABILITY OF AMOUNTS.—The amount authorized to be appropriated by subsection (a) for the Department of Homeland Security shall be allocated in equal proportion among the following:

(1) Border transportation and security.

(2) Emergency preparedness response.

(3) Chemical, radiological, and nuclear countermeasures.

(4) Information analysis and infrastructure protection.

(5) Coordination of activities of State and local governments and the private sector.

(c) REDUCTION OF AMOUNT FOR BALLISTIC MISSILE DEFENSE.—The amount authorized to be appropriated under section 201(4) is reduced by $3,500,000,000, to be derived from the amount provided for ballistic missile defense.

SA 4066. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mrs. CARNAHAN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 108, between lines 14 and 15, insert the following:

SEC. 533. WAIVER OF TIME LIMITATIONS FOR AWARD OF MEDAL OF HONOR.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a Medal of Honor must be submitted or the time within which the award must be made shall not apply to the award of the Medal of Honor to Henry Johnson of Albany, New York, for the service described in section 531(b)(1), if the Secretary of the Army determines such action to be warranted in accordance with section 1130 of title 10, United States Code.

(b) REVIEW BY SECRETARY OF THE ARMY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army—

(1) shall complete a review of the records of the service referred to in subsection (a) of the said Henry Johnson to determine whether the award of the Medal of Honor to Henry Johnson for such service is warranted; and

(2) if the Secretary determines that the award of the Medal of Honor to Henry Johnson is warranted for such service, shall ensure that—

(A) the appropriate recommendation for the award is prepared and is processed in accordance with section 1130 of title 10, United States Code; and

(B) notice of the Secretary's determination under such section is provided to Congress in accordance with such section.

(c) RELATIONSHIP TO ELIGIBILITY FOR DISTINGUISHED-SERVICE CROSS.—The Secretary of the Army shall complete the actions required under this section with respect to the service referred to in subsection (a) before an award of the Distinguished-Service Cross of the Army is made to Henry Johnson for the same service.

SA 4067. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 VI, add the following:

SEC. 644. APPLICABILITY OF DISABILITY RETIREMENT AND SEPARATION TO CADETS AND MIDSHIPMEN OF THE SERVICES ACADEMIES.

(a) IN GENERAL.—(1) Section 1217 of title 10, United States Code, is amended to read as follows:

"§ 1217. Cadets and midshipmen

"(a) ELIGIBILITY BASED ON SERVICE AS ACADEMY CADET OR MIDSHIPMAN.—For the purposes of this chapter, service as a cadet at the United States Military Academy or the United States Air Force Academy under chapter 304 or 903 of this title, respectively, or at the Coast Guard Academy under chapter 9 of title 14, or as a midshipman at the United States Naval Academy under chapter 603 of this title, shall be treated as being service for which the cadet or midshipman is entitled to basic pay.

"(b) COMPUTATION OF BENEFIT.—In the case of a person who, during service as a cadet or midshipman described in subsection (a), is retired, placed on the temporary disability retired list, or separated under section 1201, 1202, or 1203, respectively, of this title, the amount paid the person as cadet or midshipman pay under section 203(c) of title 37 shall be treated as being the amount of monthly basic pay to which the person is entitled for the following purposes:

"(1) The computation of monthly retired pay under chapter 71 of this title.

"(2) The computation of severance pay under section 1212 of this title.

(2) The item relating to such section in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

"1217. Cadets and midshipmen.".

(b) EFFECTIVE DATE AND APPLICABILITY.—Section 1217 of title 10, United States Code, as amended by subsection (a), shall take effect on the date of the enactment of this Act and shall apply in cases of disability incurred on or after that date, including any case of a disability that results from an aggravation, on or after such date, of a disease or injury that was contracted or incurred, respectively, before such date while in service described in subsection (a) of such section.

SA 4068. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 title subtitle D of title X, add the following:

SEC. 1046. FACILITY FOR PRODUCTION OF VACCINES FOR AGENTS IN BIOLOGICAL WEAPONS.

(a) CONSTRUCTION OF FACILITY REQUIRED.—The Secretary of Defense shall, using amount authorized to be appropriated by this Act, construct a facility for the production of vaccines for agents known or anticipated to be used in biological weapons.

(b) LOCATION.—The facility required by subsection (a) shall be constructed at Pine Bluff Arsenal, Arkansas.

(c) OPERATION.—The Secretary shall provide for the operation of the facility constructed under subsection (a) as a government-owned, contractor-operated facility.

SA 4069. Mr. HUTCHINSON (for himself, Ms. MIKULSKI, Mrs. HUTCHISON, Mrs. LINCOLN, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 258, after line 24, insert the following:

SEC. 1065. ACQUISITION OF VACCINES NECESSARY FOR THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENTS TO CONSTRUCT AND OPERATE PRODUCTION FACILITY.—Subsection (c)(1) of section 1044 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1220) is amended by striking "the Secretary of Defense may—" and inserting "the Secretary of Defense shall (subject to subsection (g))—".

(b) CONTINGENT WAIVER AUTHORITY.—Such section is further amended by adding at the end the following new subsection:

"(g) CONTINGENT WAIVER AUTHORITY FOR PRODUCTION FACILITY REQUIREMENTS.—(1) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003, the Chairman of the Joint Chiefs of Staff shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a certification of what military needs exist for material solutions, including increased supplies of effective vaccines, to protect against the use of biological warfare agents against members of the Armed Forces in combat zones or other areas of military operations.

"(2) The Secretary of Defense may waive the requirements of subsection (c) if, within 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003, the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a certification that the Secretary is carrying out a strategy that meets the needs certified under paragraph (1).".

SA 4070. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 200, between lines 14 and 15, insert the following:

SEC. 905. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

(a) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended—

(1) by transferring section 137 within such chapter to appear following section 138;

(2) by redesignating sections 137 and 139 as sections 139 and 139a, respectively; and

(3) by inserting after section 136a the following new section 137:

"§ 137. Under Secretary of Defense for Intelligence

"(a) There is an Under Secretary of Defense for Intelligence, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

''(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.''.

(b) CONFORMING AMENDMENTS.—(1) Section 131 of such title is amended—

(A) by striking paragraphs (2), (3), (4), and (5), and inserting the following:

''(2) The Under Secretaries of Defense, as follows:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(B) The Under Secretary of Defense for Policy.

''(C) The Under Secretary of Defense (Comptroller).

''(D) The Under Secretary of Defense for Personnel and Readiness.

''(E) The Under Secretary of Defense for Intelligence.''; and

(B) by redesignating paragraphs (6), (7), (8), (9), (10), and (11) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(2) The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 137 and inserting the following:

''137. Under Secretary of Defense for Intelligence.'';

and

(B) by striking the item relating to section 139 and inserting the following:

''139. Director of Research and Engineering.
''139a. Director of Operational Test and Evaluation.''.

(c) EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Personnel and Readiness.'' the following:

''Under Secretary of Defense for Intelligence.''.

SA 4071. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 200, between lines 14 and 15, insert the following:

SEC. 905. DESIGNATION OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND HOMELAND DEFENSE.

(a) IN GENERAL.—The position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is hereby redesignated as the Assistant Secretary of Defense for Special Operations and Homeland Defense. Any reference in any law of the United States to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall be deemed to refer to the Assistant Secretary of Defense for Special Operations and Homeland Defense.

(b) CONFORMING AMENDMENTS.—Paragraphs (4) and (6)(C) of section 138(b) of title 10, United States Code, are amended—

(1) by striking ''Assistant Secretary of Defense for Special Operations and Low Intensity Conflict'' each place it appears and inserting ''Assistant Secretary of Defense for Special Operations and Homeland Defense''; and

(2) by striking ''his principal duty'' in the second sentence and inserting ''a principal duty''.

SA 4072. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 200, between lines 14 and 15, insert the following:

SEC. 905. DESIGNATION OF ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE.

(a) IN GENERAL.—The position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is hereby redesignated as the Assistant Secretary of Defense for Homeland Defense. Any reference in any law of the United States to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall be deemed to refer to the Assistant Secretary of Defense for Homeland Defense.

(b) CONFORMING AMENDMENTS.—Paragraphs (4) and (6)(C) of section 138(b) of title 10, United States Code, are amended—

(1) by striking ''Assistant Secretary of Defense for Special Operations and Low Intensity Conflict'' each place it appears and inserting ''Assistant Secretary of Defense for Homeland Defense''; and

(2) by striking ''his principal duty'' in the second sentence and inserting ''a principal duty''.

SA 4073. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 appropriate place, insert the following:

SEC. ___. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION.

Section 3631 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384v) is amended—

(1) striking ''President'' each time that such appears and inserting ''Secretary of Labor''; and

(2) by adding at the end the following:

''(d) MEDICAL DOCUMENTATION FOR CLAIMS FOR THOSE EMPLOYED BY BERYLLIUM VENDORS.—

''(1) IN GENERAL.—In order to assist a claimant who was—

''(A) employed by a beryllium vendor (as defined under section 3621(6)); and

''(B) exposed to beryllium as defined under the criteria in section 3623(a);

to establish a claim for a covered beryllium illness under subtitle B, the Secretary of Energy shall provide the claimant a voucher, or shall reimburse the claimant, for the costs of obtaining medical diagnostic tests, including a second opinion, necessary to qualify the claimant for eligibility under subtitle B. The Secretary of Energy shall provide a voucher or reimbursement under this subsection without regard to whether the claimant is likely ultimately to prevail in a claim for compensation.

''(2) NOTICE AND OUTREACH.—The Secretary of Energy, in cooperation with employee representatives, shall notify and conduct outreach to employees who were employed by beryllium vendors. If there may be more than 200 claimants who were employed by a particular beryllium vendor, the Secretary of Energy shall use, when practicable, a Department of Energy former worker medical screening program that is screening workers and former workers at Department of Energy facilities, under section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274i) and under an agreement between the Department of Energy and an employee representative, to provide notification, outreach, and beryllium screening services for employees of that beryllium vendor.

''(3) REGULATIONS.—Not later than 60 days after the date of enactment of this subsection, the Secretary of Energy shall issue regulations to implement this subsection that shall include a list of authorized vendors and specified protocols for use when performing diagnostic tests covered under this subsection.''.

SA 4074. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 E of title XXXI, add the following:

SEC. . COORDINATION WITH OTHER RADIATION COMPENSATION LAWS.

(a) COORDINATION.—Section 3651 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385J) is amended to read as follows:

''SEC. 3651. COORDINATION WITH OTHER RADIATION COMPENSATION LAWS.

''(a) RESTRICTION.—Except in accordance with section 3630 or subsection (b) of this section, an individual may not receive compensation or benefits under the compensation program for cancer and also receive compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) or section 1112(c) of title 38, United States Code.

''(b) COORDINATION.—A payment of compensation to an individual, or to the survivor of that individual, under subtitle B for cancer is not prohibited by subsection (a) of this section but shall be offset by the amount of any payment made to any person pursuant to sections 4(a)(1)(A)(I)(III) or 4(a)(2)(C) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) on account of that cancer.''

(b) EFFECTIVE DATE.—This section shall take effect upon enactment.

SA 4075. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 E of title XXXI, add the following:

SEC. 3165. BENEFITS UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000 FOR CERTAIN ADDITIONAL CLAIMANTS COMPENSATED UNDER RADIATION EXPOSURE COMPENSATION ACT.

(a) IN GENERAL.—Section 3630 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398; 42 U.S.C. 7384u) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) COMPENSATION PROVIDED.—An individual who receives, or has received, compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for a claim under paragraph (1)(A)(i)(III) or (2)(C) of section 4(a) of that Act, or section 5 of that Act, or the survivor of such individual if such individual is deceased, shall receive compensation under this section in an amount as follows:

''(1) In the case of an individual described by paragraph (1)(A)(i)(III) or (2)(C) of section 4(a) of that Act, in the amount of $75,000.

''(2) In the case of an individual described by section 5 of that Act, in the amount of $50,000.

''(b) MEDICAL BENEFITS.—An individual described in subsection (a) shall receive medical benefits under section 3629 for the illness for which that individual received compensation or benefits under the Radiation Exposure Compensation Act.''; and

(2) in subsection (f)—

(A) by striking ''each covered uranium employee'' and inserting ''each individual described in subsection (a)''; and

(B) by striking ''that covered uranium employee if that employee'' and inserting ''that individual if that individual''.

(b) CONFORMING AMENDMENT.—The heading for section 3630 of that Act is amended to read as follows:

''SEC. 3630. TREATMENT OF CERTAIN INDIVIDUALS COMPENSATED UNDER RADIATION EXPOSURE COMPENSATION ACT.''.

SA 4076. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 281, between lines 5 and 6, insert the following:

SEC. 1215. DEPARTMENT OF DEFENSE HIV/AIDS PREVENTION ASSISTANCE PROGRAM.

(a) EXPANSION OF PROGRAM.—The Secretary of Defense is authorized to expand, in accordance with this section, the Department of Defense program of HIV/AIDS prevention educational activities undertaken in connection with the conduct of United States military training, exercises, and humanitarian assistance in sub-Saharan African countries.

(b) ELIGIBLE COUNTRIES.—The Secretary may carry out the program in all eligible countries. A country shall be eligible for activities under the program if the country—

(1) is a country suffering a public health crisis (as defined in subsection (e)); and

(2) participates in the military-to-military contacts program of the Department of Defense.

(c) PROGRAM ACTIVITIES.—The Secretary shall provide for the activities under the program—

(1) to focus, to the extent possible, on military units that participate in peace keeping operations; and

(2) to include HIV/AIDS-related voluntary counseling and testing and HIV/AIDS-related surveillance.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(a)(22) to the Department of Defense for operation and maintenance of the Defense Health Program, $30,000,000 shall be available for carrying out the program described in subsection (a) as expanded pursuant to this section.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(e) COUNTRY SUFFERING A PUBLIC HEALTH CRISIS DEFINED.—In this section, the term ''country suffering a public health crisis'' means a country that has rapidly rising rates of incidence of HIV/AIDS or in which HIV/AIDS is causing significant family, community, or societal disruption.

SA 4077. Mr. MILLER (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In subtitle C of title I, strike ''(reserved)'' and insert the following:

SEC. 121. MARINE CORPS LIVE FIRE RANGE IMPROVEMENTS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by $1,900,000, with the amount of the increase to be allocated to Training Devices.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), $1,900,000 shall be available as follows:

(A) For upgrading live fire range target movers.

(B) To bring live fire range radio controls into compliance with Federal Communications Commission narrow band requirements.

(2) Amounts available under paragraph (1) for the purposes set forth in that paragraph are in addition to any other amounts available in this Act for such purposes.

SA 4078. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In section 2601(1)(A), strike ''$183,008,000'' and insert ''$186,588,000''.

SA 4079. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

In section 301(a)(2), decrease the amount by $3,580,000.

SA 4080. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 VI, add the following:

SEC. 644. APPLICABILITY OF DISABILITY RETIREMENT AND SEPARATION TO CADETS AND MIDSHIPMEN OF THE SERVICES ACADEMIES.

(a) IN GENERAL.—(1) Section 1217 of title 10, United States Code, is amended to read as follows:

''§ 1217. Cadets and midshipmen

''(a) ELIGIBILITY BASED ON SERVICE AS ACADEMY CADET OR MIDSHIPMAN.—For the purposes of this chapter, service as a cadet at the United States Military Academy or the United States Air Force Academy under chapter 304 or 903 of this title, respectively, or at the Coast Guard Academy under chapter 9 of title 14, or as a midshipman at the United States Naval Academy under chapter 603 of this title, shall be treated as being service for which the cadet or midshipman is entitled to basic pay.

''(b) COMPUTATION OF BENEFIT.—In the case of a person who, during service as a cadet or midshipman described in subsection (a), is retired, placed on the temporary disability retired list, or separated under section 1201, 1202, or 1203, respectively, of this title, the amount paid the person as cadet or midshipman pay under section 203(c) of title 37 shall be treated as being the amount of monthly basic pay to which the person is entitled for the following purposes:

''(1) The computation of monthly retired pay under chapter 71 of this title.

''(2) The computation of severance pay under section 1212 of this title.

(2) The item relating to such section in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

''1217. Cadets and midshipmen.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—Section 1217 of title 10, United States Code, as amended by subsection (a), shall take effect on the date of the enactment of this Act and shall apply in cases of disability incurred on or after that date, including any case of a disability that results from an aggravation, on or after such date, of a disease or injury that was contracted or incurred, respectively, before such date while in service described in subsection (a) of such section.

SA 4081. Mr. BYRD submitted an amendment intended to be proposed by

him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 281, between lines 5 and 6, insert the following:

SEC. 1215. MONITORING IMPLEMENTATION OF THE 1979 UNITED STATES-CHINA AGREEMENT ON COOPERATION IN SCIENCE AND TECHNOLOGY.

(a) RESPONSIBILITIES OF THE OFFICE OF SCIENCE AND TECHNOLOGY COOPERATION.—The Office of Science and Technology Cooperation of the Department of State shall monitor the implementation of the 1979 United States-China Agreement on Cooperation in Science and Technology and its protocols (in this section referred to as the ''Agreement''), and keep a systematic account of the protocols thereto. The Office shall coordinate the activities of all agencies of the United States Government that carry out cooperative activities under the Agreement.

(b) GUIDELINES.—The Office of Science and Technology Cooperation shall ensure that all activities conducted under the Agreement and its protocols comply with applicable laws and regulations concerning the transfer of militarily sensitive and dual-use technologies.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than April 1, 2004, and every two years thereafter, the Secretary of State, shall submit a report to Congress, in both classified and unclassified form, on the implementation of the Agreement and activities thereunder.

(2) REPORT ELEMENTS.—Each report under this subsection shall provide an evaluation of the benefits of the Agreement to the Chinese economy, military, and defense industrial base and shall include the following:

(A) An accounting of all activities conducted under the Agreement since the previous report, and a projection of activities to be undertaken in the next two years.

(B) An estimate of the costs to the United States to administer the Agreement within the period covered by the report.

(C) An assessment of how the Agreement has influenced the policies of the People's Republic of China toward scientific and technological cooperation with the United States.

(D) An analysis of the involvement of Chinese nuclear weapons and military missile specialists in the activities of the Joint Commission.

(E) A determination of the extent to which the activities conducted under the Agreement have enhanced the military and industrial base of the People's Republic of China, and an assessment of the impact of projected activities for the next two years, including transfers of technology, on China's economic and military capabilities.

(F) Any recommendations on improving the monitoring of the activities of the Commission by the Secretaries of Defense and State.

(3) CONSULTATION PRIOR TO SUBMISSION OF REPORTS.—The Secretary of State shall prepare the report in consultation with the Secretaries of Commerce, Defense, and Energy, the Directors of the National Science Foundation and the Federal Bureau of Investigation, and the intelligence community.

SA 4082. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 VIII, add the following:

SEC. 818. REPEAL OF PARA-ARAMID FIBERS AND YARNS PROVISION.

(a) PARA-ARAMID FIBERS AND YARNS.—Section 807 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) is repealed.

SA 4083. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 203, line 19, insert after ''Code, and'' and insert ''shall also be available for the purchase of satellite radios for distribution in countries of strategic importance to the United States and for''.

SA 4084. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 26, after line 22, insert the following:

SEC. 214. CRITICAL INFRASTRUCTURE PROTECTION.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated in section 201(4) $4,500,000 shall be available for critical infrastructure protection (PE35190D8Z).

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2), the amount for power projection advanced technology (PE 63114N) is hereby reduced by $4,500,000.

SA 4085. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 100, between lines 3 and 4, insert the following:

SEC. 503. INCREASED GRADE FOR HEADS OF NURSE CORPS.

(a) ARMY.—Section 3069(b) of title 10, United States Code, is amended by inserting after ''brigadier general'' in the second sentence the following: ''or major general, as the President may direct''.

(b) NAVY.—Section 5150(c) of such title is amended by inserting before the period at the end of the first sentence the following: ''or, as the President may direct in the case of an officer in the Nurse Corps, rear admiral (upper half)''.

(c) AIR FORCE.—Section 8069(b) of such title is amended by inserting after ''brigadier general'' in the second sentence the following: ''or major general, as the President may direct.''

SA 4086. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 26, after line 22, and insert the following:

SEC. 214. DEMONSTRATION OF RENEWABLE ENERGY USE.

Of the amount authorized to be appropriated by section 201(2), $2,500,000 shall be available for the demonstration of renewable energy use program within the program element for the Navy energy program and not within the program element for facilities improvement.

SA 4087. Mr. LEVIN proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 23, line 24, increase the amount by $2,000,000.

On page 23, line 22, reduce the amount by $2,000,000.

SA 4088. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 214. ANALYSIS OF EMERGING THREATS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $2,000,000 with the amount of the increase to be allocated to Marine Corps Advanced Technology Demonstration (ATD) (PE0603640M).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $2,000,000 may be available for analysis of emerging threats.

(2) The amount available under paragraph (1) for analysis of emerging threats is in addition to any other amounts available under this Act for analysis of emerging threats.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $2,000,000, with the amount of the reduction allocated as follows:

(1) $1,000,000 may be allocated to Weapons and Munitions Technology (PE0602624A) and available for countermobility systems.

(2) $1,000,000 may be allocated to Warfighter Advanced Technology (PE0603001A) and available for Objective Force Warrior technologies.

SA 4089. Mr. LEVIN (for Mr. KENNEDY (for himself, Mr. HELMS, Mr. EDWARDS, Mr. FRIST, Mr. THOMPSON, Mr. KERRY, Mrs. BOXER, and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 214. PROHIBITION ON TRANSFER OF MEDICAL FREE ELECTRON LASER PROGRAM.

Notwithstanding any other provision of law, the Medical Free Electron Laser Program (PE0602227D8Z) may not be transferred from the Department of Defense to the National Institutes of Health, or to any other department or agency of the Federal Government.

SA 4090. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCES, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONVEYANCE TO FAIRFAX COUNTY, VIRGINIA, AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to Fairfax County, Virginia, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 135 acres, located in the northwest portion of the Engineer Proving Ground (EPG) at Fort Belvoir, Virginia, in order to permit the County to use such property for park and recreational purposes.

(2) The parcel of real property authorized to be conveyed by paragraph (1) is generally described as that portion of the Engineer Proving Ground located west of Accotink Creek, east of the Fairfax County Parkway, and north of Cissna Road to the northern boundary, but excludes a parcel of land consisting of approximately 15 acres located in the southeast corner of such portion of the Engineer Proving Ground.

(3) The land excluded under paragraph (2) from the parcel of real property authorized to be conveyed by paragraph (1) shall be reserved for an access road to be constructed in the future.

(b) CONVEYANCE OF BALANCE OF PROPERTY AUTHORIZED.—The Secretary may convey to any competitively selected grantee all right, title, and interest of the United States in and to the real property, including any improvements thereon, at the Engineering Proving Ground, not conveyed under the authority in subsection (a).

(c) CONSIDERATION.—(1) As consideration for the conveyance authorized by subsection (b), the grantee shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by the Secretary, of the property conveyed under that subsection.

(2) In-kind consideration under paragraph (1) may include the maintenance, improvement, alteration, repair, remodeling, restoration (including environmental restoration), or construction of facilities for the Department of the Army at Fort Belvoir or at any other site or sites designated by the Secretary.

(3) If in-kind consideration under paragraph (1) includes the construction of facilities, the grantee shall also convey to the United States—

(A) title to such facilities, free of all liens and other encumbrances; and

(B) if the United States does not have fee simple title to the land underlying such facilities, convey to the United States all right, title, and interest in and to such lands not held by the United States.

(4) The Secretary shall deposit any cash received as consideration under this subsection in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of each such survey shall be borne by the grantee.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SA 4091. Mr. LEVIN (for Mr. INOUYE) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 100, between lines 3 and 4, insert the following:

SEC. 503. INCREASED GRADE FOR HEADS OF NURSE CORPS.

(a) ARMY.—Section 3069(b) of title 10, United States Code, is amended by striking ''brigadier general'' in the second sentence and inserting ''major general''.

(b) NAVY.—The first sentence of section 5150(c) of such title is amended—

(1) by inserting ''rear admiral (upper half) in the case of an officer in the Nurse Corps or'' after ''for promotion to the grade of''; and

(2) by inserting ''in the case of an officer in the Medical Service Corps'' after ''rear admiral (lower half)''.

(c) AIR FORCE.—Section 8069(b) of such title is amended by striking ''brigadier general'' in the second sentence and inserting ''major general''.

SA 4092. Mr. ALLARD (for himself and Mr. REID) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. VETERINARY CORPS OF THE ARMY.

(a) COMPOSITION AND ADMINISTRATION.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section 3071:

''§ 3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade

''(a) COMPOSITION.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

''(b) CHIEF.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade may be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

''(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3070 the following new item:

''3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.''.

(b) EFFECTIVE DATE.—Section 3071 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002.

SA 4093. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 26, after line 22, and insert the following:

SEC. 214. DEMONSTRATION OF RENEWABLE ENERGY USE.

Of the amount authorized to be appropriated by section 201(2), $2,500,000 shall be available for the demonstration of renewable energy use program within the program element for the Navy energy program and not within the program element for facilities improvement.

SA 4094. Mr. ALLARD (for Ms. COLLINS) proposed an amendment to the

bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 17, strike line 14 and insert the following:

SEC. 121. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR DDG–51 CLASS DESTROYERS.

Section 122(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122 of Public Law 106–65 (113 Stat. 534) and section 122(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–24), is further amended by striking ''October 1, 2005'' in the first sentence and inserting ''October 1, 2007''.

SA 4095. Mr. LEVIN (for Ms. LANDRIEU (for herself and Mr. ROBERTS)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 71, between lines 9 and 10, insert the following:

SEC. 246. ACTIVITIES AND ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) AUTHORIZED ACTIVITIES.—Subsection (c) of section 257 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note), is amended—

(1) in paragraph (1), by striking ''research grants'' and inserting ''grants for research and instrumentation to support such research''; and

(2) by adding at the end the following new paragraph:

''(3) Any other activities that are determined necessary to further the achievement of the objectives of the program.''.

(b) COORDINATION.—Subsection (e) of such section is amended by adding at the end the following:

''(4) The Secretary shall contract with the National Research Council to assess the effectiveness of the Defense Experimental Program to Stimulate Competitive Research in achieving the program objectives set forth in subsection (b). The assessment provided to the Secretary shall include the following:

''(A) An assessment of the eligibility requirements of the program and the relationship of such requirements to the overall research base in the States, the stability of research initiatives in the States, and the achievement of the program objectives, together with any recommendations for modification of the eligibility requirements.

''(B) An assessment of the program structure and the effects of that structure on the development of a variety of research activities in the States and the personnel available to carry out such activities, together with any recommendations for modification of program structure, funding levels, and funding strategy.

''(C) An assessment of the past and ongoing activities of the State planning committees in supporting the achievement of the program objectives.

''(D) An assessment of the effects of the various eligibility requirements of the various Federal programs to stimulate competitive research on the ability of States to develop niche research areas of expertise, exploit opportunities for developing interdisciplinary research initiatives, and achieve program objectives.''.

SA 4096. Mr. ALLARD (for Mr. INHOFE (for himself and Mr. AKAKA)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 194, between lines 13 and 14, insert the following:

SEC. 828. INCREASED MAXIMUM AMOUNT OF ASSISTANCE FOR TRIBAL ORGANIZATIONS OR ECONOMIC ENTERPRISES CARRYING OUT PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS IN TWO OR MORE SERVICE AREAS.

Section 2414(a)(4) of title 10, United States Code, is amended by striking ''$300,000'' and inserting ''$600,000''.

SA 4097. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. THURMOND)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 101. between the matter following line 14 and line 15, insert the following:

SEC. 513. REPEAL OF PROHIBITION ON USE OF AIR FORCE RESERVE AGR PERSONNEL FOR AIR FORCE BASE SECURITY FUNCTIONS.

(a) REPEAL.—Section 12551 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1215 of such title is amended by striking the item relating to section 12551.

SA 4098. Mr. ALLARD (for Mr. HELMS (for himself and Mr. CLELAND)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 90, between lines 19 and 20, insert the following:

SEC. 346. INSTALLATION AND CONNECTION POLICY AND PROCEDURES REGARDING DEFENSE SWITCH NETWORK.

(a) ESTABLISHMENT OF POLICY AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clear and uniform policy and procedures, applicable to the military departments and Defense Agencies, regarding the installation and connection of telecom switches to the Defense Switch Network.

(b) ELEMENTS OF POLICY AND PROCEDURES.—The policy and procedures shall address at a minimum the following:

(1) Clear interoperability and compatibility requirements for procuring, certifying, installing, and connecting telecom switches to the Defense Switch Network.

(2) Current, complete, and enforceable testing, validation, and certification procedures needed to ensure the interoperability and compatibility requirements are satisfied.

(c) EXCEPTIONS.—(1) The Secretary of Defense may specify certain circumstances in which—

(A) the requirements for testing, validation, and certification of telecom switches may be waived; or

(B) interim authority for the installation and connection of telecom switches to the Defense Switch Network may be granted.

(2) Only the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, after consultation with the Chairman of the Joint Chiefs of Staff, may approve a waiver or grant of interim authority under paragraph (1).

(d) INVENTORY OF DEFENSE SWITCH NETWORK.—The Secretary of Defense shall prepare and maintain an inventory of all telecom switches that, as of the date on which the Secretary issues the policy and procedures—

(1) are installed or connected to the Defense Switch Network; but

(2) have not been tested, validated, and certified by the Defense Information Systems Agency (Joint Interoperability Test Center).

(e) INTEROPERABILITY RISKS.—(1) The Secretary of Defense shall, on an ongoing basis—

(A) identify and assess the interoperability risks that are associated with the installation or connection of uncertified switches to the Defense Switch Network and the maintenance of such switches on the Defense Switch Network; and

(B) develop and implement a plan to eliminate or mitigate such risks as identified.

(2) The Secretary shall initiate action under paragraph (1) upon completing the initial inventory of telecom switches required by subsection (d).

(f) TELECOM SWITCH DEFINED.—In this section, the term ''telecom switch'' means hardware or software designed to send and receive voice, data, or video signals across a network that provides customer voice, data, or video equipment access to the Defense Switch Network or public switched telecommunications networks.

SA 4099. Mr. LEVIN (for Mr. NELSON of Florida (for himself, Mr. MCCAIN, Mr. CLELAND, Mr. ROBERTS, and Mr. DASCHLE)) proposed and amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. DISCLOSURE OF INFORMATION ON SHIPBOARD HAZARD AND DEFENSE PROJECT TO DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN FOR DISCLOSURE OF INFORMATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a comprehensive plan for the review, declassification, and submittal to the Department of Veterans Affairs of all medical records and information of the Department of Defense on the Shipboard Hazard and Defense (SHAD) project of

the Navy that are relevant to the provision of benefits by the Secretary of Veterans Affairs to members of the Armed Forces who participated in that project.

(b) PLAN REQUIREMENTS.—(1) The records and information covered by the plan under subsection (a) shall be the records and information necessary to permit the identification of members of the Armed Forces who were or may have been exposed to chemical or biological agents as a result of the Shipboard Hazard and Defense project.

(2) The plan shall provide for completion of all activities contemplated by the plan not later than one year after the date of the enactment of this Act.

(c) REPORTS ON IMPLEMENTATION.—(1) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until completion of all activities contemplated by the plan under subsection (a), the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a report on progress in the implementation of the plan during the 90-day period ending on the date of such report.

(2) Each report under paragraph (1) shall include, for the period covered by such report—

(A) the number of records reviewed;

(B) each test, if any, under the Shipboard Hazard and Defense project identified during such review;

(C) for each test so identified—

(i) the test name;

(ii) the test objective;

(iii) the chemical or biological agent or agents involved; and

(iv) the number of members of the Armed Forces, and civilian personnel, potentially effected by such test; and

(D) the extent of submittal of records and information to the Secretary of Veterans Affairs under this section.

SA 4100. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 346. ENGINEERING STUDY AND ENVIRONMENTAL ANALYSIS OF ROAD MODIFICATIONS IN VICINITY OF FORT BELVOIR, VIRGINIA.

(a) STUDY AND ANALYSIS.—(1) The Secretary of the Army shall conduct a preliminary engineering study and environmental analysis to evaluate the feasibility of establishing a connector road between Richmond Highway (United States Route 1) and Telegraph Road in order to provide an alternative to Beulah Road (State Route 613) and Woodlawn Road (State Route 618) at Fort Belvoir, Virginia, which were closed as a force protection measure.

(2) It is the sense of Congress that the study and analysis should consider as one alternative the extension of Old Mill Road between Richmond Highway and Telegraph Road.

(b) CONSULTATION.—The study required by subsection (a) shall be conducted in consultation with the Department of Transportation of the Commonwealth of Virginia and Fairfax County, Virginia.

(c) REPORT.—The Secretary shall submit to Congress a summary report on the study and analysis required by subsection (a). The summary report shall be submitted together with the budget justification materials in support of the budget of the President for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance, $5,000,000 may be available for the study and analysis required by subsection (a).

SA 4101. Mr. NELSON of Florida (for himself, Mr. ROBERTS, Mr. DASCHLE, Mr. SMITH of New Hampshire, and Mr. GRAHAM) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORTS ON EFFORTS TO RESOLVE WHEREABOUTS AND STATUS OF CAPTAIN MICHAEL SCOTT SPEICHER, UNITED STATES NAVY.

(a) REPORTS.— Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of Central Intelligence, submit to Congress a report on the efforts of the United States Government to determine the whereabouts and status of Captain Michael Scott Speicher, United States Navy.

(b) PERIOD COVERED BY REPORTS.—The first report under subsection (a) shall cover efforts described in that subsection preceding the date of the report, and each subsequent report shall cover efforts described in that subsection during the 90-day period ending on the date of such report.

(c) REPORT ELEMENTS.—Each report under subsection (a) shall describe, for the period covered by such report—

(1) all direct and indirect contacts with the Government of Iraq, or any successor government, regarding the whereabouts and status of Michael Scott Speicher;

(2) any request made to the government of another country, including the intelligence service of such country, for assistance in resolving the whereabouts and status of Michael Scott Speicher, including the response to such request;

(3) each current lead on the whereabouts and status of Michael Scott Speicher, including an assessment of the utility of such lead in resolving the whereabouts and status of Michael Scott Speicher; and

(4) any cooperation with nongovernmental organizations or international organizations in resolving the whereabouts and status of Michael Scott Speicher, including the results of such cooperation.

(d) FORM OF REPORTS.—Each report under subsection (a) shall be submitted in classified form, but may include an unclassified summary.

SA 4102. Mr. LEVIN (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 346. EXTENSION OF WORK SAFETY DEMONSTRATION PROGRAM.

(a) EXTENSION OF DEMONSTRATION PROGRAM.—Section 1112 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–313) is amended—

(1) in subsection (d), by striking ''September 30, 2002'' and inserting ''September 30, 2003''; and

(2) in subsection (e)(2), by striking ''December 1, 2002'' and inserting ''December 1, 2003''.

SA 4103. Mr. ALLARD (for Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. MASTER PLAN FOR USE OF NAVY ANNEX, ARLINGTON, VIRGINIA.

(a) REPEAL OF COMMISSION ON NATIONAL MILITARY MUSEUM.—Title XXIX of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 880; 10 U.S.C. 111 note) is repealed.

(b) MODIFICATION OF AUTHORITY FOR TRANSFER FROM NAVY ANNEX.—Section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 879) is amended—

(1) in subsection (b)(2), as amended by section 2863(f) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1332), by striking ''as a site—'' and all that follows and inserting ''as a site for such other memorials or museums that the Secretary considers compatible with Arlington National Cemetery and the Air Force Memorial.''; and

(2) in subsection (d)—

(A) in paragraph (2), by striking ''the recommendation (if any) of the Commission on the National Military Museum to use a portion of the Navy Annex property as the site for the National Military Museum'', and inserting ''the use of the acres reserved under (b)(2) as a memorial or museum''; and

(B) in paragraph (4), by striking ''the date on which the Commission on the National Military Museum submits to Congress its report under section 2903'' and inserting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003''.

(c) CONSTRUCTION OF AMENDMENTS.—The amendments made by subsections (a) and (b) may not be construed to delay the establishment of the United States Air Force Memorial authorized by section 2863 of the Military Construction Authorization Act for Fiscal Year 2002 (115 Stat. 1330).

SA 4104. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 828. AUTHORITY FOR NONPROFIT ORGANIZATIONS TO SELF-CERTIFY ELIGIBILITY FOR TREATMENT AS QUALIFIED ORGANIZATIONS EMPLOYING SEVERELY DISABLED UNDER MENTOR-PROTEGE PROGRAM.

Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended by adding at the end the following new subsection:

''(n) SELF-CERTIFICATION OF NONPROFIT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS EMPLOYING THE SEVERELY DISABLED.—(1) The Secretary of Defense may, in accordance with such requirements as the Secretary may establish, permit a business entity operating on a non-profit basis to self-certify its eligibility for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).

''(2) The Secretary shall treat any entity described in paragraph (1) that submits a self-certification under that paragraph as a qualified organization employing the severely disabled until the Secretary receives evidence, if any, that such entity is not described by paragraph (1) or does not merit treatment as a qualified organization employing the severely disabled in accordance with applicable provisions of subsection (m).

''(3) Paragraphs (1) and (2) shall cease to be effective on the effective date of regulations prescribed by the Small Business Administration under this section setting forth a process for the certification of business entities as eligible for treatment as a qualified organization employing the severely disabled under subsection (m)(2)(D).''.

SA 4105. Mr. ALLARD (for Mr. KYL) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. TRANSFER OF HISTORIC DF–9E PANTHER AIRCRAFT TO WOMEN AIRFORCE SERVICE PILOTS MUSEUM.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the Women Airforce Service Pilots Museum in Quartzsite, Arizona (in this section referred to as the ''W.A.S.P. museum''), all right, title, and interest of the United States in and to a DF–9E Panther aircraft (Bureau Number 125316). The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed under subsection (a) in ''as is'' condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft under subsection (a)—

(1) a condition that the W.A.S.P. museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the W.A.S.P. museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the W.A.S.P. museum.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 4106. Mr. LEVIN (for Mr. KERRY (for himself, Mr. BOND, and Mrs. CARNAHAN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 194, between lines 13 and 14, insert the following:

SEC. 828. REPORT ON EFFECTS OF ARMY CONTRACTING AGENCY.

(a) IN GENERAL.—The Secretary of the Army shall submit a report on the effects of the establishment of an Army Contracting Agency on small business participation in Army procurements during the first year of operation of such an agency to—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

(b) CONTENT.—The report required under subsection (a) shall include, in detail—

(1) the justification for the establishment of an Army Contracting Agency;

(2) the impact of the creation of an Army Contracting Agency on—

(A) Army compliance with—

(i) Department of Defense Directive 4205.1;

(ii) section 15(g) of the Small Business Act (15 U.S.C. 644(g)); and

(iii) section 15(k) of the Small Business Act (15 U.S.C. 644(k));

(B) small business participation in Army procurement of products and services for affected Army installations, including—

(i) the impact on small businesses located near Army installations, including—

(I) the increase or decrease in the total value of Army prime contracting with local small businesses; and

(II) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(ii) any change or projected change in the use of consolidated contracts and bundled contracts; and

(3) a description of the Army's plan to address any negative impact on small business participation in Army procurement, to the extent such impact is identified in the report.

(c) TIME FOR SUBMISSION.—The report under this section shall be due 15 months after the date of the establishment of the Army Contracting Agency.

SA 4107. Mr. ALLARD (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 13, line 18, increase the amount by $1,000,000.

SA 4108. Mr. LEVIN (for Mr. CLELAND (for himself, Mr. HUTCHINSON, and Mr. KENNEDY)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 148, after line 22, add the following:

SEC. 655. PAYMENT OF INTEREST ON STUDENT LOANS.

(a) AUTHORITY.—(1) Chapter 109 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2174. Interest payment program: members on active duty

''(a) AUTHORITY.—(1) The Secretary concerned may pay in accordance with this section the interest and any special allowances that accrue on one or more student loans of an eligible member of the armed forces.

''(2) The Secretary of a military department may exercise the authority under paragraph (1) only if approved by the Secretary of Defense and subject to such requirements, conditions, and restrictions as the Secretary of Defense may prescribe.

''(b) ELIGIBLE PERSONNEL.—A member of the armed forces is eligible for the benefit under subsection (a) while the member—

''(1) is serving on active duty in fulfillment of the member's first enlistment in the armed forces or, in the case of an officer, is serving on active duty and has not completed more than three years of service on active duty;

''(2) is the debtor on one or more unpaid loans described in subsection (c); and

''(3) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—The months for which interest and any special allowance may be paid on behalf of a member of the armed forces under this section are any 36 consecutive months during which the member is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—Appropriations available for the pay and allowances of military personnel shall be available for payments under this section.

''(f) COORDINATION.—(1) The Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation shall consult with the Secretary of Education regarding the administration of the authority under this section.

''(2) The Secretary concerned shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(a), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965.

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2174. Interest payment program: members on active duty.''.

(b) FEDERAL FAMILY EDUCATION LOANS AND DIRECT LOANS.—(1) Subsection (c)(3) of section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078) is amended—

(A) in clause (i) of subparagraph (A)—

(i) by striking ''or'' at the end of subclause (II);

(ii) by inserting ''or'' at the end of subclause (III); and

(iii) by adding at the end the following new subclause:

''(IV) is eligible for interest payments to be made on such loan for service in the Armed Forces under section 2174 of title 10, United States Code, and, pursuant to that eligibility, the interest is being paid on such loan under subsection (o);'';

(B) in clause (ii)(II) of subparagraph (A), by inserting ''or (i)(IV)'' after ''clause (i)(II)''; and

(C) by striking subparagraph (C) and inserting the following:

''(C) shall contain provisions that specify that—

''(i) the form of forbearance granted by the lender pursuant to this paragraph, other than subparagraph (A)(i)(IV), shall be temporary cessation of payments, unless the borrower selects forbearance in the form of an extension of time for making payments, or smaller payments than were previously scheduled; and

''(ii) the form of forbearance granted by the lender pursuant to subparagraph (A)(i)(IV) shall be the temporary cessation of all payments on the loan other than payments of interest on the loan, and payments of any special allowance payable with respect to the loan under section 438 of this Act, that are made under subsection (o); and''.

(2) Section 428 of such Act is further amended by adding at the end the following new subsection:

''(o) ARMED FORCES STUDENT LOAN INTEREST PAYMENT PROGRAM.—

''(1) AUTHORITY.—Using funds received by transfer to the Secretary under section 2174 of title 10, United States Code, for the payment of interest and any special allowance on a loan to a member of the Armed Forces that is made, insured, or guaranteed under this part, the Secretary shall pay the interest and special allowance on such loan as due for a period not in excess of 36 consecutive months. The Secretary may not pay interest or any special allowance on such a loan out of any funds other than funds that have been so transferred.

''(2) FORBEARANCE.—During the period in which the Secretary is making payments on a loan under paragraph (1), the lender shall grant the borrower forbearance in accordance with the guaranty agreement under subsection (c)(3)(A)(i)(IV).

''(3) SPECIAL ALLOWANCE DEFINED.—For the purposes of this subsection, the term 'special allowance', means a special allowance that is payable with respect to a loan under section 438 of this Act.''.

(c) FEDERAL PERKINS LOANS.—Section 464 of the Higher Education Act of 1965 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(3) the borrower is eligible for interest payments to be made on such loan for service in the Armed Forces under section 2174 of title 10, United States Code, and, pursuant to that eligibility, the interest on such loan is being paid under subsection (j), except that the form of a forbearance under this paragraph shall be a temporary cessation of all payments on the loan other than payments of interest on the loan that are made under subsection (j).''; and

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

''(j) ARMED FORCES STUDENT LOAN INTEREST PAYMENT PROGRAM.—

''(1) AUTHORITY.—Using funds received by transfer to the Secretary under section 2174 of title 10, United States Code, for the payment of interest on a loan made under this part to a member of the Armed Forces, the Secretary shall pay the interest on the loan as due for a period not in excess of 36 consecutive months. The Secretary may not pay interest on such a loan out of any funds other than funds that have been so transferred.

''(2) FORBEARANCE.—During the period in which the Secretary is making payments on a loan under paragraph (1), the institution of higher education shall grant the borrower forbearance in accordance with subsection (e)(3).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interest, and any special allowance under section 438 of the Higher Education Act of 1965, that accrue for months beginning on or after October 1, 2003, on student loans described in subsection (c) of section 2174 of title 10, United States Code (as added by subsection (a)), that were made before, on, or after such date to members of the Armed Forces who are on active duty (as defined in section 101(d) of title 10, United States Code) on or after that date.

SA 4109. Mr. ALLARD (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 23, line 24, increase the amount by $1,000,000.

On page 13, line 14, reduce the amount by $1,000,000.

SA 4110. Mr. LEVIN (for Mr. REID) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

Strike section 2841, relating to a transfer of funds in lieu of acquisition of replacement property for National Wildlife Refuge system in Nevada, and insert the following:

SEC. 2841. TRANSFER OF FUNDS FOR ACQUISITION OF REPLACEMENT PROPERTY FOR NATIONAL WILDLIFE REFUGE SYSTEM LANDS IN NEVADA.

(a) TRANSFER OF FUNDS AUTHORIZED.—(1) The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2304(a), transfer to the United States Fish and Wildlife Service $15,000,000 to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 889).

(2) Upon receipt by the Service of the funds transferred under paragraph (1), the obligations of the Air Force referred to in that paragraph shall be considered fulfilled.

(b) CONTRIBUTION TO FOUNDATION.—(1) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999.

(2) Funds received by the Foundation under paragraph (1) shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), other than section 10(a) of that Act (16 U.S.C. 3709(a)).

SA 4111. Mr. ALLARD (for Mr. LOTT) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 2, strike lines 4 through 6, and insert the following:

(a) OFFICERS ON ACTIVE DUTY.—Subsection (a)(2)(A) of section 1370 of title 10, United States Code, is amended—

(1) by striking ''may authorize'' and all that follows and inserting ''may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—''; and

(2) by adding at the end the following:

''(1) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

''(2) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period to a period of required service not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.''.

(b) RESERVE OFFICERS.—Subsection (d)(5) of such section is amended—

(1) in the first sentence—

(A) by striking ''may authorize'' and all that follows and inserting ''may, in the case of retirements effective during the period beginning on September 1, 2002, and ending on December 31, 2004, authorize—''; and

(B) by adding at the end the following:

''(A) the Deputy Under Secretary of Defense for Personnel and Readiness to reduce

such 3-year period of required service to a period not less than two years for retirements in grades above colonel or, in the case of the Navy, captain; and

''(B) the Secretary of a military department or the Assistant Secretary of a military department having responsibility for manpower and reserve affairs to reduce such 3-year period of required service to a period not less than two years for retirements in grades of lieutenant colonel and colonel or, in the case of the Navy, commander and captain.'';

(2) by designating the second sentence as paragraph (6) and realigning such paragraph, as so redesignated 2 ems from the left margin; and

(3) in paragraph (6), as so redesignated, by striking ''this paragraph'' and inserting ''paragraph (5)''.

(c) ADVANCE NOTICE TO THE PRESIDENT AND CONGRESS.—Such section is further amended by adding at the end the following new subsection:

''(e) ADVANCE NOTICE TO CONGRESS.—(1) The Secretary of Defense shall notify the Committees on Armed Services of the Senate and House of Representatives of—

''(A) an exercise of authority under paragraph (2)(A) of subsection (a) to reduce the 3-year minimum period of required service on active duty in a grade in the case of an officer to whom such paragraph applies before the officer is retired in such grade under such subsection without having satisfied that 3-year service requirement; and

''(B) an exercise of authority under paragraph (5) of subsection (d) to reduce the 3-year minimum period of service in grade required under paragraph (3)(A) of such subsection in the case of an officer to whom such paragraph applies before the officer is credited with satisfactory service in such grade under subsection (d) without having satisfied that 3-year service requirement.

''(2) The requirement for a notification under paragraph (1) is satisfied in the case of an officer to whom subsection (c) applies if the notification is included in the certification submitted with respect to such officer under paragraph (1) of such subsection.

''(3) The notification requirement under paragraph (1) does not apply to an officer being retired in the grade of lieutenant colonel or colonel or, in the case of the Navy, commander or captain.''.

SA 4112. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 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:

Strike all after the first word and insert the following:

1024. AUTHORITY TO TRANSFER CERTAIN NAVAL VESSEL TO GOVERNMENT OF MEXICO.

(a) TRANSFER BY SALE.—The President is authorized to transfer to the Government of Mexico on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) the NEWPORT class tank landing ship FREDERICK (LST 1184).

(b) ADDITIONAL CONGRESSIONAL NOTIFICATION NOT REQUIRED.—The following provisions do not apply with respect to the transfer authorized by this section:

(1) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).

(2) Section 524 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2146), and any similar successor provision.

(c) COST OF TRANSFER.—Any expense incurred by the United States in connection with the transfer authorized by this section shall be charged to the Government of Mexico.

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of the vessel referred to in subsection (a), that the Government of Mexico have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of Mexico, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority provided under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SA 4113. Mr. REID (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 2047, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patent and Trademark Office Authorization Act of 2002''.

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

(a) IN GENERAL.—There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for each of the fiscal years 2003 through 2008 an amount equal to the fees estimated by the Secretary of Commerce to be collected in each such fiscal year, respectively, under—

(1) title 35, United States Code; and

(2) the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946).

(b) ESTIMATES.—Not later than February 15, of each fiscal year, the Undersecretary of Commerce for Intellectual Property and the Director of the Patent and Trademark Office (in this Act referred to as the Director) shall submit an estimate of all fees referred to under subsection (a) to be collected in the next fiscal year to the chairman and ranking member of—

(1) the Committees on Appropriations and Judiciary of the Senate; and

(2) the Committees on Appropriations and Judiciary of the House of Representatives.

SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

(a) ELECTRONIC FILING AND PROCESSING.—Not later than December 1, 2004, the Director shall complete the development of an electronic system for the filing and processing of patent and trademark applications, that—

(1) is user friendly; and

(2) includes the necessary infrastructure to—

(A) allow examiners and applicants to send all communications electronically; and

(B) allow the Office to process, maintain, and search electronically the contents and history of each application.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized under section 2, there are authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for each of fiscal years 2003 and 2004. Amounts made available under this subsection shall remain available until expended.

SEC. 4. ANNUAL REPORTS ON STRATEGIC PLAN.

In each of the 5 calendar years following the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on—

(1) the progress made in implementing the 21st Century Strategic Plan issued on June 3, 2002; and

(2) any amendments made to the plan.

SEC. 5. DETERMINATION OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY IN REEXAMINATION PROCEEDINGS.

(a) IN GENERAL.—Sections 303(a) and 312(a) of title 35, United States Code, are each amended by adding at the end the following: ''The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any determination of the Director of the United States Patent and Trademark Office that is made under section 303(a) or 312(a) of title 35, United States Code, on or after the date of the enactment of this Act.

SEC. 6. APPEALS IN INTER PARTES REEXAMINATION PROCEEDINGS.

(a) APPEALS BY THIRD-PARTY REQUESTER IN PROCEEDINGS.—Section 315(b) of title 35, United States Code, is amended to read as follows:

''(b) THIRD-PARTY REQUESTER.—A third-party requester—

''(1) may appeal under the provisions of section 134, and may appeal under the provisions of sections 141 through 144, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent; and

''(2) may, subject to subsection (c), be a party to any appeal taken by the patent owner under the provisions of section 134 or sections 141 through 144.''.

(b) APPEAL TO BOARD OF PATENT APPEALS AND INTERFERENCES.—Section 134(c) of title 35, United States Code, is amended by striking the last sentence.

(c) APPEAL TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 141 of title 35, United States Code, is amended in the third sentence by inserting '', or a third-party requester in an inter partes reexamination proceeding, who is'' after ''patent owner''.

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to any reexamination proceeding commenced on or after the date of the enactment of this Act.

SA 4114. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4002 submitted by Ms. LANDRIEU and intended to be proposed to the bill (S. 2514) to authorize appropriations for fiscal year 2003 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 1, beginning on line 4, strike ''December 31, 2002,'' and insert ''March 1, 2003,''.

SA 4115. Mr. REID (for Mr. Leahy) proposed an amendment to the bill H.R. 2047, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes; as follows:

Amend the title so as to read: ''A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, and for other purposes.''

SA 4116. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 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 title VII, add the following:

SEC. 708. HOSPITAL REIMBURSEMENT RATES UNDER CHAMPUS AT RISK PLANS UNDER TRICARE IN STATES EXEMPT FROM MEDICARE PROSPECTIVE PAYMENT SYSTEM.

(a) IN GENERAL.—Notwithstanding any other provision of law, hospital reimbursements rates under CHAMPUS at risk plans under the TRICARE program in any State that is exempt from the Medical Prospective Payment System under section 1814(b)(3) of the Social Security Act (42 U.S.C. 1395f(b)(3)) shall be determined utilizing the hospital reimbursement system in effect in such State.

(b) TRICARE PROGRAM DEFINED.—In this section the term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 4117. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 90, between lines 19 and 20, insert the following:

SEC. 346. LIFT SUPPORT FOR MINE WARFARE SHIPS AND OTHER VESSELS.

(a) AMOUNT.—Of the amount authorized to be appropriated by section 302(2), $10,000,000 shall be available for implementing the recommendations resulting from the Navy's Non-Self Deployable Watercraft (NDSW) Study and the Joint Chiefs of Staff Focused Logistics Study, which are to determine the requirements of the Navy for providing lift support for mine warfare ships and other vessels.

(b) OFFSETTING REDUCTION.—Of the amount authorized to be appropriated by section 302(2), the amount provided for the procurement of mine countermeasures ships cradles is hereby reduced by $10,000,000.

SA 4118. Mr. WARNER proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 90, between lines 19 and 20, insert the following:

SEC. 346. NAVY DATA CONVERSION ACTIVITIES.

(a) AMOUNT FOR ACTIVITIES.—The amount authorized to be appropriated by section 301(a)(2) is hereby increased by $2,000,000. The total amount of such increase may be available for the Navy Data Conversion and Management Laboratory to support data conversion activities for the Navy.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) is hereby reduced by $2,000,000 to reflect a reduction in the utilities privatization efforts previously planned by the Army.

SA 4119. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON EFFORTS TO ENSURE ADEQUACY OF FIRE FIGHTING STAFFS AT MILITARY INSTALLATIONS.

Not later than Mary 31, 2003, the Secretary of Defense shall submit to Congress a report on the actions being undertaken to ensure that the fire fighting staffs at military installations are adequate under applicable Department of Defense regulations.

SA 4120. Mr. WARNER (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 305. NAVY PILOT HUMAN RESOURCES CALL CENTER, CUTLER, MAINE.

Of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, $1,500,000 may be available for the Navy Pilot Human Resources Call Center, Cutler, Maine.

SA 4121. Mr. REID (for Mr. WYDEN (for himself and Mr. SMITH of Oregon)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of title XXVI, add the following:

SEC. 2602. ARMY NATIONAL GUARD RESERVE CENTER, LANE COUNTY, OREGON.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States is hereby increased by $9,000,000.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States, as increased by subsection (a), $9,000,000 may be available for a military construction project for a Reserve Center in Lane County, Oregon.

(2) The amount available under paragraph (1) for the military construction project referred to in that paragraph is in addition to any other amounts available under this Act for that project.

(c) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $2,500,000, with the amount of the reduction to be allocated to Warfighter Sustainment Advanced Technology (PE0603236N).

(2) The amount authorized to be appropriated by section 301(a)(6) for operation and maintenance for the Army Reserve is hereby reduced by $6,000,000, with the amount of the reduction to be allocated to the Enhanced Secure Communications Program.

SA 4122. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

In section 301(a)(1), decrease the amount by $1,100,000.

In section 2601(1)(A), increase the amount by $3,580,000.

In section 2204(a)(5), reduce the amount by $2,000,000.

SA 4123. Mr. REID (for Mr. BIDEN (for himself and Mr. CARPER)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of title XXIII, add the following:

SEC. 2305. ADDITIONAL PROJECT AUTHORIZATION FOR AIR TRAFFIC CONTROL FACILITY AT DOVER AIR FORCE BASE, DELAWARE.

(a) PROJECT AUTHORIZED.—In addition to the projects authorized by section 2301(a), the Secretary of the Air Force may carry out carry out a military construction project, including land acquisition relating thereto, for construction of a new air traffic control facility at Dover Air Force Base, Delaware, in the amount of $7,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2304(a), and by paragraph (1) of that section, is hereby increased by $7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(10) for operation and maintenance for the Army National Guard is hereby reduced by $7,500,000, with the amount of the reduction to be allocated to the Classified Network Program.

SA 4124. Mr. WARNER (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of title XXI, add the following:

SEC. 2109. PLANNING AND DESIGN FOR ANECHOIC CHAMBER AT WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) PLANNING AND DESIGN.—The amount authorized to be appropriated by section 2104(a)(5), for planning and design for military construction for the Army is hereby increased by $3,000,000, with the amount of the increase to be available for planning and design for an anechoic chamber at White Sands Missile Range, New Mexico.

(b) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for the Army for operation and maintenance is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to Base Operations Support (Servicewide Support).

SA 4125. Mr. REID (for Mr. DURBIN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

In title XXVI, add at the end the following:

SEC. 2602. ADDITIONAL PROJECT AUTHORIZATION FOR COMPOSITE SUPPORT FACILITY FOR ILLINOIS AIR NATIONAL GUARD.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard is hereby increased by $10,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Air National Guard, as increased by subsection (a), $10,000,000 may be available for a military construction project for a Composite Support Facility for the 183rd Fighter Wing of the Illinois Air National Guard.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance, defense-wide, is hereby reduced by $10,000,000, with the amount of the reduction to be allocated to amounts available for the Information Operations Program.

SA 4126. Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

In section 301(a)(1), strike ''$24,195,242,000'' and insert ''$24,187,242,000''.

In the table in section 2101(a), in the item relating to Walter Reed Army Medical Center, District of Columbia, strike ''$9,500,000'' in the amount column and insert ''$17,500,000''.

In the table in section 2101(a), strike the amount identified as the total in the amount column and insert ''$964,697,000''.

In section 2104(a), strike ''$2,999,345,000'' in the matter preceding paragraph (1) and insert ''$3,007,345,000''.

In section 2104(a)(1), strike ''$750,497,000'' and insert ''$758,497,000''.

SA 4127. Mr. WARNER (for Mr. FRIST (for himself and Mr. THOMPSON)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

In section 301(a)(1), decrease the amount indicated by $5,400,000.

In section 301(a)(4), decrease the amount indicated by $3,000,000.

In section 2601(3)(A), add $8,400,000 to the amount indicated.

SA 4128. Mr. WARNER (for Mr. DEWINE) an amendment proposed to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of title XXIII, add the following:

SEC. 2305. AVAILABILITY OF FUNDS FOR CONSOLIDATION OF MATERIALS COMPUTATIONAL RESEARCH FACILITY AT WRIGHT–PATTERSON AIR FORCE BASE, OHIO.

(a) AVAILABILITY.—Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright–Patterson Air Force Base, Ohio, $15,200,000 may be available for a military construction project for consolidation of the materials computational research facility at Wright–Patterson Air Force Base (PNZHTV033301A).

(b) OFFSET.—(1) The amount authorized to be appropriated by section 301(a)(4) for the Air Force for operation and maintenance is hereby reduced by $2,800,000, with the amount of the reduction to be allocated to Recruiting and Advertising.

(2) Of the amount authorized to be appropriated by section 2304(a), and paragraph (1) of that section, for the Air Force and available for military construction projects at Wright–Patterson Air Force Base—

(A) the amount available for a dormitory is hereby reduced by $10,400,000; and

(B) the amount available for construction of a Fully Contained Small Arms Range Complex is hereby reduced by $2,000,000.

SA 4129. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

In section 201(2), strike ''$12,929,135,000'' and insert ''$12,927,135,000''.

In section 201(3), strike $18,603,684,000'' and insert ''$18,605,684,000''.

SA 4130. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 214. RADAR POWER TECHNOLOGY FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army is hereby increased by $4,500,000, with the amount of the increase to be allocated to Army missile defense systems integration (DEM/VAL) (PE0603308A).

(b) AVAILABILITY FOR RADAR POWER TECHNOLOGY.—(1) Of the amount authorized to be appropriated by section 201(1) for the Department of Defense for research, development, test, and evaluation for the Army, as increased by subsection (a), $4,500,000 shall be available for radar power technology.

(2) The amount available under paragraph (1) for radar power technology is in addition to any other amounts available under this Act for such technology.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby reduced by $4,500,000, with the amount of the reduction to be allocated to common picture advanced technology (PE0603235N).

SA 4131. Mr. REID (For Ms. LAUNDRIEU) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 26, after line 22, insert the following:

SEC. 214. CRITICAL INFRASTRUCTURE PROTECTION.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated in section 201(4), $4,500,000 may be available for critical infrastructure protection (PE 35190D8Z).

(b) OFFSET.—Of the amount authorized to be appropriated by section 201 (2), the amount for power projection advanced technology (PE 63114N) is hereby reduced by $4,500,000.

SA 4132. Mr. WARNER (For Ms. DOMENICI) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 26, after line 22, insert the following:

SEC. 214. THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY UPGRADES.

(a) AVAILABILITY OF FUNDS.—(1) The amount of authorized to be appropriated by section 201(3) for the Air Force for wargaming and simulation centers; (PE 0207605F) is increased by $2,500,000. The total amount of the increase may be available for

Theater Aerospace Command and Control Simulation Facility (TACCSF) upgrades.

(2) The amount available under paragraph (1) for Theater Aerospace Command and Control Simulation Facility upgrades is in addition to any other amounts available under this Act for such upgrades.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for the Navy for Mine and Expeditionary Warfare Applied Research (PE 0602782N) is reduced by $2,500,000.

SA 4133. Mr. REID (for Mr. CONRAD) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the appropriate place insert the following:

SEC. . RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) FINDINGS.—

The Congress makes the following findings:

(1) Al Qaeda and other terrorist organizations, in addition to rogue states, are known to be working to acquire weapons of mass destruction, and particularly nuclear warheads.

(2) The largest and least secure potential source of nuclear warheads for terrorists or rogue states is Russia's arsenal of non-strategic or ''tactical'' nuclear warheads, which according to unclassified estimates numbers from 7,000 to 12,000 warheads. Security at Russian nuclear weapon storage sites is insufficient, and tactical nuclear warheads are more vulnerable to terrorist or rogue state acquisition due to their smaller size, greater portability, and greater numbers compared to Russian strategic nuclear weapons.

(3) Russia's tactical nuclear warheads were not covered by the START treaties or the recent Moscow Treaty. Russia is not legally bound to reduce its tactical nuclear stockpile and the United States has no inspection rights regarding Russia's tactical nuclear arsenal.

(b) SENSE OF THE SENATE.—

(1) One of the most likely nuclear weapon attack scenarios against the United States would involve detonation of a stolen Russian tactical nuclear warhead smuggled into the country.

(2) It is a top national security priority of the United States to accelerate efforts to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(3) This imminent threat warrants a special non-proliferation initiative.

(c) REPORT.—

Not later than 30 days after enactment of this act, the President shall report to Congress on efforts to reduce the particular threats associated with Russia's tactical nuclear arsenal and the outlines of a special initiative related to reducing the threat from Russia's tactical nuclear stockpile.

SA 4134. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 214. DDG OPTIMIZED MANNING INITIATIVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $25,000,000, with the amount of the increase to be allocated to surface combatant combat system engineering (PE0604307N).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $25,000,000 may be available for the DDG optimized manning initiative.

(2) The amount available under paragraph (1) for the initiative referred to in that paragraph is in addition to any other amounts available under this Act for that initiative.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for artillery systems DEM/VAL, PE0603854A, by $2,500,000.

SA 4135. Mr. REIS (for Mrs. FEINSTEIN (for herself and Mr. STEVENS)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for 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; as follows:

On page 34, after line 23, insert the following:

SEC. 226. LIMITATION ON USE OF FUNDS FOR NUCLEAR ARMED INTERCEPTORS.

None of the funds authorized to be appropriated by this or any other Act may be used for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system.

SA 4136. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 24, line 2, increase the first amount by $1,000,000.

On page 14, line 5, reduce the amount by $1,000,000.

SA 4137. Mr. REID (for Mr CLELAND (for himself and Mr. HUTCHINSON) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 154, after line 20, insert the following:

SEC. 708. HEALTH CARE UNDER TRICARE FOR TRICARE BENEFICIARIES RECEIVING MEDICAL CARE AS VETERANS FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1097 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) PERSONS RECEIVING MEDICAL CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.—A covered beneficiary who is enrolled in and seeks care under the TRICARE program may not be denied such care on the ground that the covered beneficiary is receiving health care from the Department of Veterans Affairs on an ongoing basis if the Department of Veterans Affairs cannot provide the covered beneficiary with the particular care sought by the covered beneficiary within the maximum period provided in the access to care standards that are applicable to that particular care under TRICARE program policy.''.

SA 4138. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 214. AGROTERRORIST ATTACKS.

(a) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, defense-wide, the amount available for basic research for the Chemical and Biological Defense Program (PE0601384BP) is hereby increased by $1,000,000, with the amount of such increase to be available for research, analysis, and assessment of efforts to counter potential agroterrorist attacks.

(2) The amount available under paragraph (1) for research, analysis, and assessment described in that paragraph is in addition to any other amounts available in this Act for such research, analysis, and assessment.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, the amount available for biological terrorism and agroterrorism risk assessment and prediction in the program element relating to the Chemical and Biological Defense Program (PE0603384BP) is hereby reduced by $1,000,000.

SA 4139. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) AUTHORITY.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127a the following new section:

''§ 127b. Rewards for assistance in combating terrorism

''(a) AUTHORITY.—The Secretary of Defense may pay a monetary reward to a person for providing United States personnel with information or nonlethal assistance that is beneficial to—

''(1) an operation of the armed forces conducted outside the United States against international terrorism; or

''(2) force protection of the armed forces.

''(b) MAXIMUM AMOUNT.—The amount of a reward paid to a recipient under this section may not exceed $200,000.

''(c) DELEGATION TO COMMANDER OF COMBATANT COMMAND.—(1) The Secretary of Defense may delegate to the commander of a combatant command authority to pay a reward under this section in an amount not in excess of $50,000.

''(2) A commander to whom authority to pay rewards is delegated under paragraph (1) may further delegate authority to pay a reward under this section in an amount not in excess of $2,500.

''(c) COORDINATION.—(1) The Secretary of Defense, in consultation with the Secretary of State and the Attorney General, shall prescribe policies and procedures for offering and paying rewards under this section, and otherwise for administering the authority under this section, that ensure that the payment of a reward under this section does not duplicate or interfere with the payment of a reward authorized by the Secretary of State or the Attorney General.

''(2) The Secretary of Defense shall coordinate with the Secretary of State regarding any payment of a reward in excess of $100,000 under this section.

''(d) PERSONS NOT ELIGIBLE.—The following persons are not eligible to receive an award under this section:

''(1) A citizen of the United States.

''(2) An employee of the United States.

''(3) An employee of a contractor of the United States.

''(e) ANNUAL REPORT.—(1) Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report on the administration of the rewards program during that fiscal year.

''(2) The report for a fiscal year shall include information on the total amount expended during that fiscal year to carry out this section, including—

''(A) a specification of the amount, if any, expended to publicize the availability of rewards; and

''(B) with respect to each award paid during that fiscal year—

''(i) the amount of the reward;

''(ii) the recipient of the reward; and

''(iii) a description of the information or assistance for which the reward was paid, together with an assessment of the significance of the information or assistance.

''(3) The Secretary may submit the report in classified form if the Secretary determines that it is necessary to do so.

''(f) DETERMINATIONS BY THE SECRETARY.—A determination by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127a the following new item:

''127b. Rewards for assistance in combating terrorism.''.

SA 4140. Mr. WARNER proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 905. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

(a) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended—

(1) by transferring section 137 within such chapter to appear following section 138;

(2) by redesignating sections 137 and 139 as sections 139 and 139a, respectively; and

(3) by inserting after section 136a the following new section 137:

''§ 137. Under Secretary of Defense for Intelligence

''(a) There is an Under Secretary of Defense for Intelligence, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

''(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.''.

(b) CONFORMING AMENDMENTS.—(1) Section 131 of such title is amended—

(A) by striking paragraphs (2), (3), (4), and (5), and inserting the following:

''(2) The Under Secretaries of Defense, as follows:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(B) The Under Secretary of Defense for Policy.

''(C) The Under Secretary of Defense (Comptroller).

''(D) The Under Secretary of Defense for Personnel and Readiness.

''(E) The Under Secretary of Defense for Intelligence.''; and

(B) by redesignating paragraphs (6), (7), (8), (9), (10), and (11) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(2) The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 137 and inserting the following:

''137. Under Secretary of Defense for Intelligence.'';

and

(B) by striking the item relating to section 139 and inserting the following:

''139. Director of Research and Engineering.

''139a. Director of Operational Test and Evaluation.''.

(c) EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Personnel and Readiness.'' the following:

''Under Secretary of Defense for Intelligence.''.

SA 4141. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. REPORT ON DESIGNATION OF CERTAIN LOUISIANA HIGHWAY AS DEFENSE ACCESS ROAD.

Not later than March 1, 2003, the Secretary of Army shall submit to the congressional defense committees a report containing the results of a study on the advisability of designating Louisiana Highway 28 between Alexandria, Louisiana, and Leesville, Louisiana, a road providing access to the Joint Readiness Training Center, Louisiana, and to Fort Polk, Louisiana, as a defense access road for purposes of section 210 of title 23, United States Code.

SA 4142. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Administrator of General Services may convey, without consideration, to the Johnson County Park and Recreation District, Kansas (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the State of Kansas consisting of approximately 2,000 acres, a portion of the Sunflower Army Ammunition Plant. The purpose of the conveyance is to permit the District to use the parcel for public recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage, location, and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official making the conveyance. The cost of such legal description, survey, or both shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The official making the conveyance of real property under subsection (a) may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

(d) EFFECTIVE DATE.—This section shall take effect on January 31, 2003.

SA 4143. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 221, after line 21, insert the following:

SEC. 1024. ANNUAL LONG-RANGE PLAN FOR THE CONSTRUCTION OF SHIPS FOR THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) Navy ships provide a forward presence for the United States that is a key to the national defense of the United States.

(2) The Navy has demonstrated that its ships contribute significantly to homeland defense.

(3) The Navy's ship recapitalization plan is inadequate to maintain the ship force structure that is described as the current force in the 2001 Quadrennial Defense Review.

(4) The Navy is decommissioning ships as much as 10 years earlier than the projected ship life upon which ship replacement rates are based.

(5) The current force was assessed in the 2001 Quadrennial Defense Review as having moderate to high risk, depending on the scenario considered.

(b) ANNUAL SHIP CONSTRUCTION PLAN.—(1) Chapter 9 of title 10, United States Code, is

amended by adding at the end the following new section:

"§ 231. Annual ship construction plan

''(a) ANNUAL SHIP CONSTRUCTION PLAN.—The Secretary of Defense shall include in the defense budget materials for each fiscal year a plan for the construction of combatant and support ships for the Navy that—

''(1) supports the National Security Strategy; or

''(2) if there is no National Security Strategy in effect, supports the ship force structure called for in the report of the latest Quadrennial Defense Review.

''(b) CONTENT.—The ship construction plan included in the defense budget materials for a fiscal year shall provide in detail for the construction of combatant and support ships for the Navy over the 30 consecutive fiscal years beginning with the fiscal year covered by the defense budget materials and shall include the following matters:

''(1) A description of the necessary ship force structure of the Navy.

''(2) The estimated levels of funding necessary to carry out the plan, together with a discussion of the procurement strategies on which such estimated funding levels are based.

''(3) A certification by the Secretary of Defense that both the budget for the fiscal year covered by the defense budget materials and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding ship construction for the Navy at a level that is sufficient for the procurement of the ships provided for in the plan on schedule.

''(4) If the budget for the fiscal year provides for funding ship construction at a level that is not sufficient for the recapitalization of the force of Navy ships at the annual rate necessary to sustain the force, an assessment (coordinated with the commanders of the combatant commands in advance) that describes and discusses the risks associated with the reduced force structure that will result from funding ship construction at such insufficient level.

''(c) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for such fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for such fiscal year.

''(3) The term 'Quadrennial Defense Review' means the Quadrennial Defense Review that is carried out under section 118 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''231. Annual ship construction plan.''

SA 4144. Mr. WARNER (for Mr. BUNNING) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2829. LAND CONVEYANCE, BLUEGRASS ARMY DEPOT, RICHMOND, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to Madison County, Kentucky (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at the Bluegrass Army Depot, Richmond, Kentucky, for the purpose of facilitating the construction of a veterans' center on the parcel by the State of Kentucky.

(2) The Secretary may not make the conveyance authorized by this subsection unless the Secretary determines that the State of Kentucky has appropriated adequate funds for the construction of the veterans' center.

(b) REVERSIONARY INTEREST.—If the Secretary determines that the real property conveyed under subsection (a) ceases to be utilized for the sole purpose of a veterans' center or that reasonable progress is not demonstrated in constructing the center and initiating services to veterans, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—The Secretary shall apply section 2695 of title 10, United States Code, to the conveyance authorized by subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 4145. Mr. REID (for Mr. BINGAMAN (for himself and Mr. SANTORUM)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle E of title II, add the following:

SEC. 246. FOUR-YEAR EXTENSION OF AUTHORITY OF DARPA TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXTENSION.—Section 2374a(f) of title 10, United States Code, is amended by striking ''September 30, 2003'' and inserting ''September 30, 2007''.

(b) REPORT ON ADMINISTRATION OF PROGRAM.—(1) Not later than December 31, 2002, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a report on the proposal of the Director for the administration of the program to award prizes for advanced technology achievements under section 2374a of title 10, United States Code.

(2) The report shall include the following:

(A) A description of the proposed goals of the competition under the program, including the technology areas to be promoted by the competition and the relationship of such area to military missions of the Department of Defense.

(B) The proposed rules of the competition under the program, and a description of the proposed management of the competition.

(C) A description of the manner in which funds for cash prizes under the program will be allocated within the accounts of the Agency if a prize is awarded and claimed.

(D) A statement of the reasons why the competition is a preferable means of promoting basic, advanced, and applied research, technology development, and prototype projects when compared with other means of promotion of such activities, including contracts, grants, cooperative agreements, and other transactions.

SA 4146. Mr. WARNER (for Mr. INHOFE (for himself and Mr. AKAKA)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. PROVISION OF SPACE AND SERVICES TO MILITARY WELFARE SOCIETIES.

(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2566. Space and services: provision to military welfare societies

''(a) AUTHORITY TO PROVIDE SPACE AND SERVICES.—The Secretary of a military department may provide, without charge, space and services under the jurisdiction of that Secretary to a military welfare society.

''(b) DEFINITIONS.—In this section:

''(1) The term 'military welfare society' means the following:

''(A) The Army Emergency Relief Society.

''(B) The Navy-Marine Corps Relief Society.

''(C) The Air Force Aid Society, Inc.

''(2) The term 'services' includes lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone and other information technology services (including installation of lines and equipment, connectivity, and other associated services), and security systems (including installation and other associated expenses).''.

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

''2566. Space and services: provision to military welfare societies.''.

SA 4147. Mr. REID (for Mr. REED) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 214. VERY HIGH SPEED SUPPORT VESSEL FOR THE ARMY.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,500,000, with the amount of the increase to be allocated to logistics and engineering equipment–advanced development (PE0603804A).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(1)

for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,500,000 may be available for development of a prototype composite hull design to meet the theater support vessel requirement.

(2) The amount available under paragraph (1) for development of the hull design referred to in that paragraph is in addition to any other amounts available under this Act for development of that hull design.

(c) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $5,500,000, with the amount of the decrease to be allocated to submarine tactical warfare system (PE0604562N) and amounts available under that program element for upgrades of combat control software to commercial architecture.

SA 4148. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 23, between lines 12 and 13, insert the following:

SEC. 135. MOBILE EMERGENCY BROADBAND SYSTEM.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 103(4), $1,000,000 may be available for the procurement of technical communications-electronics equipment for the Mobile Emergency Broadband System.

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 103(4), the amount available under such section for the Navy for other procurement for gun fire control equipment, SPQ–9B solid state transmitter, is hereby reduced by $1,000,000.

SA 4149. Mr. REID (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 14, line 20, increase the amount by $1,500,000.

On page 23, line 22, reduce the amount by $1,500,000.

SA 4150. Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 305. NATIONAL ARMY MUSEUM, FORT BELVOIR, VIRGINIA.

(a) ACTIVATION EFFORTS.—The Secretary of the Army may carry out efforts to facilitate the commencement of development for the National Army Museum at Fort Belvoir, Virginia.

(b) FUNDING.—(1) The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby increased by $100,000.

(2) Of the amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army, as increased by paragraph (1), $100,000 shall be available to carry out the efforts authorized by subsection (a).

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $100,000.

SA 4151. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 214. FULL-SCALE HIGH-SPEED PERMANENT MAGNET GENERATOR.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $1,000,000, with the amount of the increase to be allocated to Force Protection Advanced Technology (PE0603123N).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $1,000,000 may be available for development and demonstration of a full-scale high-speed permanent magnet generator.

(2) The amount available under paragraph (1) for development and demonstration of the generator described in that paragraph is in addition to any other amounts available in this Act for development and demonstration of that generator.

(c) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to Artillery Systems–Dem/Val (PE0603854A).

SA 4152. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 655. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

''(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.''.

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

SA 4111. Mr. REID (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. PLAN FOR FIVE-YEAR PROGRAM FOR ENHANCEMENT OF MEASUREMENT AND SIGNATURES INTELLIGENCE CAPABILITIES

(a) FINDING.—Congress finds that the national interest will be served by the rapid exploitation of basic research on sensors for purposes of enhancing the measurement and signatures intelligence (MASINT) capabilities of the Federal Government.

(b) PLAN FOR PROGRAM.—(1) Not later than March 30, 2003, the Director of the Central Measurement and Signatures Intelligence Office shall submit to Congress a plan for a five-year program of research intended to provide for the incorporation of the results of basic research on sensors into the measurement and signatures intelligence systems fielded by the Federal Government, including the review and assessment of basic research on sensors for that purpose.

(2) Activities under the plan shall be carried out by a consortium consisting of such governmental and non-governmental entities as the Director considers appropriate for purposes of incorporating the broadest practicable range of sensor capabilities into the systems referred to in paragraph (1). The consortium may include national laboratories, universities, and private sector entities.

(3) The plan shall include a proposal for the funding of activities under the plan, including cost-sharing by non-governmental participants in the consortium under paragraph (2).

SA 4154. Mr. WARNER (for Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. SCHUMER, Mr. DODD, Mr. TORRICELLI, Mr. CLELAND, Ms. MIKULSKI, and Mr. SARBANES)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title X, insert the following:

SEC. 1035. REPORT ON VOLUNTEER SERVICES OF MEMBERS OF THE RESERVE COMPONENTS IN EMERGENCY RESPONSE TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on volunteer services described in subsection (b) that were provided by members of the National Guard and other reserve components of the Armed Forces, while not in a duty status pursuant to orders, during the period of September 11 through 14, 2001. The report shall include a discussion of any personnel actions that the Secretary considers appropriate for the members regarding the performance of such services.

(b) COVERED SERVICES.—The volunteer services referred to in subsection (a) are as follows:

(1) Volunteer services provided in the vicinity of the site of the World Trade Center, New York, New York, in support of emergency response to the terrorist attack on the World Trade Center on September 11, 2001.

(2) Volunteer services provided in the vicinity of the Pentagon in support of emergency response to the terrorist attack on the Pentagon on September 11, 2001.

SA 4155. Mr. REID (for Mr. CORZINE (for himself and Mr. TORRICELLI)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 26, after line 22, insert the following:

SEC. 214. AVIATION-SHIPBOARD INFORMATION TECHNOLOGY INITIATIVE.

Of the amount authorized to be appropriated by section 201(2) for shipboard aviation systems, up to $8,200,000 may be used for the aviation-shipboard information technology initiative.

SA 4156. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

In subtitle C of title I, strike ''(reserved)'' and insert the following:

SEC. 121. MAINTENANCE OF SCOPE OF CRUISER CONVERSION OF TICONDEROGA CLASS AEGIS CRUISERS.

The Secretary of the Navy should maintain the scope of the cruiser conversion program for the Ticonderoga class AEGIS cruisers such that the program—

(1) covers all 27 Ticonderoga class AEGIS cruisers; and

(2) modernizes the class of cruisers to include an appropriate mix of upgrades to ships' capabilities for theater missile defense, naval fire support, and air dominance.

SA 4157. Mr. REID (for Mr. KERRY (for himself and Mr. FRIST)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. DEPARTMENT OF DEFENSE HIV/AIDS PREVENTION ASSISTANCE PROGRAM.

(a) EXPANSION OF PROGRAM.—The Secretary of Defense is authorized to expand, in accordance with this section, the Department of Defense program of HIV/AIDS prevention educational activities undertaken in connection with the conduct of United States military training, exercises, and humanitarian assistance in sub-Saharan African countries.

(b) ELIGIBLE COUNTRIES.—The Secretary may carry out the program in all eligible countries. A country shall be eligible for activities under the program if the country—

(1) is a country suffering a public health crisis (as defined in subsection (e)); and

(2) participates in the military-to-military contacts program of the Department of Defense.

(c) PROGRAM ACTIVITIES.—The Secretary shall provide for the activities under the program—

(1) to focus, to the extent possible, on military units that participate in peace keeping operations; and

(2) to include HIV/AIDS-related voluntary counseling and testing and HIV/AIDS-related surveillance.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(a)(22) to the Department of Defense for operation and maintenance of the Defense Health Program, $30,000,000 may be available for carrying out the program described in subsection (a) as expanded pursuant to this section.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(e) COUNTRY SUFFERING A PUBLIC HEALTH CRISIS DEFINED.—In this section, the term ''country suffering a public health crisis'' means a country that has rapidly rising rates of incidence of HIV/AIDS or in which HIV/AIDS is causing significant family, community, or societal disruption.

SA 4158. Mr. WARNER (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

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

SEC. 214. AEROSPACE RELAY MIRROR SYSTEM (ARMS) DEMONSTRATION.

Of the amount authorized to be appropriated by section 201(3) for the Department of Defense for research, development, test, and evaluation for the Air Force, $6,000,000 may be available for the Aerospace Relay Mirror System (ARMS) Demonstration.

SA 4159. Mr. WARNER proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At this appropriate place, insert:

AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated by Section 201(2) for research and development, test and evaluation, Navy, $4,000,000 may be available for requirements development of a littoral ship in Ship Concept Advanced Design PE0603563N.

OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 201(2) for research and development, test and evaluation, Navy, the amount available for FORCENET in Tactical Command System, PE0604231N is hereby reduced by an additional $4,000,000.

SA 4160. Mr. REID (for Mr. BYRD proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 281, between lines 5 and 6, insert the following:

SEC. 1215. MONITORING IMPLEMENTATION OF THE 1979 UNITED STATES-CHINA AGREEMENT ON COOPERATION IN SCIENCE AND TECHNOLOGY.

(a) RESPONSIBILITIES OF THE OFFICE OF SCIENCE AND TECHNOLOGY COOPERATION.—The Office of Science and Technology Cooperation of the Department of State shall monitor the implementation of the 1979 United States-China Agreement on Cooperation in Science and Technology and its protocols (in this section referred to as the ''Agreement''), and keep a systematic account of the protocols thereto. The Office shall coordinate the activities of all agencies of the United States Government that carry out cooperative activities under the Agreement.

(b) GUIDELINES.—The Secretary of State shall ensure that all activities conducted under the Agreement and its protocols comply with applicable laws and regulations concerning the transfer of militarily sensitive and dual-use technologies.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than April 1, 2004, and every two years thereafter, the Secretary of State, shall submit a report to Congress, in both classified and unclassified form, on the implementation of the Agreement and activities thereunder.

(2) REPORT ELEMENTS.—Each report under this subsection shall provide an evaluation of the benefits of the Agreement to the Chinese economy, military, and defense industrial base and shall include the following:

(A) An accounting of all activities conducted under the Agreement since the previous report, and a projection of activities to be undertaken in the next two years.

(B) An estimate of the costs to the United States to administer the Agreement within the period covered by the report.

(C) An assessment of how the Agreement has influenced the policies of the People's Republic of China toward scientific and technological cooperation with the United States.

(D) An analysis of the involvement of Chinese nuclear weapons and military missile specialists in the activities of the Joint Commission.

(E) A determination of the extent to which the activities conducted under the Agreement have enhanced the military and industrial base of the People's Republic of China, and an assessment of the impact of projected activities for the next two years, including transfers of technology, on China's economic and military capabilities.

(F) Any recommendations on improving the monitoring of the activities of the Commission by the Secretaries of Defense and State.

(3) CONSULTATION PRIOR TO SUBMISSION OF REPORTS.—The Secretary of State shall prepare the report in consultation with the Secretaries of Commerce, Defense, and Energy, the Directors of the National Science Foundation and the Federal Bureau of Investigation, and the intelligence community.

SA 4161. Mr. WARNER (for Mr. THOMPSON) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1035. BIANNUAL REPORTS ON CONTRIBUTIONS TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND DELIVERY SYSTEMS BY COUNTRIES OF PROLIFERATION CONCERN.

(a) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President shall submit to Congress a report identifying each foreign person that, during the six-month period ending on the date of such report, made a material contribution to the development by a country of proliferation concern of—

(1) nuclear, biological, or chemical weapons; or

(2) ballistic or cruise missile systems.

(b) FORM OF SUBMITTAL.—(1) A report under subsection (a) may be submitted in classified form, whether in whole or in part, if the President determines that submittal in that form is advisable.

(2) Any portion of a report under subsection (a) that is submitted in classified form shall be accompanied by an unclassified summary of such portion.

(c) DEFINITIONS.—In this section:

(1) The term ''foreign person'' means—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) The term ''country of proliferation concern'' means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear, chemical, and biological weapons) and advanced conventional munitions in the most current report under section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104–293; 50 U.S.C. 2366), or any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

SA 4162. Mr. WARNER (for Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. SANTORUM)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

On page 258, after line 24, insert the following:

SEC. 1065. COMMENDATION OF MILITARY CHAPLAINS.

(a) FINDINGS.—Congress finds the following:

(1) Military chaplains have served with those who fought for the cause of freedom since the founding of the Nation.

(2) Military chaplains and religious support personnel of the Armed Forces have served with distinction as uniformed members of the Armed Forces in support of the Nation's defense missions during every conflict in the history of the United States.

(3) 400 United States military chaplains have died in combat, some as a result of direct fire while ministering to fallen Americans, while others made the ultimate sacrifice as a prisoner of war.

(4) Military chaplains currently serve in humanitarian operations, rotational deployments, and in the war on terrorism.

(5) Religious organizations make up the very fabric of religious diversity and represent unparalleled levels of freedom of conscience, speech, and worship that set the United States apart from any other nation on Earth.

(6) Religious organizations have richly blessed the uniformed services by sending clergy to comfort and encourage all persons of faith in the Armed Forces.

(7) During the sinking of the USS Dorchester in February 1943 during World War II, four chaplains (Reverend Fox, Reverend Poling, Father Washington, and Rabbi Goode) gave their lives so that others might live.

(8) All military chaplains aid and assist members of the Armed Forces and their family members with the challenging issues of today's world.

(9) The current war against terrorism has brought to the shores of the United States new threats and concerns that strike at the beliefs and emotions of Americans.

(10) Military chaplains must, as never before, deal with the spiritual well-being of the members of the Armed Forces and their families.

(b) COMMENDATION.—Congress, on behalf of the Nation, expresses its appreciation for the outstanding contribution that all military chaplains make to the members of the Armed Forces and their families.

(c) PRESIDENTIAL PROCLAMATION.—The President is authorized and requested to issue a proclamation calling on the people of the United States to recognize the distinguished service of the Nation's military chaplains.

SA 4163. Mr. REID (for Mr. SARBANES) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 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; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1065. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Duty to maintain corporate and tax-exempt status.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.

"§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

''The purposes of the corporation are as provided in its articles of incorporation and include—

''(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

''(2) providing a means of contact and communication among members of the corporation;

''(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

''(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 120111. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

"1201. Korean War Veterans Association, Incorporated .....120101".

SA 4164. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 4068 submitted by Mr. HUTCHINSON and intended to be proposed to the bill (S. 2514) to authorize appropriations for fiscal year 2003 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:

Strike subsection (b) and insert the following:

(b) LOCATION.—The location of the facility required by subsection (a) shall be a site in Maryland selected by the Secretary using competitive procedures.

SA 4165. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 4068 submitted by Mr. HUTCHINSON and intended to be proposed to the bill (S. 2514) to authorize appropriations for fiscal year 2003 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:

Strike subsection (b) and insert the following:

(b) LOCATION.—The location of the facility required by subsection (a) shall be selected by the Secretary using competitive procedures.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, July 10, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on water resource management issues on the Missouri River.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to Malini_Sekhar@energy.senate.gov or fax it to 202–224–4340.

For further information, please contact Patty Beneke (202) 224–5451 or Mike Connor (202) 224–5479 of the committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session of the Senate on Wednesday, June 26, 2002, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 2002 at 10:45 a.m. to hold a hearing on Afghanistan.

Agenda

Witnesses

Panel 1: The Honorable Richard L. Armitage, Deputy Secretary of State, Washington, DC; and the Honorable Paul Wolfowitz, Deputy Secretary of Defense, Washington, DC.

Panel 2: Brig. Gen. David L. Grange, U.S. Army (ret.), Chicago, IL; and the Honorable Peter Tomsen, Special Envoy to Afghanistan (1989–1992), Former Ambassador to Armenia, Ambassador in Residence, University of Nebraska at Omaha, Omaha, Nebraska.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 2002 at 2:30 p.m. to hold a nomination hearing.

Agenda

Nominees: Mr. Mark Sullivan, of Maryland, to be United States Director of the European Bank for Reconstruction and Development; and Mr. Paul Speltz, of Texas, to be United States Director of the Asian Development Bank, with the rank of Ambassador

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 26, 2002 at 9:30 a.m. for the purpose of holding a hearing to "Review the Relationship Between a Department of Homeland Security and the Intelligence Community."

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 26, 2002 at 3:00 p.m., to hold a hearing to consider the nomination of James E. Boasberg to be an associate judge of the Superior Court of the District of Columbia.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, June 26, 2002, at 10:00 a.m. in SD–430 during the session of the Senate.

Agenda

S. 2649, Global AIDS.

S. 2059, Alzheimer's Disease Research, Prevention, and Care Act of 2002.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 26, 2002, at 10 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on the status of the dialogue between the U.S. Department of the Interior and American Indian and Alaska Native leaders on various alternatives for the reorganization of the Department of the Interior to improve the Department's management of tribal trust funds.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Protecting the Homeland: The President's Proposal for Reorganizing Our Homeland Defense Infrastructure'' on Wednesday, June 26, 2002, in Dirksen Room 106 at 9:30 a.m.

Witness: The Honorable Tom Ridge, Director of the Transition Planning Office for the Office of Homeland Security, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 26, 2002, at 5:45 p.m., to hold a closed business meeting.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. REID. Mr. President: I ask unanimous consent that the subcommittee on Consumer Affairs be authorized to meet on Issues and Perspectives in Enforcing Corporate Governance: The Experience of the State of New York, at 9:30 a.m. Wednesday, June 26, 2002.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. REID. Mr. President. I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 26, 2002, at 10 a.m., to conduct an oversight hearing on ''TEA–21: Investing in our Economy and Environment.''

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

SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on ''Immigration Reform and the Reorganization of Homeland Defense'' on Wednesday, June 26, 2002, at 2 p.m., in Dirksen 226.

Agenda

Witnesses

Kathleen Campbell Walker, Esq., American Immigration Lawyers Association, El Paso, Texas; Professor Bill Ong Hing, University of California Davis School of Law, National Advisory Council, National Asian Pacific American Legal Consortium, San Francisco, California; Professor David A. Martin, University of Virginia School of Law, Charlottesville, Virginia; and the Honorable Dana Marks Keener, President, National Association of Immigration Judges, San Francisco, California.

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

UNANIMOUS CONSENT AGREEMENT—S. 2673

Mr. REID. Mr. President, I ask unanimous consent that on Monday, July 8, at 2 p.m. the Senate proceed to the consideration of Calendar No. 442, S. 2673, the Accounting Reform Act; that on Monday there be debate only on this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, July 8 is a previously announced no-vote day, but there is expectation that there will be a vote prior to the conference luncheons on Tuesday, July 9.

ORDER FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding a recess or adjournment of the Senate, Senate committees may file committee-reported legislative and executive calendar business on Wednesday, July 3, 2002, from 11 a.m. to 1 p.m.

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

ORDER FOR STAR PRINT—S. 2609

Mr. REID. Mr. President, I ask unanimous consent that S. 2609 be star printed with the changes that are now at the desk.

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

PORTS-TO-PLAINS CORRIDOR OF THE NATIONAL HIGHWAY SYSTEM

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 424, S. 1646.

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

The legislative clerk read as follows:

A bill (S. 1646) to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high-priority corridor on the National Highway System.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD at the appropriate place as if read without any intervening action or debate.

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

The bill (S. 1646) was read the third time and passed, as follows:

S. 1646

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

SECTION 1. IDENTIFICATION OF PORTS-TO-PLAINS HIGH PRIORITY CORRIDOR ROUTES.

Section 1105(c)(38) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 114 Stat. 2763A–201) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(2) by redesignating subparagraph (A) as clause (i);

(3) by striking ''(38) The'' and inserting ''(38)(A) The'';

(4) in subparagraph (A) (as designated by paragraph (3))—

(A) in clause (i) (as redesignated by paragraph (2))—

(i) in subclause (VII) (as redesignated by paragraph (1)), by striking ''and'' at the end;

(ii) in subclause (VIII) (as redesignated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(IX) United States Route 287 from Dumas to the border between the States of Texas and Oklahoma, and also United States Route 87 from Dumas to the border between the States of Texas and New Mexico.''; and

(B) by adding at the end the following:

''(ii) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the border between the States of Texas and Oklahoma to the border between the States of Oklahoma and Colorado.

''(iii) In the State of Colorado, the Ports-to-Plains Corridor shall generally follow—

''(I) United States Route 287 from the border between the States of Oklahoma and Colorado to Limon; and

''(II) Interstate Route 70 from Limon to Denver.

''(iv) In the State of New Mexico, the Ports-to-Plains Corridor shall generally follow United States Route 87 from the border between the States of Texas and New Mexico to Raton.''; and

(5) by striking ''(B) The corridor designation contained in paragraph (A)'' and inserting the following:

''(B) The corridor designation contained in subclauses (I) through (VIII) of subparagraph (A)(i)''.

AUTOMATIC DEFIBRILLATION IN ADAM'S MEMORY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Health, Education, Labor, and Pensions be discharged from further consideration of S. 1041 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1041) to establish a program for an information clearinghouse to increase public access to defibrillation in schools.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and that any statements related to the bill be printed in the RECORD as if given, without intervening action or debate.

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

The bill (S. 1041) was read the third time and passed, as follows:

S. 1041

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 ''Automatic Defibrillation in Adam's Memory Act'', or the ''ADAM Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Heart disease is the leading cause of death in the United States.

(2) 220,000 Americans die each year of sudden cardiac arrest.

(3) The American Heart Association estimates that the lives of 50,000 cardiac arrest victims could be saved each year through initiating a course of action known as the chain of survival.

(4) The chain of survival includes prompt notification of emergency services and early cardiopulmonary resuscitation (referred to in this Act as ''CPR''), defibrillation, and advanced cardiac life support.

(5) An important part of United States school children's education is learning healthy behaviors, including proper nutrition and physical activity. This health education should also include basic emergency lifesaving skills.

(6) Incorporating these lifesaving training programs into the health curriculum of elementary and secondary schools will give school children these skills.

(7) Project Automatic Defibrillation in Adam's Memory (ADAM) has been successful in fostering awareness of the potential for cardiac arrest in the childhood and adolescent population, encouraging improvement of screening procedures, and facilitating the training of high school staff and students in CPR and the use of automatic external defibrillators (referred to in this Act as ''AED'').

SEC. 3. GRANTS FOR ACCESS TO DEFIBRILLATION.

(a) PROGRAM AUTHORIZED.—The Secretary of Health and Human Services shall award a grant to an organization to establish national information clearinghouse that provides information to increase public access to defibrillation in schools.

(b) DUTIES.—The health care organization that receives a grant under this section shall promote public access to defibrillation in schools by—

(1) providing timely information to entities regarding public access defibrillation program implementation and development;

(2) developing and providing comprehensive program materials to establish a public access defibrillation program in schools;

(3) providing support to CPR and AED training programs;

(4) fostering new and existing community partnerships with and among public and private organizations (such as local educational agencies, nonprofit organizations, public health organizations, emergency medical service providers, fire and police departments, and parent-teacher associations) to promote public access to defibrillation in schools;

(5) establishing a data base to gather information in a central location regarding sudden cardiac arrest in the pediatric population and identifying or conducting further research into the problem; and

(6) providing assistance to communities that wish to develop screening programs for at risk youth.

(c) APPLICATION.—A health care organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) REPORT.—Not later than 5 years after receipt of a grant under this section, the health care organization that receives such grant shall prepare and submit to the Secretary of Health and Human Services a report that describes activities carried out with funds received under this section. Not later than 3 months after receipt of such report, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress an evaluation that reviews such report and evaluates the success of such clearinghouse.

(e) AUTHORIZATION OF APPROPRIATIONS.—From funds authorized to be appropriated for fiscal years 2002 through 2006 for activities and programs under the Department of Health and Human Services, $800,000 of such funds may be appropriated to carry out the programs described in this Act for each of the fiscal years 2002 through 2006.

PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2047 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2047) to authorize appropriations for the United States Patent and Trademark Office for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I understand Senators LEAHY and HATCH have a substitute amendment at the desk, and I ask for its immediate consideration; that the amendment be agreed to and the motion to reconsider be laid upon the table; that the bill, as amended, be read three times, passed, the motion to reconsider be laid on the table; that the title amendment be agreed to; that any statements relating thereto be printed in the RECORD at the appropriate place as if given.

Mr. REID. Without objection, it is so ordered.

The amendment (No. 4113) was agreed to, as follows:

(Purpose: To authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, and for other purposes)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patent and Trademark Office Authorization Act of 2002''.

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

(a) IN GENERAL.—There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for each of the fiscal years 2003 through 2008 an amount equal to the fees estimated by the Secretary of Commerce to be collected in each such fiscal year, respectively, under—

(1) title 35, United States Code; and

(2) the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946).

(b) ESTIMATES.—Not later than February 15, of each fiscal year, the Undersecretary of Commerce for Intellectual Property and the Director of the Patent and Trademark Office (in this Act referred to as the Director) shall submit an estimate of all fees referred to under subsection (a) to be collected in the next fiscal year to the chairman and ranking member of—

(1) the Committees on Appropriations and Judiciary of the Senate; and

(2) the Committees on Appropriations and Judiciary of the House of Representatives.

SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

(a) ELECTRONIC FILING AND PROCESSING.—Not later than December 1, 2004, the Director shall complete the development of an electronic system for the filing and processing of patent and trademark applications, that—

(1) is user friendly; and

(2) includes the necessary infrastructure to—

(A) allow examiners and applicants to send all communications electronically; and

(B) allow the Office to process, maintain, and search electronically the contents and history of each application.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized under section 2, there are authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for each of fiscal years 2003 and 2004. Amounts made available under this subsection shall remain available until expended.

SEC. 4. ANNUAL REPORTS ON STRATEGIC PLAN.

In each of the 5 calendar years following the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on—

(1) the progress made in implementing the 21st Century Strategic Plan issued on June 3, 2002; and

(2) any amendments made to the plan.

SEC. 5. DETERMINATION OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY IN REEXAMINATION PROCEEDINGS.

(a) IN GENERAL.—Sections 303(a) and 312(a) of title 35, United States Code, are each amended by adding at the end the following: ''The existence of a substantial new question of patentability is not precluded by the fact

that a patent or printed publication was previously cited by or to the Office or considered by the Office.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any determination of the Director of the United States Patent and Trademark Office that is made under section 303(a) or 312(a) of title 35, United States Code, on or after the date of the enactment of this Act.

SEC. 6. APPEALS IN INTER PARTES REEXAMINATION PROCEEDINGS.

(a) APPEALS BY THIRD-PARTY REQUESTER IN PROCEEDINGS.—Section 315(b) of title 35, United States Code, is amended to read as follows:

''(b) THIRD-PARTY REQUESTER.—A third-party requester—

''(1) may appeal under the provisions of section 134, and may appeal under the provisions of sections 141 through 144, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent; and

''(2) may, subject to subsection (c), be a party to any appeal taken by the patent owner under the provisions of section 134 or sections 141 through 144.''.

(b) APPEAL TO BOARD OF PATENT APPEALS AND INTERFERENCES.—Section 134(c) of title 35, United States Code, is amended by striking the last sentence.

(c) APPEAL TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 141 of title 35, United States Code, is amended in the third sentence by inserting '', or a third-party requester in an inter partes reexamination proceeding, who is'' after ''patent owner''.

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to any reexamination proceeding commenced on or after the date of the enactment of this Act.

The amendment (No. 4115) was agreed to, as follows:

Amend the title so as to read: ''A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, and for other purposes.''.

The bill (H.R. 2047), as amended, was read the third time and passed.

AUTHORIZING APPROPRIATIONS FOR THE U.S. PATENT AND TRADEMARK OFFICE FOR FISCAL YEARS 2002 THROUGH 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 426, S. 1754.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1754) to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on the Judiciary with an amendment in the nature of a substitute, and an amendment to the title.

[Strike the part in black brackets and insert in lieu thereof the part printed in italic.]

S. 1754

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 ''Patent and Trademark Office Authorization Act of 2002''.

[SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

[(a) IN GENERAL.—There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for each of the fiscal years 2002 through 2007 an amount equal to the fees estimated by the Secretary of Commerce to be collected in each such fiscal year, respectively, under—

[(1) title 35, United States Code; and

[(2) the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946).

[(b) ESTIMATES.—Not later than February 15, of each fiscal year, the Undersecretary of Commerce for Intellectual Property and the Director of the Patent and Trademark Office (in this Act referred to as the Director) shall submit an estimate of all fees referred to under subsection (a) to be collected in the next fiscal year to the chairman and ranking member of—

[(1) the Committees on Appropriations and Judiciary of the Senate; and

[(2) the Committees on Appropriations and Judiciary of the House of Representatives.

[SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

[(a) ELECTRONIC FILING AND PROCESSING.—The Director shall, during the 3-year period beginning December 1, 2001, develop an electronic system for the filing and processing of patent and trademark applications, that—

[(1) is user friendly; and

[(2) includes the necessary infrastructure—

[(A) to allow examiners and applicants to send all communications electronically; and

[(B) to allow the Office to process, maintain, and search electronically the contents and history of each application.

[(b) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized under section 2, there is authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for each of fiscal years 2002 and 2003. Amounts made available pursuant to this subsection shall remain available until expended.

[SEC. 4. STRATEGIC PLAN.

[(a) DEVELOPMENT OF PLAN.—The Director shall, in close consultation with the Patent Public Advisory Committee and the Trademark Public Advisory Committee, develop a strategic plan that sets forth the goals and methods by which the United States Patent and Trademark Office will, during the 5-year period beginning on October 1, 2002—

[(1) enhance patent and trademark quality;

[(2) reduce patent and trademark pendency; and

[(3) develop and implement an effective electronic system for use by the Patent and Trademark Office and the public for all aspects of the patent and trademark processes, including, in addition to the elements set forth in section 3, searching, examining, communicating, publishing, and making publicly available, patents and trademark registrations.

The strategic plan shall include milestones and objective and meaningful criteria for evaluating the progress and successful achievement of the plan. The Director shall consult with the Public Advisory Committees with respect to the development of each aspect of the strategic plan.

[(b) REPORT TO CONGRESSIONAL COMMITTEES.—The Director shall, not later than February 15, 2002, or 4 months after the date of the enactment of this Act, whichever is later, submit the plan developed under subsection (a) to the Committees on the Judiciary of the Senate and the House of Representatives.

[SEC. 5. DETERMINATION OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY IN REEXAMINATION PROCEEDINGS.

[(a) IN GENERAL.—Sections 303(a) and 312(a) of title 35, United States Code, are each amended by adding at the end the following: ''The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.''.

[(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any determination of the Director of the United States Patent and Trademark Office that is made under section 303(a) or 312(a) of title 35, United States Code, on or after the date of the enactment of this Act.

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[''(b) THIRD-PARTY REQUESTER.—A third-party requester—

[''(1) may appeal under the provisions of section 134, and may appeal under the provisions of sections 141 through 144, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent; and

[''(2) may, subject to subsection (c), be a party to any appeal taken by the patent owner under the provisions of section 134 or sections 141 through 144.''.

[(b) APPEAL TO BOARD OF PATENT APPEALS AND INTERFERENCES.—Section 134(c) of title 35, United States Code, is amended by striking the last sentence.

[(c) APPEAL TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 141 of title 35, United States Code, is amended in the third sentence by inserting '', or a third-party requester in an inter partes reexamination proceeding, who is'' after ''patent owner''.

[(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to any reexamination proceeding commenced on or after the date of the enactment of this Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patent and Trademark Office Authorization Act of 2002''.

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(b) ESTIMATES.—Not later than February 15, of each fiscal year, the Undersecretary of Commerce for Intellectual Property and the Director of the Patent and Trademark Office (in this Act referred to as the Director) shall submit an estimate of all fees referred to under subsection (a) to be collected in the next fiscal year to the chairman and ranking member of—

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(b) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized under section 2, there are authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for each of fiscal years 2003 and 2004. Amounts made available under this subsection shall remain available until expended.

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In each of the 5 calendar years following the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on—

(1) the progress made in implementing the 21st Century Strategic Plan issued on June 3, 2002; and

(2) any amendments made to the plan.

SEC. 5. DETERMINATION OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY IN REEXAMINATION PROCEEDINGS.

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(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any determination of the Director of the United States Patent and Trademark Office that is made under section 303(a) or 312(a) of title 35, United States Code, on or after the date of the enactment of this Act.

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(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to any reexamination proceeding commenced on or after the date of the enactment of this Act.

Amend the title so as to read: ''A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2003 through 2008, and for other purposes.''.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the motion to reconsider be laid upon the table; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table; that any title amendment be agreed to, and that any statements relating thereto be printed in the RECORD at the appropriate place as if given, without any intervening action or debate.

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

The committee amendment in the nature of a substitute was agreed to.

The title amendment was agreed to.

The bill (S. 1754), as amended, was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 3937

Mr. REID. Mr. President, it is my understanding that H.R. 3937 was received from the House. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3937) to revoke a Public Land Order with respect to certain lands erroneously included in Cibola National Wildlife Refuge, California.

Mr. REID. Mr. President, I now ask for its second reading and object to that request on behalf of a number of my colleagues.

The PRESIDING OFFICER. The bill will remain at the desk.