There is a sufficient second. Mr. WARNER. We have no objection. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 287 Leg,]

YEAS—74

Akaka         Domenici         Lugar
Allen         Dorgan         Mikulski
Baucus         Enzi         Murray
Bayh         Feingold         Nelson (NE)
Bennett         Feinstein         Nelson (WI)
Bingaman         Frakt         Nickles
Boxer         Grassley         Reed
Breaux         Gregg         Reid
Bunning         Hagel         Rockefeller
Burns         Harkin         Sarbanes
Campbell         Helms         Schumer
Cantwell         Hollings         Sessions
Carnahan         Hutchinson         Shelby
Claiborne         Inhofe         Smith (NH)
Clinton         Inouye         Smith (OR)
Cochran         Johnson         Snowe
Collins         Kerry         Specter
Conrad          Ky    Stabenow
Cowing         Landrieu         Thomas
Crane         Lesby         Torricelli
Daschle         Levin         Warner
Dayton         Lieberman         Wellstone
Dodd         Lincoln         Wyden

NAYS—24

Bond         Graham         McConnell
Brownback         Gramm         Mukowski
Byrd         Hatch         Roberts
Chesapeke         Hッチison         Santorum
DeWine         Jeffords         Stevens
Durbin         Koehler         Thompson
Ensign         Lynn         Thurmond
Fitzgerald        McCain         Voynovich

NOT VOTING—2

Biden         Carper

The motion was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

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

Thereupon, the Senate, at 2:48 p.m., recessed subject to the call of the Chair and reassembled at 4:00 p.m., when called to order by the Presiding Officer (Mr. MILLER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand the amendment of the Senator from New Mexico has now been cleared on both sides. We welcome that news. He has been working hard on this amendment for a number of years to provide some equity to some people who have had severe losses. I have always commended him on his efforts and supported him. I think we have worked it out within the budget constraints of the bill.

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

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

AMENDMENT NO. 1672

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the amendment as follows:

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

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

SEC. 3. RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2216 note) is amended to read as follows:

"(e) APPROPRIATION.—
"(1) IN GENERAL.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.
"(2) LIMITATION.—Amounts appropriated pursuant to paragraph (1) shall not exceed—
"(A) in fiscal year 2002, $132,000,000;
"(B) in fiscal year 2003, $134,000,000;
"(C) in fiscal year 2004, $107,000,000;
"(D) in fiscal year 2005, $85,000,000;
"(E) in fiscal year 2006, $47,000,000;
"(F) in fiscal year 2007, $29,000,000;
"(G) in fiscal year 2008, $29,000,000;
"(H) in fiscal year 2009, $29,000,000;
"(I) in fiscal year 2010, $25,000,000; and
"(J) in fiscal year 2011, $17,000,000.

Mr. DOMENICI. Mr. President, we are going to do something that is very fair that will eliminate a serious problem that is out there among a few thousand Americans, some of whom have walked into meetings with the U.S. Government carrying an IOU. The IOU is that the Federal Government owes them the money they were supposed to receive months ago, because the person that they were with has died or is seriously ill and their medical bills have piled up and the Federal Government will not pay those bills. Some of these people have walked into meetings with the U.S. Government carrying an IOU.

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

The Government ruled quickly, even though in some cases, with some of them living in the Four Corners area, they did go through an awful lot of trouble to get their claim. But then, the insult: they produced their claim and said, where is the money? The U.S. Department of Justice said, oops, sorry, we don't have any. These people are walking around, some of them almost in a daze, because they cannot believe that their Federal Government read about it. Every time we sought funding for one reason or another, we received just enough for a month or two. This claim got mixed up in jurisdictional problems as to which committee ought to fund it.

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

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

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

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

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

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

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

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

Fortunately, we were able to secure the necessary funds in this year’s supplemental to pay the IOUs and all claims approved by September 30, 2001. Nonetheless, many claims will be filed and paid. Anything less is unacceptable.

We are making important and critical strides to fully funding this commitment, we remain around $150 million short and we must all work to ensure that the program is fully funded throughout the 10-year period. We must never reach a point of issuing IOU’s rather than actual financial assistance to these workers and their families again.

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

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

The amendment (No. 1672) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

Mr. DASCHLE. Mr. President, I am delighted that the Senate has adopted an amendment I cosponsored with Senator Domenici to provide $655 million over the next 10 years to fund the Radiation Exposure Compensation Act.

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

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

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

I want to express my thanks to Senator Domenici for his work on this issue, and to Senators Bingaman, Reid and Hatch for their consistent efforts to support our war workers.

Mr. LEVIN. Mr. President, the Congressional Budget Office is required to prepare a cost estimate for spending legislation reported by committees. The cost estimate for the bill reported by the committee, S. 1416, was not finished at the time the report on this bill by the committee, S. 1416, the National Defense Authorization Act for Fiscal Year 2002.

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

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Summary: S. 1416 would authorize approximately $398 billion for fiscal year 2002 for the military functions of the Department of Defense (DoD) and the Department of Energy and certain other defense-related programs. It would also prescribe personnel strengths for each active duty and selected reserve component of the U.S. armed forces. CBO estimates that appropriation of the authorized amounts for 2002 would result in additional outlays of $338 billion over the 2002-2006 period.

The bill also contains provisions that would cost an additional $1 billion over the 2003-2006 period. CBO estimates that those provisions would require appropriations of $10 billion over those four years.

The bill contains provisions that would reduce direct spending, primarily through revised payment rates for some services offered under the Tricare for Life program and certain asset sales. We estimate that the direct spending savings resulting from provisions of S. 1416 would total $290 million over the 2002-2006 period and $86 million over the 2002-2011 period. Those totals include estimated receipts from asset sales of $144 million over the next five years and $120 million over 10 years. Because it would affect direct spending, the bill would be subject to pay-as-you-go procedures.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that subtitile F (Uniformed Services Overseas Voting) of title V is excluded because the provision would enforce an individual's constitutional right to vote. The bill contains one private-sector mandate; however, the costs of that mandate would not exceed the threshold as specified in UMRA ($131 million in 2001, adjusted annually for inflation).

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

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

Table 1.—Budgetary Impacts of S. 1416, the National Defense Authorization Act for Fiscal Year 2002

<table>
<thead>
<tr>
<th>Basis of Estimate</th>
<th>Spending Subject to Appropriation</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spending Under Current Law for Defense Programs:</td>
<td>Budget Authority</td>
<td>316,051</td>
<td>301,690</td>
<td>107,647</td>
<td>36,000</td>
<td>13,681</td>
<td>6,292</td>
</tr>
<tr>
<td></td>
<td>Estimated Outlays</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Proposed Changes:</td>
<td>Estimated Authorization Level</td>
<td>0</td>
<td>0</td>
<td>342,647</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Estimated Outlays</td>
<td>0</td>
<td>226,562</td>
<td>76,529</td>
<td>23,636</td>
<td>8,254</td>
<td>3,008</td>
</tr>
<tr>
<td>Spending Under S. 1416 for Defense Programs:</td>
<td>Budget Authority</td>
<td>316,051</td>
<td>301,690</td>
<td>107,647</td>
<td>36,000</td>
<td>13,681</td>
<td>6,292</td>
</tr>
<tr>
<td></td>
<td>Estimated Outlays</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>DIRECT SPENDING (EXCLUDING ASSET SALES):</td>
<td>Estimated Authorization Level</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Estimated Outlays</td>
<td>0</td>
<td>32,647</td>
<td>112,628</td>
<td>37,475</td>
<td>14,510</td>
<td>6,316</td>
</tr>
<tr>
<td>Estimated Budget Authority</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

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

1 The 2001 level is the amount appropriated for programs authorized by the bill.

2 Asset sale receipts are a credit against direct spending.

Information about CBO's cost estimates for those provisions:

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

Table 1 — Budgetary Impact of S. 1416, The National Defense Authorization Act for Fiscal Year 2002

<table>
<thead>
<tr>
<th>[By fiscal year, in millions of dollars]</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Budget Authority</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>DIRECT SPENDING (EXCLUDING ASSET SALES)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Estimated Authorization Level</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Estimated Budget Authority</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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

1 The 2001 level is the amount appropriated for programs authorized by the bill.

2 Asset sale receipts are a credit against direct spending.

Basis of Estimate

Spending Subject to Appropriation

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

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

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

Multiyear Procurement. In most cases, purchases of weapon systems are authorized annually, and as a result, DoD negotiates a separate contract for each annual purchase. In a small number of cases, the law permits multiyear procurement; that is, it allows DoD to enter into a contract to buy specified annual quantities of a system for up to five years. In those cases, DoD can negotiate lower prices because it commits to purchase the weapons gives the contractor an incentive to find more economical ways to manufacture the weapon, including cost-saving investments. Funding would continue to be provided on an annual basis for these
Section 122 would authorize DoD to enter into a multiyear contract to buy engines for F/A-18E/F aircraft starting in 2002. The Navy currently purchases the aircraft from Boeing under a multiyear contract covering the 2000–2004 period, while the engines are purchased separately from General Electric under annual contracts. Each engine costs about $4 million today. According to the Navy, it plans to purchase 48 aircraft a year over the next five years starting in 2002. CBO estimates that the savings from buying F/A-18E/F engines under a multiyear contract would total about $50 million over the 2002–2006 period, or about 3 percent of total engine costs. This estimate assumes that the Navy would buy 96 engines a year (two engines for every aircraft purchased) over the five-year period and that there would be no up-front investment required to implement the multiyear contract.

Section 131 would authorize DoD to enter into a new multiyear procurement contract to buy up to 60 additional C-17 aircraft. Under the current multiyear contract, the Air Force will buy 15 aircraft in 2002 and another 6 aircraft in 2003. Assuming that the Air Force would proceed with follow-on procurement of up to 60 additional aircraft, CBO estimates that savings from buying 60 additional C-17s under a multiyear contract arrangement would total $894 million or an average of about $250 million a year over the 2003–2006 period. Funding requirements would total just under $83 billion instead of the almost $9.2 billion needed under annual contracts. This estimate assumes that the Air Force would purchase the 60 additional aircraft starting in 2003 at a rate of 15 a year.

### TABLE 2. SPECIFIC AUTHORIZATIONS IN S. 1416 (By fiscal year, in millions of dollars)

<table>
<thead>
<tr>
<th>Category</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Personnel:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authorization Level</td>
<td>80,342</td>
<td>77,105</td>
<td>77,105</td>
<td>77,105</td>
<td>77,105</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>80,342</td>
<td>77,105</td>
<td>77,105</td>
<td>77,105</td>
<td>77,105</td>
</tr>
<tr>
<td>Operation and Maintenance:</td>
<td>126,702</td>
<td>126,702</td>
<td>126,702</td>
<td>126,702</td>
<td>126,702</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>126,702</td>
<td>126,702</td>
<td>126,702</td>
<td>126,702</td>
<td>126,702</td>
</tr>
<tr>
<td>Procurement:</td>
<td>94,195</td>
<td>24,527</td>
<td>4,092</td>
<td>1,703</td>
<td>506</td>
</tr>
<tr>
<td>Authorization Level</td>
<td>94,195</td>
<td>24,527</td>
<td>4,092</td>
<td>1,703</td>
<td>506</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>94,195</td>
<td>24,527</td>
<td>4,092</td>
<td>1,703</td>
<td>506</td>
</tr>
<tr>
<td>Research, Development, Test, and Evaluation:</td>
<td>62,237</td>
<td>16,037</td>
<td>24,489</td>
<td>13,471</td>
<td>5,112</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>62,237</td>
<td>16,037</td>
<td>24,489</td>
<td>13,471</td>
<td>5,112</td>
</tr>
<tr>
<td>Military Construction and Family Housing:</td>
<td>46,616</td>
<td>25,286</td>
<td>17,229</td>
<td>3,019</td>
<td>662</td>
</tr>
<tr>
<td>Authorization Level</td>
<td>46,616</td>
<td>25,286</td>
<td>17,229</td>
<td>3,019</td>
<td>662</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>46,616</td>
<td>25,286</td>
<td>17,229</td>
<td>3,019</td>
<td>662</td>
</tr>
<tr>
<td>Atomic Energy Defense Activities:</td>
<td>6,212</td>
<td>2,712</td>
<td>4,077</td>
<td>2,322</td>
<td>785</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>6,212</td>
<td>2,712</td>
<td>4,077</td>
<td>2,322</td>
<td>785</td>
</tr>
</tbody>
</table>

**Note:** For every item in this table except the authorization for the Coast Guard reserve and for payments to WWII slave laborers, the 2002 levels are included in the amounts specifically authorized to be appropriated in the bill. Those amounts are shown in Table 3. Amounts shown in the table for 2003 through 2006 are not included in Table 1.

### TABLE 3. ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN S. 1416 (By fiscal year, in millions of dollars)

<table>
<thead>
<tr>
<th>Category</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Personnel:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authorization Level</td>
<td>362,522</td>
<td>276,445</td>
<td>265,251</td>
<td>23,868</td>
<td>8,254</td>
</tr>
<tr>
<td>Estimated Outlays</td>
<td>362,522</td>
<td>276,445</td>
<td>265,251</td>
<td>23,868</td>
<td>8,254</td>
</tr>
</tbody>
</table>

**Note:** The estimated authorization for the Coast Guard Reserve and for payments to WWII slave laborers, which are shown in Table 3.
authorizations for military pay and allowances would total $323.3 billion, while $0.1 billion would be to cover commuting costs. The authorized endstrength represents a net increase of 3,152 servicemembers that would boost costs for salaries and other expenses in the first year by about $600 million annually in subsequent years, compared to the authorized strengths for 2001.

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

Grade Structure. Sections 402, 415, and 502 would increase the number of servicemembers in certain grades. Under section 402, the number of servicemembers in pay grade E-8 in the Navy would increase. Section 415 would change the grade structure of active-duty personnel in support of the reserve. Section 502 would reduce the time-in-grade required for promotion to captain in the Navy, Air Force, and Marine Corps, and lieutenant in the Navy when service staffing needs warrant. These changes would increase the overall endstrength, but would result in more promotions to these ranks. CBO estimates these provisions would cost $39 million in 2002, $56 million in 2003, and $75 million by 2006.

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

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

Expiring Bonuses and Allowances. Several sections would extend DoD’s authority to pay certain bonuses and allowances to current and future military personnel. Most of these authorities are scheduled to expire in December 2001, or three months into fiscal year 2002. The bill would extend these authorities through 2005 and authorizes that the costs of these extensions would be as follows:


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

Retention bonuses for officers and enlisted members with critical skills would cost $25 million in 2002 and $13 million in 2003.

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

Most of these changes would result in additional, smaller costs in subsequent years because costs are included in installation-level basestats.

Housing Allowances. Section 605 would limit the out-of-pocket cost of housing for servicemembers receiving basic allowance for housing (BAH) by about 85 percent of the cost of adequate housing in the United States. Currently, DoD pays members BAH rates which cover about 8 percent of the cost of adequate housing in the United States. DoD plans to reduce the average out-of-pocket housing expense for members by increasing BAH by about 4 percent annually, until BAH covers the full cost of adequate housing by 2006, adjusting the rate each January. Section 605 would accelerate DoD’s plan by limiting out-of-pocket costs to 7.5 percent in 2002 and eliminating average out-of-pocket costs for BAH participants in January 1, 2002, and October 1, 2002, respectively. CBO estimates that the increase in BAH would cost $230 million in 2002 and $1.4 billion over the 2002–2006 period.

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

- Expanding eligibility to receive the basic allowance for housing (BAH) to junior enlisted members in grades E-3 and below who are on leave or traveling between permanent duty stations would cost $4 million in 2002 and $162 million over the 2002–2006 period.
- Expanding eligibility for temporary subsistence (TOS) for allowable rates up to $30 million over the 2002–2006 period.
- Expanding eligibility to receive the basic allowance for housing (BAH) to members with children who are dependent on their active-duty service member would cost $3 million in 2002.
- Expanding eligibility to receive an additional $200 allowance to members who must move for government convenience (e.g., because of housing privatization or renovation) would cost $6 million in 2002. CBO estimates that these three provisions would cost $256 million over the 2002–2006 period.

In total, these provisions affecting travel and transportation allowances would cost $94 million in 2002 and $498 million over the 2002–2006 period.

Increases in Incentive Pay and Bonuses. Sections 537, 616, and 617 would expand eligibility for incentive pay for personnel with special skills. Section 537 would expand the population eligible to receive stipends under the Bonuses and Stipends Program to include medical and dental school students. Assuming the number of participants would increase gradually, at a rate of about 6,000 participants per year, CBO estimates that implementing section 537 would cost less than $500,000 in 2002 and $7 million over the 2002–2006 period. Section 616 would raise the maximum pay rates for servicemembers performing submarine duty. CBO estimates this pay increase, effective October 1, 2002, would have no cost in 2002, cost $21 million in 2003, and cost $111 million over the 2003–2006 period.

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

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

Under section 661, the Secretary of Defense could purchase United States savings bonds worth $200 million for officers and enlisted members with critical skills, who agree to extend their period of service for a minimum of six years. The face value of the bonds would range from $5,000 to $30,000, depending on the members’ years of service and prior receipt of this benefit. Based on DoD’s use of similar bonuses, CBO estimates that section 661 would cost $30 million in 2002 and $104 million over the 2002–2006 period.

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

Subsistence Allowances. Section 604 would extend the current authority to provide an additional allowance to members who are stationed in environments in which access to quality food is not possible by increasing the basic subsistence rate. CBO estimates that two of these provisions would cost $6 million in 2002 and $32 million over the 2002–2006 period.

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

Commissary Benefits. Section 662 would allow new members of the ready reserve to use the commissary benefit up to 24 times a year. CBO estimates this provision would cost about $3 million in 2002 and $17 million over the 2002–2006 time period. Currently, new reservists do not automatically qualify for commissary benefits, since they have not had sufficient time to accumulate the necessary annual training points. Under this section, new reservists allowed to visit the commissary twice a month until they meet the eligibility requirements which CBO estimates to be about six months. Based on data from DoD, CBO estimates that up to 70,000 reservists would become eligible for this benefit each year. Allowing up to 70,000 more customers to shop at commissaries would increase the administrative costs associated with the commissary system, which are paid out of appropriated funds and are estimated to cost about $6 per customer per month.

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

- Section 532 would remove the cap on the number of Junior Reserve Officers’ Training Corps (JROTC) units. DoD plans to have 3,185 units in 2002, less than the current cap of 4,000. Based on estimates provided by DoD, CBO expects the number of units would exceed 3,500 in 2005. CBO estimates implementing section 532 would increase JROTC costs by $2 million in 2002, rising to $5 million in 2006.
Section 536 would increase the number of international students authorized to be admitted to the United States each year and eliminate the restrictions on full tuition waivers. CBO estimates that this section would cost $17 million over the 2002-2006 period. Full tuition waivers would allow about 70 additional international students to receive full tuition assistance each year. This figure includes students already authorized to come to the United States. The number of international slots made available under this section, as well as slots that are currently receiving only partial tuition assistance, is uncertain. The current cost of tuition for an international student is about $62,000 a year, and the annual cost of implementing this section is about $1 million.

Section 539 would provide DoD with the authority to allow certain military personnel the option to transfer up to 18 months of their entitlement to Montgomery GI End. (MGIB) educational assistance to any combination of spouse and children. To be eligible for this benefit, servicemembers would have to have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, the service would direct the payment equal to the net present value of the transferred MGIB benefit into the Defense Education Trust Fund when a servicemember is reimbursed this benefit. Under current law, participants in MGIB who serve at least three years on active duty are entitled to receive $650 a month if they have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, the service would direct the payment equal to the net present value of the transferred MGIB benefit into the Defense Education Trust Fund when a servicemember is reimbursed this benefit.

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

CBO notes that, because this section offers a benefit to the families of servicemembers, it is possible that the demand for transferable benefits might increase. CBO estimates that the cost of these services to offer this benefit more widely than CBO has estimated. If this benefit were offered to the entire eligible population by 2011, CBO estimates the cost could be more than $200 million over the 2002-2006 period.
traveling to the new doctor or hospital. Section 712 would require the Secretary of Defense to provide no less than 10,000 deductibles and copayments for a parent, guardian, or responsible family member when the covered beneficiary is a minor. Based on data provided by the department, CBO assumes that implementing this provision would cost about $5 million a year, assuming appropriation of the necessary amounts.

Strategic Forces. Section 1011 would repeal section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as amended by section 161(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), to allow DoD to initiate actions to retire or dismantle the Peacekeeper intercontinental ballistic missile force. CBO estimates that implementing this provision would yield net savings of $650 million over the 2002-2006 period. These savings would come from eliminating the cost of the missiles and the costs of monitoring the silos. CBO assumes that the retirement process would be completed in 2004. CBO estimates, based on historical and actuarial data about the veteran and civilian populations, that 6,000 claims would be made for the $23,000 payment resulting in a cost of about $118 million over the 2002-2006 period. (CBO assumes that surviving spouses who have subsequently remarried would not be eligible for this benefit, a standard VA policy.) Therefore, CBO estimates that enacting this section would result in net savings in direct spending totaling $209 million over the 2002–2006 period (see Table 4).

Section 1113 would provide DoD with the authority to offer its civilian employees early separation incentives. CBO estimates that implementing this provision would yield direct spending savings of up to $25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be effective only during fiscal year 2003 and would be limited to 4,000 employees. CBO estimates that about 4,000 DoD employees would participate in the buyout program, that the buyout payments would cost $100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRSF) for every employee who takes a buyout payment. CBO estimates that these payments would cost $29 million in 2003. CBO estimates that enacting this provision would yield net savings of $220 million over the 2002-2006 period. CBO estimates that these savings would come from eliminating early retirement annuities as well as separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates that these provisions would cost $145 million in 2003 and $6 million in 2004.

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

Section 1011 would repeal section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as amended by section 161(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), to allow DoD to initiate actions to retire or dismantle the Peacekeeper intercontinental ballistic missile force. CBO estimates that implementing this provision would yield net savings of $650 million over the 2002-2006 period. These savings would come from eliminating the cost of the missiles and the costs of monitoring the silos. CBO assumes that the retirement process would be completed in 2004. CBO estimates, based on historical and actuarial data about the veteran and civilian populations, that 6,000 claims would be made for the $23,000 payment resulting in a cost of about $118 million over the 2002-2006 period. (CBO assumes that surviving spouses who have subsequently remarried would not be eligible for this benefit, a standard VA policy.) Therefore, CBO estimates that enacting this section would result in net savings in direct spending totaling $209 million over the 2002–2006 period (see Table 4).

Section 1113 would provide DoD with the authority to offer its civilian employees early separation incentives. CBO estimates that implementing this provision would yield direct spending savings of up to $25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be effective only during fiscal year 2003 and would be limited to 4,000 employees. CBO estimates that about 4,000 DoD employees would participate in the buyout program, that the buyout payments would cost $100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRSF) for every employee who takes a buyout payment. CBO estimates that these payments would cost $29 million in 2003. CBO estimates that enacting this provision would yield net savings of $220 million over the 2002-2006 period. CBO estimates that these savings would come from eliminating early retirement annuities as well as separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates that these provisions would cost $145 million in 2003 and $6 million in 2004.

Section 1113 would provide DoD with the authority to offer its civilian employees early separation incentives. CBO estimates that implementing this provision would yield direct spending savings of up to $25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be effective only during fiscal year 2003 and would be limited to 4,000 employees. CBO estimates that about 4,000 DoD employees would participate in the buyout program, that the buyout payments would cost $100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRSF) for every employee who takes a buyout payment. CBO estimates that these payments would cost $29 million in 2003. CBO estimates that enacting this provision would yield net savings of $220 million over the 2002-2006 period. CBO estimates that these savings would come from eliminating early retirement annuities as well as separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates that these provisions would cost $145 million in 2003 and $6 million in 2004.

Section 1113 would provide DoD with the authority to offer its civilian employees early separation incentives. CBO estimates that implementing this provision would yield direct spending savings of up to $25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be effective only during fiscal year 2003 and would be limited to 4,000 employees. CBO estimates that about 4,000 DoD employees would participate in the buyout program, that the buyout payments would cost $100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRSF) for every employee who takes a buyout payment. CBO estimates that these payments would cost $29 million in 2003. CBO estimates that enacting this provision would yield net savings of $220 million over the 2002-2006 period. CBO estimates that these savings would come from eliminating early retirement annuities as well as separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates that these provisions would cost $145 million in 2003 and $6 million in 2004.

Section 1113 would provide DoD with the authority to offer its civilian employees early separation incentives. CBO estimates that implementing this provision would yield direct spending savings of up to $25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be effective only during fiscal year 2003 and would be limited to 4,000 employees. CBO estimates that about 4,000 DoD employees would participate in the buyout program, that the buyout payments would cost $100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRSF) for every employee who takes a buyout payment. CBO estimates that these payments would cost $29 million in 2003. CBO estimates that enacting this provision would yield net savings of $220 million over the 2002-2006 period. CBO estimates that these savings would come from eliminating early retirement annuities as well as separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates that these provisions would cost $145 million in 2003 and $6 million in 2004.

Section 1113 would provide DoD with the authority to offer its civilian employees early separation incentives. CBO estimates that implementing this provision would yield direct spending savings of up to $25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be effective only during fiscal year 2003 and would be limited to 4,000 employees. CBO estimates that about 4,000 DoD employees would participate in the buyout program, that the buyout payments would cost $100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRSF) for every employee who takes a buyout payment. CBO estimates that these payments would cost $29 million in 2003. CBO estimates that enacting this provision would yield net savings of $220 million over the 2002-2006 period. CBO estimates that these savings would come from eliminating early retirement annuities as well as separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates that these provisions would cost $145 million in 2003 and $6 million in 2004.
will pay 100 percent of billed charges after that point.) Section 703 would require DoD to set maximum allowable charges for skilled nursing and home health care, which would lower its cost of providing long-term care. CBO estimates that implementing new

charges based on Medicare rates would lower what DoD pays for skilled nursing and home health care by about 30 percent. Under section 703, CBO estimates that direct spending from the trust fund for DoD retirees would decline by about $215 million in 2003. (The
discretionary savings for 2002 are discussed earlier in the “Spending Subject to Appropriation” section under the heading of “Defense Health Program.”)

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

<table>
<thead>
<tr>
<th>Category</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Care Trust Fund:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payment Rates</td>
<td>$2</td>
<td>$200</td>
<td>$3</td>
<td>$300</td>
<td>$300</td>
</tr>
<tr>
<td>Long-Term Care Rates</td>
<td>$20</td>
<td>$200</td>
<td>$30</td>
<td>$300</td>
<td>$300</td>
</tr>
<tr>
<td>Voluntary Separation and Early Retirement Incentives (DoD)</td>
<td>$10</td>
<td>$140</td>
<td>$14</td>
<td>$140</td>
<td>$140</td>
</tr>
<tr>
<td>Voluntary Separation and Early Retirement Incentives (DoD)</td>
<td>$10</td>
<td>$140</td>
<td>$14</td>
<td>$140</td>
<td>$140</td>
</tr>
<tr>
<td>Improvements in Energy Employees Compensation Program</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Transferal of Wages</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Armed Forces Retirement Home Fees</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Land Conveyance of Navy Property in Maine</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$20</td>
<td>$200</td>
<td>$30</td>
<td>$300</td>
<td>$300</td>
</tr>
<tr>
<td>National Defense Stockpile—New Sales</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
</tr>
<tr>
<td>National Defense Stockpile—Accelerated Cobalt Sales</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Authority to Transfer Naval Vessels</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
<td>$2</td>
</tr>
<tr>
<td>Total Changes in Direct Spending</td>
<td>$22</td>
<td>$200</td>
<td>$32</td>
<td>$300</td>
<td>$300</td>
</tr>
</tbody>
</table>

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

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

Long-Term Care Rules. Under current law, Medicare will not pay for skilled nursing and home health care unless the beneficiary has been hospitalized before receiving that care. Tricare, on the other hand, will pay for long-term care without a prior hospitalization. For those cases, Tricare becomes the primary insurance because Medicare will not. Section 703 would require DoD to structure its long-term care benefit to resemble Medicare’s, which requires prior hospitalization. Implementing this provision would lower DoD’s costs because fewer beneficiaries would be eligible for skilled nursing and home health care. CBO estimates that under section 703, direct spending from the trust fund would decline by about $130 million in 2003. CBO also estimates that, under section 703, the other uniformed services would save less than $500,000 in 2002 and about $1 million in 2003. (There would also be discretionary savings of about $40 million, as discussed earlier.)

The Tricare for Life program would be able to lower costs by shifting many of those costs to beneficiaries and other government programs, primarily Medicare. CBO estimates that about 50 percent of individuals who would have used long-term care without a prior hospital stay would be able to qualify under the Medicare rules (about 1,600 for skilled nursing and about 12,000 for home health care). CBO further estimates that the average cost of skilled nursing is about $250 a day, and for home health care about $22 per day, for 100 days of care, which is the Medicare benefit. Accordingly, CBO estimates that under section 703 direct spending for Medicare benefits would increase by $20 million in 2002 and $70 million in 2003. In addition, a few beneficiaries would eventually become eligible for Medicaid, which also provides long-term care benefits. CBO estimates that Med

icaid costs under section 703 would be $1 million in 2002 and $3 million in 2003.

Voluntary Separation and Early Retirement Incentives. Section 1113 contains several provisions that would allow the DoD and DOE to offer voluntary separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates that enacting these provisions would increase direct spending for federal retirement and retiree health care benefits by $50 million in 2003 and $62 million over the 2003–2011 period.

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

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

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

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

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

 DOE Retirement Health Care Spending. Section 1113 also would increase direct spending on federal retiree health benefits because many employees who accept the buyouts would continue to be eligible for coverage under the FEHB program. The government’s share of the premium for these retirees—unlike current employees—is mandatory spending. Because many of those accepting the buyouts would convert from being an employee to being a retiree earlier than under current law, mandatory spending for FEHB benefits would increase. CBO estimates that the additional FEHB benefits would increase direct spending by less than $500,000 in 2003 and by $1 million in 2004.

Energy Employees Compensation. Section 3153 would make technical changes to the Energy Employees Occupational Illness Compensation Program (EEOICP) created by
Public Law 106–398, which enacted the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2002, CBO estimated that enacting this provision would increase direct spending for EEOICP by about $55 million over the 2002–2006 period, and $83 million over the 2002–2009 period. CBO assumes these payments would be spread evenly throughout the 2002–2009 period because screening programs are still ongoing and will need several years to identify all potential claimants.

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

Section 3151 also would make other changes to EEOICP. The age requirement for those claimants afflicted with leukemia attributable to occupational exposure to radiation would be lowered to include those whose initial exposure occurred before age 21. CBO estimates that lowering the age requirement would create a negligible number of additional claims. Section 3151 would also clarify that survivors of former energy workers, including widows, widowers, parents, grandparents, and siblings can claim the payment if they can prove dependency on the deceased employee. Section 3151 would allow these other relatives to make such claims without proving dependency. CBO estimates that only about 2.5 percent of all survivors would be someone other than a widow or child, generating about 23 additional claims. CBO estimates that the relaxed restrictions on survivors would increase direct spending for EEOICP by less than $1 million in 2002, and $4 million over the 2002–2006 period. CBO expects that almost all these additional claims would be paid in the 2002–2006 period.

Transfer of Entitlement to MGB Education Assistance. Section 539 would provide DoD with the authority to allow certain military transfers to sell 18 months of their entitlement to MGB educational assistance to any combination of spouse and children. To be eligible, servicemembers would have to be within certain technical skill or specialty, to have served at least six years in the Armed Forces, and to be married or single with a dependent minor child. CBO estimates that enacting this provision would be implemented under those new arrangements in 2004 and that, by 2011, almost 160,000 servicemembers would receive annual MGB benefits of about $2,800. Thus, CBO estimates that enacting this provision would increase direct spending for MGB education benefits by $2 billion in 2002, $3 billion over the 2002–2006 period, and $9 million over the 2004–2011 period.

Changes to Armed Forces Retirement Home Fee Structure. Section 1045 would authorize changes to the fees levied on residents of the Armed Forces Retirement Home. These fees are deposited into the Armed Forces Retirement Home Trust Fund, which pays the operating and maintenance costs of the U.S. Soldiers’ and Airmen’s Home in Washington, D.C., and the U.S. Navy’s Marine Barracks in Washington, D.C. The legislation would change the percentage of monthly income charged to residents of the two homes and alter the monthly caps on resident fees. Section 1045 would also authorize the Chief Operating Officer of the Armed Forces Retirement Home, in consultation with the Secretary of Defense, to make additional changes in the resident fees in accordance with the financial needs of the Retirement Home. However, Armed Forces Retirement Home staff have indicated that no significant changes are expected. Therefore, CBO estimates that enacting this provision would increase direct spending for retirement pay and veterans’ disability compensation from the Department of the Treasury, the Department of Veterans Affairs, and the Office of Personnel Management. CBO estimates that enacting this provision would increase such payments by about $3 billion in 2002, $7 billion over the 2002–2006 period, and $20 billion over the 2002–2011 period. Because those effects are contingent upon subsequent legislation, they are not included in Table 1.

The military retirement system is financed in part by an annual payment from appropriated funds to the military retirement trust fund, based on an estimate of the system’s accruing liabilities. If section 651 were implemented, the yearly contribution to the military retirement trust fund (an outlay in budget function 180) would increase to reflect the added liability from the increased annuitization of future retirees.

In summary, CBO estimates that enacting these provisions would have an insignificant budgetary impact on direct spending.

Section 505 would allow officers whose mandatory retirement has been deferred for medical reasons to further postpone their retirement for up to 30 days.
Section 515 would allow disability retirement for reservists whose disability was incurred or aggravated while remaining overnight before inactive-duty training, or between successive periods of such training. Currently, reservists are only covered during overnight periods that are outside reasonable commuting distance of their residences.

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

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

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

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

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

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

**Table 1: Estimated Impact of S. 1416 on Direct Spending and Receipts**

<table>
<thead>
<tr>
<th>Year</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changes in outlays</td>
<td>...</td>
<td>-314</td>
<td>45</td>
<td>48</td>
<td>51</td>
<td>19</td>
<td>21</td>
<td>15</td>
<td>17</td>
<td>...</td>
</tr>
<tr>
<td>Changes in receipts</td>
<td>...</td>
<td>0</td>
<td>-8</td>
<td>-314</td>
<td>45</td>
<td>48</td>
<td>51</td>
<td>19</td>
<td>21</td>
<td>15</td>
</tr>
</tbody>
</table>

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

Section 1602 of the bill would prohibit possession of significant former military equipment that has not been demilitarized and require the Secretary of Defense to notify the Attorney General of any known cases of persons having such equipment. The Attorney General would be given the authority to require holders of such equipment either to ensure that the equipment is demilitarized or returned to DoD for demilitarization. In either case, those requirements would be considered mandates. If the equipment is not returned to DoD for demilitarization, the recipient must bear the costs, resulting in an increase in the equipment. However, the instances in which this provision would be used are expected to be small; in most cases DoD demilitarizes equipment prior to transferring ownership. Consequently, the costs of this mandate would be minimal.

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


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

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

Naval Vessels. Section 1216 would authorize the transfer of 13 naval vessels to foreign countries. It would authorize the sale of six vessels; the other seven would be given away. Information from DoD indicates that the asking price for the six vessels is approximately $175 million. There is significant uncertainty as to whether all six vessels will be sold and what the sale price might be. Reflecting this uncertainty, CBO estimates that receipts from these sales would total $18 million in 2002 and $82 million in 2003.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 195

Mr. INHOFE. Mr. President, I have amendment No. 195 before the Senate. I am very distressed right now over some things that are happening. I have an amendment before the Senate that will change our relationship with and the understanding many people have concerning the island of Vieques. The island of Vieques has been a target for us for over 50 years. It has had a very successful record. There has only been one civilian killed during that time period. Contrast that with a range in the State of Oklahoma. In the State of Oklahoma we have had a live range much longer than that, and we have lost eight civilians during that period of time—because of purely political reasons and in a lust for the votes and a mistaken notion that if you vote to close a range as a result of people who are protesting, breaking the law, people who are former terrorists, such as Mrs. Lebron, who led a bunch of terrorists into the House of Representatives many years ago and opened fire, wounding five of our Members of the House of Representatives, and others now protesting, trespassing on property that we own, property owned by the U.S. Navy, where we train our troops for their deployments from the east coast to the Persian Gulf.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This may not pass. It is being debated right now. But certainly there is a very large number of people saying—and that number is much larger today after September 11 than it was before—we are American citizens with the same responsibilities as our brethren in the continental United States, have the obligation of contributing to this fight, allowing and supporting military training and exercises in the island municipal of Vieques.

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

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

Mr. INHOFE. I will be glad to yield.

Mr. WARNER. Mr. President, Frankly, there is no Senator in this Chamber, on either side of the aisle, who has worked more conscientiously on this extremely complex issue than our distinguished colleague from Oklahoma, Mr. INHOFE, had indicated to him I felt his amendment was one that certainly
merited my support, and my support remains. I wonder if we laid his amendment aside, perhaps in further consultations we could come up with some affirmative action that fostered, No. 1, the current obvious willingness among responsible people in Puerto Rico to recognize the extenuating circumstances in which our American servicemen are now preparing to embark. For various political reasons, worldwide in response to an issue taken by a very courageous and bold President of the United States.

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1677

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

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

(Purpose: To authorize the Secretary of Defense to exempt certain health care professionals from examination for appointment in the competitive civil service)

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

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

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

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

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

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

1. Physician.
2. Dentist.
3. Podiatrist.
4. Optometrist.
5. Pharmacist.
7. Physician assistant.
8. Audiologist.
10. Dental hygienist.
(c) PREFERENCE IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subsection 33 of chapter 33 of title 5.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

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

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

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

The amendment (No. 1677) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1678

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. COLLINS, for himself, and Mr. ALARD, proposes an amendment numbered 1678.

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

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

The amendment is as follows:

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

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

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


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

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

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

"(1) the Secretary—

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

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

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

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

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

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

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

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

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

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

MEDICAL TECHNOLOGY

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

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

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

Ms. COLLINS. I have recently been briefed on these two medical research efforts and would like to offer a couple of comments on their potential impact in combat casualty care. They are research initiatives by our research laboratories and universities across the country, which could provide a unique capability to develop new tissue products that are vitally important for the military. Recent U.S. military actions have resulted in stationing troops in harsh climates, from Kuwait to Bosnia to Saudi Arabia. Future locations and missions will require new capabilities in combat casualty care, and these capabilities would include stable blood products, organs, and wound repairing tissues that will enhance human survivability under conditions of trauma, shock, anoxia and other extreme conditions.

These projects aim to develop tissue with a long shelf life that are necessary for combat casualty care. Additionally, the research would serve as a large-scale source of murine models for the scientific community to utilize mouse genetics in understanding how the products of multiple genes interact to develop and maintain entire physiological systems. I would strongly urge the Department to investigate research that would permit the long-term storage of blood cells and tissues in deployed environments.

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

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

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

The amendment (No. 1679) was agreed to:

The PRESIDING OFFICER. The amendment (No. 1679) was agreed to.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. Levin), for Mr. Feingold, proposes an amendment numbered 1679.

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

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

The amendment is as follows:

SEC. 2. REPORT ON V-22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.

Not later than 30 days before the planned date to resume flight testing of the V-22 Osprey aircraft, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V-22 Osprey aircraft, including:

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

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

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommenda-
WARNER, for taking the first step toward ensuring that disabled families of our active-duty military have greater access to the health care they deserve. The first amendment I intend to offer is another step toward achieving that goal.

Early last year, a young man in the U.S. Air Force, SGT Faye, drove over 12 hours with his wife and disabled 4-year-old child. He had to decline a promotion because he couldn’t afford to pay the medical costs for his child’s care. He now can’t worry about finding adequate health care with the help of Medicaid.

My amendment corrects the injustices these families have suffered by giving these families in TRICARE what they effectively receive in Medicaid. It allows dependent families to receive the health care that is necessary to maintain their function and prevent further deterioration of their disability. It includes more flexible mental health services, and also gives the physician the final decision regarding what health care services are necessary.

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

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

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

We know how far we have come, over many decades, to guarantee that disabled people have the health care and independence they need to be participating members of their communities. Our military families with disabled dependents should not be denied that opportunity. These improvements to TRICARE are some of the most significant steps we can take in this Congress. They offer a new and better life to large numbers of military families.

My amendment gives servicemen and women and their disabled family members the health care they need.

My other amendment also addresses the needs of our military families, but from a different angle. It relates to the needs of the families of servicemen and women who will be impacted by the call up of the National Guard and Reserve components. As we examine the immediate and long-term needs of our military, we cannot forget the families, especially the children, whose daily lives and routines are disrupted by their parents’ commitments to preserving America’s freedoms. Husbands and wives, parents and children, will be separated more frequently and for longer periods during the coming months and years. These separations will be filled with uncertainty about the safety of their loved ones, and the families will be profoundly affected.

Today, over half of the active-duty military members who have children. There are 2 million family members of active-duty personnel and 900,000 family members of those in the Reserve. There are nearly half a million children under the age of 6 of active-duty members, and a majority need some type of child care.

Families of reservists will also be affected because they often lack the support provided by military installations. Reserve members are located in more than 4,000 communities nationwide. More than half of them live at least 75 miles from a military installation.

Support is especially critical to provide needed assistance to these geographically isolated families.

This amendment uses the lessons learned from Desert Storm and Bosnia to authorize additional wartime support for military families. Included are provisions for child care and youth programs and family support programs, such as parent education, to help families cope with the stress of deployments. It also provides assistance for Reserve families geographically separated from military installations, as well as support for security for DOD schools and children’s facilities in areas of high risk for terrorist attacks.

We have a number of children attending schools that are off base that come to mind immediately. In Turkey, children of U.S. service members ride in buses through areas which could put these children at risk should terrorist actions be taken in the security conditions we are facing throughout the world. This amendment would also provide additional resources for protecting these children in overseas schools.

Many husbands and wives share child care responsibilities. When a service member deploys, the burden is left to one spouse, and in some cases a guardian.

The need for child care is greater. If a spouse works irregular hours, such as nights or weekends, the challenge is even more difficult. In many instances, the base operating hours are extended and longer shifts are required. Additional operating funds are needed for the non-traditional care in centers and family child care homes.

Guard and Reserve families do not typically live close to the military bases where they can obtain military child care. We should do all we can to offer these families the same assistance with child care that we are offering active-duty personnel on their bases. We can do so through a cooperative agreement with The National Resource and Referral networks. Modeled on a project called “America Cares,” established by the National Service Corporation. Child care assistance can be provided on the same sliding fee scale available to military families on base. This step will prevent financial hardships for many young reservists called to active duty.

With parents not available, youth, especially school teens, are stranded, with no place to go after school or no homework to get to after school activities. Families not located close to military installations find child care problems after school. Youth are often left home alone after school. During Desert Storm, to help give parents peace of mind that children were engaged in positive after school activities, transportation and recreational activities, and received help with homework. We ought to be prepared to provide those kinds of services to these Guard and Reserve families.

This is what was done during the Persian Gulf War. It worked well then and is needed again now. This amendment would also provide additional resources for protecting these children in overseas schools.

My amendment doesn’t reinvent the wheel. We have many of these programs in place before. We simply need to reauthorize them for today’s deployments.
During Desert Storm, additional aid funds were provided to civilian communities when large units were deployed. We also learned during Desert Storm that there is a need for counselors for family support activities. This amendment authorizes the additional funds for counselors.

There are serious school security issues on our overseas bases, including safety on school buses in foreign countries. Approximately 40 percent of military families living overseas live off their bases. Their children are bused to schools, either on the base, or, in many cases, to schools in unprotected foreign communities that are potential targets for terrorist attacks. We also need to fund bus safety personnel and equipment for school buses to ensure the personnel are adequately trained to identify risk.

Military families face an extended period of anxiety and sacrifice for our Nation. It is our responsibility to ensure they have the support they need in the face of this extreme danger and sacrifice.

I urge the Senate, when we have the opportunity, to support my amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Amendment No. 1673

Mr. WARNER. Mr. President, parliamentary inquiry, I believe the Feinstein amendment is the pending amendment.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. At this time I indicate we have no objection to the amendment.

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

The amendment (No. 1683) was agreed to.

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

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

The motion to lay on the table was agreed to.

Amendment No. 1684

Mr. LEVIN. Mr. President, I send an amendment to the desk which I offer on behalf of Senator MIKULSKI.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

On page 23, line 12, increase the amount by $1,000,000.

On page 23, line 11, reduce the amount by $1,000,000.

Mr. LEVIN. We have no objection to the amendment.

Mr. WARNER. I urge the adoption of the amendment.

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

The amendment (No. 1683) was agreed to.

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

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

The motion to lay on the table was agreed to.

Amendment No. 1685

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I offer an amendment which would provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension. I understand this amendment has been cleared.

Mr. WARNER. Mr. President, the chairman is correct. It is cleared.

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

The amendment (No. 1684) was agreed to.

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

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

The motion to lay on the table was agreed to.

Amendment No. 1686

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I offer an amendment which would provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension. I understand this amendment has been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HUTCHINSON, proposes an amendment numbered 1685.

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

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

The amendment is as follows:

(Purpose: To provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension.)

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

SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) ENTRUSTMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105-103 (111 Stat. 2218), shall be entitled to the special pension provided for under section...
Mr. WARNER. Mr. President, the chairman is correct. The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1686) was agreed to.

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

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

The motion to lay on the table was agreed to.

**AMENDMENT NO. 1686**

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator KENNEDY. I ask the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows: The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 1686.

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

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

The amendment is as follows: At the appropriate place, insert:

**SEC. 1124. PROFESSIONAL CREDENTIALS.**

(a) In general.—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

```
(3) The requirements of paragraph (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if—

(A) use of the ship is restricted to federally supported research programs and non-federal uses under specific conditions with approval by the Secretary of the Navy;

(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no matching lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.
```

Mr. LEVIN. Mr. President, I urge adoption.

Mr. WARNER. Mr. President, the chairman is correct. The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1687) was agreed to.

Mr. WARNER. Mr. President, on behalf of Senator VOINOVICH, I offer an amendment that would authorize Federal agencies to pay for employee credentials, including professional accreditation, licenses, and certification for civilian employees. This amendment, I understand, has been agreed to.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. VOINOVICH, proposes an amendment numbered 1687.

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

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

The amendment is as follows: Purpose: To authorize agencies to pay for employee credentials, including professional accreditation, State-imposed and professional licenses, and certification for Federal employees:

(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and certification for Federal employees; and

(2) examinations to obtain such credentials.

(b) No authority under subsection (a) may be exercised on behalf of any employee occupying a position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

```
5758. Expenses for credentials.

"(a) An agency may use appropriated or other available funds to pay for—

(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and certification for Federal employees; and

(2) examinations to obtain such credentials.
```

Mr. WARNER. I urge its adoption.

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

The amendment (No. 1687) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded. Without objection, it is so ordered.

Mr. BOND. Mr. President, I rise today not to offer an amendment but, first, to express my thanks and appreciate the manner for responding to a concern that I raised. I have spoken with Chairman LEVIN, and his staff, Senator WARNER, and his staff, as well as Chairman INOUYE and Senator STEVENS, and the Defense Department about the concern I have over our industrial base for the production of tactical fighters.

It seems to me that the tragedy of September 11 brings with it the realization that we are in a long contest with terrorists. We are in a long, drawn out contest that may require us to provide all kinds of responses. The tactical aircraft we are planning to build in the future is just one of the tactical aircraft that we might have to provide in years beyond.

So it is my concern that when the competition for the joint strike fighter—the JSF—is over, that if one of the two contestants—Boeing and Lockheed Martin—are competing—is selected, if there is no production and an active role for the second one, we would be left with only one major producer of tactical aircraft.

It is for that reason I have raised the concern that, either before or after the contract is let, the Defense Department and both contractors must be willing to agree that production will go on in both facilities.

Boeing and Lockheed Martin are this country's sole remaining tactical aircraft manufacturers. Whoever wins the contract will have a long-term foothold in tactical aircraft manufacturing due to the very large number of aircraft expected to be built for both here at home and the overseas market.

If nothing else happens, whoever loses out of the jet fighter business, in about 10 years, when our current production of F-22s, F-16s, and FA-18s will have reached the end of their production runs, there will be nothing left for them to do. We would leave us with just one military house capable of providing the full line of services necessary to build whatever aircraft will follow. And the JSF, while it is the state of the art now, will not be the state of the art 20, 20, 30 years from now.

The competitiveness exhibited by Boeing and Lockheed Martin in the JSF competition has been good for the U.S. and for our military forces. Without it, we would move to two sets of prototypes that, by all independent accounts, meet and exceed the...
The same logic was successful in setting up second sourcing for propulsion systems for the joint strike fighter. And my question is, if the logic is correct here to ensure and maintain competitive competition in second sourcing for engine competition, why wouldn’t the same logic work for the prime aircraft manufacturing companies, especially since there are only a couple of companies left in the industry?

The second sourcing expands the mobilization base as well as producing an increased surge capability. And it encourages higher product quality and reliability at a competitive cost. And that helps the Government in contract negotiations.

One other example I would cite is the joint cruise missile project, second sourcing of the Tomahawk missile in 1982. Every review of that effort demonstrated abundant cost savings to the nation not only the production of missiles which have been used for years by our Armed Forces.

The success of the program resulted from at least two factors: One, the cost for entry for a second source was low, given the large projected production run, and, two, the annual production quantities were large enough to absorb direct and indirect manufacturing costs.

The Tomahawk experience is directly applicable to the current JSF Program because we have a large projected number of aircraft deliveries spread over many years, for both the armed services—all branches—and those of our allies, and gives us an opportunity to retain the benefits of second sourcing.

It worked for engines, and it worked for prime aircraft developers and manufacturers, while preserving the domestic industrial base. However, second sourcing alone does not ensure the sustainment of full design and development capability. I think it would also be unwise for the country to have only one company capable of designing an appropriate fighter aircraft. I hope, as we move forward, we will continue to utilize the design and development capability of both of the manufacturers.

Despite the fact that there may be some additional costs for having two production lines—some say costs may be a half billion to a billion dollars—when you are really talking about a couple of hundred billion dollars, a multiyear program, it seems to me the protection of the search capacity, protection of production of a second major source, and the protection of competition are well worth the price. That is why I have been arguing that we must maintain two tactical aircraft providers.

We cannot prevent the pendulum from swinging radically in the opposite direction without maintaining split production. The recent terrorist attack teaches us that if we skimp on defense, we will pay for it. Maintaining a strong defensive posture is not done on the cheap, unless we are willing to expose our national security and homeland security.
the termination of operations on the island of Vieques established in Subsection (b)(1) for a period and may renew the extension on an annual basis), provided that—

“(A) The President has declared a national emergency and such declaration remains in effect; and

“(B) The President determines that, in light of such national emergency, the actions required under subsections (b), (c) and (d) would be inconsistent with the national security interest of the United States.

“(2) EFFECT OF EXTENSION.—An extension of the deadline pursuant to paragraph (1) shall suspend the requirements of subsections (b), (c) and (d) for the duration of the extension.”

Subsection (a) of Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed and subsections (b) through (e) are redesignated as subsections (a) through (d) respectively.

(c) Section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed.

Mr. CORZINE. Mr. President, before I discuss the provisions of this amendment, let me make something clear. I am very sensitive—painfully and personally so—of the human tragedy and national emergency created by the cowardly attacks of the terrorists on our nation on September 11. Just as much as my colleagues, I stand united with our President, our military personnel, and the people of America in accepting, as President Bush put it, our “mission and moment” to end this scourge of terrorism.

But just as so many of America’s leaders have implored the nation to be measured and thoughtful in our actions in the wake of this tragedy, and just as President Bush has asked that Americans put their lives, so too should the workings of America’s democracy. That’s why I believe it would be a mistake to approve the amendment by the Senator from Oklahoma, which represents a significant change in direction from the policies formulated by both Presidents Bush and Clinton, while frankly undermining the President’s authority as commander in chief. Why should the Chief of Naval Operations, and the commandant of the Marine Corps, be given the authority to make decisions that go well beyond military considerations? In my view, full access given the extended public debate and deep concerns, surrounding this Vieques facility this decision rightfully rests, as it did before September 11, with the President of the United States.

Mr. President, I believe, in the long run, we should respect the views of the people of Puerto Rico and Vieques. Their voice has been clear on this issue, the people of Puerto Rico and Vieques are Americans. They raise our flag. They have fought valiantly in our wars. Many hundreds—maybe as many as 800—died on September 11th in the World Trade Center tragedy. Puerto Ricans deserve to be treated justly.

Mr. President, I think that’s a reasonable compromise that makes common sense. And I hope it can win the support of my colleagues.

Mr. President, I’ve heard some people say that the Navy bombings in Vieques are merely a political issue. But to the 9,000 residents of Vieques who live immediately adjacent to the field and have suffered with constant and severe noise, and whose environment and health have been threatened by related pollutants, the bombing of Vieques is a humanitarian issue. And to all the people of Puerto Rico, it’s an issue about respect and democracy.

I have personally visited Vieques and seen the disastrous impact that constant bombing has had on the island’s natural resources and environment, on its resident’s health and on its economy. The people of Puerto Rico are Americans. They raise our flag. They have fought valiantly in our wars. Many hundreds—maybe as many as 800—died on September 11th in the World Trade Center tragedy. Puerto Ricans deserve to be treated justly.

Both President Clinton and President Bush have recognized this reality in formulating their responses to this difficult issue.

Mr. President, like all Americans, I believe that the people of Puerto Rico have the right to know that they are willing to make sacrifices if asked to protect America. But we shouldn’t use the current circumstances to justify continued bombing over some indeterminate period. We should find and must find an alternative training site and more on as soon as possible.

So, in summary, Mr. President, this amendment recognizes our current military needs and provides the President flexibility to deal with America’s war on terrorism. But, over time, this action would respect the will of the people of Puerto Rico, and end the Vieques debate on the bombings.

I hope my colleagues will support this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT. (Mrs. Carnahan). Without objection, it is so ordered.

Mr. DASCHLE. Madam President, in consultation with our colleagues on both sides of the aisle, I feel the need to propound another unanimous consent request. I know there have been requests made throughout this debate regarding the list of finite amendments.

I ask unanimous consent that the list that I will send to the desk at a later time tonight be the only first-degree amendments remaining in order to S. 1438, the Department of Defense authorization bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all the amendments, the bill be read the third time and the Senate vote on passage of the bill with no intervening action or debate.

Mr. WARNER. Madam President, reserving the right to object, most readily, I say to our leader that I have to object. There are still Members on our side with concerns.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Madam President, will you yield.

Mr. DASCHLE. Madam President, I am happy to yield to the Senator from Michigan.

Mr. LEVIN. Madam President, if the majority leader will yield for one moment, this bill has provisions in it which we need to pass. There is a special pay provision in it for short wartime specialities, for instance. We have special provisions which will allow us to hold onto enlisted members in high priority units who otherwise might
leave the military. We have special re-
enlistment and enlistment bonuses in 
this bill. We have a targeted pay raise 
of 4% percent for everybody. And we 
have targeted pay raises of between 3% 
and 10 percent for special categories. 
This is a vital bill for the success of 
our military.

The problems we have now are no 
longer related to the jurisdiction of 
this committee. We think we have re-
solved the last problem, or we are close 
to resolving the last problem that re-
lates to the jurisdiction of this com-
mittee. Everybody else is willing to 
have the list so we have a finite list. We 
are not trying to preclude anybody from offer-
ing amendments of any kind. It is just 
a list of their amendments and a finite 
list.

I thank the majority leader for his 
patience. I thank Senator Reid for his 
extraordinary effort to get us to where 
we are. I express disappointment that 
we can't get that finite list so we can 
proceed to complete this important 
bill, but I thank him and the 
offering amendments. And I thank my 
colleagues that the problem we think 
we have now is not related to the juris-
diction of the Armed Services 
Committee, and that is too bad.

Mr. DASCHLE. Madam President, if 
I could just add to what the distin-
guished Senator from Michigan has 
said, and let me repeat also the com-
pliment of our two managers. I think 
they have done an admirable job. They 
have shown remarkable patience with 
both him and to all of our colleagues. But I don't 
know of a bill that deserves more ur-
ner urgency than this one. I don't know of a 
longer related to the jurisdiction of 
our military.

This afternoon, we were given one of 
the finest briefings that I have heard in 
recent years by the Secretary of State 
and the Secretary of Defense. They did 
an outstanding job in laying out the 
challenges that we have to face, not 
only in the short term but in the 
longer term. At the very least, it seems 
to me, the Senate ought to respond to 
the tremendous challenges we face by 
providing the support that we can to 
this administration at a time of need. 
I must say that I know we have 
worked off the earlier objections. And 
now, as the Senator from Michigan 
said, we have objections tonight that I 
am told have nothing to do with the 
Defense bill but have to do with the 
schedule on other issues. I am willing 
to work with my colleagues. No one 
knows how the priority is that is. But, for heaven's sake, let us 
not hold up one of the most 
urgent bills before the Senate tonight. 
I must say, I will tell my colleagues, 
that we may be left with no other op-
tion than to pull this bill and go 
straight to Defense appropriations 
when that bill is ready. We can resolve 
this on Defense appropriations. I don't 
want to have to do that, but I will do 
that if there is no other choice. Tomor-
row we are going to go to the military 
construction bill.

This is our last opportunity tonight 
until sometime later.

There are many other urgent 
projects of work that have to be done. We 
have an airport security bill that we 
all have talked about that we know is 
important. That has to be brought up, 
hopefully next week.

We can't continue to deliberate, ob-
ject, delay, and confound the two 
managers here as we try to address this im-
portant question. We have a window. If 
we lose this window, we are going to 
have to look for another window under 
the appropriations process.

I put my colleagues on notice. We 
will either work this out this way or 
we will work it out another way. But 
these laborious objections are very 
troubling to me and ought to be trou-
bling to all of our colleagues.

I will work with our managers. 
I appreciate as well the distinguished 
assistant majority leader for his efforts 
tonight.

If I sound frustrated, I am. I will be 
patient. But patience wears thin. We 
have a lot of work to do.

I yield the floor.

Mr. REID. Madam President, before 
the leader leaves the floor, I am a 
member of the Committee on Appro-
priations. We are not an authorizing 
committee. We should not have to do 
the Defense authorization bill because 
the hard work that these two managers 
and the committee members have put 
in will be for naught.

Yesterday, I had to make some phone 
calls. One-hundred National Guard-
members and 100 Army guardsmen 
have been called to active 
duty out of Ely and Las Vegas. These 
are MP's—military policemen. We had 
eighty-three out of Reno call the same 
calls. One-hundred National Guards-
members and 100 Army guardsmen 
want to move this bill. It is too bad 
for the country. It is too bad for 
the military personnel in Nevada and all 
over this country, and for those serving 
outside the United States' continental 
limits. It is just too bad.

If the leader is frustrated—and I 
know he is because he has been on this 
all day—I can't imagine this country 
knowing he is because he has been on this 
all day—I can't imagine this country 
knowing he is because he has been on this 
all day—I can't imagine this country 
knowing he is because he has been on this 
all day—I can't imagine this country 
knowing he is because he has been on this 
all day—I can't imagine this country
withdrawing the United States from an international treaty. Nor did it prohibit the Department of Defense from undertaking any activity in violation of the treaty. Rather, it simply enabled the Congress to exercise its rightful power of the purse to approve or disapprove the use of funds for any DoD activity barred by a major U.S. treaty.

I believe that the President has the constitutional authority to withdraw from a treaty in the face of congressional silence. I also believe, however, that Congress must exercise its appropriate responsibility. That is why it was also a mistake, in my view, to delete the missile defense transparency provisions in this bill.

Finally, in my view, there is no question how marginal dollars must be spent. The test of real things are the terrorist attacks of September 11, 2001, have thrust upon us a war that we absolutely must win, not only for our own sake, but for all civilized nations. The wisdom of any element of defense spending must be evaluated in that light.

As President Bush has made clear, this war will be complex. The battle to dry up terrorist funding will be as crucial as any military offensive. Both battles may hinge on the support we receive from other countries.

President Bush has done a wonderful job of turning world reaction into positive and specific support for an effective campaign against international terrorism and those who aid and abet it. That is precisely what is needed.

Today, that international support is broad and strong, at least in words. It extends from NATO to Russia, Pakistan, and South Korea. We must maintain and strengthen that international coalition, however, in the months, and years, to come.

Russia may very well play a crucial role in any military action against Osama bin Laden or those who aid him in Afghanistan. By virtue of both geography and its involvement in the region, Russia can do much to aid or hinder our operations. Already, some of its military leaders are cautioning against military action that we may find essential to the defeat of terrorism.

What will happen, if the President chooses this time to walk away from the Anti-Ballistic Missile Treaty in the face of Russian objections? Russia’s official stance is that anti-terrorism is a separate issue, and that cooperation will continue. But I fear that both military and public opinion in Russia could shift substantially against co-operation.

Neither can we take our European allies for granted. Their governments overwhelmingly oppose any unilateral abandonment of the ABM Treaty. Even Prime Minister Tony Blair, the leader of our staunchest ally, warned that Great Britain’s support was not a “blank check.”

Alliance cohesion requires our willingness, too, to cooperate with other nations in pursuit of a common aim. Our leadership role in the battle against terrorism is clear today, but will be maintained in this conflict only by convincing others of both our wisdom and our care to take their concerns into account. That is why precipitate actions to deploy a missile defense, an unilateral withdrawal from the ABM Treaty, could undermine our vital war efforts.

A defense against ICBM’s will have little impact on international terrorism. Terrorists are not likely to develop or acquire such weapons and the complex launch facilities that they require. Rather, terrorists are likely to seek to attack the United States through infiltration, smuggling in a nuclear weapon in a ship into a city’s harbor or carrying lethal pathogens in a backpack.

A national missile defense would do nothing to defend against these more likely threats. Indeed, too much investment in it now could drain needed resources from the war effort, not just in money, but also in technical manpower and production capability.

Let me give some examples of how $1.3 billion could be used to further the war on terrorism: The greatest threat of a nuclear weapons attack on the United States is from a weapon smuggled into the United States. Terrorists cannot build such a weapon, but they could hope to buy one. According to the bipartisan Baker-Cutler task force report issued earlier this year, Russia has tens of thousands of nuclear weapons, sensitive nuclear materials and components. Some are secure, but others are not. Some nuclear facilities don’t even have barbed wire fences to keep out potential terrorists. The task force called for spending $30 billion over 10 years to address none of what it called “the most urgent unmet national security threat to the United States today.”

Biological terrorism is a real threat to both our military personnel and our civilian population. It is a challenge we can sensibly face, but only if we invest in the necessary preparation today. For instance, the Department of Defense should produce or acquire the necessary vaccines and antibiotics to protect our armed forces against a range of pathogens. It should assist civilian agencies in procuring and stockpiling similar medicines for emergency use. According to Dr. Fred Ikle, who testified at a Foreign Relations Committee hearing earlier this month, $300 million would suffice to $500 million to ramp up our vaccine stockpile. This is a common-sense response to an otherwise frightening threat.

The Department of Defense should also test and procure inexpensive biological masks that could save lives both in the event of a terrorist attack and through everyday use in military hospitals. By conducting the necessary testing and creating an initial market for such masks, the Defense Department will pave the way for use of these weapons in our civilian health care system.

A more immediate step to help our armed forces would be to improve the security of our domestic military bases and installations. Many of them lack the basic anti-terrorism protections that our overseas bases have.

Another war-related need is to speed up the Large Aircraft Infra-Red Counter-Measures program that gives our military transport aircraft increased protection against surface-to-air missiles. We gave Afghan groups hundreds of Stinger missiles in the 1980’s, and scores of them could be in the Taliban’s inventory today. We owe it to our fighting men and women to give them maximum protection as they move into combat or potentially hostile staging areas.

Winning the war on terrorism, a war that we face here and now, is infinitely more important than pouring concrete in Alaska or an extra $1.3 billion into combating the least likely of threats.

We can take the time to perfect our technology and to reach understandings with Russia and China that will minimize the side-effects of missile defense. But we have precious little time to do what is essential: to win the war against terrorism, to dry up the supply of Russian materials or technology, or to prepare our military, our intelligence community, our health care system, and our first responders to deal with a chemical or biological weapons attack by the terrorists of tomorrow.

In the fury of the moment, Congress will let the President have the final say on the use of these funds. So be it. It will be up to the President to take the sensible course.

In the midst of a war, let us not be diverted by the least likely threat. Let us turn our attention, our energies, and our resources to winning the war that is upon us, and to building our defenses against terrorism of all sorts.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period not to exceed 10 minutes. The PRESIDING OFFICER. Without objection, it is so ordered.

THE RESPONSE TO TERRORISM

Mr. WELLSTONE. Madam President, I would like to, in 10 minutes, cover three topics. First, I want to talk a little bit about September 11 and now. And I want to just say, in an ironic way—not bitterly ironic—the days I have had in Minnesota have maybe been some of the better days I have had