S. 1684. An act to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplication standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996.

The message also announced that pursuant to Public Law 107–12, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Medal of Valor Review Board:

David E. Demag, of Vermont.

Thomas J. Scotto, of New York.

The message also announced that pursuant to Public Law 107–12, the Chair, on behalf of the Republican Leader, announces the appointment of the following individuals to serve as members of the Medal of Valor Review Board:

Michael D. Branham, of Arizona.

Jimmy Houston, of Mississippi.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 296 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3338.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from California (Mr. DREIER) to assume the chair temporarily.

□ 1343

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, with Mr. DREIER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I am prepared to yield my time so we can get this bill moving. People have been waiting so long. So I am prepared to yield back whenever my colleague is ready, Mr. Chairman.

Mr. LEWIS of California. Mr. Chairman, the gentleman from Pennsylvania is yielding back his time and he wants me to follow that course so we can save some time here today?

Mr. MURTHA. Mr. Chairman, yes.

Mr. LEWIS of California. Mr. Chairman, does the gentleman from Pennsylvania (Mr. MURTHA) realize I have at least a half hour presentation here?

Mr. Chairman, I am happy to yield such time as he might consume to the gentleman from Florida (Mr. YOUNG), the chairman of the committee.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman from California (Mr. LEWIS) for yielding me the time. He will discuss the main part of this bill, which is the $317 billion defense package that he and the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, have provided for the Committee on Appropriations.

After he does that, I will briefly discuss the $20 billion supplemental that we added in the full committee to explain exactly what the President had requested and what the committee is recommending relative to that $20 billion.

So with that explanation, I will let the gentleman from California (Mr. LEWIS) proceed with his bill, and I will take up the $20 billion supplemental. At this point, Mr. Chairman, I would also like to insert atable providing detail on the $20 billion supplemental.

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Office of the Secretary (emergency)	45,188	4,582	-40,606
Agriculture buildings and facilities and rental payments (emergency)	.....	2,875	+2,875
Agricultural Research Service: Salaries and expenses (emergency)	.....	5,635	+5,635
Animal and Plant Health Inspection Service:			
Salaries and expenses (emergency)	.....	8,175	+8,175
Buildings and facilities (emergency)	.....	14,081	+14,081
Food and Safety Inspection Service (emergency)	.....	9,800	+9,800
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration: Salaries & expenses (emergency) 1/	.....	104,350	+104,350
INDEPENDENT AGENCIES			
Commodity Futures Trading Commission (emergency)	6,495	6,495	.....
Total, chapter 1	51,683	155,993	+104,310
CHAPTER 2			
DEPARTMENT OF JUSTICE			
General Administration			
Administrative review and appeals (emergency)	3,500	3,500	.....
Legal Activities			
Salaries and expenses:			
General legal activities (emergency)	12,500	12,500	.....
United States Attorneys (emergency)	74,600	68,450	-6,150
United States Marshals Service (emergency)	11,100	11,100	.....
Federal Bureau of Investigation			
Salaries and expenses (emergency)	538,500	538,500	.....
Immigration and Naturalization Service			
Salaries and expenses, Enforcement and Border Affairs (emergency)	399,400	409,600	+10,200
Office of Justice Programs			
Justice assistance (emergency) 2/	.....	400,000	+400,000
State & local law enforcement assistance (emergency)	4,400	17,100	+12,700
Crime victims fund (emergency)	68,100	68,100	.....
DEPARTMENT OF COMMERCE			
Economic Development Administration			
Salaries and expenses (emergency)	335	.....	-335
International Trade Administration			
Operations and administration (emergency)	1,500	750	-750
Export Administration			
Operations and administration (emergency)	1,756	1,756	.....
National Telecommunications and Information Administration			
Public telecommunications facilities, planning and construction (emergency)	8,250	8,250	.....
National Oceanic and Atmospheric Administration			
Operations, research, and facilities (emergency)	2,750	750	-2,000
United States Patent and Trademark Office			
Salaries and expenses (emergency)	3,360	.....	-3,360
National Institute of Standards and Technology			
Scientific & technical research & services (emergency)	400	.....	-400
Construction of research facilities (emergency)	1,225	.....	-1,225
Departmental Management			
Salaries and expenses (emergency)	7,276	8,636	+1,360
THE JUDICIARY			
Supreme Court of the United States			
Care of Buildings and Grounds (emergency)	10,000	10,000	.....
Court of Appeals, District Courts, and Other Judicial Services			
Court security (emergency)	21,500	21,500	.....
DEPARTMENT OF STATE AND RELATED AGENCY			
RELATED AGENCY			
Broadcasting Board of Governors			
International broadcasting operations (emergency)	.....	9,200	+9,200
Broadcasting capital improvements (emergency)	.....	10,000	+10,000
RELATED AGENCIES			
Equal Employment Opportunity Commission			
Salaries and expenses (emergency)	1,301	1,301	.....
Securities and Exchange Commission			
Salaries and expenses (emergency)	20,705	20,705	.....

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
Small Business Administration			
Disaster loan program account (emergency)	150,000	140,000	-10,000
Total, chapter 2	1,342,458	1,761,698	+419,240
CHAPTER 3			
DEPARTMENT OF DEFENSE - MILITARY			
Operation and Maintenance			
Defense Emergency Response Fund (emergency)	7,020,969	7,242,911	+221,942
Transfer to Department of State, Nonproliferation, Anti-Terrorism, Demining and Related Programs		(30,000)	(+30,000)
Procurement			
Other Procurement, Air Force (emergency)	303,000		-303,000
Total, chapter 3	7,323,969	7,242,911	-81,058
CHAPTER 4			
DISTRICT OF COLUMBIA			
Federal Funds			
Federal Payment to the District of Columbia for Emergency Response and Planning (emergency)	25,000	25,631	+631
CHAPTER 5			
DEPARTMENT OF DEFENSE - CIVIL			
Department of the Army			
Corps of Engineers - Civil			
Operation and Maintenance, General (emergency)	139,000	139,000	
DEPARTMENT OF THE INTERIOR			
Bureau of Reclamation			
Water and related resources (emergency)	30,259	30,259	
DEPARTMENT OF ENERGY			
National Nuclear Security Administration			
Weapons activities (emergency)	106,000	88,000	-18,000
Defense nuclear nonproliferation (emergency)		18,000	+18,000
Environmental and Other Defense Activities			
Defense environmental restoration and waste management (emergency)	8,200	8,200	
Other defense activities (emergency)	3,500	3,500	
Total, chapter 5	286,959	286,959	
FOREIGN ASSISTANCE			
Agency for International Development			
Operating expenses (transfer) (emergency)	(50,000)		(-50,000)
CHAPTER 6			
DEPARTMENT OF THE INTERIOR			
National Park Service			
Operation of the National Park System (emergency) 3/	6,098	10,098	+4,000
United States Park Police (emergency)	25,295	25,295	
Construction (emergency)	21,624	21,624	
Departmental Offices			
Departmental Management: Salaries and expenses (emergency)	2,205	2,205	
OTHER RELATED AGENCIES			
Smithsonian Institution			
Salaries and expenses (emergency)	21,707	21,707	
National Gallery of Art			
Salaries and expenses (emergency)	2,148	2,148	
John F. Kennedy Center for the Performing Arts			
Operations and Maintenance (emergency)	4,310	4,310	
National Capital Planning Commission			
Salaries and expenses (emergency)	758	758	
Total, chapter 6	84,145	88,145	+4,000
CHAPTER 7			
DEPARTMENT OF LABOR			
Employment and Training Administration			
Training and employment services (emergency)	2,000,000		-2,000,000
State unemployment insurance and employment service operations (emergency)	4,100	4,100	
Pension and Welfare Benefits Administration			
Salaries and expenses (emergency)	1,600	1,600	
Occupational Safety and Health Administration			
Salaries and expenses (emergency)	1,000	1,000	
Departmental Management			
Salaries and expenses (emergency)	5,880	5,880	

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Public Health and Social Services Emergency Fund (emergency) 1/	1,595,000	1,990,600	+395,600
DEPARTMENT OF EDUCATION			
School Improvement Programs			
Project SERV (emergency)	10,000	10,000	.....
RELATED AGENCIES			
National Labor Relations Board			
Salaries and expenses (emergency)	180	180	.....
Social Security Administration			
Limitation on administration expenses (emergency)	7,500	7,500	.....
Total, chapter 7	3,625,260	2,020,860	-1,604,400
CHAPTER 8			
LEGISLATIVE BRANCH			
Joint Items			
Legislative Branch Emergency Response Fund (emergency)	256,081	.....	-256,081
Senate			
Sergeant at Arms and Doorkeeper of the Senate (emergency)	.....	34,500	+34,500
House of Representatives			
Salaries and expenses (emergency)	.....	40,712	+40,712
United States Capitol Historical Society			
Grant (emergency)	.....	1,000	+1,000
Capitol Police Board			
Expenses (emergency)	.....	179,869	+179,869
Total, chapter 8	256,081	256,081	.....
CHAPTER 9			
MILITARY CONSTRUCTION			
Defense Emergency Response Fund (emergency)	25,000	.....	-25,000
Military Construction, Army (emergency)	.....	55,700	+55,700
Military Construction, Navy (emergency)	.....	2,000	+2,000
Military Construction, Air Force (emergency)	.....	47,700	+47,700
Total, chapter 9	25,000	105,400	+80,400
CHAPTER 10			
DEPARTMENT OF TRANSPORTATION			
Office of the Secretary			
Salaries and expenses (emergency)	1,500	458	-1,042
Transportation security administration (emergency)	.....	15,000	+15,000
Aircraft passenger and baggage screening activities (emergency)	.....	1,000,000	+1,000,000
Offsetting collections (emergency)	.....	-1,000,000	-1,000,000
Coast Guard			
Operating Expenses (emergency)	203,000	144,913	-58,087
Federal Aviation Administration			
Operations (Airport and Airway Trust Fund) (emergency)	300,000	291,500	-8,500
Facilities & equipment (Airport and Airway Trust Fund) (emergency)	108,500	175,000	+66,500
Federal Highway Administration			
Miscellaneous appropriations (emergency)	10,000	.....	-10,000
Federal-aid highways (Highway Trust Fund): Emergency relief program (emergency)	75,000	75,000	.....
Federal Railroad Administration			
Safety and operations (emergency)	6,000	6,000	.....
Federal Transit Administration			
Formula grants (emergency)	23,500	23,500	.....
Research and Special Programs Administration			
Research and special programs (emergency)	6,000	2,500	-3,500
RELATED AGENCY			
National Transportation Safety Board			
Salaries and expenses (emergency)	836	465	-371
Total appropriations	734,336	1,734,336	+1,000,000
Offsetting collections	.....	-1,000,000	-1,000,000
Total, chapter 10	734,336	734,336	.....
CHAPTER 11			
DEPARTMENT OF THE TREASURY			
Departmental Offices			
Salaries and expenses (emergency)	9,400	.....	-9,400
Treasury Inspector General for Tax Administration (emergency)	2,032	2,032	.....
Financial Crimes Enforcement Network (emergency)	1,700	1,700	.....

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
Federal Law Enforcement Training Center			
Salaries and expenses (emergency)	13,846	23,231	+9,385
Acquisition, construction, improvement and related expenses (emergency)	.....	8,500	+8,500
Financial Management Service			
Salaries and expenses (emergency)	600	.....	-600
Bureau of Alcohol, Tobacco and Firearms			
Salaries and expenses (emergency)	31,431	31,431	.....
United States Customs Service			
Salaries and expenses (emergency)	107,500	301,759	+194,259
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs (emergency)	6,700	6,700	.....
Internal Revenue Service			
Processing, Assistance, and Management (emergency)	16,658	.....	-16,658
Tax Law Enforcement (emergency)	4,544	4,544	.....
Information Systems (emergency)	15,991	.....	-15,991
United States Secret Service			
Salaries and expenses (emergency)	104,769	104,769	.....
EXECUTIVE OFFICE OF THE PRESIDENT			
Office of Administration (emergency)	50,040	.....	-50,040
INDEPENDENT AGENCIES			
General Services Administration			
Real Property Activities			
Federal Buildings Fund (emergency) 3/	200,500	87,360	-113,140
National Archives and Records Administration			
Operating Expenses (emergency)	4,818	.....	-4,818
Repairs and Restoration (emergency)	2,180	.....	-2,180
Total, chapter 11	572,709	572,026	-683
CHAPTER 12			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Management and Administration			
Office of Inspector General (emergency)	1,000	1,000	.....
DEPARTMENT OF VETERANS AFFAIRS			
Veterans Health Administration			
Construction, Major Projects (emergency)	2,000	.....	-2,000
Departmental Administration			
General operating expenses (emergency)	.....	2,000	+2,000
INDEPENDENT AGENCIES			
Environmental Protection Agency			
Science and Technology (emergency)	40,040	10,000	-30,040
Environmental Programs and Management (emergency)	25,170	140,360	+115,190
State and Tribal Assistance Grants (emergency)	5,000	5,000	.....
Hazardous Substance Superfund (emergency)	5,790	5,800	+10
Federal Emergency Management Agency			
Disaster relief (emergency)	4,900,000	4,345,000	-555,000
Emergency Management Planning and Assistance (emergency) 2/	580,000	35,000	-545,000
Salaries and expenses (emergency)	20,000	30,000	+10,000
National Aeronautics and Space Administration			
Human space flight (emergency)	64,500	81,000	+16,500
Science, Aeronautics and Technology (emergency)	28,600	36,500	+7,900
Office of Inspector General (emergency)	.....	3,000	+3,000
National Science Foundation			
Research and Related Activities (emergency)	300	300	.....
Total, chapter 12	5,672,400	4,694,960	-977,440
CHAPTER 14			
ADDITIONAL EMERGENCY RELIEF AND RECOVERY PROVISIONS			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Centers for Disease Control and Prevention			
Disease control, research, and training (emergency)	.....	12,000	+12,000
National Institutes of Health			
National Institutes of Environmental Health Sciences (emergency)	.....	10,500	+10,500
DEPARTMENT OF HOUSING AND DEVELOPMENT			
Community Planning and Development			
Community development fund (emergency)	.....	1,825,000	+1,825,000

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
DEPARTMENT OF LABOR			
Employment and Training Administration			
Training and employment services (emergency)	.....	32,500	+32,500
State Unemployment Security Office			
Workers compensation programs (emergency)	.....	175,000	+175,000
Total, chapter 14	.....	2,055,000	+2,055,000
Grand total	20,000,000	20,000,000	.....

1/ FDA appropriation of $104.35 million was originally requested by the President as part of the HHS Public health and social services emergency fund account.

2/ Amounts for counterterrorism assistance to State and local governments were requested by the President as part of FEMA.

3/ National Park Service relocation costs were originally requested by the President as part of the GSA Federal buildings fund account.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I always appreciate hearing from the chairman of the full committee.

Mr. Chairman, the bill before us provides the funding for national defense for the fiscal year 2002. The base bill, which is the fundamental consideration today, involves some $317 billion for national security; and, Mr. Chairman, I would like the entire body to know that this bill was prepared and we were taking it to the committee on the very day of the tragedy that occurred in New York.

All of us watched with horror as that first plane hit that first tower and then in amazement, fear, and anger as we watched the second plane and the subsequent results.

Over these several weeks, the Nation has reacted in a fashion that all of us have watched with great interest, for indeed America had been attacked; and for the first time since World War II, more Americans were killed by a foreign agent in a single event than had been killed in our history.

As we observed that scene, America first responded in fear, responded in anger and in frustration; and over these weeks and months now, we watched as our public has come together in a kind of unified response that says directly to the Congress, we expect you to help America be ready to deal with this war on terrorism that the President is so ably leading us to wage at this moment.

Subsequent to this bill, the base bill of $317 billion, as the gentleman from Florida (Mr. YOUNG) suggested, there is a supplemental appropriations that affects defense that is slightly in excess of some $20 billion. We do not know, we cannot be sure, this may be but only the beginning, for the war on terrorism could indeed go beyond months, into years; but there is little question about our public's commitment. We will carry forward this war against terrorism, and we will win this war.

Mr. Chairman, at this point I would like to insert into the RECORD a summary of the provisions of Division A of this bill, that is, the Defense Appropriations bill.

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	22,175,357	23,626,684	23,336,884	+1,161,527	-289,800
Military Personnel, Navy	17,772,297	19,606,984	19,574,184	+1,801,887	-32,800
Military Personnel, Marine Corps	6,833,100	7,365,040	7,343,640	+510,540	-21,400
Military Personnel, Air Force	18,174,284	20,151,514	19,784,614	+1,610,330	-366,900
Reserve Personnel, Army	2,473,001	2,604,197	2,629,197	+156,196	+25,000
Reserve Personnel, Navy	1,576,174	1,643,523	1,644,823	+68,649	+1,300
Reserve Personnel, Marine Corps	448,886	463,300	466,800	+17,914	+3,500
Reserve Personnel, Air Force	971,024	1,055,160	1,055,160	+84,136	.....
National Guard Personnel, Army	3,782,536	4,014,135	4,004,335	+221,799	-9,800
National Guard Personnel, Air Force	1,641,081	1,776,744	1,777,654	+136,573	+910
Total, title I, Military Personnel	75,847,740	82,307,281	81,617,291	+5,769,551	-689,990
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	19,144,431	21,191,680	21,021,944	+1,877,513	-169,736
(By transfer - National Defense Stockpile)	(50,000)	.....	.....	(-50,000)	.....
Operation and Maintenance, Navy	23,419,360	26,961,382	26,628,075	+3,208,715	-333,307
(By transfer - National Defense Stockpile)	(50,000)	.....	.....	(-50,000)	.....
Operation and Maintenance, Marine Corps	2,778,758	2,892,314	2,939,434	+160,676	+47,120
Operation and Maintenance, Air Force	22,383,521	26,146,770	25,842,968	+3,459,447	-303,802
(By transfer - National Defense Stockpile)	(50,000)	.....	.....	(-50,000)	.....
Operation and Maintenance, Defense-Wide	11,844,480	12,518,631	12,122,590	+278,110	-396,041
Operation and Maintenance, Army Reserve	1,562,118	1,787,246	1,788,546	+226,428	+1,300
Operation and Maintenance, Navy Reserve	978,946	1,003,690	1,003,690	+24,744	.....
Operation and Maintenance, Marine Corps Reserve	145,959	144,023	144,023	-1,936	.....
Operation and Maintenance, Air Force Reserve	1,903,659	2,029,866	2,029,866	+126,207	.....
Operation and Maintenance, Army National Guard	3,333,835	3,677,359	3,723,759	+389,924	+46,400
Operation and Maintenance, Air National Guard	3,474,375	3,867,361	3,972,161	+497,786	+104,800
Overseas Contingency Operations Transfer Fund	3,938,777	2,844,226	2,744,226	-1,194,551	-100,000
United States Court of Appeals for the Armed Forces	8,574	9,096	9,096	+522	.....
Environmental Restoration, Army	389,932	389,800	389,800	-132	.....
Environmental Restoration, Navy	294,038	257,517	257,517	-36,521	.....
Environmental Restoration, Air Force	376,300	385,437	385,437	+9,137	.....
Environmental Restoration, Defense-Wide	21,412	23,492	23,492	+2,080	.....
Environmental Restoration, Formerly Used Defense Sites	231,499	190,255	190,255	-41,244	.....
Overseas Humanitarian, Disaster, and Civic Aid	55,900	49,700	49,700	-6,200	.....
Former Soviet Union Threat Reduction	443,400	403,000	.....	-443,400	-403,000
Quality of Life Enhancements, Defense	160,500	.....	.....	-160,500	.....
Support for International Sporting Competition, Defense	.....	15,800	15,800	+15,800	.....
Total, title II, Operation and maintenance	96,889,774	106,788,645	105,282,379	+8,392,605	-1,506,266
(By transfer)	(150,000)	.....	.....	(-150,000)	.....
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	1,571,812	1,925,491	1,974,241	+402,429	+48,750
Missile Procurement, Army	1,320,681	1,859,634	1,057,409	-263,272	-802,225
Procurement of Weapons and Tracked Combat Vehicles, Army	2,472,524	2,276,746	2,252,669	-219,855	-24,077
Procurement of Ammunition, Army	1,220,516	1,193,365	1,211,615	-8,901	+18,250
Other Procurement, Army	4,497,009	3,961,737	4,103,036	-393,973	+141,299
Aircraft Procurement, Navy	8,477,138	8,252,543	8,084,543	-392,595	-168,000
Weapons Procurement, Navy	1,461,600	1,433,475	1,429,492	-32,108	-3,983
Procurement of Ammunition, Navy and Marine Corps	498,349	457,099	492,599	-5,750	+35,500
Shipbuilding and Conversion, Navy	11,614,633	9,344,121	10,134,883	-1,479,750	+790,762
Other Procurement, Navy	3,557,380	4,097,576	4,290,776	+733,396	+193,200
Procurement, Marine Corps	1,233,268	981,724	1,028,662	-204,606	+46,938
Aircraft Procurement, Air Force	7,583,345	10,744,458	10,549,798	+2,966,453	-194,660
Missile Procurement, Air Force	2,863,778	3,233,536	2,918,118	+54,340	-315,418
Procurement of Ammunition, Air Force	647,808	865,344	866,844	+219,036	+1,500
Other Procurement, Air Force	7,763,747	8,159,521	7,856,671	+92,924	-302,850
Procurement, Defense-Wide	2,346,258	1,603,927	1,387,283	-958,975	-216,644
National Guard and Reserve Equipment	100,000	.....	501,485	+401,485	+501,485
Defense Production Act Purchases	3,000	50,000	50,000	+47,000	.....
Total, title III, Procurement	59,232,846	60,440,297	60,190,124	+957,278	-250,173
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	6,342,552	6,693,920	7,115,438	+772,886	+421,518
Research, Development, Test and Evaluation, Navy	9,494,374	11,123,389	10,896,307	+1,401,933	-227,082
Research, Development, Test and Evaluation, Air Force	14,138,244	14,343,982	14,884,058	+745,814	+540,076
Research, Development, Test and Evaluation, Defense-Wide	11,157,375	15,050,787	6,949,098	-4,208,277	-8,101,689
Operational Test and Evaluation, Defense	227,060	217,355	245,355	+18,295	+28,000
Total, title IV, Research, Development, Test and Evaluation	41,359,605	47,429,433	40,090,256	-1,269,349	-7,339,177

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	916,276	1,951,986	1,524,986	+608,710	-427,000
National Defense Sealift Fund:					
Ready Reserve Force	270,500	506,408	412,708	+142,208	-93,700
Acquisition	130,158			-130,158	
Subtotal	400,658	506,408	412,708	+12,050	-93,700
National Defense Airlift Fund:					
C-17	2,170,923			-2,170,923	
C-17 advance procurement	257,800			-257,800	
C-17 ICS	412,200			-412,200	
Subtotal	2,840,923			-2,840,923	
Total, title V, Revolving and Management Funds	4,157,857	2,458,394	1,937,694	-2,220,163	-520,700
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	11,414,393	17,565,750	17,574,750	+6,160,357	+9,000
Procurement	290,006	267,915	267,915	-22,091	
Research and development	413,380	65,304	434,738	+21,358	+369,434
Total, Defense Health Program	12,117,779	17,898,969	18,277,403	+6,159,624	+378,434
Chemical Agents & Munitions Destruction, Army: 1/					
Operation and maintenance	600,000	789,020	728,520	+128,520	-60,500
Procurement	105,700	164,158	164,158	+58,458	
Research, development, test and evaluation	274,400	200,379	200,379	-74,021	
Total, Chemical Agents	980,100	1,153,557	1,093,057	+112,957	-60,500
Drug Interdiction and Counter-Drug Activities, Defense	869,000	820,381	827,381	-41,619	+7,000
Office of the Inspector General	147,545	152,021	152,021	+4,476	
Total, title VI, Other Department of Defense Programs	14,114,424	20,024,928	20,349,862	+6,235,438	+324,934
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	216,000	212,000	212,000	-4,000	
Intelligence Community Management Account	148,631	152,776	144,929	-3,702	-7,847
Transfer to Department of Justice	(34,100)	(27,000)	(34,100)		(+7,100)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	60,000	25,000	25,000	-35,000	
National Security Education Trust Fund	6,950	8,000	8,000	+1,050	
Total, title VII, Related agencies	431,581	397,776	389,929	-41,652	-7,847
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(2,000,000)	(2,500,000)	(2,500,000)	(+500,000)	
Indian Financing Act incentives (Sec. 8022)	8,000		8,000		+8,000
Disposal & lease of DOD real property (Sec. 8038)	24,000	19,000	19,000	-5,000	
Overseas Mil Fac Invest Recovery (Sec. 8041)	3,000	3,362	3,362	+362	
Rescissions (Sec. 8055)	-546,980		-441,578	+105,402	-441,578
Navy Working Capital Fund Cash Balances (Sec. 8084)	-800,000		-245,000	+555,000	-245,000
Fuel Pricing/Rate Stabilization Adj (Sec. 8085)	-705,000		-527,000	+178,000	-527,000
Excess Foreign Currency Cash Balance (Sec. 8093)	-856,900		-200,000	+656,900	-200,000
Travel Cards (Sec. 8099)	5,000	8,000	8,000	+3,000	
Transfer to Department of Transportation	(10,000)			(-10,000)	
United Service Organizations (Sec. 8107)	7,500		10,000	+2,500	+10,000
Davis Bacon Act Threshold Increase		-190,000			+190,000
Depot Maintenance Utilization Waiver		-140,000			+140,000
Government Purchase Card (Sec. 8139)			-330,000	-330,000	-330,000
Performance Based Academic Model	5,000			-5,000	
BMDO Support reduction	-14,000			+14,000	
Preservation of Democracy	20,000			-20,000	
Quarantine benefits	1,000			-1,000	
National D-Day Museum	2,100			-2,100	
Chicago Military Academy	5,000			-5,000	
Ship scrapping initiative	10,000			-10,000	
American Red Cross	5,000			-5,000	
U.S./China Security Review Commission	3,000			-3,000	
Gulf War Illness	1,650			-1,650	
Oakland military academy	2,000			-2,000	
Newmark (Sec. 8134)	10,000		10,000		+10,000
Brownfield site	2,000			-2,000	
Fisher House (Sec. 8115)	2,000		2,000		+2,000

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Zero emission steam technology demo (Sec. 8116)	2,000		2,000		+2,000
CAAS/Contract Growth (Sec. 8117)	-71,367		-955,000	-883,633	-955,000
Excess Funded Carryover (Sec. 8127)	-92,700		-797,919	-705,219	-797,919
Headquarters and Administration	-159,076			+159,076	
Overseas Contingency Operation Transfer Fund	-1,100,000			+1,100,000	
Utilities (Sec. 8126)			-230,000	-230,000	-230,000
Tethered Aerostat Radar System (Sec. 8136)			3,000	+3,000	+3,000
Fairchild Air Force Base (Sec. 8132)			6,000	+6,000	+6,000
Army Acquisition Restructuring (Sec. 8144)			-37,200	-37,200	-37,200
USS Alabama Museum Memorial (Sec. 8130)			6,000	+6,000	+6,000
Special Needs Learning Center (Sec. 8133)			5,000	+5,000	+5,000
USS Intrepid Museum Memorial (Sec. 8131)			5,000	+5,000	+5,000
Pentagon Renovation Cost Adjustment (Sec. 8143)			-333,000	-333,000	-333,000
910th Airlift Wing, Youngstown-Warren (Sec. 8146)			10,000	+10,000	+10,000
Pentagon Reservation Emergency Response (Sec. 8147)			10,000	+10,000	+10,000
C-5 avionics modernization (Sec. 8151)			20,000	+20,000	+20,000
Agile combat support (Sec. 8152)			10,000	+10,000	+10,000
WRAMC equipment (Sec. 8153)			6,000	+6,000	+6,000
Total, title VIII (net)	-4,227,773	-299,638	-3,953,335	+274,438	-3,653,697
TITLE IX					
COUNTER-TERRORISM & DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION					
Counter-Terrorism & Operational Response Transfer Fund			1,670,000	+1,670,000	+1,670,000
Transfer to Department of Justice			(10,000)	(+10,000)	(+10,000)
Former Soviet Union Threat Reduction			403,000	+403,000	+403,000
Ballistic Missile Defense Organization - Procurement			794,557	+794,557	+794,557
Ballistic Missile Defense Organization - RDT&E			7,053,721	+7,053,721	+7,053,721
Ballistic Missile Defense Organization - FY 2001 Rescission			-73,800	-73,800	-73,800
Defense Against Chemical & Biological Weapons, Defense-Wide			1,065,940	+1,065,940	+1,065,940
Defense Threat Reduction Agency			806,471	+806,471	+806,471
Total, title IX, Counter-terrorism and Defense against Weapons of Mass Destruction (net)			11,719,889	+11,719,889	+11,719,889
Total for the bill (net)	287,806,054	319,547,116	317,624,089	+29,818,035	-1,923,027
OTHER APPROPRIATIONS					
Miscellaneous Appropriations (P.L. 106-554):					
Repair of U.S.S. COLE (emergency funding)	150,000			-150,000	
Marine Corps Ground Task Force Training Command	2,000			-2,000	
Overseas Contingency Operations Transfer Fund (emergency funding)	100,000			-100,000	
Defense Imagery and Mapping Agency	2,000			-2,000	
Rapid diagnostic and fingerprinting techniques	1,000			-1,000	
Fort Irwin National Training Center expansion:					
O & M, Army	2,500			-2,500	
BLM, Management of Lands & Resources	2,500			-2,500	
Supplemental (P.L. 107-20) (net)	5,457,700			-5,457,700	
Emergency Response Fund (P.L. 107-38)	5,460,400			-5,460,400	
Across the board cut (0.22%)	-469,000			+469,000	
Total, other appropriations	10,709,100			-10,709,100	
Net grand total (including other appropriations)	298,515,154	319,547,116	317,624,089	+19,108,935	-1,923,027
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Adjustment for unapprop'd balance transfer (Stockpile)	150,000			-150,000	
Stockpile collections (unappropriated)	-150,000	-150,000	-150,000		
O&M, Army transfer to National Park Service:					
Defense function	-5,000		-1,000	+4,000	-1,000
Nondefense function	5,000		1,000	-4,000	+1,000
O&M, AF transfer to Dept of Transportation:					
Defense function	-10,000			+10,000	
Nondefense function	10,000			-10,000	
Disabled military retiree payments (mandatory)		55,000	55,000	+55,000	
Military personnel accounts (discretionary)		-55,000	-55,000	-55,000	
Total adjustments		-150,000	-150,000	-150,000	

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	75,847,740	82,307,281	81,617,291	+5,769,551	-689,990
Title II - Operation and Maintenance	96,889,774	106,788,645	105,282,379	+8,392,605	-1,506,266
(By transfer)	(150,000)	.....	.....	(-150,000)	.....
Title III - Procurement	59,232,846	60,440,297	60,190,124	+957,278	-250,173
Title IV - Research, Development, Test and Evaluation	41,359,605	47,429,433	40,090,256	-1,269,349	-7,339,177
Title V - Revolving and Management Funds	4,157,857	2,458,394	1,937,694	-2,220,163	-520,700
Title VI - Other Department of Defense Programs	14,114,424	20,024,928	20,349,862	+6,235,438	+324,934
Title VII - Related agencies	431,581	397,776	389,929	-41,652	-7,847
Title VIII - General provisions (net)	-4,227,773	-299,638	-3,953,335	+274,438	-3,653,697
Title IX - Counter-terrorism & Defense against Weapons of Mass Destruction (net)	.....	.....	11,719,889	+11,719,889	+11,719,889
Total, Department of Defense (in this bill)	287,806,054	319,547,116	317,624,089	+29,818,035	-1,923,027
Other appropriations	10,709,100	.....	.....	-10,709,100	.....
Total DoD funding available (net)	298,515,154	319,547,116	317,624,089	+19,108,935	-1,923,027
Other scorekeeping adjustments	.....	-150,000	-150,000	-150,000	.....
Total mandatory and discretionary	298,515,154	319,397,116	317,474,089	+18,958,935	-1,923,027
RECAP BY FUNCTION					
Mandatory	216,000	267,000	267,000	+51,000	.....
General purpose discretionary:					
Defense discretionary	298,282,154	319,130,116	317,204,089	+18,921,935	-1,926,027
Nondefense discretionary	17,000	.....	3,000	-14,000	+3,000
Total discretionary	298,299,154	319,130,116	317,207,089	+18,907,935	-1,923,027
Grand total, mandatory and discretionary	298,515,154	319,397,116	317,474,089	+18,958,935	-1,923,027

1/ Included in Budget under Procurement title.

□ 1345

Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I support this bill, but believe we have missed an unprecedented opportunity to transform the United States military.

The attacks of September 11 and the threat of anthrax across the country have shown that threats to U.S. security no longer come just from tanks and bombs. The war in Afghanistan demonstrates that the military increasingly relies on information superiority, long-range power projection, stealth technology, and precision-guided munitions.

It is time to invest more in a defense for the 21st century, and to move away from unneeded bureaucracy and outmoded platforms.

We must transform our military into a more flexible, multi-functional force. We need technologies for intelligence gathering, more robust use of uninhabited vehicles and long-range platforms.

President Bush promised in his campaign to skip ahead to the next generation of military technology. Where is the transformation? The Quadrennial Defense Review talked grandly about progress but put its money into funding the status quo.

It was as true before September 11 as it is now that enemies will use asymmetric means to exploit American vulnerabilities and use terror to inflict both psychological and physical damage.

Our defense must reflect the revolution in military affairs—in weapons systems, in bureaucratic organization, and in military infrastructure. We must improve the ''tooth-to-tail'' ratio of fighting capability to support structure.

Most importantly, defense spending on specific weapons or strategies should be proportional to the likelihood and seriousness of the threats.

Mr. Speaker, we all know that resources are limited. We risk buying less defense for more money if we buy the wrong things.

Now that the public is tuned in and the stakes are higher than any point in our history, we fail to act at our own peril.

Mr. STENHOLM. Mr. Chairman, the approach that we are taking to financing the war on terrorism is penny wise and pound foolish. Everyone acknowledges that meeting all of our challenges in the war on terrorism will require substantially more resources than this bill provides. In fact, the President's chief of homeland security has said that he will recommend significant increases in funding for agencies involved in the war on terrorism. Yet today we are being asked to pretend that those costs do not exist so that we can make the budget look better artificially.

Deferring a full discussion on the costs of combating terrorism at home and abroad until next year will result in higher spending levels and budget deficits than would be the case if we honestly accounted for these costs up front. Failing to honestly budget for the costs of the war on terrorism will allow us to pretend that we can afford other tax cuts or spending proposals that are unrelated to the war on terrorism. When we are presented with the inevitable supplemental early next year to finance the needs not addressed in this bill—which will in all likelihood have a higher price tag than it would if we addressed those needs now—we will find that we need to use borrowed money to pay for the war because we have spent all of our resources.

Our objective must be winning the war against terrorism without jeopardizing the economy. Congress will be required to prioritize our efforts to strengthen domestic security, fight the war on terrorism, provide assistance to dislocated workers and spur our economy. These needs will then have to be balanced with our obligation to protect against long-term economic and fiscal harm.

Congress and the administration must work together to identify the needs of the various agencies involved in domestic security, law enforcement, intelligence, military and other activities in the fight against terrorism and reach a bipartisan agreement on the amount of funding required to meet these needs. Any tax cuts or spending increases unrelated to the war on terrorism must be considered in the context of an overall budget framework which sets aside the resources which will be needed to meet the challenges in the war against terrorism.

All members who care about honesty in budgeting and maintaining fiscal discipline should oppose this rule and insist that the administration and leadership in Congress get together to develop a responsible budget framework that honestly addresses all of our priorities.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 3338, providing appropriations for the Department of Defense. This bill does not currently comply with the fiscal year 2002 budget resolution, but is generally consistent with legislation recently marked up by the Budget Committee in the wake of the terrorist attacks of September 11.

H.R. 3338 is actually comprised of two bills: Division A of the bill provides appropriations for the Department of Defense. Division B provides for the obligation of $20 billion in emergency-designation appropriations that was previously appropriated as part of a supplemental appropriations measure in September.

Division A of the bill provides $317.2 billion in new discretionary budget authority and $308.9 billion in outlays for the Department of Defense for fiscal year 2002. This appropriation comes on top of approximately $21 billion that was made available to the Department of Defense in response to the terrorist attacks.

In order to fully accommodate the defense levels in this bill, I am adjusting the 302(a) allocation to the Committee on Appropriations by $17.3 billion in budget authority and $14.9 billion in outlays. Section 218 of H. Con. Res. 83 authorized the Budget Committee to increase the appropriate levels in the President's budget to accommodate any structural reforms the President might propose as part of the national defense review.

Once the Appropriations Committee makes the necessary changes in its 302(b) allocations, the bill would still exceed the applicable 302(b) allocation. This is mostly because the bill implicitly assumes an additional $3.4 billion for nondefense priorities than the Congress initially agreed to as part of the budget resolution (H. Con. Res. 83).

You might recall that last month the Office of Management and Budget announced an agreement with the appropriations committees to increase total discretionary spending by $3.4 billion. This was apparently the price of getting an agreement with the new Senate majority.

While many members of the Budget Committee believed that the discretionary allocation established pursuant to the budget resolution provided an adequate increase for nondefense priorities, we recognized the need for flexibility if the Congress was to maintain the bipartisan comity necessary to wage a successful war against terrorism.

In that spirit, the Budget Committee passed H.R. 3084, which revised both the applicable levels in the budget resolution and the statutory caps of accommodate the national defense review, but an additional $3.4 billion for various nondefense priorities. While I had hoped to bring this bill to the floor before the defense appropriations, it now appears that this language will be incorporated into one or more of the appropriations conference reports.

At the end of the day, I am confident that this bill will be consistent with the budget resolution as modified by H.R. 3083 to reflect our new priorities in the wake of an economic downturn and the terrorist attacks of September 11.

Division B of the bill essentially permits the obligation of half of the $40 billion that was previously appropriated in response to the terrorist attacks in September. As you may recall, the supplemental expressly prohibited the Congress from obligating half of the total appropriation until a subsequent appropriations bill is enacted.

Since the previous supplemental designated the entire amount as an emergency, I am required to adjust the levels in the budget resolution by the entire amount. Accordingly, this part of the bill will not exceed the applicable levels in the budget resolution.

Like most of you, I am fully committed to provide whatever resources are needed to wage a successful war against terrorism. However, we would be well advised to hold off on the next installment until the executive agencies have the opportunity to absorb what is already in the pipeline. I am informed that as much as $14 billion of the $40 billion that was provided in September remains unobligated. As we have proven before, Congress will act expeditiously to respond to the terrorist acts and to fight this war.

In conclusion, this bill may be a necessary response to terrorist attacks no one could have foreseen and an unprecedented midsession change in control of the Senate. At times such as this, budget concerns should not be paramount. We should set aside partisan and institutional concerns for the greater public good.

Nevertheless, both the President and the Congress will soon be confronted with the economic and budgetary fallout of its actions this fall. Over the course of only four months we have now seen the fiscal year 2002 surplus fall from $176 billion to zero. It could get even worse if the economy further deteriorates or we continue to enact bills that exceed the levels established in the budget resolution. We are all going to have to continue to work together next year if we are to get the Federal Government back on a path toward fiscal responsibility.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 3338, the fiscal year 2002 Defense Appropriations bill. As a member of this subcommittee, let me first thank our Chairman JERRY LEWIS and our ranking member, Congressman MURTHA, as well as the staff for all their hard work in crafting the bill we are considering today.

Our subcommittee was first scheduled to begin work on this bill on the morning of September 11 at the very hour that terrorists attacked our country, killing thousands of our fellow Americans and forever changing the course of our Nation's history.

America is now at war and our young men and women in the military have been called on to defend our citizens and our Nation. The course of our Nation's history will not be written by the terrorists but by the bravery and success of our troops now serving on the frontlines of this war against terrorism. And our history will be written, in part, by the actions we take here today.

Today, there is no more important task before this Congress than to provide our military with the tools and resources they need to defend our citizens and fight for our freedom. Our military needs to know that this Congress not only supports their mission in theory but in substance; that we are prepared to take all the necessary steps and provide all the necessary means for their safety and their success in battle. With this bill, we provide those critical resources. And let us not forget that even before the events of September 11, our troops have been and continue to serve on frontlines around the globe including in the Balkans, South Korea, the Persian Gulf, and elsewhere—24 hours a day and throughout the year.

This subcommittee has worked in a bipartisan way to meet the immediate needs of our troops and their families, to keep our military at the ready, and to invest in all the many, diverse capabilities we need to protect our citizens from all potential threats.

In recent years, this subcommittee has fought attempts to cut funding for our military. Even as the missions of our military increased, there were those who argued that increased military spending was no longer a priority. And there have always been those who charged that we were shortchanging our domestic priorities to pay for our military needs. We know today that there is no more vital domestic priority than our nation's security.

As our troops and military fight in Afghanistan, it is clear that our investments of the past are paying dividends today. Whether Air Force, Army, Marines or Navy, these warriors are more professional, better trained and equipped because of our committee's longstanding commitment to meet their needs.

Let me discuss just some of those investments we provide for in this bill. Overall, we provide $317.5 billion for the Department of Defense and with those dollars, we do the following:

First and foremost, we give our troops better pay.

We add much needed dollars for troop readiness, training, supplies, and mobility that allow our Commander in Chief to send our Armed Forces into battle anywhere and at a moment's notice.

We add $153 million for our National Guard and reserves, so many of whom have now been called to duty.

We provide for modernizing major weapon systems that allow us to better combat our enemies in the air, on the ground and at sea.

We continue to provide over $47 billion for critical long-term investments in research and development so we have the most lethal and effective weapons now and in the future.

We add significant resources to strengthen classified intelligence programs, and accelerate and enhance U.S. military intelligence, surveillance and reconnaissance capabilities.

And we add a new title and $11.7 billion for our homeland defense against chemical, biological and nuclear threats against our citizens.

The commitments we make in this bill do not meet every need. As more will be required of our troops, more will be required of this Congress.

Mr. Chairman, as those of us who have served in the military know only too well, wars are fought by the young. We know, too, that freedom never has, nor will it be this time, free. Liberty is paid for by the sacrifices of those who serve. At no time in our nation's history has their sacrifice and service been more important to the defense of our country and the security of our future.

Mr. Chairman, I urge my colleagues to pass the fiscal year 2002 Defense Appropriations bill and to do so unanimously.

Mr. DICKS. Mr. Chairman, I congratulate Chairman LEWIS and Ranking Member MURTHA on this bill. It is a fine piece of work and they can be proud.

The bill provides $317 billion for DOD, an increase of $20 billion over last year's bill, a step in the right direction.

It is the right direction, but we have not done nearly enough. DOD still has over $25 billion in unfunded requirements for Personnel, O&M and Research, and beyond that over $20 billion in unfunded requirements for procurement alone.

I am most troubled by the shortfalls in procurement because the President's request for procurement this was lower than it was in the last year of the Clinton Administration. The committee has taken some steps to correct that, but the President must make a commitment to increase the procurement budget if we are really going to make progress on this problem.

Several important steps are taken in this bill to modernize the force structure of the services in innovative ways.

I am pleased that the committee included $454 million to help the Air Force begin acquiring next generation replacements for its tanker fleet and to add to its JSTARS fleet. The current tanker fleet averages over 40 years in age, and yet it is the backbone of our ability as a superpower to project force to places like Afghanistan. The Air Force desperately needs to replace these aircraft and this bill begins that process. I am hopeful that at the appropriate time we will also consider whether the Air Force can lease these aircraft in a commercial type arrangement. The funding also begins development of a Multi-Mission Command and Control Aircraft, which will operationalize the Common Widebody concept and streamline the fleet of command and control and intelligence, surveillance, and reconnaissance aircraft.

I am strongly encouraged that the committee included $80 million to continue upgrades to the B–2 bomber. We are continuing the Link 16 Datalink program, we will complete the integration of the EGBU–28 bunker buster bomb, and we will continue to upgrade the EHF Satcom program. All of these programs are part of the Air Force's unfunded requirements list and continue ongoing programs that are urgently needed.

The committee has also made a decision which makes tremendous military and financial sense, to convert all four retiring Trident submarines into SSGN cruise missile platforms. These ships will provide incredible capability to the nation, and the committee's addition of $463 million will allow the Navy to perform these conversions in the most cost effective way possible.

I am also pleased to note that the committee included an additional $181 million to begin a second C–17 multi-year procurement for another 60 aircraft.

Future military commanders and future generations of Americans will look back on these decisions in several years and applaud the committee's foresight. These assets will ensure that America can continue to fight for just causes with the same excellence as the military which is in Afghanistan today.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support for H.R. 3338, the Defense appropriations bill for FY2002. This Member would like to offer particular thanks to the chairman of the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from California (Mr. LEWIS), and the ranking minority member on the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from Pennsylvania (Mr. MURTHA), for their work on this important bill.

Additionally, this Member is pleased to thank the Committee on Appropriations for including $3.8 million in fiscal year 2002 for the Air National Guard's Project ALERT. Currently, Project ALERT serves as an on-line training tool developed and used by the Nebraska National Guard in collaboration with the Department of Defense, the National Guard Bureau, the University of Nebraska, and Nebraska Educational Television. The $3.8 million appropriated in H.R. 3338 will assist with the completion of the initial development and implementation phases.

Indeed, the implications of Project ALERT extend nationwide and to components of both the active and reserve military forces. Allowing military forces to complete some training courses on their own time, as Project ALERT does, provides an opportunity to cut on-site training costs and time and to maximize exercise time. For the U.S. military to meet the challenges it will face during the current war on terrorism and throughout the 21st century, it is crucial that Congress invest in innovative and flexible training tools such as Project ALERT.

In closing, Mr. Chairman, this Member urges his colleagues to support H.R. 3338.

Mr. BLUMENAUER. Mr. Chairman, our annual defense authorization and appropriations

bills provide opportunity to respond to changing global security conditions. Our military is the best-equipped and best-trained by far in the world, spending more than the next 15 countries combined (and 12 of those are our close allies). We need a new beginning now more than ever.

Today, we need to begin anew to guarantee our security from the threats of today and tomorrow as well as to protect the wellbeing of fighting forces and their families.

Ever since I have been in Congress, we have been making noises about restructuring our forces to meet tomorrow's threat. Making compromises leaves us vulnerable. We are not making the hard choices on a number of crucial issues such as dealing with excess base infrastructure, facing environmental cleanup costs, and rendering decisions about weapons systems that do not fit today's world. I cannot support a bill that does not make those hard choices.

I do appreciate the hard work of the committee and the importance of the task. Yet, this is not the time for us to continue with a patchwork approach to our defense needs that looks to our past and not to the real threat for the future. The most perplexing expenditure in this bill is for national missile defense. September 11 demonstrated that we have more immediate security threats to the United States than a missile from a rogue state ten years from now.

The anthrax attack which paralyzed Washington, DC, together with the terrorist attacks on the World Trade Center and the Pentagon, demonstrated that we have threats here and now that demand attention and demand resources. Spending perhaps a hundred billion dollars or more on unproven technology for the vague future threat of intercontinental ballistic missiles when we have more immediate concerns is not an appropriate response. The fact that it would have a potential destabilizing effect on other countries at precisely the time when we want them to coalesce around our leadership is even more reason to reject this approach. Increasing spending on missile defense by almost 50 percent over last year is not reasonable.

There are other examples of current weapons systems which are just as bad if not so expensive. The Army plans to spend over $10 billion to field its lightweight force of the future that can go anywhere in the world in under 100 hours. At the same time, it is moving full speed ahead with the $13 billion Crusader mobile howitzer that is too heavy for even the largest planes in our arsenal to lift. My concern was best expressed by a Bush policy adviser quoted in U.S. News and World Report this summer. ''Why would you buy the same artillery pieces that Napoleon would understand? It's all Industrial Age equipment.''

There are at least eight big-ticket weapons systems in this bill for which spending far exceeds levels requested by the White House—by almost a billion dollars. When Vice-President DICK CHENEY was Secretary of Defense, he tried but failed to kill the V–22 Osprey aircraft program. It has been involved with 30 fatalities in four crashes; nonetheless appropriators earmarked $1.8 billion to buy 11 more of these questionable aircraft.

The most obvious yet controversial example where we spend money fighting wars of the previous generation is the number of military bases that, in some cases, are left over from World War I and World War II. To right-size the U.S. military by undertaking another round of the base closing process will help us to adequately prepare ourselves to face the challenges of today.

Our budget process needs to follow through on some of the stated intentions of Secretary Rumsfeld. The Quadrennial Defense Review was released in early October, yet a general who had worked on it for six months said it was rendered irrelevant by the September 11 attack. No major weapons systems were cut nor were there any force structure changes. The 2-Major Regional Contingency (MRC) strategy (to fight two major wars simultaneously) remains in place with only minor tweaking. We have yet to implement the prior QDR call to reduce force structure and equipment, for example reducing the number of F–22s purchased. The 1997 QDR made more substantive changes than this one, even though the world was more stable.

John Isaacs, president of the arms control organization Council for a Livable World, was right when he said, ''Review after review has been completed without taking a hard look at new weapons systems. It's full steam ahead with the status quo. Congress is only encouraging this behavior by approving huge increases in military spending. We could easily approach $400 billion in military spending and rival the peak cold-war budgets of the Reagan administration.''

It is important to bear in mind that for FY02, so far we have allocated a total of $363 billion for the Department of Defense. That includes the $318 billion in this defense appropriations bill, as well as the military spending in the military construction and energy and water appropriations bills, and the $21 billion for the defense portion of the $40 billion post-September 11 supplemental. This is a 15 percent increase over the $316 billion spent in FY01. For reference, the consumer price index rose 2.6 percent last year. In addition, it is highly likely that we will consider at least one other supplemental in 2002.

We all should be concerned that the management of these large sums of money may not receive the priority it deserves. According to an audit by the DOD inspector general dated September 19: ''Of the $4.4 trillion in department-level accounting entries . . . $1.1 trillion were unsupported or improper.'' In FY98, 2,993 parts requisitioned by the military services had a price growth of 1,000 percent or more, according to the General Accounting Office. In one case, the unit price for a ball bearing jumped from 4 cents in 1997 to $11.25 in 1998. In another case, the price of an aircraft filter went from $41.96 to $972.71 during the same period.

One critical function that is seriously underfunded is cleaning up our military's toxic legacy. This bill includes a line item for the very first time for research and development on unexploded ordnance, the 10–15 percent of the bombs and shells that did not detonate as intended. However, we are not addressing it seriously. We are spending only $17.3 million (a small increase of $2–5 million) when we are spending a total of a billion dollars a day on our military.

This is a glimmer of a better future, but this bill overall is basically an environmental retreat. It contains an 18 percent reduction from last year's level for all environmental restoration at formerly used defense sites for a total of $190 million. In the critical area of cleaning up unexploded ordnance and other environmental restoration at formerly used defense sites, this budget falls far short. Even if, as we hope, the Senate Appropriations Committee restores the funding to last year's level, that is insufficient. A General Accounting Office report earlier this year states that DOD's own estimates put the cost of cleaning up UXO alone at these sites at over $100 billion, but experts expect the bill to be much greater. We have as much as 50 million acres that is potentially contaminated with UXO. Our failure to fund cleanup of these formerly used defense sites is unacceptable.

There are other ways that this bill fails to meet the critical need for environmental cleanup. It has only been in recent decades that our military has had to face the enormous expense and political challenge of becoming ''greener.'' Local communities are asking why military units should be exempt from Federal laws like the Clean Water Act. The Maine-based Military Toxics Project recently reported that military exemptions from laws and lax enforcement by regulatory agencies have produced over 27,000 toxic hot spots on 8,500 military properties. Minority and Native American groups, which often live closest to military facilities, see the issue as one of environmental justice.

The Legacy Program assists the Department of Defense (DOD) in maintaining biological diversity, and the sustainable use of land and water resources for military mission and other uses. As part of DOD's efforts to maintain biodiversity, the Legacy Program has directly supported natural resource projects around the country. The natural resource funding levels in this bill before us today were reduced from previous funding levels and will restrict the Legacy Program's ability to continue protecting our nation's natural resources.

What is particularly disappointing is that our commitment to be a good neighbor is absolutely essential in order to be able to have the public support and confidence to do what the military needs to do. Our military needs to have areas where it can train and in some cases, use live ammunition. The extent to which the public can't rely on safe cleanup and disposal will cause it to be less interested in having these practices continue where they are or to be located elsewhere.

DOD is faced with cleaning up the contamination from decaying ordnance, mothballed warships, fuels, solvents, and other pollutants left over from the wars of the 20th century and before. This costs money and must be a priority.

There is a recognition that the United States continues to have more military base infrastructure than it needs but faces political and community resistance regarding base closures. The problem goes beyond just the economic loss suffered from base realignment and closure. Those areas that are abandoned by the military often cannot be easily converted to other productive uses. Witness the continuing saga of facilities around the country like Fort Ord ten years after it was closed.

The failure of the United States Department of Defense to be able to respond meaningfully and to quickly clean up former bases, restore them to a safe condition, and then turn them over to the community without a cloud of uncertainty means yet another reason for communities to resist base closure. They don't trust us. The evidence suggests they have good reason to be suspicious. Adequate funding for remediation and cleanup of toxic and dangerous wastes will not only hasten this land's restoration to productive use; it will also raise confidence so that we'll have positive examples that base closure does not need to be devastating to communities, and that, in fact, it can be a positive development. The failure of this budget of a billion dollars a day to make additional progress, whether for environmental protection or capacity to fight terrorist activity, is unacceptable.

It is unacceptable that we have an 18 percent decrease in funding to pay for cleanup of places like the area around American University where residents are still at risk caused by hazards left over from World War I, while at the same time we are increasing overall spending for our military by 15 percent and increasing missile defense spending by 50 percent. Those are misplaced priorities, in my view.

We must begin now to finally shift from cold-war spending and World War II bases. It is time for a new era to meet our needs for future defense. Until we have a bill that makes this transition, I must withhold my support.

Mr. WATTS of Oklahoma. Mr. Chairman, I am pleased that this body is taking up the fiscal year 2002 Defense appropriations bill today. As our courageous military servicemen "fight the good fight" in Central Asia today, there is hardly a more pressing time for the passage of this bill. The amount of $317.5 billion, $19 billion over last year's level, is an important first step in both waging the war on terrorism and addressing readiness shortfalls that have been years in the making.

Especially important in this bill is the $1.7 billion addition we added for a "rapid-response capability" for the war against terrorism. I also applaud the Appropriations Committee for providing for $7.9 billion for ballistic missile defense, an increase of $2.7 billion over last year. Combating weapons of mass destruction could never be more important than it is today.

Mr. Chairman, I am also pleased to inform my constituents of military construction projects previously passed totaling more than $52 million to be located in Oklahoma's Fourth District. Military installations in my congressional district are on the front lines of the war against terrorism, and this bill helps address some of the more urgent needs at these facilities.

Mr. Chairman, in short, this bill is about increased security, about advancing our national interest, and about protecting ourselves from an asymmetric threat. This body has correctly taken the lead on the threats we face today.

Ms. BROWN of Florida. Mr. Chairman, thank you to Chairman LEWIS and Mr. MURTHA for your hard work on this bill. As we discuss ways in which this House will support this nation's defenses, I feel there is no better time to thank the brave men and women who are presently risking their lives in Operation Infinite Justice. With their help we will continue to root out and destroy the terrorist networks that threaten peaceful nations throughout the world.

I want to commend the committee for not including in this bill any BRAC language, which would have closed military bases at a time when we all can agree that we need a strong military. Now is not the time to close training facilities for our military. It is a long and tough road ahead for us as we rid the world of those terrorist elements who wish to do us harm. We must be fully prepared to meet those challenges and that means using the resources that we have, not stripping our military of vital bases.

The tragedy of September 11 has given American an opportunity to do some soul searching. As we struggle for answers, we must not let our resolve grow weaker. We must always remember this tragedy—the enormous pain and suffering it has caused—and work to make our nation and this world a safer and more peaceful place.

Again, my heart and prayers are with the family and friends of those who perished on September 11. Neither you, nor your loved ones, will be forgotten. As we consider this bill today, it is with you in mind. God bless you and God bless America.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 3338, important legislation that provides $317.5 billion appropriations to the Department of Defense (DOD), supporting the honorable men and women, at home and abroad that are in service to the nation at this critical time. While I am pleased that this measure provides $20 billion in supplemental spending to meet the pressing needs in the wake of the terrorist attacks of September 11, 2001, I am disappointed with the House Rules Committee's decision to block an amendment by Mr. OBEY of Wisconsin that seeks to enhance our domestic preparedness by increasing funding by $7.5 billion, to a level that the President said he would approve.

Mr. Chairman, the attacks and the anthrax incidents that followed highlight the necessity for adopting a comprehensive approach to homeland security that, while fundamentally based on our military strength and intelligence activities also relies heavily on bioterrorism preparedness among Federal, state and local law enforcement and public health officials, as well as active policing of our borders and the seas that surround us. For this reason, I strongly believe that the House should have been given the opportunity to debate the merits of the Obey amendment. While there may be instances where post-September 11 spending requests made to the Appropriations Committee are simply repackaged proposals that have been repeatedly rejected, there are a number of areas where the urgent need for increased funding cannot be ignored.

Specifically, as the representative for the Port of Houston, the nation's second largest port, I have met twice with the U.S. Coast Guard and learned about the new challenges involved in securing the Port of Houston in the wake of September 11. We now know that our transportation infrastructure has been targeted by the al Qaeda terrorist network, and the bombing of the U.S.S. *Cole* in October 2000 proves that they are capable of carrying out maritime attacks. I strongly believe that the $368 million increase in Coast Guard funding, as provided under the Obey amendment, is essential to ensuring that the Coast Guard can continue to provide enhanced security in our waterways and seaports. H.R. 3338 provides only $145 million for the Coast Guard, well below the President's $203 million request.

Moreover, Mr. Chairman, I regret that the House will not be allowed to provide enhanced support of state and local health departments and hospitals in their efforts to protect against bioterrorism, as provided under the Obey amendment. The Obey amendment would have raised funding to state and local public health entities to $700 million, $277 million more than provided for under H.R. 3338. Mr. Chairman, though the effort to identify and treat incidents of biological terrorism put forth by the public health community since September 11 is to be commended, a lot more needs to be done. It is critical that the House appreciate that state and local health departments, the first line of defense against bioterrorism, cannot bear the financial burden of meeting this challenge alone.

I would also note that the Obey amendment would address the new realities in our mail system. Recent events have created an environment where the confidence of the American people about the safety of their mail service has been drawn into question. The Obey amendment would have given the U.S. Postal Service an additional $500 million to enhance the safety of our mail.

Mr. Chairman, though I take strong issue with the limitations on the debate of H.R. 3338 is terribly flawed and believe that the Obey amendment would have greatly enhanced our homeland defense efforts, I will still vote for the underlying bill. I believe that H.R. 3338 provides our Armed Forces with the tools and resources necessary to wage the war against terrorism and provide a strong defense. Additionally, I am pleased that H.R. 3338 includes funding for three important programs which I support.

H.R. 3338 includes $8 million for the Disease Relief and Emergency Medical Services (DREAMS) programs, an innovative research program to develop cutting-edge technology to save lives and reduce costs for injured persons. DREAMS is a joint project between the University of Texas Houston Health Science Center and Texas A&M University System. The goal of DREAMS is to quickly transmit medical information via audio-visual devices from a remote location to an emergency physician to provide cutting-edge treatments for patients. This $8 million is the final installment in our five-year effort to provide better treatments and save lives.

H.R. 3338 also includes $6 million for the Biology, Education, Screening, Chemoprevention, and Treatment (BESCT) Lung Cancer Research Program at the University of Texas M.D. Anderson Cancer Center which I represent. The comprehensive BESCT program will provide lung cancer patients with numerous services including smoking cessation, early diagnosis, inhibition of cancer development, and new treatments for lung cancer patients. Lung cancer is the leading cause of cancer death in the United States, killing more than 160,000 individuals a year. The current

five-year survival rate for lung cancer is less than 15 percent. With more research, we will find new ways to diagnosis and treat this devastating disease. This $6 million represents the third installment on our five-year effort to reduce lung cancer and save lives.

H.R. 3338 also includes $1 million for the Memorial Hermann Telemedicine network. Memorial Hermann Hospital at the Texas Medical Center in my district is developing a telemedicine network to provide treatments for patients from distant locations. Telemedicine applications have been shown to save lives and reduce health care costs by reducing the need for patients to travel to large medical facilities for routine treatments which can be done from remote locations. The Memorial Hermann Healthcare System (MHHS) currently serves 16 rural community hospitals in surrounding areas around the Memorial Hermann Hospital. This network will enable Memorial Hermann to offer diagnostic and consultative services to rural communities surrounding Houston. This $1 million investment will help MHHS to expand and buy additional equipment for this network so that MHHS can develop real-time treatments for remote locations. As part of the Department of Defense's biological warfare initiative, I believe that this telemedicine network will be designed to prepare the Houston area for such an attack. I believe that this partnership will give the Department of Defense another resource as it works to care for the health of our men and women in uniform.

Mr. Chairman, additionally, I would like to commend the Appropriations Committee for producing a bill that funds the Operations and Maintenance (O&M) accounts or the budget's "readiness" account at $105 billion, a level adequate to operate and maintain U.S. forces, materials and facilities worldwide in upcoming fiscal year. This funding level represents an 8 percent increase over the current level or an increase of current level. I am pleased that the salaries of uniformed members of the U.S. armed services will be increased by 4.6 percent. Mr. Chairman, many of us in Congress are greatly troubled that many military families must obtain food stamps to get by. At times such as these, when we ask so much of our service members and their families, it is critical that the Congress send the message that we value their dedication to protecting us all and is committed to ensuring that they have the tools to provide for their families. I am disappointed that H.R. 3338 fails to create parity between civilian employees at DOD and uniformed members of the Armed Services.

Finally, Mr. Chairman, I am pleased that H.R. 3338 looks out beyond our present military needs and invests in the next generation of multi-role fighter aircraft, the Joint Strike Fighter (JSF), to be produced by Lockheed Martin, an aviation leader with a strong presence in my State. H.R. 3338 provides $767 million in funding to Navy JSF development budget and $780 million in funding to the Air Force JSF development budget.

Mr. Chairman, notwithstanding my deep regrets over the Rules Committee's actions, with respect to the Obey amendment, I urge my colleagues to join me in supporting H.R. 3338 which funds our Armed Forces and makes a substantial commitment to homeland defense at this critical juncture in our nation's history.

Ms. BALDWIN. Mr. Chairman, I rise today in support of the Kucinich-Lee amendments to the FY02 Defense appropriations bill and urge my colleague to vote in favor of this excellent amendment.

Since the horrible events of September 11, Americans are more concerned than ever about our national defense. They want to know that our national leaders are working to ensure their safety from terrorist attacks. Protecting American lives must be our top priority as we address these new threats.

In this new context, it is critically important that we prioritize funding for those threats most likely to endanger American lives. The Kucinich-Lee amendment wisely allocates additional funding to respond to weapons of mass destruction. It increases funding for Weapons of Mass Destruction Civil Support Teams to ensure that every state and territory can respond to a chemical or biological weapon attack. It would also provide much needed funding for development and production of vaccines against biological agents. Finally, the amendment provides additional funding for the Nunn-Lugar counterproliferation programs to prevent the spread of nuclear material from the former Soviet Union.

As we prioritize those threats that pose the greatest danger to Americans and those solutions that are most cost effective, it becomes quite clear that a National Missile Defense (NMD) system is not an effective use of our resources. The Kucinich-Lee amendment would eliminate some of the accelerated NMD programming, while leaving in place a significant increase in NMD funding.

While I firmly believe that the entire proposed $7.9 billion in NMD spending would be more effective if applied to other priorities, the Kucinich-Lee cut of $786.5 million is a good start in using this money more effectively. By cutting funding for construction of the "Pacific Test Bed" ballistic missile defense facilities, we maintain our compliance with the Anti-ballistic Missile (ABM) Treaty, which has been the foundation for nuclear arms control.

I urge my colleague to adopt the Kucinich-Lee amendment.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendment printed in House Report 107–303 is adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS, 2002

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,336,884,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,574,184,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,343,640,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,784,614,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,629,197,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,644,823,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $466,800,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,055,160,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,004,335,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,777,654,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,794,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $21,021,944,000: *Provided*, That of the funds made available under this heading, $1,000,000, to remain available until expended, shall be transferred to ''National Park Service—Construction'' within 30 days of the enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $26,628,075,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $2,939,434,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,998,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $25,842,968,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $12,122,590,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $33,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $750,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That of the funds made available in this paragraph, $1,500,000 shall be available only for continuation of the Middle East Regional Security Issues program: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,788,546,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,003,690,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $144,023,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,029,866,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $3,723,759,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $3,972,161,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $2,744,226,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $9,096,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,800,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $257,517,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $385,437,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,492,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $190,255,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $49,700,000, to remain available until September 30, 2003.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), $15,800,000, to remain available until expended.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,974,241,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,057,409,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-

owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,252,669,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,211,615,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 29 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,103,036,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,084,543,000, to remain available for obligation until September 30, 2004.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,429,492,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $492,599,000, to remain available for obligation until September 30, 2004.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $138,890,000;

SSGN (AP), $549,440,000;

Virginia Class Submarine, $1,578,914,000;

Virginia Class Submarine (AP), $684,288,000;

CVN Refueling Overhauls, $1,175,124,000;

CVN Refueling Overhauls (AP), $73,707,000;

Submarine Refueling Overhauls, $382,265,000;

Submarine Refueling Overhauls (AP), $77,750,000;

DDG–51, $3,786,036,000;

LPD–17 (AP), $286,330,000;

ADC(X), $370,818,000;

Outfitting, $297,230,000;

LCAC SLEP, $46,091,000;

Completion of Prior Year Ship Building Programs, $680,000,000;

Mine Hunter SWATH, $2,000,000;

Yard Oilers, $6,000,000;

In all: $10,134,883,000, to remain available for obligation until September 30, 2006: *Provided*, That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $230,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,290,776,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 25 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,028,662,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $10,549,798,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,918,118,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement

and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $866,844,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 216 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $230,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $7,856,671,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 65 passenger motor vehicles for replacement only; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $1,387,283,000, to remain available for obligation until September 30, 2004.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $50,000,000, to remain available until expended.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $501,485,000, to remain available for obligation until September 30, 2004: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component: *Provided further*, That of the funds appropriated under this heading, $131,176,000 shall be available only for the procurement of eight UH–60 helicopters for the Army Reserve, and $226,909,000 shall be available only for the procurement of C–130J aircraft to be used solely for western states firefighting.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,115,438,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,896,307,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,884,058,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $6,949,098,000, to remain available for obligation until September 30, 2003.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $245,355,000, to remain available for obligation until September 30, 2003.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,524,986,000: *Provided*, That during fiscal year 2002, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $412,708,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $18,277,403,000, of which $17,574,750,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2003; of which $267,915,000, to remain available for obligation until September 30, 2004, shall be for Procurement; of which $434,738,000, to remain available for obligation until September 30, 2003, shall be for Research, development, test and evaluation, and of which $20,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,093,057,000, of which $728,520,000 shall be for Operation and maintenance to remain available until September 30, 2003, $164,158,000 shall be for Procurement to remain available until September 30, 2004, and $200,379,000 shall be for Research, development, test and evaluation to remain available until September 30, 2003: *Provided*, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32,

United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $827,381,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $152,021,000, of which $150,221,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,800,000 to remain available until September 30, 2004, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $212,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $144,929,000, of which $28,003,000 for the Advanced Research and Development Committee shall remain available until September 30, 2003: *Provided*, That of the funds appropriated under this heading, $34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2004, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2003: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities to conduct document exploitation of materials collected in Federal, State, and local law enforcement activity.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $25,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for a C–17 multiyear procurement contract.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress as of September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical

facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2002, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2003.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2003 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing

assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than $21,417,000 shall be available for the Civil Air Patrol Corporation, of which $19,417,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $2,000,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2002 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2002, not more than 6,477 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,029 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2003 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2002. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations

for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8039. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8040. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2002 and 2003, and the specific expenditures to be made using funds transferred from this account during fiscal year 2002.

SEC. 8042. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000: *Provided*, That the $100,000 limitation shall not apply to amounts appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for expenses related to certain classified activities.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2003 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2003: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations (regional operations), and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8049. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8050. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8051. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8052. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8053. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2002 until the enactment of the Intelligence Authorization Act for Fiscal Year 2002.

SEC. 8054. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8055. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Former Soviet Union Threat Reduction, 2000/2002'', $32,000,000;

''Other Procurement, Navy, 2000/2002'', $16,300,000;

''Aircraft Procurement, Air Force, 2000/2002'', $8,500,000;

''Other Procurement, Air Force, 2000/2002'', $20,000,000;

''Former Soviet Union Threat Reduction, 2001/2003'', $32,000,000;

''Aircraft Procurement, Army, 2001/2003'', $22,000,000;

''Procurement of Ammunition, Army, 2001/2003'', $27,400,000;

''Other Procurement, Army, 2001/2003'', $28,745,000;

''Aircraft Procurement, Navy, 2001/2003'', $8,600,000;

''Weapons Procurement, Navy, 2001/2003'', $35,000,000;

''Other Procurement, Navy, 2001/2003'', $14,600,000;

''Procurement, Marine Corps, 2001/2003'', $1,000,000;

''Aircraft Procurement, Air Force, 2001/2003'', $19,300,000;

''Procurement of Ammunition, Air Force, 2001/2003'', $5,800,000;

''Other Procurement, Air Force, 2001/2003'', $16,800,000;

''Research, Development, Test and Evaluation, Army, 2001/2002'', $16,300,000;

''Research, Development, Test and Evaluation, Navy, 2001/2002'', $58,800,000;

''Research, Development, Test and Evaluation, Air Force, 2001/2002'', $74,433,000; and

''Defense Health Program, 2001/2002'', $4,000,000.

SEC. 8056. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8057. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8058. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8059. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8060. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2001 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8061. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8062. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8063. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8064. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8065. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health

Service when it is in conjunction with a civil-military project.

SEC. 8066. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8067. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8068. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8069. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8070. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

(d) NATIONAL EMERGENCY OF SEPTEMBER 11, 2001.—The 15-day prior notification period cited in subsection (a) shall not apply to any covered activity, operation or operations initiated as a result of the national emergency proclaimed by the President as a result of the terrorist attacks of September 11, 2001. For fiscal year 2002, the Department of Defense shall provide quarterly reports, in both unclassified and classified form, to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, of any transfers during the preceding quarter resulting from any covered activities, operation or operations exempted from the 15-day prior notification period by this subsection.

SEC. 8071. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and may be financed as part of a loan guaranteed by the United States, provided that the exposure fee with respect to such loan guarantee be fixed in an amount that is sufficient to meet the potential liabilities of the United States under the loan guarantee: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8072. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8073. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8074. None of the funds provided in title IX of this Act for ''Former Soviet Union Threat Reduction'' may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8076. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8078. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design

projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8081. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8082. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8083. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8084. The amount appropriated in this Act for ''Operation and Maintenance, Navy'', is hereby reduced by $245,000,000 to reflect a Navy Working Capital Fund cash balance and rate stabilization adjustment.

SEC. 8085. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $527,000,000, to reflect working capital fund fuel price re-estimates and rate stabilization adjustments, to be derived as follows:

''Operation and Maintenance, Army'', $35,000,000;

''Operation and Maintenance, Navy'', $230,000,000;

''Operation and Maintenance, Marine Corps'', $6,000,000;

''Operation and Maintenance, Air Force'', $247,000,000; and

''Operation and Maintenance, Defense-Wide'', $9,000,000.

SEC. 8086. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8087. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8088. Funds made available to the Civil Air Patrol in this Act under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'' may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8089. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for 2 years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2001, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8090. None of the funds in this Act may be used to compensate an employee of the Department of Defense who initiates a new start program without notification to the Office of the Secretary of Defense, the Office of Management and Budget, and the congressional defense committees, as required by Department of Defense financial management regulations.

SEC. 8091. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8092. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8093. The total amount appropriated in this Act is hereby reduced by $200,000,000 to reflect savings from favorable foreign currency fluctuations, to be derived as follows:

''Military Personnel, Army'', $30,800,000;

''Military Personnel, Navy'', $600,000;

''Military Personnel, Marine Corps'', $7,800,000;

''Military Personnel, Air Force'', $15,400,000;

''Reserve Personnel, Air Force'', $8,400,000;

''National Guard Personnel, Army'', $2,200,000;

''Operation and Maintenance, Army'', $68,600,000;

''Operation and Maintenance, Navy'', $14,400,000;

''Operation and Maintenance, Marine Corps'', $1,000,000;

''Operation and Maintenance, Air Force'', $26,400,000;

''Operation and Maintenance, Defense-Wide'', $23,000,000; and

''Operation and Maintenance, Air Force Reserve'', $1,400,000.

SEC. 8094. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8095. The budget of the President for fiscal year 2003 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Fund for fiscal years 2001 and 2002.

SEC. 8096. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8097. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8098. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term ''custodial care'' shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8099. (a) During the current fiscal year, any refund described in subsection (b) may be credited to the operation and maintenance account of the Department of Defense that is current when the refund is received and that is available for the same purposes as the account originally charged.

(b) Subsection (a) applies to the following:

(1) Any refund attributable to the use of a Government travel card by a member of the Armed Forces or a civilian employee of the Department of Defense.

(2) Any refund attributable to the use of a Government Purchase card by a member of the Armed Forces or a civilian employee of the Department of Defense.

(3) Any refund attributable to official Government travel by a member of the Armed Forces or a civilian employee of the Department of Defense that is arranged by a Government Contracted Travel Management Center.

SEC. 8100. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—(1) During the current fiscal year, a financial management major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8101. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8102. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8103. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8104. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of

Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8105. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance*: Provided*, That not later than April 1, 2002, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: Provided further, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8106. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8107. In addition to the amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for ''Operation and Maintenance, Defense-Wide'', to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided under authority of this section is in addition to any grant provided for under any other provision of law.

SEC. 8108. Of the amounts appropriated in the Act under the heading, ''Research, Development, Test and Evaluation, Ballistic Missile Defense Organization'', $34,000,000 may be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8109. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8111. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 15 days prior to issuing any type of information or proposal solicitation for the Ground Based Midcourse Defense Segment with a potential annual contract value greater than $5,000,000 or a total contract value greater than $30,000,000.

SEC. 8112. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Fund'' may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Fund'': *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8113. The Secretary of Defense may treat the opening of the Pacific Wing of the National D-Day Museum in New Orleans, Louisiana, as an official event of the Department of Defense for the purposes of the provision of support for ceremonies and activities related to that opening.

SEC. 8114. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

SEC. 8115. In addition to amounts provided in this Act, $2,000,000 is hereby appropriated for ''Defense Health Program'', to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8116. In addition to the amounts appropriated elsewhere in this Act, $2,000,000, to remain available until expended, is hereby appropriated to the Department of Defense: *Provided*, That not later than 30 days after the enactment of this Act, the Secretary of Defense shall transfer these funds to the Department of Energy appropriation account ''Fossil Energy Research and Development'', only for a proposed conceptual design study to examine the feasibility of a zero emissions, steam injection process with possible applications for increased power generation efficiency, enhanced oil recovery and carbon sequestration.

SEC. 8117. The total amount appropriated in this Act is reduced by $955,000,000, for efficiencies in the contractor work force, to be derived as follows:

''Operation and Maintenance, Army'', $269,500,000;

''Operation and Maintenance, Navy'', $157,200,000;

''Operation and Maintenance, Marine Corps'', $23,900,000;

''Operation and Maintenance, Air Force'', $180,200,000;

''Operation and Maintenance, Defense-Wide'', $103,700,000;

''Operation and Maintenance, Army Reserve'', $23,200,000;

''Operation and Maintenance, Navy Reserve'', $3,300,000;

''Operation and Maintenance, Air Force Reserve'', $31,200,000;

''Operation and Maintenance, Army National Guard'', $53,600,000;

''Operation and Maintenance, Air National Guard'', $52,500,000;

''Research, Development, Test and Evaluation, Army'', $35,300,000;

''Research, Development, Test and Evaluation, Navy'', $3,000,000;

''Research, Development, Test and Evaluation, Air Force'', $15,700,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $2,700,000.

SEC. 8118. Funds appropriated for Operation and Maintenance in title II of this Act may be used to complete certain projects for which funds have been provided from—

(1) amounts appropriated for ''Operation and Maintenance, Navy'' in section 110 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 530); or

(2) amounts appropriated for ''Operation and Maintenance, Navy'' in section 9001(a)(2)(i) of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 709).

SEC. 8119. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, ''Aircraft Procurement, Air Force'', that remain available for obligation, not to exceed $16,000,000 shall be available for recording, adjusting, and liquidating obligations for the C–17 aircraft properly chargeable to the fiscal year 1998 ''Aircraft Procurement, Air Force'' account: *Provided*, That the Secretary of the Air Force shall notify the congressional defense committees 30 days prior to obligation of all of the specific sources of funds to be used for such purpose.

SEC. 8120. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, ''Missile Procurement, Air Force'', that remain available for obligation, not to exceed $50,000,000 shall be available for recording, adjusting, and liquidating obligations properly chargeable to fiscal year 1997 and 1998 ''Missile Procurement, Air Force'' accounts: *Provided*, That the Secretary of the Air Force shall notify the congressional defense committees 30 days prior to obligation of all of the specific sources of funds to be used for such purpose.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8121. Of the amounts appropriated in this Act under the heading, ''Shipbuilding and Conversion, Navy'', $680,000,000 shall be

available until September 30, 2002, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of Defense shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/2002'': Carrier Replacement Program, $172,364,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2002'': LPD–17 Amphibious Transport Dock Ship Program, $172,989,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1997/2002'': DDG–51 Destroyer Program, $37,200,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':

NSSN Program, $123,561,000;

DDG–51 Destroyer Program, $111,457,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2002'': NSSN Program, $62,429,000.

(TRANSFER OF FUNDS)

SEC. 8122. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/2002'':

TRIDENT ballistic missile submarine program, $78,000;

SSN–21 attack submarine program, $66,000;

DDG–51 destroyer program, $6,100,000;

ENTERPRISE refueling/modernization program, $964,000;

LSD–41 dock landing ship cargo variant ship program, $237,000;

MCM mine countermeasures program, $118,000;

Oceanographic ship program, $2,317,000;

AOE combat support ship program, $164,000;

AO conversion program, $56,000;

Coast Guard icebreaker ship program, $863,000;

Craft, outfitting, post delivery, and ship special support equipment, $529,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'': DDG–51 destroyer program, $11,492,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1993/2002'':

DDG–51 destroyer program, $3,986,000;

LHD–1 amphibious assault ship program, $85,000;

LSD–41 dock landing ship cargo variant program, $428,000;

AOE combat support ship program, $516,000;

Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $1,034,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'': DDG–51 destroyer program, $6,049,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8123. Of the funds appropriated by this Act under the heading, ''Operation and Maintenance, Navy'', $56,000,000 shall remain available until expended, only for costs associated with the stabilization, return, refitting, necessary force protection upgrades, and repair of the U.S.S. COLE: *Provided*, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement and that the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 8124. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8125. Notwithstanding section 229(a) of the Social Security Act, no wages shall be deemed to have been paid to any individual pursuant to that section in any calendar year after 2001.

SEC. 8126. The total amount appropriated in this Act is hereby reduced by $230,000,000 to reflect fact-of-life changes in utilities costs, to be derived as follows:

''Operation and Maintenance, Army'', $75,900,000;

''Operation and Maintenance, Navy'', $17,100,000;

''Operation and Maintenance, Marine Corps'', $15,000,000;

''Operation and Maintenance, Air Force'', $60,100,000;

''Operation and Maintenance, Defense-Wide'', $9,800,000;

''Operation and Maintenance, Army Reserve'', $6,000,000;

''Operation and Maintenance, Navy Reserve'', $2,300,000;

''Operation and Maintenance, Marine Corps Reserve'', $800,000;

''Operation and Maintenance, Air Force Reserve'', $3,000,000;

''Operation and Maintenance, Army National Guard'', $6,000,000;

''Operation and Maintenance, Air National Guard'', $7,500,000;

''Drug Interdiction and Counter-Drug Activities, Defense'', $800,000;

''Defense Working Capital Funds'', $14,400,000; and

''Defense Health Program'', $11,300,000.

SEC. 8127. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $797,919,000, to reduce excess funded carryover, to be derived as follows:

''Operation and Maintenance, Army'', $131,000,000;

''Operation and Maintenance, Navy'', $343,719,000;

''Operation and Maintenance, Marine Corps'', $25,000,000;

''Operation and Maintenance, Air Force'', $283,200,000;

''Operation and Maintenance, Defense-Wide'', $15,000,000;

SEC. 8128. (a) Of the total amount appropriated for ''Operation and Maintenance, Air Force'', $2,500,000, to remain available until expended, shall be available to the Secretary of the Air Force only for the purpose of making a grant in the amount of $2,500,000 to the Lafayette Escadrille Memorial Foundation, Inc., to be used to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes la-Coguette, France.

(b) The Secretary shall require as a condition of the grant—

(1) that the funds provided through the grant be used only for costs associated with such repair, restoration, and preservation; and

(2) that none of those funds may be used for remuneration of any entity or individual associated with fund raising for the project to carry out such repair, restoration, and preservation.

SEC. 8129. None of the funds in this or any other Act may be used by the Secretary of the Interior to remove the five foot tall memorial cross originally erected in 1934 by the Veterans of Foreign Wars in honor of fallen World War I veterans and located within the boundary of the Mojave National Preserve in southern California along Cima Road approximately 11 miles south of Interstate 15.

SEC. 8130. In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Navy''. Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of $6,000,000 to the U.S.S. Alabama Battleship Foundation, a nonprofit organization established under the laws of the State of Alabama, to be available only for the preservation of the former U.S.S. ALABAMA (ex BB–60) as a museum and memorial.

SEC. 8131. In addition to the amounts provided elsewhere in this Act, the amount of $5,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Navy''. Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of $5,000,000 to the Intrepid Sea-Air-Space Foundation only for the preservation of the former U.S.S. INTREPID (CV 11) as a museum and memorial.

SEC. 8132. In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Air Force''. Such amount shall be used by the Secretary of the Air Force only to make a grant in the amount of $6,000,000 to the Medical Lake School District, Washington State school district number 326, for relocation of the Fairchild Air Force Base Elementary School within the boundary of Fairchild Air Force Base, Washington.

SEC. 8133. In addition to the amounts provided elsewhere in this Act, the amount of $5,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Navy''. Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of $5,000,000 to the Central Kitsap School District, Washington State school district number 401, for the purchase and installation of equipment for a special needs learning center to meet the needs of Department of Defense special needs students at Submarine Base Bangor, Washington.

SEC. 8134. (a) In addition to amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for ''Operation and Maintenance, Defense-Wide'', to be available to the Secretary of Defense only for the purpose of making a grant for the purpose specified in section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 707), as amended by subsection (b). Such grant shall be

made not later than 90 days after the date of the enactment of this Act.

(b) Section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 707), is amended by striking the comma after ''California'' the first place it appears and all that follows through ''96–8867)''.

SEC. 8135. (a) ACTIVITIES UNDER FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Subject to subsections (b) through (e) of section 611 of Public Law 106–60 (113 Stat. 502; 10 U.S.C. 2701 note), the Secretary of the Army, acting through the Chief of Engineers, under the Formerly Utilized Sites Remedial Action Program shall undertake the functions and activities specified in subsection (a) of such section in order to—

(1) clean up radioactive contamination at the Shpack Landfill site located in Norton and Attleboro, Massachusetts; and

(2) clean up radioactive waste at the Shallow Land Disposal Area located in Parks Township, Armstrong County, Pennsylvania, consistent with the Memorandum of Understanding Between the United States Nuclear Regulatory Commission and the United States Army Corps of Engineers for Coordination on Cleanup and Decommissioning of the Formerly Utilized Sites Remedial Action Program (FUSRAP) Sites with NRC-Licensed Facilities, dated July 5, 2001.

(b) SPECIAL RULES REGARDING SHALLOW LAND DISPOSAL AREA.—The Secretary of the Army shall seek to recover response costs incurred by the Army Corps of Engineers for cleanup of the Shallow Land Disposal Area from appropriate responsible parties in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.). The Secretary of the Army and the Corps of Engineers shall not, by virtue of this cleanup, become liable for the actions or omissions of past, current, or future licensees, owners, or operators of the Shallow Land Disposal Area.

(c) FUNDING SOURCES.—Amounts appropriated to the Army Corps of Engineers for fiscal year 2001 and subsequent fiscal years and available for the Formerly Utilized Sites Remedial Action Program shall be available to carry out this section.

SEC. 8136. In addition to amounts otherwise appropriated or made available by this Act, $3,000,000 is appropriated to the Secretary of the Air Force and shall be used by the Secretary to reestablish the Tethered Aerostat Radar System at Morgan City, Louisiana, previously used by the Air Force in maritime, air, and land counter-drug detection and monitoring. Of the amounts appropriated or otherwise made available for operation and maintenance for the Air Force, the Secretary shall use $3,000,000 to operate such Tethered Aerostat Radar System upon its reestablishment.

SEC. 8137. None of the funds in this Act may be used to implement the establishment of an independent unmanned aerial vehicle joint operational test bed system and/or the transfer of two Predator UAVs, tactical control system (TCS) ground station and assorted equipment from the Navy to Joint Forces Command (JFCOM).

SEC. 8138. The $100,000 limitation established by Section 8043 of Public Law 106–259, shall not apply to amounts appropriated in that Act under the heading ''Operation and Maintenance, Defense-Wide'' for expenses related to certain classified activities associated with foreign material.

SEC. 8139. The total amount appropriated in this Act for Operation and Maintenance is hereby reduced by $330,000,000, to reflect savings attributable to improved supervision in determining appropriate purchases to be made using the Government purchase card, to be derived as follows:

''Operation and Maintenance, Army'', $122,100,000;

''Operation and Maintenance, Navy'', $95,700,000;

''Operation and Maintenance, Marine Corps'', $9,900,000;

''Operation and Maintenance, Air Force'', $79,200,000; and

''Operation and Maintenance, Defense-Wide'', $23,100,000.

SEC. 8140. The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive assessment that identifies and evaluates changes to Department of Defense and Department of Veterans Affairs health care delivery policies, methods, practices, and procedures in order to provide improved health care services at reduced costs to the taxpayer. This assessment shall include a detailed independent review, based on a statement of work authored by the Secretaries of both departments, of options to collocate or share facilities and care providers in areas where duplication and excess capacity may exist, optimize economies of scale through joint procurement of supplies and services, institute cooperative service agreements, and partially or fully integrate DOD and VA systems providing telehealth services, computerized patient records, provider credentialing, surgical quality assessment, rehabilitation services, administrative services, and centers of excellence for specialized health care services. The Secretaries shall jointly transmit a report to Congress by no later than March 1, 2002, explaining the findings and conclusions of this assessment, including detailed estimates of the costs, cost savings, and service benefits of each recommendation, and making legislative and administrative recommendations to implement the results of this effort: *Provided,* That of the funds provided under the heading ''Defense Health Program'' $5,000,000 shall be made available only for the purpose of conducting the assessment described in this section.

SEC. 8141. (a) Notwithstanding any other provision of law, operation and maintenance funds provided in this Act may be used for the purchase of ultralightweight camouflage net systems as unit spares in order to modernize the current inventory of camouflage screens to state-of-the-art protection standards more quickly than would otherwise be the case.

(b) The authority provided by subsection (a) may not be used until the Secretary of the Army submits to the congressional defense committees a report certifying that, compared to the current system that can be purchased with Army Operation and Maintenance funds, the ultralightweight camouflage net system—

(1) is technically superior against multispectral threat sensors;

(2) is less costly per unit; and

(3) provides improved overall force protection.

SEC. 8142. (a) FORT IRWIN MILITARY LAND WITHDRAWAL.—The provisions of title XXIX of H.R. 2586, as passed by the House of Representatives on September 25, 2001 (entitled the Fort Irwin Military Land Withdrawal Act of 2001), are hereby enacted into law.

(b) PUBLICATION OF PROVISIONS ENACTED BY REFERENCE.—In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval an appendix setting forth the text of the provisions referred to in subsection (a).

SEC. 8143. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for the Pentagon Reservation Maintenance Revolving Fund, including standard real property operations is hereby reduced by $333,000,000, to be distributed as follows:

''Operation and Maintenance, Army'', $114,270,000;

''Operation and Maintenance, Navy'', $50,320,000;

''Operation and Maintenance, Air Force'', $62,180,000;

''Operation and Maintenance, Defense-Wide'', $102,120,000; and

''Research, Development, Test and Evaluation, Ballistic Missile Defense Organization'', $4,110,000.

SEC. 8144. (a) FUNDING REDUCTION.—The amount appropriated in this Act for ''Operation and Maintenance, Army'' is hereby reduced by $37,200,000 to reflect efficiencies in Army acquisition management practices.

(b) LIMITATIONS.—Effective six months after the date of enactment of this Act none of the funds made available by this Act may be used, directly or indirectly, for any of the following purposes:

(1) To support the accomplishment of Army acquisition systems management functions by military or civilian personnel assigned to or employed by the Army Training and Doctrine Command.

(2) To accomplish Army acquisition system requirements determination functions, or analysis of alternatives functions, by military or civilian personnel assigned to or employed by the Army Training and Doctrine Command.

(3) To accomplish Army acquisition program management functions by military or civilian personnel assigned to or employed by the Army Material Command.

(c) CIVILIAN PERSONNEL REDUCTIONS.—Pursuant to this section, the Secretary of the Army shall reduce the fiscal year end-strength number of civilian full-time equivalent employees performing Army acquisition functions by 3 percent of the baseline number for each fiscal year from fiscal year 2002 through fiscal year 2006. For purposes of the preceding sentence, the term ''baseline number'' means the number of civilian full-time equivalent employees performing Army acquisition functions as of the close of fiscal year 2001.

(d) REPORTS.—(1) The Secretary of the Army shall include with the fiscal year 2003 budget justification materials for the Department of the Army information on—

(A) how personnel reductions required by subsection (c) will be accomplished and how Army acquisition system and program management resources will be transferred to other Army elements by reason of those reductions; and

(B) any changes in Army policies to achieve compliance with the limitations in subsection (b).

(2) The Secretary shall include with the budget justification materials for the Department of the Army for each of fiscal years 2004 through 2007 information on—

(A) how personnel reductions required by subsection (c) have been accomplished to the date of the report and will be accomplished during the then-current fiscal year and thereafter; and

(B) how Army acquisition system and program management resources have been

transferred, as of the date of the report, to other Army elements by reason of those reductions and how such resources will be transferred during the then-current fiscal year and thereafter to other Army elements by reason of those reductions, and each subsequent annual budget request.

SEC. 8145. (a) NON-PROFIT ARMY VENTURE CAPITAL CORPORATION.—Of the funds made available for ''Research, Development, Test and Evaluation, Army'', $50,000,000 shall be available to the Secretary of the Army only for the purpose of funding a venture capital investment corporation established pursuant to section 2371 of title 10 United States Code, to be derived as specified in subsection (b).

(b) FUNDING.—The amount specified in subsection (a) shall be derived by reducing, on a pro rata basis, the following amounts: (1) Amounts made available to the Army for basic research and applied research, except for amounts for research projects designated as congressional special interest items; (2) Amounts made available to the Army for research, development, test and evaluation relating to the Future Combat System.

SEC. 8146. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in this Act, $10,000,000 is hereby appropriated to ''Operation and Maintenance, Defense-Wide'' only for facility improvements necessary to integrate the 910th Airlift Wing and related activities at the Youngstown-Warren Regional Airport into the military cargo network.

SEC. 8147. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in this Act, $10,000,000 is hereby appropriated to ''Operation and Maintenance, Defense-Wide'' only for facility improvements and equipment purchases necessary to augment the capabilities of local government emergency response units responsible for protection of the Pentagon Reservation to address emergency response deficiencies identified as a result of the attack on the Pentagon of September 11, 2001, and to provide additional capabilities to meet the terrorism threat: *Provided*, That the Secretary of Defense shall negotiate and establish an appropriate Federal share for facility improvements financed under this section prior to the expenditure of these funds.

SEC. 8148. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 28 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8149. (a) The Secretary of Defense may waive any requirement that the fiscal year 2001 Department of Defense financial statement include the accounts and associated activities of the Department of the Army and the Department of the Navy, to the extent that the Secretary determines necessary due to the effects of the terrorist attack on the Pentagon of September 11, 2001.

(b) If any accounts and associated activities of the Department of the Army or the Department of the Navy are excluded from the fiscal year 2001 Department of Defense financial statement pursuant to subsection (a), the Secretary of Defense shall, as soon as practicable after March 1, 2002, prepare and submit to the Director of the Office of Management and Budget, a revised audited financial statement for fiscal year 2001 that includes all such accounts and activities.

(c) For purposes of this section, the term ''fiscal year 2001 Department of Defense financial statement'' means the audited financial statement of the Department of Defense for fiscal year 2001 required by section 3515 of title 31, United States Code, to be submitted to the Director of the Office of Management and Budget not later than March 1, 2002.

SEC. 8150. None of the funds appropriated in this Act may be used to prepare a budget request for submission to Congress by the Department of Defense for fiscal year 2003 that contains any proposal to acquire ships for the Department of the Navy through the use of incremental funding amounts or advanced appropriations. The limitation against incremental funding does not apply to the specific shipbuilding programs that were funded on an incremental basis in fiscal year 2001.

SEC. 8151. In addition to amounts appropriated or otherwise made available elsewhere in this Act, $20,000,000, to remain available until September 30, 2004, is hereby appropriated to ''Aircraft Procurement, Air Force'', only for the C–5 avionics modernization program.

SEC. 8152. In addition to amounts appropriated or otherwise made available elsewhere in this Act, $10,000,000, to remain available until September 30, 2003, is hereby appropriated to ''Research, Development, Test and Evaluation, Air Force'', only for the agile combat support (IMITS) program.

SEC. 8153. In addition to amounts appropriated or otherwise made available elsewhere in this Act, $6,000,000, to remain available until September 30, 2003, is hereby appropriated to ''Research, Development, Test and Evaluation, Army'', only for laser vision correction devices for the Walter Reed Army Medical Center.

SEC. 8154. Notwithstanding any other provision of this Act, the Secretary of the Air Force may enter into a multiyear contract, or extend an existing multiyear contract, for the C–17 aircraft: *Provided*, That the authority to enter into such a contract (or contract extension) may not be exercised until a period of not less than 30 days has elapsed after the date of the submission of a report under paragraph (4) of section 2306b(*l*) of title 10, United States Code: *Provided further*, That the authorities provided in this section shall not be available until the Secretary of Defense submits to the congressional defense committees a certification that the applicable requirements under section 2306b of title 10, United States Code, and section 8008 of this Act with respect to such a contract (or contract extension) have been met.

SEC. 8155. Except as expressly provided otherwise, any reference in a provision of titles I through IX to ''this Act'' shall be treated as referring only to the provisions of this division.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through pages 132, line 15, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California:

At the end of title VIII of division A (page 132, after line 15), add the following new sections:

SEC. 8156. Notwithstanding any other provision of law, of the funds appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', $1,680,500, to remain available until expended, is provided only for payment of any expenses incurred after April 1, 2002 of the Commission on the Future of the United States Aerospace Industry pursuant to section 1092(e)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398, 114 Stat 165A–215).

SEC. 8157. Of the funds appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', $1,000,000, to remain available until expended, shall be made available to the Secretary of Defense, notwithstanding any other provision of law, only for a grant or grants to the Somerset County Board of Commissioners (in the Commonwealth of Pennsylvania), to design and construct a memorial (including operating and maintenance expenses for appropriate security measures to protect the site) at the airplane crash site in Somerset County, Pennsylvania honoring the brave men, women, and children who perished following a valiant struggle with terrorists aboard United Airlines Flight 93 on September 11, 2001.

SEC. 8158. (a) None of the funds made available in this division may be used to purchase—

(1) steel, or

(2) equipment, products, or systems that are necessary to national security or national defense and that are made with steel, that is not melted and poured in the United States except in cases in which the steel required for the intended use is not melted and poured in the United States.

(b) Subsection (a) shall not apply with respect to a purchase that the Secretary of Defense determines is necessary for national security purposes.

SEC. 8159. (a) FINDINGS.—The Congress finds that—

(1) in times when our national security is threatened by possible attacks from foreign and domestic enemies, it is necessary that the United States have a sufficient supply of certain products that are essential for defending this Nation; and

(2) it has been the consistent intent of Congress that the Department of Defense, when purchasing items to support the Armed Forces, choose items that are wholly of domestic content and manufacture, especially items identified as essential to our national defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is vital that the United States maintain a domestic manufacturing base for certain products necessary to national security, so that our Nation does not become reliant on foreign sources for such products and thereby vulnerable to disruptions in international trade; and

(2) in cases where such domestic manufacturing base is threatened, the United States should take action to preserve such manufacturing base.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, this is an amendment that handles a number of technical items, and I know of no controversy. I ask for an ''aye'' vote on these technical amendments.

Mr. STUPAK. Mr. Chairman, I am pleased to offer this important bipartisan amendment with Representatives LATOURETTE and STRICKLAND. Our amendment limits the funds that can be allocated under this bill to purchase steel, so that such funds can only go towards purchasing American melted and poured steel.

I would like to first give special thanks to Ranking Member MURTHA, who has recognized the importance of this provision to the steel industry. I thank him, as well as Chairman LEWIS, for their support.

This amendment is the least we can do. Our U.S. steel industry is in an ever increasing downward spiral.

In fact, just last week LTV Corporation announced that it is seeking to shut down its steel making operations. LTV is a part owner and customer of the Empire Mine in my district, and because of that announcement, the Empire Mine is going to be idled indefinitely. Most of the workers at the Empire will be laid off by the end of the month. 770 hourly and 120 salaried employees will be affected by this mine closure.

This mine closing is absolutely devastating to these workers, their families, and the communities that rely on the iron ore mines. I owe it to these hardworking citizens of northern Michigan to do what I can in Congress to try to save the steel. and iron ore industries.

All I say to everyone in this House: we should wherever possible promote our domestic steel industry and encourage the purchase of American steel. We now have such an opportunity.

The Department of Defense purchases ships, plans, and other systems that consume large quantities of steel. As we appropriate our taxpayer dollars towards funding our defense needs, we should ensure that these monies are not used to further endanger our already weakened domestic steel industry.

Our taxpayer dollars should not go to buying foreign steel, American money they should buy American steel.

Our steel industry is efficient, it is competitive, and it produces a high quality product. It is being driven out of business by the dumping of below market priced foreign steel.

U.S. government contracts should not be buying foreign dumped steel over our quality U.S. steel.

Our amendment requires the Department of Defense contractors to buy U.S. melted and poured steel.

Our amendment does provide that in cases where the steel product is not domestically available, or there are some national security reasons for buying foreign steel, that an exception is possible. Other than those instances, however, we will be promoting our domestic steel industry in its fight to survive.

In this time when our very national security has been threatened, we cannot further jeopardize our domestic steel industry. Vote for the Stupak-La Tourette-Strickland amendment and cast a vote for the American steel industry.

Mr. REGULA. Mr. Chairman, through the passage of the Buy American Act and other related laws, Congress has consistently instructed Federal agencies to buy products made in the United States whenever possible. Congress passed these laws not only to support American manufacturers, but also to ensure that in times of international conflict the United States would not be dependent on foreign sources for products necessary to protect this Nation and its interests.

We are now engaged in a campaign overseas fighting terrorism. Furthermore, we are faced with new threats on our homeland as well. Now, more than ever, we cannot afford to become dependent on foreign manufactured products that are essential to our national security. We need to maintain a domestic manufacturing source for these products.

I can give you an example of this need in my own district. The Ansell Perry Glove Plant in Massillon, Ohio has been making surgical gloves since 1935. Its parent company, which is owned by an Australian holding company, is moving this facility over to Asia. Once it moves, there will no manufacturers of surgical gloves in the United States.

I am trying to persuade the department of defense to keep buying American-made surgical gloves, so that this profitable facility can remain open. The department has tremendous buying power—according to the defense logistics agency, it purchased nearly 3.5 million dollars worth of surgical gloves in FY 2001 alone.

This amendment is intended to re-emphasize the intent of Congress that federal agencies like the Defense Department should buy American and that in a time of conflict and danger, like we find ourselves in right now, it is vital that these agencies keep a domestic manufacturing source for products that are essential for protecting our citizens at home and our troops stationed abroad.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The amendment was agreed to.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have voted against every Department of Defense appropriations bill since I have been in this Congress. I have not opposed these bills because I do not believe in a strong national defense; on the contrary, I believe in a vigorous defense, a strong military, and proper treatment of our men and women in uniform, including good pay, decent housing, and appropriate benefits.

I have objected, however, to the excessive spending on items that are not critical to our defense. I have opposed spending billions of dollars on missile defense systems that threaten our security more than protect it. I have opposed the development of three fighter aircraft simultaneously at such a high cost that it threatens other crucial areas of our security. I have opposed supporting excessive military infrastructure that the last three Secretaries of Defense have told us is unnecessary to meet current needs. I have opposed the force structure that was based on a flawed two-war strategy that failed to consider the practical challenges facing America's vital interests. Recently, Secretary Rumsfeld has called for an overhaul of this flawed strategy.

In short, I have argued for a smaller and more efficient U.S. military, more fitted to the actual threats likely to be faced by this country than to the no longer existing threats of an invasion through the Fulda Gap in Europe. I believe America would have been better served had our military spending been used more wisely over the past 10 years.

I had intended, however, to vote today in favor of this defense appropriation bill. It would have been my first vote in favor of a defense appropriation bill. Our country has been attacked, and we should all support the war effort. We must all support the efforts of our men and women in uniform during the current war in Afghanistan. I understand their need for support during this critical time, and I want to vote to give them the resources they need to meet the challenges they face and also to increase security at home. I support the pay increases and I support fully funding health care for military retirees. I support providing funds to aid in the dismantlement of nuclear weapons in the former Soviet Union, and I support many of the new counterterrorism activities.

Unfortunately, I cannot in good conscience vote for this bill today because of the supplemental funding provision included in the bill that actually cuts funding that was intended to help New York recover from the terrorist attacks on September 11. The bill before the House today breaks the solemn pledge; not only breaks it but repudiates the solemn pledge made to the people of the State that suffered the brunt of the attack on our Nation. It amends the bill passed by this House in September and signed into law by the President in September that appropriated $40 billion, and that said at least half that $40 billion had to be used for reconstruction and recovery efforts in the States of New York, Pennsylvania, and Virginia.

This supplemental bill, included in this appropriations bill, welshes on that pledge and actually amends the law to cut that funding roughly in half to about $10 billion. This is outrageous and, quite frankly, shocking to those of us who represent districts that took the brunt of the attack on September 11 and are still suffering from it.

For that reason, I will vote against this bill, though I support the other

provisions, and I had hoped to be able to vote for the first time for a defense appropriation bill. But because of the cutting in half of funding to New York, Virginia, and Pennsylvania in the supplemental portion of this bill, I am going to have to vote against it, quite reluctantly.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 138, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FILNER. Mr. Chairman, reserving the right to object, I have an amendment on page 132 which I need to do before the gentleman moves on.

The CHAIRMAN. It is the Chair's understanding that the gentleman from California (Mr. FILNER) would be able to offer the amendment if there was unanimous consent to the request of the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I will have to raise a point of order on the amendment.

Mr. FILNER. I understand, but I wanted to be sure I could offer the amendment on page 132 under the gentleman's unanimous consent request.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the bill is open for amendment through title IX.

There was no objection.

The text of the bill from page 132, line 16, through page 138, line 7, is as follows:

TITLE IX

COUNTER-TERRORISM AND DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

COUNTER-TERRORISM AND OPERATIONAL RESPONSE TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For urgent enhancements to intelligence and military capabilities in order to prosecute Operation ENDURING FREEDOM; to discover, infiltrate, and deter terrorist groups; to protect against terrorist attacks that might employ either conventional means or weapons of mass destruction, and to prepare against the consequences of such attacks; to deny unauthorized users the opportunity to modify, steal, inappropriately disclose, or destroy sensitive military intelligence data or networks, and to accelerate improvements in information networks and operations, $1,670,000,000, to remain available until expended, of which $451,000,000 shall be made available to the Director of Central Intelligence, and of which $1,219,000,000 shall be made available to the Secretary of Defense: *Provided,* That of the amounts made available under this heading for the Department of Defense, $474,000,000 is available only for improving chemical and biological defense capabilities of the Department of Defense: *Provided further,* That of the amounts made available under this heading for the Department of Defense, $275,000,000 is available only for improving the effectiveness of Department of Defense and intelligence agency capabilities in the areas of information assurance, critical infrastructure protection, and information operations: *Provided further,* That in order to carry out the specified purposes under this heading, funds made available under this heading may be transferred to any appropriation account otherwise enacted by this Act: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are excess for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That of the amounts provided under this heading, $10,000,000 shall be transferred to the Department of Justice, only for enhanced terrorism-related financial and money laundering investigation operations: *Provided further,* That notwithstanding any other provision of law, of the amounts provided under this heading, the Secretary of Defense is authorized to transfer $70,000,000 to other activities of the Federal Government: *Provided further,* That within 90 days of enactment of this Act, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a classified report specifying the projects and accounts to which funds provided under this heading are to be transferred.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $403,000,000, to remain available until September 30, 2004.

PROCUREMENT, BALLISTIC MISSILE DEFENSE ORGANIZATION

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Ballistic Missile Defense Organization necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $794,557,000, to remain available for obligation until September 30, 2004: *Provided,* That funds provided under this heading may be used for procurement of critical parts for Patriot Advanced Capability-3 (PAC-3) missiles to support production of such missiles in future fiscal years.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, BALLISTIC MISSILE DEFENSE ORGANIZATION

(INCLUDING RESCISSION)

For expenses of the Ballistic Missile Defense Organization necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,053,721,000, to remain available for obligation until September 30, 2003: *Provided,* That for funds provided under this heading the minimum amount applicable under section 9(f)(1)(C) of the Small Business Act (15 U.S.C. 638(f)(1)(C)) shall be $75,000,000 (in lieu of the amount otherwise applicable under that section): *Provided further,* That of the funds provided in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), the amount of $73,800,000 is hereby rescinded from the ''Procurement, Defense-Wide, 2001/2003'' account.

DEFENSE AGAINST CHEMICAL AND BIOLOGICAL WEAPONS, DEFENSE-WIDE

For expenses, not otherwise provided for, for chemical and biological weapon defense programs of the Department of Defense, as authorized by law, $1,065,940,000, of which $363,709,000 shall be for Procurement, to remain available for obligation until September 30, 2004, and $702,231,000 shall be for Research, Development, Test and Evaluation, to remain available for obligation until September 30, 2003.

DEFENSE THREAT REDUCTION AGENCY

For expenses, not otherwise provided for, for the Defense Threat Reduction Agency of the Department of Defense, as authorized by law, $806,471,000, of which $305,393,000 shall be for Operation and Maintenance, of which $50,000,000 shall be available only to initiate a multi-year demonstration program at four military installations to install, operate, and evaluate a network of sensors to protect installations against unconventional nuclear threats in accordance with the deployment recommendations of the Defense Science Board Task Force on Unconventional Nuclear Warfare Defense; $20,325,000 shall be for Procurement, to remain available for obligation until September 30, 2004; and $480,753,000 shall be for Research, Development, Test and Evaluation to remain available for obligation until September 30, 2003, of which $25,000,000 shall be available only for research and development of systems to support the protection of military installations against unconventional nuclear threats in accordance with the recommendations of the Defense Science Board Task Force on Unconventional Nuclear Warfare Defense.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

Page 132, after line 15, insert the following:

SEC. 8156. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE MILITARY SERVICE AS A RESERVE OF THE ARMED FORCES OR MEMBER OF THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving on active duty as a Reserve or National Guard member

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform active military

service as a Reserve of the armed forces or member of the National Guard shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that military service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for such active military service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of military service.

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(f) For purposes of this section—

''(1) the terms 'employee' and 'Federal Government' have the same respective meanings as given them in section 4303 of title 38;

''(2) the term 'active military service' has the meaning given the term 'active service' in section 101 of title 10;

''(3) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(4) the term 'basic pay' includes any amount payable under section 5304.''.

(b) CONTINUED ELIGIBILITY FOR HEALTH BENEFITS.—

(1) IN GENERAL.—Section 8906 of title 5, United States Code, is amended—

(A) by striking ''(e)(1)(A) An'' and inserting ''(e)(1)(A)(i) Except as provided in clause (ii), an'';

(B) by inserting after subsection (e)(1)(A)(i) (as so redesignated by subparagraph (A)) the following:

''(ii) In the case of an employee enrolled in a health benefits plan under this chapter who enters into leave without pay status in order to perform active military service as a Reserve of the armed forces or member of the National Guard, such employee shall, if and while such employee is entitled to nonreduction in pay under section 5538 (whether or not any amount is actually payable to such employee under such section) remain eligible for continued coverage under this paragraph, for himself and members of his family—

''(I) for the period allowable under clause (i), or

''(II) for so long as such employee remains so entitled to nonreduction in pay under section 5538,

whichever is longer.'';

(C) in subsection (e)(1)(B) by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting ''; and'', and by adding after clause (ii) the following:

''(iii) in the case of an employee described in subparagraph (A)(ii), the employee contributions required by this section shall be withheld from any amounts payable to such employee under section 5538.''; and

(D) by adding at the end of subsection (e)(1) the following:

''(D) The procedures referred to in subparagraphs (B)(ii) and (C) shall, in the case of an employee described in subparagraph (A)(ii), be available to the extent that any amount payable to such employee under section 5538 is insufficient to cover the withholdings required to be made under subparagraph (B)(iii).''.

(2) DEFINITIONS.—For purposes of the amendment made by paragraph (1), the terms ''employee'' and ''active military service'' have the same respective meanings as given them in section 5538 of title 5, United States Code (as amended by subsection (a)).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving on active duty as a Reserve or National Guard member.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after September 11, 2001.

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order. The gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, all across this country, reservists have been called up to defend this Nation. They are doing this because they are patriotic Americans. They do it willingly, and our country is indebted to them. But these reservists face critical problems with their budgets back home.

I have gotten letters, very emotional letters, from families, and I am sure every Member has, that say, for example, ''My husband is a U.S. Border Patrol agent and a reservist. On the evening of October 1, he was called to duty and ordered to report for active duty on the next day, October 2.'' She writes, ''I clearly understand this country is headed for very stressful, difficult and unpredictable times, and it is our duty to serve. But we have three children ages 1, 6 and 8, and our 6-year-old is autistic and has special needs. At this point, the country is not willing to provide me with enough money to meet his needs for the next 11 months. I cannot afford any out-of-pocket money to provide him any additional income.''

There are other letters from people who face losing their homes because they cannot keep up with the mortgage, they cannot keep their children in school because of the sudden reduction in their take-home pay.

My amendment says that for Federal employees, this Nation ought to make up the difference between their pay as a reservist and their pay in their normal job. This is absolutely critical to the budgets of people all across this country. And not only will it prevent those families from themselves becoming victims of the terrorist attack but will certainly improve the morale of all of our fighting forces.

Now, many of my colleagues know that municipalities across this country, and States, many private corporations, make up the difference between the pay they had before they went on call and the pay they receive while on duty at the present time. But the Federal Government does not. My amendment says let us make up the difference between regular Federal pay and the Reserve and Guard pay.

□ 1400

If their active duty lasts for a length of time that would normally preclude their continuation in the Federal health plan, my amendment would allow these Guard and Reserve members to continue paying their portion of Federal health care rather than moving their families to the Tricare military family health care system.

This is the least we can do for Guard and reservists who have unselfishly committed themselves to serving our country at a moment's notice. Their service makes our military function smoothly. But the Federal Government ought to do for our reservists and Guard members what other employers across this country are doing, continuing their regular pay. I ask Members' support for this amendment.

Let me read from another constituent of mine in support of this amendment: ''In civilian employment my husband is a Federal agent in the United States Border Patrol. Due to his full-time military activation, we will be receiving a substantial loss in income, 50 percent reduction, in fact. It will be extremely difficult for our family to continue to pay our existing bills. As per the Soldiers and Sailors Relief Act, I have requested our creditors to lower their interest rates no more than 6 percent. My husband and I have worked very hard to this point in our lives. We are home owners with a very large mortgage payment. Our current interest rate is 7.75 percent.''

The CHAIRMAN. The gentleman's time has expired.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I say to the gentleman from California (Mr. FILNER) that which I have heard him describe of his amendment I would be very empathetic to, I believe. It seems very logical to me; but since it has implications in terms of cost that could put the whole bill in jeopardy potentially, and the same people the gentleman is talking about could be dramatically affected by that, and since the gentleman has not discussed this matter with me at any time, I do not know about the ranking member, but me at any time, I am afraid I must be constrained to object.

POINT OF ORDER

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. LEWIS of California. I do.

Mr. FILNER. Mr. Chairman, can the Chair explain the point of order? I would like to respond to it.

The CHAIRMAN. Would the gentleman from California (Mr. LEWIS) please state his point of order.

Mr. LEWIS of California. Mr. Chairman, I made a point of order against the amendment because it proposes to change existing law and continues legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. FILNER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman may proceed.

Mr. FILNER. Mr. Chairman, I understand the point of order and I understand the technicality. We are in emergency, Mr. Chairman. These issues come to us very quickly. When my constituents were called up a few weeks ago, I do not have time to go through our normal processes. The gentleman knows that there are dozens of things in this bill that legislate on the appropriations bill. Let us not use a technicality to say to our reservists that they cannot keep their families in their homes, keep their kids in schools, keep their kids getting medical attention. I would say to the gentleman this is an emergency, let us not go on a technicality. I would hope that we would respect the fighting forces, the fighting capability of our Reserve units and accept this amendment.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

Mr. FILNER. Mr. Chairman, I appeal the ruling of the Chair given the fact that we have an emergency situation here and my constituents are in a disastrous situation. I would challenge the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FILNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 2, rule XXI, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 455]

ANSWERED ''PRESENT''—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter

Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Carson (IN)
Cubin
Davis, Tom
DeFazio
DeLay
Dooley
Ford
Frank
Frost
Gekas
Gutierrez
Kennedy (RI)
Maloney (CT)
Moran (VA)
Obey
Ose
Oxley
Quinn
Slaughter
Smith (MI)
Stark
Watts (OK)
Wexler

□ 1428

The CHAIRMAN. Four hundred nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the question of whether the decision of the Chair will stand as the judgment of the Committee.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 275, noes 141, not voting 17, as follows:

[Roll No. 456]

AYES—275

Abercrombie
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Deal
DeMint
Diaz-Balart
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pascrell
Pastor
Paul
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sawyer
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—141

Ackerman
Allen
Baca
Baird
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Brown (OH)
Capps
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Edwards
Engel
Eshoo
Etheridge
Farr
Filner
Gephardt
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Price (NC)
Rivers
Rodriguez
Ross
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Smith (WA)
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—17

Carson (IN)
Cubin
Davis, Tom
DeFazio
DeLay
Dooley
Ehrlich
Ford
Frelinghuysen
Frost
Maloney (CT)
Oxley
Petri
Quinn
Slaughter
Smith (MI)
Wexler

□ 1438

Ms. LOFGREN, Mr. CONDIT and Mr. THOMPSON of California changed their vote from ''aye'' to ''no.''

Mr. SKELTON, Mr. VISCLOSKY and Mr. LUCAS of Kentucky changed their vote from ''no'' to ''aye.''

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KUCINICH:

Page 133, lines 7 and 9, after each dollar amount, insert the following: ''(increased by $289,000,000)''.

Page 136, line 13, after the dollar amount, insert the following: ''(reduced by $786,485,000)''.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

The gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Chairman, I recognize the chairman's point of order; and at the appropriate time, I will make a unanimous consent request.

PARLIAMENTARY INQUIRY

Mr. SPRATT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPRATT. Could the Chair inform the House at what page we are in the bill?

The CHAIRMAN. Title IX is open to amendment at any point.

Mr. KUCINICH. Mr. Chairman, the Kucinich-Lee counterterrorism amendment to H.R. 3338, Department of Defense appropriations, increases money for counterterrorism, significantly increases funding for anthrax and smallpox vaccine production, $82 million, and provides for a mass destruction civil support team in every State.

It significantly boosts the Nunn-Lugar counterproliferation program to help secure tons of biological, chemical, and nuclear weapons material in the former Soviet Union, and the offset is $78 million out of the $8 billion for ballistic missile defense, less than a 10 percent cut.

It cuts funding for construction for Fort Greely, where initial deployment threatens the ABM treaty. This transfer is the most allowed under budget scoring rules.

Mr. Chairman, I think it is very important that at this time we take a stand to recognize the importance of

the ABM treaty. The deployment of this program would threaten that treaty. I think it is important that we take a stand to put more funds into counterterrorism. That is the spirit of this amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. LEE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support today of this amendment to address our most urgent security needs by increasing funding for counterterrorism programs, to protect Americans from nuclear, chemical, and biological weapons. They are the threats that we face today, this very minute; and we have many ideas on how to address them.

The Bipartisan Russia Task Force, chaired by Howard Baker and Lloyd Cutler, spelled out these dangers in January and they spelled out the recommendations. They concluded that current budget levels for our nonproliferation programs create the potential for catastrophic consequences, and we have already seen what a handful of anthrax-laden letters can do. Think about the danger posed by tons of biological, chemical, and nuclear weapons.

□ 1445

We now have the opportunity to forge a new relationship with Russia and other former Soviet Union States as we work together to fight terrorism. But that opportunity requires a real investment in joint security efforts to safeguard these weapons and the scientists who might be tempted to sell their knowledge to the highest bidder. Nunn-Lugar is a crucial bipartisan program that should be expanded and coordinated into a comprehensive strategic plan to eliminate these stockpiles of destruction. These dangers are imminent.

For all of these reasons, I support increasing funding for antiterrorism programs in the Kucinich amendment. This amendment redirects a fraction of the billions allocated to ballistic missile defense in order to address dangers that are clear and immediate with solutions that are also clear and immediate. This amendment seeks to strengthen our defenses at home by transferring $82 million to produce anthrax and smallpox vaccines, to develop next-generation vaccines, and to work on methods to counter other biological weapons. The threat of bioterrorism is a reality, and we are not ready for it. We lack the vaccines, the health infrastructure, and the defenses to protect American men, women and children.

This amendment will also direct money to Weapons of Mass Destruction Civil Support Teams. We must be able to react to crises as they occur. Nearly half of our States do not have civil support teams to deal with these dangers, so as we respond to the atrocities of September 11, we must reconstruct the architecture of our national security. We must invest in securing and dismantling Cold War-era weapons of mass destruction before they are turned against us in this new century by our new enemies, and we must invest in defenses here at home against biological terrorism.

Mr. Chairman, I urge my colleagues to make this investment, and I urge my colleagues to support this amendment.

Mr. DICKS. Mr. Chairman, The Kucinich-Lee amendment has a laudable goal, to increase funding for counter terrorism. I agree with the priorities indicated by the amendment, counter terrorism is more important than missile defense. But, the amendment is fatally flawed in terms of policy and funding.

It cuts a half billion dollars from the Defense bill without replacement. This cut to Defense is unacceptable, especially at this time.

The amendment would cut the funding for a proposed test launch facility at Kodiak Island. This facility will allow DOD to perform tests which are more rigorous and realistic than those possible at current test sites at Kwajalein and Vandenberg. It also cuts funding to upgrade the sensors and launch capabilities at Kwajalein and Vandenberg which will hinder rigorous missile defense testing.

Because of its cuts to Kodiak, Kwajalein and Vandenberg, the amendment reduces the level of testing of missile defense technology when the right thing to do is increase the level of testing of these technologies for the very reason that they are not yet mature.

Opposition to this amendment does not indicate support for the entire Pacific Testbed as proposed by the administration. The proposed construction at Ft. Greely remains premature, unnecessary, and unwarranted by the state of missile defense technology. However, this amendment cuts needed facilities in addition to the Ft. Greely construction.

Mr. LEWIS and Mr. MURTHA have negotiated responsible cuts to the administration's request for missile defense totaling over $500 million. While I agree that some more cuts are warranted, this amendment goes too far.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

It is my intention to reserve a point of order, but I understand that the gentleman from Ohio (Mr. KUCINICH) would like to be recognized for a unanimous consent request, and so I yield to the gentleman.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman.

Mr. KUCINICH. Mr. Chairman, respecting the point of order that the Chair has raised, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT:

Page 136, line 13, after the dollar amount, insert the following: ''(increased by $360,000,000) (reduced by $360,000,000)''.

Mr. SPRATT. Mr. Chairman, this bill increases missile defense by $2.6 billion to $2.7 billion, 50 percent over last year's level, but it ends a system that everyone has long thought essential to missile defense, and that is a program called ''SBIRS-Low,'' for Space-Based Infrared Sensors.

Ever since the beginning of SDI, space-based sensors have been a key element of the architecture. Their role is to pick up the oncoming reentry vehicles, shortly after they are launched, well over radar's horizon, track them, plot the trajectory, project their aim points, and watch for features that distinguish the real RVs from decoys. Over the last 18 years, ballistic missile defense has evolved through various options to a system called SBIRS-Low to handle this mission. These are satellite sensors in low-Earth orbit, some 18 to 30 in all, depending on the configuration, and they are on constant patrol or will be, once launched, in circling the globe.

Now comes this bill and, out of the blue, kills SBIRS-Low, a program some 6 or 7 years old. My amendment would bring it back, restore funding to the level that was approved by the House Committee on Armed Services and by the Senate Armed Services Committee, to $360 million, which is $25 million below the President's request.

While this bill terminates SBIRS-Low, it recognizes the critical need for such a system. In fact it directs the Department of Defense to start over, to set up two new R&D programs, where $250 million would go to a space-based alternative, $75 million would go into ground-based alternatives, which would probably be X-band radars. My amendment, as I said, reverses this action and restores funding to SBIRS-Low.

Let me explain why SBIRS-Low is critical to national missile defense but also to theater missile defense. First of all, SBIRS-Low allows a mid-course interceptor to make the most of its biggest advantage, which is time. The mid-course takes as much as 30 minutes during which an RV moves in its trajectory toward its target. Without satellite sensors over the horizon, radar gives missile defenses about half this amount of time to track, to launch, and to make the intercept. This is precious time. It could easily make the difference between success and failure.

Second, infrared sensors not only detect heat, but changes in heat, something radars cannot do. Many countermeasures like decoys and balloons lose heat faster than do reentry vehicles, so SBIRS-Low becomes the first device we have to detect these changes and discriminate between real RVs as opposed to decoys and countermeasures.

Third, ground-based systems will have X-band radar to help them track their incoming radar, but X-band radar is not a volume search radar; it emits a beam that provides high-resolution feedback, but it is a pencil-point beam. It is very narrow. SBIRS-Low spares the X-band radar from having to scan the skies and directs it precisely to its target. This makes X-band radar more efficient and effective and reduces the so-called ''engagement box'' to which the kill vehicle is launched, which increases the probability of an intercept.

Finally, SBIRS-Low provides redundancy. It provides several different modes for detecting oncoming systems and it also provides backup in case the radar is not working.

Now, I would hasten to say all of these features have yet to be proven, but the system is well along, the potential has been demonstrated. If it is not in hand, it appears to be within reach, and this is why SBIRS-Low is crucial, critical, for ground-based defenses, but it pays for itself in other ways, too:

Theater missile defense. It expands the reach of THAAD in the Navy's upper tier. Second, at the same time that SBIRS-Low is on station, it can pick up some very useful technical intelligence data. Third, it can do miscellaneous other things. It can look for objects in space that might be on a collision course with our satellites and report that back to us.

The committee bases its decision to terminate this in large part on an unreleased study that is still in draft at the Institute for Defense Analysis. I met with the author of this study, along with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from California (Mr. HUNTER), and it seems to me, in all due respect, that the information in the draft report given to the Subcommittee on Defense was in large part beyond its means. The subcommittee appears to me to be extrapolating from a worst-case scenario to a judgment on the system in all scenarios.

In particular, part of the IDA report examined one specific national missile attack, the most sophisticated of all scenarios, and assumed a minimum SBIRS-Low capability. It then compared SBIRS-Low in what amounts to a worst-case capability scenario to an alternative consisting of ground-based radars spread throughout the world. This assumed, of course, that the U.S. would have no difficulty in obtaining these ground-based radars. In any event, it ignored many other scenarios where SBIRS-Low is cost effective, very effective, and it ignored all the other missions that SBIRS-Low can perform.

The committee is also concerned about cost growth.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. SPRATT) has expired.

(By unanimous consent, Mr. SPRATT was allowed to proceed for 1 additional minute.)

Mr. SPRATT. Mr. Chairman, let me just quickly say the Air Force originally assumed 21 satellites; it has now gone to 30. Get ready, this is going to be what happens to all of these component missile defense systems as it gets closer and closer, and the real cost is going up.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman has made some good points and we are certainly going to take a look at this. As he says, we have based this on carefully conforming to a cut that we thought would not harm it, but we are certainly going to take a look at the information that he has given to us.

Mr. SPRATT. Mr. Chairman, I thank the gentleman. I was going to say to the distinguished chairman of this subcommittee, for whom I have great respect, I know the gentleman made a principal decision here. I hope he will go back and consider it again before the conference is out, talk to the folks at IDA and talk to the folks at BPDO.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, by way of responding to the gentleman, I very much appreciate the professional way the gentleman is addressing this very important issue. As the gentleman knows, I have been a long-term supporter of this idea, this technology. We now think it is important that we emphasize the research side because we see the possibility of some rush to failure here. But in the meantime, it is not our intent to kill this program, and we appreciate the gentleman's cooperation.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for his assurance.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILMAN:

At the end of division A, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 9001. SHORT TITLE.

This title may be cited as the ''Afghanistan Freedom Act of 2001''.

SEC. 9002. UNITED STATES POLICY TOWARD AFGHANISTAN.

It should be the policy of the United States to promote the removal from power of the Taliban regime in Afghanistan so as to diminish the risk of future terrorist attack on the United States and restore basic human freedoms to the people of Afghanistan.

SEC. 9003. AUTHORITY TO PROVIDE MILITARY ASSISTANCE.

(a) IN GENERAL.—

(1) TYPES OF ASSISTANCE.—(A) To the extent funds are appropriated in any fiscal year for these purposes, the President may provide, on such terms and conditions as he may determine, defense articles, defense services, and other support (including training) to eligible Afghan resistance organizations, entities, and individuals, eligible foreign countries, and eligible international organizations.

(B) The President is authorized to direct the drawdown of defense articles, defense services, and military education and training for eligible Afghan resistance organizations, entities, and individuals, eligible foreign countries, and eligible international organizations.

(C) The Secretary of Defense is authorized to reimburse any eligible foreign country or eligible international organization for supplies, services, or other support provided by such country or organization between September 11, 2001, and the date of the enactment of this Act in support of United States activities authorized under Public Law 107–40.

(D) The assistance authorized under subparagraphs (A) and (B) and under the Iraq Liberation Act of 1998 (Public Law 105–338) may include the supply of defense articles, defense services, other support, and military education and training that are acquired by contract or otherwise.

(2) AMOUNT OF ASSISTANCE.—The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under paragraph (1)(B) may not exceed $300,000,000, provided that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2)(A).

(b) ELIGIBILITY.—

(1) ELIGIBLE AFGHAN RESISTANCE ORGANIZATIONS, ENTITIES, AND INDIVIDUALS.—An Afghan resistance organization, entity, or individual shall be eligible to receive assistance under subsection (a) if such organization, entity, or individual is committed to—

(A) the removal from power of the Taliban regime in Afghanistan;

(B) the suppression of terrorism and the surrender or removal from Afghanistan of all international terrorists, including perpetrators of the September 11, 2001, attack on the United States; and

(C) the establishment in Afghanistan of a government committed to respecting internationally recognized human rights and suppression of narcotics trafficking.

(2) ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.—A foreign country or international organization shall be eligible to receive assistance under subsection (a) if such foreign country or international organization is participating in or supporting United States military activities authorized under Public Law 107–40, or is participating in military, peacekeeping,

or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country, except that no country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) shall be eligible to receive assistance under subsection (a).

(c) REIMBURSEMENT FOR ASSISTANCE.—

(1) IN GENERAL.—Defense articles, defense services, and military education and training provided under subsection (a)(1)(B) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations under paragraph (2)(A).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under subsection (a)(1)(B).

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended, and are in addition to amounts otherwise available for the purposes described in this section.

(d) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) ELIGIBLE AFGHAN RESISTANCE ORGANIZATIONS, ENTITIES, AND INDIVIDUALS.—Assistance to eligible Afghan resistance organizations, entities, and individuals under this section may be provided notwithstanding any other provision of law.

(2) ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.—

(A) AUTHORITY.—The President may provide assistance under this section to any eligible foreign country or any eligible international organization notwithstanding any other provision of law (other than provisions of this section) if the President determines that such assistance is important to the national security interest of the United States and reports such determination to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate at least five days in advance of providing such assistance.

(B) REPORT.—The report described in subparagraph (A) shall include information relating to the type and amount of assistance proposed to be provided and the actions that the proposed recipient of such assistance has taken or has committed to take.

(e) SUNSET.—The authority of this section shall expire on September 30, 2004.

SEC. 9004. COMPLIANCE WITH MEASURES DIRECTED AGAINST THE TALIBAN BY THE UNITED NATIONS SECURITY COUNCIL.

(a) REPORTS TO CONGRESS.—Not later than one month after the date of the enactment of this Act, and every three months thereafter until the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the Taliban no longer exercises power in any part of Afghanistan, the President shall submit to such committees a report that identifies the government of each foreign country with respect to which there is credible information that the government has, on or after the date of the enactment of this Act, violated, or permitted persons subject to its jurisdiction to violate, measures directed against the Taliban pursuant to United Nations Security Council Resolutions 1267 (1999), 1333 (2000), or 1363 (2001), or pursuant to any other United Nations Security Council resolution adopted under the authority of Chapter VII of the Charter of the United Nations.

(b) CONTENT OF REPORTS.—Each report submitted under subsection (a) shall detail with respect to each government of a foreign country identified in such report the nature of the violation (other than violations detailed in previous reports submitted pursuant to this section), and shall evaluate—

(1) the importance of the violation to the efforts of the Taliban to remain in power in Afghanistan;

(2) the importance of the violation to the efforts of terrorist groups to continue operating from Afghanistan; and

(3) the risk posed by such violation to the safety of the United States Armed Forces and the armed forces of other countries acting in coalition with the United States.

SEC. 9005. SUBMISSION OF DETERMINATIONS AND REPORTS IN CLASSIFIED FORM.

When the President considers it appropriate, determinations and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate submitted under this title, or appropriate parts thereof, may be submitted in classified form.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURTHA. Mr. Chairman, I reserve a point of order against the amendment.

Mr. GILMAN. Mr. Chairman, my amendment places Congress on record in support of the men and women in our Armed Forces as they proceed to dismantle the Taliban rule in Afghanistan and to restore peace and stability and security to that part of the world.

This amendment is based on a bill I introduced last month, entitled the Afghanistan Freedom Act of 2001, H.R. 3088. I was pleased to be joined in offering that measure by the gentleman from New York (Mr. ACKERMAN), the ranking Democratic member of the subcommittee that I chair, the Subcommittee on the Middle East and South Asia. Since we introduced that measure on October 11, we have been supported by a total of 81 cosponsors on both sides of the aisle.

We have worked with the Bush administration over the past month, particularly with the Department of Defense, to refine some of the language in order to maximize its usefulness to the administration in the current war on terrorism. My amendment incorporates those refinements, and I am assured that as currently written, my amendment enjoys the strong support of the administration and, particularly, the Department of Defense.

Essentially, Mr. Chairman, my amendment provides three important elements. First, it reaffirms and should be the policy of our Nation to promote the ultimate removal from power of the Taliban regime in Afghanistan so as to diminish the risk of any future terrorist attack in the United States; and second, it gives the administration an important drawdown authority to provide military assistance to antiTaliban resistance organizations in Afghanistan, as well as to any foreign countries and international organizations which are assisting in the U.S. military actions that Congress authorized in the wake of the September 11 attack on our Nation; and third, it requires periodic reports to the Congress regarding any violations of U.N. sanctions on armed sales and provisions of other assistance to the Taliban.

As we debate this measure, our Nation is fully engaged in the war against the Taliban. Our Defense Department has ensured me that the enactment of my amendment will significantly enhance the ability of our Nation to win both the war and the subsequent peace in Afghanistan. Accordingly, I urge my colleagues to provide this important tool to our President and to our armed forces by agreeing to this amendment.

POINT OF ORDER

Mr. MURTHA. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MURTHA. Mr. Chairman, I insist on my point of order. The amendment by the gentleman from New York (Mr. GILMAN) violates clause 2 of rule XXI, the section on legislation of an appropriations bill.

The CHAIRMAN. Does the gentleman from New York (Mr. GILMAN) wish to be heard on the point of order?

Mr. GILMAN. Mr. Chairman, I regret that the ranking minority member has reserved on a point of order, and based on my respect for him, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1500

The CHAIRMAN. If there are no further amendments to this portion of the bill, the Clerk will continue to read.

The Clerk read as follows:

This division may be cited as the ''Department of Defense Appropriations Act, 2002''.

DIVISION B—FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for ''Office of the Secretary'', $4,582,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Agriculture Buildings and Facilities and Rental Payments'', $2,875,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $5,635,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $8,175,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Buildings and Facilities'', $14,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FOOD SAFETY AND INSPECTION SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Food Safety and Inspection Service'', $9,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for ''Food and Drug Administration, Salaries and Expenses'', $104,350,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I ask unanimous consent to offer an amendment.

The CHAIRMAN. Is there objection to considering the amendment at this stage of the reading?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 138, strike line 10 and all that follows through page 194, line 7, and insert the following:

DIVISION B—FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1—DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for ''Office of the Secretary'', to respond to the September 11, 2001 terrorist attacks on the United States, $45,148,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', to respond to the September 11, 2001 terrorist attacks on the United States, $600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for ''Food Safety and Inspection Service'', to respond to the September 11, 2001 terrorist attacks on the United States, $800,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES.

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $369,550,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For an additional amount for ''Commodity Futures Trading Commission'', to respond to the September 11, 2001 terrorist attacks on the United States, $6,495,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 2—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For an additional amount for ''Administrative Review and Appeals'', to respond to the September 11, 2001 terrorist attacks on the United States, $3,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', to respond to the September 11, 2001 terrorist attacks on the United States, $12,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', to respond to the September 11, 2001 terrorist attacks on the United States, $74,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for ''Salaries and Expenses, United States Marshals Service'', to respond to the September 11, 2001 terrorist attacks on the United States, $11,100,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $1,107,062,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $409,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for ''Construction'', to respond to the September 11, 2001 terrorist attacks on the United States, $128,149,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for ''Justice Assistance'', to respond to the September 11, 2001 terrorist attacks on the United States, $400,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

For an additional amount for such purpose, $150,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', to respond to the September 11, 2001 terrorist attacks on the United States, $17,100,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CRIME VICTIMS FUND

For an additional amount for ''Crime Victims Fund'', to respond to the September 11, 2001 terrorist attacks on the United States, $68,100,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for ''Operations and Administration'', to respond to the September 11, 2001 terrorist attacks on the United States, $4,969,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for ''Operations and Administration'', to respond to the September 11, 2001 terrorist attacks on the United States, $8,585,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For an additional amount for emergency grants authorized by section 392 of the Communications Act of 1934 to respond to the September 11, 2001 terrorist attacks on the United States, $13,000,000, to remain available until expended: *Provided*, That, notwithstanding any other law, the matching requirement otherwise applicable to such grants shall not apply to the amounts made available under this heading: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operations, Research, and Facilities'', $750,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', to respond to the September 11, 2001 terrorist attacks on the United States, $14,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on

the United States, for ''Salaries and Expenses'', $13,386,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Care of the Building and Grounds'', $10,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $82,921,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

COURT SECURITY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Court Security'', $90,700,000, to remain available until expended, of which $4,000,000 shall be available to reimburse the United States Marshalls Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit: *Provided,* That the funds may be expended directly or transferred to the United States Marshals Service: *Provided further,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $2,879,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', to respond to the September 11, 2001 terrorist attacks on the United States, $30,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', to respond to the September 11, 2001 terrorist attacks on the United States, $9,200,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for ''Broadcasting Capital Improvements'', to respond to the September 11, 2001 terrorist attacks on the United States, $10,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $1,301,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $20,705,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Disaster Loans Program Account'', $150,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 201. For purposes of assistance available under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns located in disaster areas declared as a result of the September 11, 2001 terrorist attacks, (1) the term ''small business concern'' shall include not-for-profit institutions and small business concerns described in subsectors 522, 523, and 524 of the North American Industry Classification System codes (as described in 13 C.F.R. 121.201, as in effect on January 2, 2001), except for depository financial institutions; and (2) the Administrator may apply such size standards as may be promulgated under such section 121.201 after the date of enactment of this provision, but no later than January 1, 2002.

SEC. 202. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001 terrorist attacks shall be increased to $10,000,000.

SEC. 203. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956.

CHAPTER 3—DEPARTMENT OF DEFENSE, MILITARY

DEPARTMENT OF DEFENSE

MILITARY OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Defense Emergency Response Fund'', $7,242,911,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, as follows:

(1) For increased situational awareness, $1,735,000,000.

(2) For enhanced force protection, $742,911,000, of which $40,000,000 shall be available only for biological weapons proliferation prevention activities under the Former Soviet Union Threat Reduction Program, of which $30,000,000 shall be transferred to ''Department of State, Nonproliferation, Anti-Terrorism, Demining, and Related Programs'' only for the purpose of supporting expansion of the Biological Weapons Redirect and International Science and Technology Centers programs, to prevent former Soviet biological weapons experts from emigrating to proliferant states and to reconfigure former Soviet biological weapons production facilities for peaceful uses.

(3) For improved command and control, $162,000,000.

(4) For increased worldwide posture, $2,801,000,000.

(5) For offensive counterterrorism, $769,000,000, of which $237,000,000 is for the Special Operations Command.

(6) For initial crisis response, $108,000,000.

(7) For the Pentagon Reservation Maintenance Revolving Fund, $925,000,000: *Provided*, That none of the funds provided under this heading in this chapter may be used for appropriations for military construction and military family housing.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Amounts available in the ''Defense Emergency Response Fund'' (the ''Fund'') shall be available for the purposes set forth in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38): *Provided*, That the Fund may be used to reimburse other appropriations or funds of the Department of Defense, including activities of the National Foreign Intelligence Program funded in defense appropriations Acts, only for costs incurred for such purposes on or after September 11, 2001: *Provided further*, That the Fund may be used to liquidate obligations incurred by the Department of Defense under the authorities in section 3732 of the Revised Statutes (41 U.S.C. 11; popularly known as the ''Food and Forage Act'') for any costs incurred for such purposes between September 11 and September 30, 2001: *Provided further*, That the Secretary of Defense may transfer to the Fund amounts from any current appropriation made available in defense appropriations Acts, only for the purpose of adjusting and liquidating obligations properly chargeable to the Fund: *Provided further*, That the authority granted in the preceding proviso shall only be exercised after the Secretary of Defense makes a determination that amounts in the Fund are insufficient to liquidate obligations made using appropriations in the Fund, and not prior to 30 days after notifying the congressional defense committees in writing regarding each proposed transfer of funds: *Provided further*, That in order to carry out the specified purposes under this heading, the Secretary of Defense may transfer funds from the Fund to any defense appropriation account enacted in appropriations Acts, including ''Support for International Sporting Competitions, Defense'': *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That within 30 days of enactment of this Act, and quarterly thereafter, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a report (in unclassified and classified form, as needed) specifying the projects and accounts to which funds provided in this chapter are to be transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under section 2608(b) of title 10, United States Code, are hereby appropriated and shall be available for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as he shall determine, to be merged with and available for the same purposes and the same time period as the appropriation to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all obligations made pursuant to this authority.

SEC. 303. (a) Amounts appropriated in this Act under the heading ''Support for International Sporting Competitions, Defense'' may be used to support essential security and safety services for the 2002 Winter Olympic Games in Salt Lake City, Utah, under section 2564 of title 10, United States Code, without the certification otherwise required under subsection (a) of that section.

(b) In connection with the provision of essential security and safety support to the 2002 Winter Olympic Games and logistical and security support to the 2002 Paralympic Games, the term ''active duty'' as used in section 5802 of division A of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), shall be treated as including State active duty and full-time National Guard duty performed by members of the Army National Guard and Air National Guard.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 305. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 4—DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PROTECTIVE CLOTHING AND BREATHING APPARATUS

For a Federal payment to the District of Columbia for protective clothing and breathing apparatus, to remain available until expended, $12,144,209, of which $921,833 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, $453,376 is for the Department of Public Works, and $5,000,000 is for the Washington Metropolitan Area Transit Authority: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT

For a Federal payment to the District of Columbia for specialized hazardous materials equipment, to remain available until expended, $1,032,342, for the Fire and Emergency Medical Services Department: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS

For a Federal payment to the District of Columbia for chemical and biological weapons preparedness, to remain available until expended, $10,354,415, of which $204,920 is the Fire and Emergency Medical Services Department, $258,170 is for the Metropolitan Police Department, and $9,891,325 is for the Department of Health: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PHARMACEUTICALS FOR RESPONDERS

For a Federal payment to the District of Columbia for pharmaceuticals for responders, to remain available until expended, $2,100,000, for the Department of Health: *Provided*, That such amount is designated by the

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR ADDITIONAL VEHICLES AND RESPONSE CAPABILITY

For a Federal payment to the District of Columbia for additional vehicles and response capability, $8,324,500, of which $6,600,000 is for the Fire and Emergency Medical Services Department, $1,515,000 is for the Metropolitan Police Department, $112,500 is for the Department of Public Works Division of Transportation, $37,000 is for the Office of Property Management, and $60,000 is for the Department of Public Works: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SEARCH, RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For a Federal payment to the District of Columbia for search, rescue and other emergency equipment and support, $5,222,135, of which $3,413,022 is for the Metropolitan Police Department, $207,995 is for the Fire and Emergency Medical Services Department, $398,581 is for the Department of Consumer and Regulatory Affairs, $1,178,537 is for the Department of Public Works, and $24,000 is for the Department of Human Services: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR AUTOMATIC VEHICLE LOCATION SYSTEMS

For a Federal payment to the District of Columbia for automatic vehicle location systems, $16,150,000, of which $1,150,000 is for the Fire and Emergency Medical Services Department, and $15,000,000 is for the Washington Metropolitan Area Transit Authority: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER

For a Federal payment to the District of Columbia for equipment, supplies and vehicles for the office of the chief medical examiner, $1,780,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR HOSPITAL CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For a Federal payment to the District of Columbia for hospital containment facilities for the Department of Health, $8,000,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For a Federal payment to the District of Columbia for the Office of the Chief Technology Officer, $78,600,000, of which $46,200,000 is for a first response land-line and wireless interoperability project, and $32,400,000 is for a city-wide secure data center: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EMERGENCY TRAFFIC MANAGEMENT

For a Federal payment to the District of Columbia for emergency traffic management, $52,900,000, of which $2,200,000 is for the Washington Metropolitan Area Transit Authority for completion of the fiber optic network project, and $50,700,000 is for the Department of Public Works Division of Transportation to upgrade traffic light controllers ($14,000,000), to establish a video traffic monitoring system ($4,700,000), to disseminate traffic information ($2,000,000), and to provide fiber optic backbone for traffic control and monitoring ($30,000,000): *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR TRAINING AND PLANNING

For a Federal payment to the District of Columbia for training and planning, $10,698,725, of which $4,400,000 is for the Fire and Emergency Medical Services Department, $990,000 is for the Metropolitan Police Department, $1,200,000 is for the Department of Health, $200,000 is for the Office of the Chief Medical Examiner, $1,500,000 is for the Emergency Management Agency, $500,000 is for the Office of Property Management, $500,000 is for the Department of Mental Health, $468,725 is for the Department of Consumer and Regulatory Affairs, $240,000 is for the Department of Public Works, $600,000 is for the Department of Human Services, and $100,000 is for the Department of Parks and Recreation: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR INCREASED SECURITY

For a Federal payment to the District of Columbia for increased security, $38,436,000, of which $3,900,000 for the Emergency Management Agency, $12,775,000 for the public schools, $3,961,000 for the Office of Property Management, and $17,800,000 for the Washington Metropolitan Area Transit Authority for employee and facility security: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 401. Notwithstanding any other provision of law, all Federal payments to the District of Columbia under this chapter shall be apportioned quarterly by the Office of Management and Budget, and funds for the Washington Metropolitan Area Transit Authority shall be apportioned quarterly directly to such Authority.

SEC. 402. The Chief Financial Officer of the District of Columbia and the Chief Financial Officer of Washington Metropolitan Area Transit Authority shall provide quarterly reports to the President and the Committees on Appropriations on the use of the funds under this chapter beginning no later than January 2, 2002.

DISTRICT OF COLUMBIA FUNDS

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia and shall remain available until expended.

PROTECTIVE CLOTHING AND BREATHING APPARATUS

For protective clothing and breathing apparatus, to remain available until expended, $12,144,209, of which $921,833 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, $453,376 is for the Department of Public Works, and $5,000,000 is for the Washington Metropolitan Area Transit Authority.

SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT

For specialized hazardous materials equipment, to remain available until expended, $1,032,342, for the Fire and Emergency Medical Services Department.

CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS

For chemical and biological weapons preparedness, to remain available until expended, $10,354,415, of which $204,920 is the Fire and Emergency Medical Services Department, $258,170 is for the Metropolitan Police Department, and $9,891,325 is for the Department of Health.

PHARMACEUTICALS FOR RESPONDERS

For pharmaceuticals for responders, to remain available until expended, $2,100,000, for the Department of Health.

ADDITIONAL VEHICLES AND RESPONSE CAPABILITY

For additional vehicles and response capability, $8,324,500, of which $6,600,000 is for the Fire and Emergency Medical Services Department, $1,515,000 is for the Metropolitan Police Department, $112,500 is for the Department of Public Works Division of Transportation, $37,000 is for the Office of Property Management, and $60,000 is for the Department of Public Works.

SEARCH, RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For search, rescue and other emergency equipment and support, $5,222,135, of which $3,413,022 is for the Metropolitan Police Department, $207,995 is for the Fire and Emergency Medical Services Department, $398,581 is for the Department of Consumer and Regulatory Affairs, $1,178,537 is for the Department of Public Works, and $24,000 is for the Department of Human Services.

AUTOMATIC VEHICLE LOCATION SYSTEMS

For automatic vehicle location systems, $16,150,000, of which $1,150,000 is for the Fire and Emergency Medical Services Department, and $15,000,000 is for the Washington Metropolitan Area Transit Authority.

EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER

For equipment, supplies and vehicles for the Office of the Chief Medical Examiner, $1,780,000.

HOSPITAL CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For hospital containment facilities for the Department of Health, $8,000,000.

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For the Office of the Chief Technology Officer, $78,600,000, of which $46,200,000 is for a first response land-line and wireless interoperability project, and $32,400,000 is for a city-wide secure data center.

EMERGENCY TRAFFIC MANAGEMENT

For emergency traffic management, $52,900,000, of which $2,200,000 is for the Washington Metropolitan Area Transit Authority for completion of the fiber optic network project, and $50,700,000 is for the Department of Public Works Division of Transportation to upgrade traffic light controllers ($14,000,000), to establish a video traffic monitoring system ($4,700,000), to disseminate traffic information ($2,000,000), and to provide fiber optic backbone for traffic control and monitoring ($30,000,000).

TRAINING AND PLANNING

For training and planning, $10,698,725, of which $4,400,000 is for the Fire and Emergency Medical Services Department, $990,000 is for the Metropolitan Police Department, $1,200,000 is for the Department of Health, $200,000 is for the Office of the Chief Medical Examiner, $1,500,000 is for the Emergency Management Agency, $500,000 is for the Office of Property Management, $500,000 is for the Department of Mental Health, $468,725 is for the Department of Consumer and Regulatory Affairs, $240,000 is for the Department of Public Works, $600,000 is for the Department of Human Services, and $100,000 is for the Department of Parks and Recreation.

INCREASED SECURITY

For increased security, $38,436,000, of which $3,900,000 for the Emergency Management Agency, $12,775,000 for the public schools, $3,961,000 for the Office of Property Management, and $17,800,000 for the Washington Metropolitan Area Transit Authority for employee and facility security.

CHAPTER 5—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operation and Maintenance, General'', $267,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Water and Related Resources'', $70,259,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for ''Weapons Activities'', $534,000,000, to remain available until expended: *Provided*, That, of such amount, $284,000,000 shall be only for increased security (including cyber-security) for the transportation and storage of United States nuclear weapons; and $250,000,000 shall be only for classified activities to improve physical security: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Defense Nuclear Nonproliferation'', $286,000,000, to remain available until expended: *Provided*, That, of such amount, $131,000,000 shall be only for increased physical security of nuclear weapons and materials at locations within the Newly Independent States of the former Soviet Union; $60,000,000 shall be only for increased physical security of nuclear reactors within the Newly Independent States of the former Soviet Union; and $95,000,000 shall be only for research and development for global terrorist weapons of mass destruction: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Defense Environmental Restoration and Waste Management'', $65,200,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OTHER DEFENSE ACTIVITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological threats to civilian populations, for ''Other Defense Activities'', $21,500,000, to remain available until expended: *Provided*, That, of such amount,$18,000,000 shall be only for intelligence activities: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 6—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', to respond to the September 11, 2001 terrorist attacks on the United States, $100,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', $30,000,000, to remain available until expended: *Provided*, That such funds shall be used for the Biological Weapons Redirect and International Science Centers programs: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 7—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for ''Management of Lands and Resources'', to respond to the September 11, 2001 terrorist attacks on the United States, $4,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', to respond to the September 11, 2001 terrorist attacks on the United States, $3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operation of the National Park System'', $10,098,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES PARK POLICE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''United States Park Police'', $25,295,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Construction'', $75,560,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the Secretary of the Interior shall take such actions as may be necessary to ensure that the security upgrades at national memorials, monuments, and other significant cultural sites that are funded by this Act are completed not later than December 31, 2002, except that the Secretary may not waive any regulatory or statutory requirements related to the environment, fair labor standards, or nondiscrimination: *Provided further*, That, notwithstanding any other provision of law, single but separate procurements for the construction of security improvements and an underground visitor screening facility at the Washington Monument, for security improvements at the Lincoln Memorial, and for security improvements at the Jefferson Memorial, may be issued that include the full scope of each project, except that each solicitation and contract shall contain the clause ''availability of funds'' found at section 52.232.18 of title 48, Code of Federal Regulations.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $4,743,000, to remain available until expended, for safeguarding employees and visitors to the Department of the Interior main building complex from the heightened threat of terrorist attack: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

For an additional amount for ''Strategic Petroleum Reserve'', to respond to the September 11, 2001 terrorist attacks on the United States, $5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for ''Indian Health Services'', to respond to the September 11, 2001 terrorist attacks on the United States, $850,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $21,707,000, to remain available until

expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $2,148,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operations and Maintenance'', $4,310,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $758,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 8—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the consequences of the September 11, 2001 terrorist attacks on the United States, for ''Training and Employment Services'', $2,000,000,000 shall be available for the period beginning on the date of enactment through the date ending 18 months after the date of enactment, for carrying out section 173 of the Workforce Investment Act: *Provided*, That these funds only may be used by States to provide employment and training assistance, including assistance in making COBRA continuation coverage payments, to dislocated workers affected by a plant closure, mass layoff, or multiple layoffs if the Governor certifies in the application for such grants that the attacks of September 11, 2001 contributed importantly to such plant closures, mass layoffs, and multiple layoffs: *Provided further*, That such funds may be used by the State to assist a participant in the program funded under such grants by paying up to 75 percent of the participants and any dependents contribution for COBRA continuation coverage of the participant and any dependents for a period not to exceed 10 months: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''State Unemployment Insurance and Employment Service Operations'', $4,100,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $1,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $1,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $5,880,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for ''Public Health and Social Services Emergency Fund'', $2,752,650,000, to remain available until expended: *Provided*, That, of such amount $1,262,000,000 shall be distributed as follows: $920,000,000 for the Centers for Disease Control and Prevention, of which up to $85,000,000 shall remain available until expended for equipment and construction of facilities; $115,000,000 for the National Institute of Allergy and Infectious Diseases; $160,000,000 for the National Institutes of Health, Buildings and Facilities, which shall remain available until expended; $15,000,000 for the Health Resources and Services Administration; $12,000,000 for the Office of Emergency Preparedness; and $40,000,000 for the Substance Abuse and Mental Health Services Administration: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for ''School Improvement Programs'', $110,000,000, to remain available until expended: *Provided*, That, of such amount, $10,000,000 shall be to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, for the Project School Emergency Response to Violence program: *Provided further*, That, of such amount, $100,000,000, shall be for carrying out activities authorized under subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965: *Provided further*, That,

notwithstanding any other provision of law, the funds referred to in the second proviso shall be used to provide grants to local educational agencies and institutions of higher education for the purpose of implementing, coordinating, and improving emergency response plans with local law enforcement, public safety, health, and mental health agencies; training school personnel, students, and parents in emergency response procedures; implementing security measures for high-risk areas and facilities; and purchasing, installing, and upgrading security equipment and technology: *Provided further*, That the funds referred to in the second proviso shall be made available only to local educational agencies and institutions of higher education that demonstrate a need for financial assistance and a lack of resources to implement emergency preparedness and security improvements: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

HIGHER EDUCATION

For an additional amount for ''Higher Education'' for emergency expenses for carrying out activities authorized by title VI of the Higher Education Act of 1965 and the Mutual Educational and Cultural Exchange Act of 1961, $20,000,000, to remain available through September 30, 2002: *Provided*, That, notwithstanding any other provision of law, funds made available in this Act and in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002, to carry out title VI of the Higher Education Act of 1965 and the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to U.S. national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $180,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Limitation on Administrative Expenses'', $7,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 9—LEGISLATIVE BRANCH

LEGISLATIVE BRANCH

LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, $256,081,000 to remain available until expended: *Provided*, That $34,500,000 shall be transferred to ''SENATE—Sergeant at Arms and Doorkeeper of the Senate'' and shall be obligated with prior notification to the Committee on Appropriations of the Senate: *Provided further*, That $40,712,000 shall be transferred to ''HOUSE OF REPRESENTATIVES—Salaries and Expenses'' and shall be obligated with prior notification to the Committee on Appropriations of the House of Representatives: *Provided further*, That $1,000,000 shall be transferred as a grant to the United States Capitol Historical Society: *Provided further*, That the remaining balance of $179,869,000, together with any other amounts provided to any entity in the legislative branch which are derived from the Emergency Response Fund established by Public Law 107–38 and which remain unobligated as of the date of the enactment of this Act (other than any amounts provided to the House of Representatives or Senate), shall be transferred to the Capitol Police Board, who shall transfer to the affected entities of the legislative branch such amounts as the Capitol Police Board considers appropriate, with prior notification to the Committees on Appropriations of the House of Representatives and Senate: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

HOUSE OF REPRESENTATIVES

ADMINISTRATIVE PROVISIONS

SEC. 901. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Chief Administrative Officer of the House of Representatives may acquire buildings and facilities for the use of the House of Representatives by lease, purchase, or such other arrangement as the Chief Administrative Officer considers appropriate (including a memorandum of understanding with the head of an Executive Agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency), subject to the approval of the House Office Building Commission.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Chief Administrative Officer may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Chief Administrative Officer considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Chief Administrative Officer pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking ''The Capitol Police'' and inserting ''(a) The Capitol Police''; and

(B) by adding at the end the following new subsection:

''(b) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.''.

(d) TRANSFER OF CERTAIN FUNDS.—Subject to the approval of the Committee on Appropriations of the House of Representatives, the Architect of the Capitol may transfer to the Chief Administrative Officer amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the House office buildings during a fiscal year in order to cover any portion of the costs incurred by the Chief Administrative Officer during the year in acquiring a building or facility pursuant to subsection (a).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 902. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Chief Administrative Officer of the House of Representatives and the head of an Executive Agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the Agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the House of Representatives during an emergency situation; and

(2) the Chief Administrative Officer and the head of the Agency may take any action

necessary to carry out the terms of the memorandum of understanding.

(b) The Chief Administrative Officer of the House of Representatives may not enter into a memorandum of understanding described in subsection (a)(1) without the approval of the Speaker of the House of Representatives.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 903. (a) There is established in the House of Representatives an office to be known as the House of Representatives Office of Emergency Planning, Preparedness, and Operations. The Office shall be responsible for mitigation and preparedness operations, crisis management and response, resource services, and recovery operations.

(b) There is established the House of Representatives Continuity of Operations Board, comprised of the Clerk, the Sergeant-at-Arms, and the Chief Administrative Officer of the House of Representatives. The Clerk shall be the Chairman of the Board.

(c) The Board—

(1) shall appoint and set the annual rate of pay for employees of the Office, including a Director, who shall be the head of the Office and shall carry out the day-to-day operations of the Office under the supervision of the Board;

(2) shall exercise, with respect to any employee of the Office, the authority referred to in section 8344(k)(2)(B) of title 5, United States Code, and the authority referred to in section 8468(h)(2)(B) of title 5, United States Code;

(3) shall approve procurement of services of experts and consultants by the Office or by committees or other entities of the House of Representatives for assignment to the Office; and

(4) may request the head of any Federal department or agency to detail to the Office, on a reimbursable basis, any of the personnel of the department or agency.

(d) Until otherwise provided by law, funds shall be available for the Office from amounts appropriated for the operations of the House of Representatives.

(e) This section shall take effect on the date of the enactment of this Act and shall apply to fiscal years beginning with fiscal year 2002.

OTHER LEGISLATIVE BRANCH

ADMINISTRATIVE PROVISIONS

SEC. 904. (a) Section 1(c) of Public Law 96–152 (40 U.S.C. 206–1) is amended by striking ''but not to exceed'' and all that follows and inserting the following: ''but not to exceed $2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.''.

(b) The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed $1,000 less than the annual salary for the chief of the United States Capitol Police.

(c) This section and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 905. In addition to the authority provided under section 121 of the Legislative Branch Appropriations Act, 2002, at any time on or after the date of the enactment of this Act, the Capitol Police Board may accept contributions of recreational, comfort, and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and employees are on duty in response to emergencies involving the safety of human life or the protection of property.

SEC. 906. (a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended by adding at the end the following new subsection:

''(c)(1) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include all buildings and grounds of the United States Botanic Garden, including the National Garden and Bartholdi Park.

''(2) For purposes of this section, the Joint Committee on the Library may suspend the application of section 4 of this Act to the buildings and grounds described in paragraph (1) in order to promote the interests of the United States Botanic Garden.''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 907. (a) ASSISTANCE FOR CAPITOL POLICE FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, Executive departments and Executive agencies may assist the United States Capitol Police in the same manner and to the same extent as such departments and agencies assist the United States Secret Service under section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), except as may otherwise be provided in this section.

(b) TERMS OF ASSISTANCE.—Assistance under this section shall be provided—

(1) consistent with the authority of the Capitol Police under sections 9 and 9A of the Act of July 31, 1946 (40 U.S.C. 212a and 212a–2);

(2) upon the advance written request of—

(A) the Chairman of the Capitol Police Board, or

(B) in the absence of the Chairman of the Capitol Police Board—

(i) the Sergeant at Arms and Doorkeeper of the Senate, in the case of any matter relating to the Senate; or

(ii) the Sergeant at Arms of the House of Representatives, in the case of any matter relating to the House; and

(3) either—

(A) on a temporary and reimbursable basis, or

(B) on a permanent reimbursable basis upon advance written request of the Chairman of the Capitol Police Board.

(c) REPORTS ON EXPENDITURES FOR ASSISTANCE.—

(1) REPORTS.—With respect to any fiscal year in which an Executive department or Executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 30 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or Executive agency in providing assistance under this section during the applicable fiscal year.

(3) SUMMARY OF REPORTS.—After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 908. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a–2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 909. (a) Section 1 of Public Law 93–180 (40 U.S.C. 166d) is amended—

(1) by striking ''secure, through rental, lease, or other appropriate agreement, storage space'' and inserting ''acquire, through purchase, lease, or other appropriate arrangement, property or space'';

(2) by inserting ''the United States Capitol Police,'' after ''Representatives,''; and

(3) by striking ''as such Commission and committee may authorize'' and inserting ''as the Architect deems reasonable and appropriate''.

(b) Nothing in the amendment made by subsection (a) may be construed to affect the authority provided to the Architect of the Capitol under section 128 of the Legislative Branch Appropriations Act, 2002, to secure the property described in such section.

(c) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 910. (a) Public Law 107–68 is amended in the item relating to ''ARCHITECT OF THE CAPITOL—CAPITOL VISITOR CENTER''—

(1) by striking ''unassigned space in the'';

(2) by striking ''for House space''; and

(3) by striking ''for Senate space''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

SEC. 911. (a) In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b), as amended by section 129(c)(1) of the Legislative Branch Appropriations Act, 2002, is amended by adding at the end the following new subsection:

''(c) The Architect of the Capitol may fix the rate of basic pay for not more than 4 positions for Executive Project Directors whose salary is payable from project funds, at a rate not to exceed 95 percent of the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.''.

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 912. (a) Public Law 107–68 is amended by adding at the end the following:

''This Act may be cited as the 'Legislative Branch Appropriations Act, 2002'.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

CHAPTER 10—DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Military Construction, Army'', $195,479,500, for activities in support of anti-terrorism efforts and force protection, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such

funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed $10,804,500 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

MILITARY CONSTRUCTION, NAVY

For an additional amount for ''Military Construction, Navy'' for activities in support of anti-terrorism efforts and force protection, $131,217,400, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed $7,427,400 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Military Construction, Air Force'', $68,069,680, for activities in support of anti-terrorism efforts and force protection, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed $1,441,680 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-wide'' for activities in support of anti-terrorism efforts and force protection, $482,014,860, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed $27,283,860 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 1001. The Secretary of Defense may transfer to the Defense Emergency Response Fund amounts appropriated in Military Construction Appropriations Acts if the Secretary makes a determination that amounts in the Fund are insufficient to carry out needed military construction projects. In exercising the transfer authority provided by this section, the Secretary of Defense shall first transfer unobligated balances remaining from fiscal year 2001 and earlier fiscal years before transferring any amounts appropriated in the Military Construction Appropriations Act, 2002. Amounts so transferred shall be available solely for military construction projects, including activities described in section 2802(b) of title 10, United States Code, and the Secretary of Defense shall also comply with the notification requirements of section 2808(b) of such title when a decision is made to undertake a military construction project using amounts appropriated or transferred to the Fund. Under this transfer authority, the Secretary shall provide an accompanying form 1391 to the appropriate committees of Congress.

SEC. 1002. Amounts made available to the Department of Defense from funds appropriated in Public Law 107–38 and this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism. The Secretary shall provide prior notification of each project and an accompanying form 1391 to the appropriate committees of Congress.

CHAPTER 11—DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $458,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

TRANSPORTATION SECURITY ADMINISTRATION

For necessary expenses for the establishment and operations of the Transportation Security Administration, $15,000,000, to remain available until expended: *Provided*, That the obligation of funds under this heading shall be subject to the enactment of legislation authorizing the establishment of such Administration: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

AIRCRAFT PASSENGER AND BAGGAGE SCREENING ACTIVITIES

For necessary expenses of the Secretary of Transportation to carry out responsibilities for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that, on September 11, 2001, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier, $1,000,000,000, to remain available until expended: *Provided*, That none of the funds under this heading may be obligated or expended until enactment of legislation authorizing (1) the conduct of such activities, whether by contract, grant, or direct Federal personnel, by an organization within the Department of Transportation other than the Federal Aviation Administration; (2) the collection of passenger and baggage screening user fees designed to offset the cost of these activities; and (3) the crediting of the fees as offsetting collections to the account financing the activities and services for which the fee is imposed: *Provided further*, That the sum herein appropriated shall be reduced, on a dollar for dollar basis, as such offsetting collections are received, so as to result in a final fiscal year 2002 appropriation of zero.

OVER-THE-ROAD BUS AND PASSENGER RAIL SECURITY GRANT PROGRAM

For the Secretary of Transportation to award grants competitively to passenger rail and over-the-road bus operators to finance the costs of enhancing the security of their facilities and operations, $200,000,000, to remain available until expended: *Provided*, That not less than $125,000,000 of such amount shall be awarded to the National Railroad Passenger Corporation: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control

Act of 1985, is transmitted by the President to the Congress.

PORT SECURITY GRANTS

For the Secretary of Transportation to award grants competitively to critical national seaports to finance the costs of enhancing facility and operational security, $200,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

COAST GUARD

OPERATING EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operating Expenses'', $368,356,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operations'', $291,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Facilities and Equipment'', $480,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

AIRPORT OPERATOR SECURITY COSTS

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for ''Airport Operator Security Costs'', $200,000,000, to remain available until expended: *Provided*, That funds under this heading are only available for the Administrator of the Federal Aviation Administration to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed by the Federal Aviation Administration on or after September 11, 2001: *Provided further*, That within 30 days of enactment of this Act, the Administrator, after consultation with airport operators, shall publish in the Federal Register the administrative procedures by which airport operators may file claims for reimbursement, including written justification required to support such claim: *Provided further*, That the amount of compensation payable to an airport operator may not exceed the amount of costs that the airport operator demonstrates to the satisfaction of the Administrator, using sworn financial statements or other appropriate data, that the airport operator incurred as a direct result of security activities beginning on or after September 11, 2001: *Provided further*, That in establishing criteria for obligating funds under this heading, the Administrator shall give special consideration to any commercial service airport which was closed for an unusually long period of time due to security concerns arising from the terrorist attacks of September 11, 2001.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Emergency Relief Program'', as authorized by section 125 of title 23, United States Code, $75,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL-AID HIGHWAYS

INTELLIGENT TRANSPORTATION SYSTEMS

(HIGHWAY TRUST FUND)

For an additional amount for ''Intelligent Transportation Systems'', to respond to the September 11, 2001 terrorist attacks on the United States, $20,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Safety and Operations'', $6,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Formula Grants'', $39,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Research and Special Programs'', $2,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $465,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 12—TREASURY AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $2,032,000, to remain available until

expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $1,700,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $23,231,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Acquisition, Construction, Improvements, and Related Expenses'', $8,500,000, to remain available until expended: *Provided,* That, in order to expedite the acquisition of architectural and engineering services for the construction of facilities at the Cheltenham, Maryland, training facility, the Federal Law Enforcement Training Center may procure such services without regard to (1) the competition requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253); (2) the 6 percent fee limitation on such services set forth in section 304(b) of such Act (41 U.S.C. 254(b)); and (3) the procurement notice requirements of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416): *Provided further,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $600,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $31,431,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $448,026,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operation, Maintenance and Procurement, Air and Marine Interdiction Programs'', $6,700,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Processing, Assistance and Management'', $16,658,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

TAX LAW ENFORCEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Tax Law Enforcement'', $4,544,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INFORMATION SYSTEMS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Information Systems'', $2,443,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

BUSINESS SYSTEMS MODERNIZATION

For an additional amount for ''Business Systems Modernization'', to respond to the September 11, 2001 terrorist attacks on the United States, $13,548,000, to remain available until expended, for systems backup: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $104,769,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control

Act of 1985, is transmitted by the President to the Congress.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for ''Payment to the Postal Service Fund'', to respond to the September 11, 2001 terrorist attacks on the United States, $510,500,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further,* That, of such amount, $500,000,000 shall not be available for obligation until the Postal Service submits to the Committees on Appropriations, and the Committee on Government Reform of the House of Representatives, a comprehensive plan to combat the threat of dangerous biological substances in the mail.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States and to ensure the continuity of support and services to the President and Vice President of the United States, $50,040,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Federal Buildings Fund'', $200,500,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $4,818,000, to remain available until expended, for enhanced security services: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

REPAIRS AND RESTORATION

For an additional amount for ''Repairs and Restoration'', to respond to the September 11, 2001 terrorist attacks on the United States, $2,180,000, to remain available until expended, for construction of enhanced security features: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 13—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

GENERAL OPERATING EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''General Operating Expenses'', $2,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Office of Inspector General'', $1,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Science and Technology'', $10,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Environmental Programs and Management'', $270,700,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and to support activities related to countering terrorism, for ''Hazardous Substance Superfund'', $11,800,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for ''State and Tribal Assistance Grants'', $5,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Disaster Relief'', $4,900,000,000, to remain available until expended: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of

the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $30,000,000, to remain available until expended: *Provided*, That, of such amount, not less than $10,000,000 shall be for the National Security Division: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Emergency Management Planning and Assistance'', $185,000,000, to remain available until expended: *Provided*, That, of such amount, $35,000,000 shall be for to provide for grants to States and localities for first responder training and equipment to respond to terrorism, including incidents involving chemical and biological weapons, of which not less than $10,000,000 shall be for support of the 2002 Winter Olympics: *Provided further*, That, of such amount, $150,000,000 shall be for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229): *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Human Space Flight'', $81,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Science, Aeronautics and Technology'', $36,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

OFFICE OF INSPECTOR GENERAL

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Office of Inspector General'', $3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Research and Related Activities'', $300,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 14—GENERAL PROVISIONS

SEC. 1401. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly provided so herein.

This division may be cited as the ''Emergency Supplemental Act, 2002''.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 90 minutes, to be equally divided and controlled by the proponent, the gentleman from Wisconsin (Mr. OBEY), and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) will control 45 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, what we have done at this point in the bill, and I sense a little confusion around here, what we have done is to conclude the core defense appropriation bill for the coming year. We are now moving on to the supplemental title, which deals with funding for many of the activities that were promised after the events of September 11.

I want to say with respect to the proposal that is before us that there is no real difference between the minority and the majority on the items that are at present in the bill, as added by the committee.

What the committee did, and let me back up and speak very frankly, when the chairman, the gentleman from Florida (Mr. YOUNG), and I were trying to consider what other actions might be necessary to combat terrorism, in addition to those that were funded or that were going to be funded in the original $20 billion that was left over from the earlier agreement, his staff and mine began to work on a common list of actions that ought to be taken in order to protect our homeland.

About halfway through that process, after we had expected to come to the floor and come to the committee with a bipartisan recommendation, as we all know, the White House decided that they were going to draw a line in the sand and that they were going to veto any bill which spent one dime more than they had requested for homeland security.

So at that point, the chairman had some tough choices to make. I do not quarrel with any of the choices that he made, because he was being forced to operate within an artificial ceiling.

But in my view, when I go home to my district and walk down Main Street in any significant town in my district and ask people what their priorities are, they put homeland security before many other expenditures in the budget. They put homeland security ahead of tax cuts. They put homeland security ahead of retroactively repealing the corporate minimum tax. They feel that the very first thing we need to do is to make certain that, to the greatest extent possible, we protect the safety of each and every American.

So while I have no criticism whatsoever of the job that the chairmen of the various subcommittees did in working within the limits that were imposed on them, I feel those limits are ill-advised, shortsighted, and downright dangerous. That is why this amendment is before the House today.

Mr. Chairman, this amendment is the amendment that we took to the Committee on Rules. It has not changed one comma, and I want to go through and describe briefly what it does, since we now have more time.

If we take a look at the major problems facing us in the area of counterterrorism, we first of all are trying to add $322 million to upgrade State and local health departments and hospitals, so that the next time there is an anthrax attack or a smallpox attack or an attack of any kind, that our local and State public health authorities are prepared, ready, and equipped to deal with it.

Right now, the sad truth is that in most communities in this country they are not sufficiently prepared to meet that kind of unexpected threat.

We also would expand funding to create additional biosafety laboratories at NIH and Fort Detrick. We only have three level 4 biohazard labs in the entire country. They are heavily taxed right now just dealing with the anthrax scare. They processed some 10 times as many samples over a 1-month period as they normally process in a year. We badly need additional national facilities to handle this potential threat.

We wanted to provide $500 million as a downpayment on the $3 billion that the post office believes it is going to need to provide systems to sanitize future mail, so that we do not have to, on a daily basis, worry the way the country has had to worry the last 2 months.

Airport and airline safety. We have mandated about $500 million in safety enforcement and upgrades at local airports around the country, but we are providing very little money to help them. We are asking in this amendment that $200 million be provided for that purpose.

We are seeking to add $250 million more for cockpit door security, because the committee made the decision to add to the President's request for the number of sky marshals, but they paid for it by cutting the President's request on cockpit security.

I do not criticize that choice. If I had to choose between the two, I would have made precisely the same choice as made by the majority, but I do not believe that we should have to choose between those two. I think that both are urgently needed, and we would provide the additional funding for that.

We want to help the FBI upgrade its computer capacity, because right now they have a large number of computers that cannot even do pictures. When we are trying to get to the FBI agents all around the country the pictures of the fellows we are worried about who might be future terrorists, it would be kind of nice if the FBI computer system could accomplish that. It cannot right now, to the full extent that it needs to. We would provide money to fix that so that their new computer system would be online by next spring, rather than having to wait until 2004.

We provide a wide variety of other law enforcement additions as well.

Then we get to the question of weapons of mass destruction. We are trying to add $191 million to try to secure weapons-grade nuclear material within the former Soviet Union, material which on 13 different occasions has fallen into the wrong hands and has been recovered. We do not know how many times that material has fallen into the wrong hands and has not been recovered. So we attempt to deal with that.

We also attempt to deal with some grave national security threats at nuclear weapons-producing plants around the country. That is a high-priority item.

We try to add 790 additional Customs agents for the Canadian border, so we do not have a sieve instead of a systematic screening at that border.

We are trying to provide also additional port security by providing an additional 640 Coast Guard positions for a fully annualized basis, rather than the 6 months that we now have in the bill.

We are trying to provide 800 additional Customs Service agents for cargo inspections, because we only inspect 2 percent of the cargo containers that are found in ships that dock at American ports.

Secretary Thompson indicated that what worried him most of all was the fact that only 1 percent of our food supply, of the food supply that we import, is inspected. We are trying to raise that to 10 percent. I do not think that is an outlandish request.

Then we are trying to take other actions to provide security upgrades for our community water systems around the country, and also trying to enhance the ability of the government to find, hire, and train people in Arabic, Farsi, Pashto, and a number of other languages for which our capacity right now is totally inadequate.

So that is a brief description of what this amendment does, with one further addition. It has been said by OMB, the White House budget office, that this represents runaway spending. That is absolute nonsense. I would like to read one sentence in the bill:

''Provided further that such amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress.''

What does that mean in plain English? It means that for every single line item in this bill, even though we make it available to the President so that it is there if he needs it in his holster, even though we make it available, he does not have to spend it unless he designates it as an emergency. So if in his judgment it is not an emergency, he still can prevent that money from being spent.

I am not comfortable with that, but that is a concession we made to the White House to try to work out a bipartisan approach. I am flabbergasted and appalled that we would even be having this dispute, because what I think should have happened is that instead of summarily rejecting what we wanted to do in this package before they saw word one of what it was we were trying to do, what they would have done had they had some grace, they would have sat down with us and said, ''What is it that you are talking about that you want to do,'' and, ''Where can we agree and where can we disagree?''

□ 1515

Instead, they simply decided sight unseen: ''No more, cannot afford it.'' Well, it seems to me that that is a horrendous mistake. And I think public opinion by a wide margin would want us to provide these added protections that we seek to provide in this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. It is the understanding of the Chair that the gentleman from Florida (Mr. YOUNG) would like to continue his reservation of a point of order through the period of controlled debate.

The gentleman from Florida (Mr. YOUNG) controls 45 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I do continue to reserve the point of order on the amendment.

Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, what we are dealing with now is the second tier of the defense appropriations bill. We have completed consideration of the basic bill. We are now dealing with the $20 billion supplemental that is attached to the defense appropriations bill.

I want to give just a real quick review of where we are and why we are here. Right after the terrorist attacks on September 11, we realized that there was going to be some funding needed immediately to respond to the attacks.

The gentleman from Wisconsin (Mr. OBEY) and I sat down together, and we began to work on what we thought would be an appropriate response by the Congress in the form of a supplemental appropriations bill. And we agreed to a $20 billion supplemental appropriations bill, and we had worked out most of the details. We were, in fact, sitting with our counterparts in the Senate, Senator BYRD and Senator STEVENS, when the news flash came that the President had agreed to add an additional $20 billion to help recovery in New York City. We were very supportive of that.

We understand that, after the terrible terrorist attacks on the World Trade Center in New York, we are all New Yorkers and we all have an obligation to respond as quickly as we can. So we produced that $40 billion supplemental appropriations bill. The President was able to direct the first $10 billion of that supplemental anywhere he

wished, to respond to the attacks and to begin the effort to prevent them from happening again.

For the second $10 billion, the President had flexibility in how to use that $10 billion; but we required that he consult with the Committee on Appropriations of the House and the Senate 15 days prior to allocating those funds. So the first $20 billion is spoken for.

We made the second $20 billion of the $40 billion in that law subject to the appropriations process. And so, Mr. Chairman, that is why we are here today. We are presenting the appropriations recommendations for that $20 billion figure.

Now, the $20 billion figure includes pretty much what President Bush had asked for. We had worked with him. We worked with our subcommittees, and we made some changes in the $20 billion package; and the President did not object to those changes. So we think we have a good package here. However, there are many who believe, and Mr. Chairman, I am one of them, that before this is over, as the President has said repeatedly, this is going to be a long, drawn-out affair to seek out the terrorists, to destroy al Qaeda's ability to launch terrorist attacks against the United States or our interests wherever they might be.

The military operation is going very successfully. I commend General Franks and all of those officers and men who have worked under him in this combat situation. They have done a really good job. It has been very methodical, and it has been very precise. They have done a really good job. The operation is moving along very well. We are not sure how much longer it might take. We are using a lot of munitions. We are spending a lot of money on that military operation.

But in addition to that, Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) and I have visited at the FBI, at their Intelligence and Operations Center; and we recognize, as the President has said, this is not an issue isolated to Afghanistan. We have located, and when I say ''we,'' I am talking about the American Government, the FBI, the CIA, all of our law enforcement agencies, some of which we will not mention here, that have done a really good job in identifying terrorist cells scattered all over the world. It is going to be a long, drawn-out process to eliminate the ability of terrorists to attack America again.

It is essential that we do not have any more World Trade Center-type attacks; that we do not have any more attacks on military installations like our Defense Department at the Pentagon just across the river here from the Capitol. So it is important that we disrupt totally the ability of any terrorist organizations to conduct terrorist activities against the United States.

We want our people to go back to being able to live without fear. Americans should not live in fear. And we have to do everything possible to guarantee that Americans do not live in fear. We do not want our buildings or our properties attacked by terrorists. So, again, we have to disrupt their ability to do that.

Now, I bring up this little bit of history because I do not know, and I do not think anybody can tell us today, what the final cost of that overall effort is going to be. As I said earlier, I tend to be one of those who believe it is going to be more than the $20 billion that we have already appropriated as an emergency supplemental. The President, I think, agrees with that; and I think he understands that there will be more needed for the military.

We are using up munitions at a large rate and in some cases getting dangerously low. We are using a lot of fuel. We are putting a lot of wear and tear on our aircraft and our ships and all of our military equipment. So the military, the Defense Department, will need additional funding in order to not only maintain this military operation but to recover from it so that we do not let our forces and our guard down.

In addition, the FBI has serious needs. The Border Patrol has serious needs. We have to protect our borders. We have to make sure that we stop the terrorists from coming into our country.

Our public health systems all need support, whether it is for protection against anthrax, small pox, or whatever might be used as a terrorist weapon. We must be prepared, first of all, to prevent it, but, second, to deal with it if it should happen.

Again, I say I do not know what the cost is going to be ultimately, and I do not think anyone else does today, including the President of the United States. I think he has done an extraordinary job in seeking out the terrorists and bringing punishment upon those who created this terrorist attack on the United States on September 11, and in pursuing al Qaeda and their fellow terrorists around the world. The President has said today, let us stay with the $40 billion total.

That is a lot of money; there is no doubt about that. There is a lot of money in the pipeline already for the $40 billion, and the President has said that when we reach the point that we need additional funding, that he, the President, will immediately ask for a supplemental appropriations bill from the Congress.

The Speaker of the House, in many meetings and many consultations, has told me that he supports the President's position and that he will, in fact, allow us to move a supplemental appropriations bill quickly when the time comes, if that need is identified.

I have made this commitment, and I will make it again here today, that once the supplemental request is identified, I will move, as chairman of the Committee on Appropriations, that supplemental request in conjunction with my friend, the gentleman from Wisconsin (Mr. OBEY). We will move that supplemental appropriations bill quickly through this House, and our colleagues in the Senate have agreed that they would do the same.

So what I am suggesting today is that we cannot support today any amendment that goes above the $20 billion. But we will move immediately for a supplemental with the President's support and the Speaker's support when the time comes that we do identify a need that must be taken care of.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes and simply make two points in response to the gentleman's comment.

The issue is, should we provide this money now or should we wait until the administration decides at a later date that it might be necessary? I think strengthening inspections on the Canadian border is something that should happen now, not later. I think that port security personnel should occur now. I think that upgrading computers at the FBI ought to occur now, not 6 or 8 months from now. I think that providing additional security for a number of classified facilities around the country that have severe security lapses ought to be corrected now, not later.

The problem with the supplemental is that we have no guarantee that it will not take months to get through. We can try to push it through this House very quickly. That is no guarantee it will go quickly in the other body.

Secondly, if you do it on a supplemental, it will cost more. I have never in my life seen a supplemental pass through the Senate where we were able to get a Senator to vote for it by taking something out. Almost always they want to add something; and in the end, especially in an election year, the costs rise.

So it seems to me the most fiscally disciplined way to proceed is the way we have outlined in this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me the time.

I rise in support of the Obey amendment. Here is the issue. Partially preparing for a bioterrorist attack is about the same as not preparing at all. Bioterrorism preparedness is not preparedness without adequate funding.

The majority and the administration have fallen far short of achieving this goal. For example, the demands on the Centers for Disease Control and its partners, State and local public health departments, have never been greater.

This week, CDC released a plan to respond to a smallpox attack relying heavily, heavily on local and State health departments; but public health facilities, more often than not, do not have the capacity today to implement that plan.

Current funding levels cannot guarantee or even partially guarantee preparedness for health departments. We can stockpile vaccines and antibiotics; but without people on the ground to quickly identify and quickly respond to threats, we simply are not prepared.

I want to remind my colleagues that stockpiling and distributing antibiotics will only be a useful strategy against bioterrorism if the underlying strengths of these antibiotics is ensured and maintained.

Monitoring antibiotic resistance must be part of our national strategy. During the last couple of months, thousands of Americans have been prescribed the antibiotic Cipro because of a legitimate risk of exposure to anthrax. Physicians tell us this use of antibiotics is appropriate, but thousands of other Americans have sought prescriptions for Cipro without any indication of need or risk of infection.

If the U.S. and the rest of the world begin using antibiotics like Cipro, without any indication of need or even a risk of infections, if that happens, these drugs will lose their effectiveness. When facing lethal diseases like anthrax, it is important to find an effective therapy quickly. Any delay can result in the deaths, literally, of thousands of individuals.

To adequately prepare for a bioterrorist attack, State and local health departments must be equipped to rapidly identify and respond to antibiotic-resistant strains of anthrax. We must isolate emerging antibiotic-resistant pathogens, track antibiotic overuse and misuse, monitor the effectiveness of existing treatments over time; and that takes money, the money the administration and the majority have refused to allocate.

As the gentleman from Wisconsin (Mr. OBEY) said, ensuring the safety of imported foods was important before September 11, but more important now. Americans would be astounded to know that the FDA is able to inspect only seven-tenths of 1 percent of all the food that comes into this country. That is one out of 140 crates of broccoli; one out of 140 crates of fruit; one out of 140 boxes of any imported food.

The FDA says to Congress it wants to ensure the safety of the food, but the money is not there without the Obey amendment. The events of September 11 require us to do more. Secretary Thompson a month ago said, ''Am I satisfied with the inspection we are doing? No, I am more fearful about this than anything else,'' he says. He wants to get to a level of 10 percent inspection on imports, which would cost $300 million.

The gentleman from Wisconsin (Mr. OBEY's) amendment allocates that $300 million. Vote for the Obey amendment.

□ 1530

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise to speak to issues regarding the Great Lakes dental facility activity and the need for the high-speed anti-radiation missile.

Mr. Chairman, the Great Lakes facility, in my district, is home to the military dental research program, a joint venture of the Navy and Army. In fiscal year 2001, the Congress provided $4 million for this program. The research done at this laboratory is unique and not duplicated by any other federal or civilian research program. It focuses on keeping our nation's troops orally healthy and prepared for active duty at all times.

Because of funding provided by Congress and your Committee, the dental researchers have been able to develop: a combat face shield to prevent head and neck casualties; dental materials which can be used in harsh military environments; and an anti-plaque agent to prevent dental diseases during military deployments.

Recent figures from Bosnia showed that there was a dental emergency rate of 15.6 percent for deployed personnel. A dental emergency is when active duty personnel are out of action due to an oral condition. Evacuating soldiers because of severe oral conditions can be very expensive . . . costing thousands of dollars. Therefore, the researchers' goal is to keep the troops in good oral health and to perform treatment on site. Research underway today is also focusing on trying to prevent such emergencies from happening. They hope to more accurately identify patients at high risk and prevent dental emergencies before they undermine troop readiness.

It is my understanding, that with sufficient funding the saliva test for anthrax could be successfully developed and delivered within 6 months. However, the administration requested no funding for this program, and the Committee was unable to provide funding for this program in its fiscal year 2002 recommendations. Without Congressional funding, this research will be discontinued. Therefore, I hope that when we go to conference on this bill, that we will be able to find sufficient funding to continue this program and its valuable research.

I want to applaud the Committee on Appropriations for an important recommendation which will lead to a significant upgrade in our military's ability to destroy enemy air defenses. The Committee has included $33.6 million for the Advanced Anti-Radiation Guided Missile program in order to continue the upgrade of the HARM missile guidance system.

As my colleagues know and all Americans have come to appreciate over the last decade, suppressing air defenses is often the first task of our combined air forces when the U.S. undertakes a military action. This was true in Desert Storm, true in Kosovo, and has been proven true again in the skies over Afghanistan.

Suppression of these defenses starts with eliminating the surface-to-air missile threat. Our principal weapon to accomplish this critical task is the HARM missile. Yet HARM technology is two decades old. To guide the missile to a target radar, that radar must continue operating throughout the flight of the HARM missile. The guidance system cannot adjust adequately if the radar is turned off. Our adversaries have had many years to learn of such deficiencies, and without question have learned to capitalize on them by limiting the duration of a radar beam and relying on alternate tracking capabilities.

In the Kosovo air campaign, approximately 1000 HARM weapons were fired, resulting in the destruction of only a handful of targets. The cost per kill was unacceptably high—over $80 million per target.

Fortunately, the Navy is currently developing a new seeker, the AARGM, which will replace the existing HARM guidance system. The program has achieved success thus far in three tests at the Navy's China Lake test center in California. On August 29, after the third test, the Navy announced that the test missile ''successfully identified, tracked, and guided to the simulated air defense radar target and impacted within the lethal radius of the HARM warhead. All test objectives were achieved. With this success, the evolution of the HARM weapon system from a SEAD, Suppression of Enemy Air Defenses, to a DEAD, Destruction of Enemy Air Defenses, weapon continues on a successful path.''

Mr Chairman, as a Naval Reserve Officer leading a team of intelligence personnel in EA–6B Prowler electronic attack aircraft over northern Iraq and Yugoslavia, I have witnessed first hand the shortcomings of our existing capability to suppress enemy air defense. I judge the effort to upgrade this capability to be vital to our national security.

Frankly, upgrading the HARM seeker should only be the first step. We also need to move forward rapidly to replace the HARM system in its entirety. But AARGM is an excellent interim measure, and I urge the Committee to support this item in conference to provide greater protection for our air assets and personnel.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment. We want to thank the gentleman for his commitment and strong support for these programs, but the body ought to know we have adequately funded these agencies.

After 9–11, we asked every agency that came before our subcommittee to come in and tell us what the needs are based on what took place with regard to 9–11. The INS has been increased by $1.1 billion over last year. In the regular bill we have funded 570 additional Border Patrol agents and 348 additional land border inspectors. The INS, in the regular bill, was funded for a total of $5.6 billion and, in addition to the regular bill, we are providing $409 million

for INS through the supplemental. That is an increase over last year over $1.1 billion.

With regard to the FBI, the FBI was funded for a total of $3.5 billion in the regular bill, and in addition we are providing $540 million for the FBI in the emergency supplemental. That is an increase this year over last year to the FBI of $800 million. So the needs have been met.

The subcommittee and the staff sat down with FBI, DEA, all of these agencies, and the budgets were dramatically changed based on what took place on September 11. And then, in addition to that, the supplemental adds on and reflects what took place. So because of that, I do not support the amendment and urge its defeat.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I am pleased to rise today in support of the Obey amendment to Division B of this bill.

As we all know, the needs that were so horribly exposed on September 11 will not be met with the $20 billion contained in this bill. We in Congress will be providing additional resources for the critical national needs of recovery, defense, and homeland security for a long time to come. I believe the amendment by the gentleman from Wisconsin gets us a little ahead of the curve by providing contingent emergency appropriations.

We make sure the President has resources he needs when he needs them. But the funds cannot be spent unless the President formally designates them emergencies, assuring that this amendment will not trigger uncontrolled spending.

In particular, I want to discuss the parts of the amendment that are in the jurisdiction of the Subcommittee on Commerce, Justice, State and Judiciary, of which I am the ranking Democrat. Now, I am pleased that the chairman of the subcommittee, who just spoke, and I were able to do much better for the agencies than in past years. But even Chairman WOLF would have to admit that those agencies have come back to us and said that they need further assistance, and that is what the Obey amendment intends to do.

Now, Chairman YOUNG also did a wonderful job in trying to meet the needs in this bill. The chairman's package includes $400 million for counterterrorism grants to States and local first responders, and he also puts in money to create Radio Free Afghanistan. The supplemental, however, does not speak to the issues that the gentleman from Wisconsin (Mr. OBEY) speaks to. And what I would like to do is simply remind my colleagues the Obey amendment contains an additional $569 million for the FBI, so that they can continue their investigation; $128 million for construction needs for the INS; and $150 million, of up to $400 million already in the bill, for the Justice, State and local counterterrorism first responder grants.

In other words, what we are trying to do here today is, first, pay respect to the fact that Chairman YOUNG and the appropriators have come together and put together a bill that deals with a lot of these issues, but in doing so left out a lot that needs to be done. This is a very crucial time we are dealing with, this is a very difficult time, and the Obey amendment should be supported.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I will not use all the time, but I rise to express to the body my deep appreciation for the work of my chairman, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), in this entire matter.

As many of my colleagues know, our Subcommittee on Defense had come together to mark up the base bill of $317 billion on the very morning of September 11, only to adjourn our meeting for obvious reasons. All of us recognized that America was faced with a new challenge like we had never faced in our own lifetimes. And indeed, since that time, the chairman and the ranking member, those people who are involved in defense appropriations, have worked hand in hand to try to make sure that we laid the foundation to be certain there was enough funding available to see us through these very difficult months ahead.

As the chairman has suggested, and the ranking member knows as well, this could be a very, very long struggle. The challenge is real, and all of us are committed to winning this war against terrorism. If it should go forward well beyond the few months ahead of us, there will absolutely be a need for additional funding. I intend to give all of my personal effort to making certain that adequate funding is available. If we need to come back in January, we will come back in January. If we need to come back in March with a supplemental, we will come back in March.

But, indeed, at this point in time, I have to support the position of my chairman that we should not go beyond the $40 billion because of all the reasons that have been outlined here.

First, we need to get a handle on what we can best estimate the costs are, and then one step at a time. The public, as well as the Congress, can be assured we are not going to fail because of lack of appropriations to fight this war.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON), who does not have a vote in this House but who should have.

Ms. NORTON. I thank the gentleman for yielding me this time and for his generous words, and I rise in strong support of the Obey amendment in its entirety.

Do my colleagues know what had to be done to get in the Obey amendment? There had to be a showing that these funds, to be spent in 2002, would be spent under a strict definition of emergency preparedness.

September 11 woke Congress up to who its own first responder is. It is the emergency personnel of the District of Columbia. Sure, they are responders for 600,000 residents who live here, but they are also responders for hundreds of thousands of Federal employees, for the Congress, for the Supreme Court, for the entire Federal presence. There are two cities here joined at the hip, and both are dependent on police, fire and emergency help from the District of Columbia, for which those personnel are dangerously underprepared.

There is virtually no equipment equal to responding to September 11 or bioterror attacks. To make matters worse, the District is just coming out of the worst financial crisis in its history, where much of its first responder equipment for the hometown was taken down.

Because so much was at stake, the gentleman from Wisconsin (Mr. OBEY) placed equipment and training for first responder to terrorist attacks here for the District of Columbia.

It is folly to delay this funding, my colleagues. Look at the kinds of things that are being funded. Personal protective equipment and chemical and biological detection equipment for D.C.'s police and fire personnel. Why? Because we cannot expect personnel to go into terror and bioterror sites unprotected. Would we not be reluctant? Antidote kits for nerve agents. First response land line communications.

Those who say come back next time ought to understand that this is the kind of equipment that we are talking about, equipment that would be needed tomorrow, Health Department onsite response for this place and for the entire District of Columbia.

The bill going through here for emergency preparedness has already included the District of Columbia. It is time we put the District of Columbia in our appropriations so that we can fight whatever is necessary.

Mr. YOUNG of Florida. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Labor, Health and Human Services.

Mr. REGULA. Mr. Chairman, I want to point out some things. First of all, the gentleman from Wisconsin (Mr. OBEY) has been extremely supportive of all these activities. He is the ranking member on our Subcommittee on Labor, Health and Human Services and we have responsibility for funding Health and Human Services. What I want to address is that portion of the bill.

And I might say that the gentleman from Wisconsin and myself have worked very closely in our bill that passed some weeks ago in funding these items, but it was prior to September 11. I want to point out that what is proposed today are very substantial increases.

On one instance we are talking about $509 million. This is money already in the bill, without any addition: $509 million for 300 million doses of smallpox vaccine; $594 million to acquire medicines, supplies and equipment for the national pharmaceutical stockpile. That is enough to treat 10 to 12 million persons exposed to anthrax and other bacterial infections, and to increase the push-packs.

A push-pack is a sort of a package, maybe the size of a big semitrailer that you could haul furniture in, and in that push-pack is everything needed to deal with a whole variety of bioterrorist types of diseases. The push-packs are strategically located around the country so that if there is a crisis at any one locality, they immediately have the supplies, whether it is anthrax vaccine, smallpox, serin, or whatever it might be. We have the money to buy these, to put them in place.

It provides for State and local planning and training for distribution because a key element here is the local health departments. If there is a crisis, it cannot all be managed from Washington. It depends on the State health departments, it depends on the local health departments.

We had a meningitis scare in my district some months ago, and on the scene was the local health department, the local officials, the State health department and the Centers for Disease Control. It was a team effort. And what we are already providing in this bill is the materials to do the team effort in the event of a crisis in any given locality.

There is $423 million to upgrade State and local capacity. This is a very important feature of the bill that is before us, to ensure that these State and local officials are trained, that they have the materials to deal with a crisis, whatever it might be. So that is another great strength, and that $423 million will do a lot of training and provide a lot of materials.

State and local health departments will have $500 million for capacity upgrades. Again, I cannot emphasize enough that to be ready for a crisis, whatever it might be, there needs to be local and State input as part of an overall plan. One of the reasons we are saying at this moment let us not spend more money in addition to what I have just been describing until we have a plan, until our Secretary Thompson puts in place a long-term plan detailing what is needed, how money would be spent. I do not think just shoveling money at a problem is any solution. If we have a good plan, we can use the funds available far more wisely.

It also provides $133 million for public health infrastructure, $100 million for State and local preparedness planning, $90 million for early detection surveillance. I am talking about what is in the bill now, not the extra money that is proposed. The bill has $95 million for upgrading capacity at the Center for Disease Control, and there are a whole series of components in that: security at the CDC internal laboratory capacity; $20 million for epidemic intelligence service; $15 million to evaluate the effectiveness of masks and respirators; $10 million for rapid toxic screening.

It also provides $170 million to hospitals. It is important that we get local hospital personnel educated and equipped, because if there is a crisis, there is where we have to address it, there is where people need to be cared for, and we recognize that. We put in $170 million for emergency services and allowing the hospitals to upgrade their training and their facilities. It also has money to ensure the Nation's health facilities have equipment and training to respond to a mass casualty incident.

For example, we are going to have the Olympics in Utah. They need money to be prepared out there where we will have a great number of people in a locality. Another example is the Super Bowl and all sorts of similar group events. We have money to help local people be ready, to be prepared, hospitals and doctors; to have the facilities. The push-packs will provide the materials, but we need trained people, and that is what we do in this bill.

We have $10 million for children's post-traumatic stress disorder.

□ 1545

This is something that has been with us, but very much emphasized by the events of September 11.

There is $50 million to accelerate the research and development of new safe vaccines for smallpox and anthrax.

All I am saying is that this bill has $2.5 billion to address these problems, and we are saying let us take a look and have a plan, and then we will come back with a supplemental and probably we will be very supportive of that, provided the proposed expenditures fit a plan, and the money will be used wisely. We do not know what is down the road. Therefore, we need to have the capacity to address whatever problem comes up and have the funds available to met a future crises.

It certainly indicates that, as of the passage of the bill, we have provided an enormous amount of resources in the bill before us to develop a whole host of possibilities for responses terrorism.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first of all acknowledge the very strong working relationship between the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY). I come to the floor recognizing their good working relationship, but I enthusiastically rise to support the Obey amendment because it is important to note that fighting terrorism is costly, and it requires a proactive posture.

Terrorism and the fight of terrorism is ongoing. Even as I left my hometown of Houston just 48 hours ago, the FBI made an announcement that our refineries were a potential target. Terrorism is everywhere; and although we are not kneeling and yielding, although we are prepared to fight, it is extremely important that we go forward now and not wait.

In particular, I rise on several points of the Obey amendment as it relates to domestic security, homeland security. Anytime we are attacked in a bio-terroristic war, Members can be assured that our local health centers and hospitals will have the greatest impact. In the committee bill there is only $593 million; in our proposal, $915 million. If we had in any of our areas, rural, urban, suburban, some sort of bio-terrorist attack, the individuals would only have to go to these hospital centers in large mass to get vaccinations. These entities cannot stand up under the brunt of that kind of impact. And the resources are definitely needed.

We talked about the tragedy in the postal service, the loss of lives of postal workers. The U.S. Postmaster General has asked the question, can we sanitize all of the mail? In order to do that, we need the resources. This particular domestic security bill provides $500 million where there is no funding in the existing legislation.

As the ranking member of the Subcommittee on Immigration and Claims, let me suggest that we need more dollars. The extent of our borders and the lack of supervision, not because of the lack of commitment of our employees, but because we do need more resources, this particular legislation provides additional Customs agents and other resources for the Canadian border. It provides the additional opportunity to review the biometric card at the southern border.

Mr. Chairman, one of the reasons there is such a backlog to move traffic and secure the borders, we have the biometric card, but the INS does not

have the resources to read it. That is a new design card to help secure our borders.

It is interesting that the gentleman from Wisconsin (Mr. OBEY) noted in years past or before September 11, the oceans protected us. They do not now. This particular legislation also has resources for our Coast Guard because now we need them to secure us. In Houston we have one of the major ports of the Nation.

I believe we must recognize that terrorism is ongoing, that we are no longer protected by the oceans. Although we stand boldly and tall to fight terrorism in a fair-minded way, we need the resources and must be proactive now. I beg my colleagues to support the Obey amendment and overrule the point of order.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3½ minutes to the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the Subcommittee on Treasury, Postal Service and General Government.

Mr. ISTOOK. Mr. Chairman, we are often impatient people in the United States; but as the President has reminded us, we must be patient. This will be a long-term effort against terrorism and protecting our homeland. While we are doing these things, we have to make a lot of changes to prepare to be able to do it right.

This week the Marines have landed in Afghanistan. Some people say why were they not there already? Well, the time was not right. We have to proceed in an orderly way to accomplish the maximum results. That is what we are trying to do. I appreciate that the author of this amendment has not questioned the priorities of the bill before us. He has just said he wants to do more, and he wants to do it now.

Many of us say, however, we need to look at what we have done in this bill and understand that we are doing things in an orderly fashion and we are putting the money where the priorities are greatest. And we have, as Congress, asserted some of our priorities that differ a little bit from the administration. That is part of developing consensus. But we cannot do everything yet; we are not ready. We are not able to do everything yet. We must be patient. Books come in chapters. Plans come in phases. In a major construction project, public works or otherwise, it is necessary to design the plans, start digging and preparing the site, lay in a foundation, start with the walls, move on to the ceiling, the interior, the landscaping, and do the utilities along the way. What happens with the funding? It comes in the form of progress payments.

Mr. Chairman, as we are ready and willing to do certain things, the funding is there. As we are ready and able to do things in protecting our homeland, the funding is there; it is being provided by this Congress.

I want to address some of the things that we have done. For example, some people have mentioned border security. Even before September 11, in our subcommittee we had already provided an additional 285 positions for the Customs Service to inspect the cargo as well as the people coming into the United States of America, as well as enhanced spending on inspection technology.

In this measure on top of that, we are funding an additional 277 Customs Service positions at the northern border and 460 at seaports. Why? Because we know we have to have more homeland security, and we have to staff the entry points better than we have been doing, and we are doing so.

The postal service has already received $170 million out of funds allocated by this Congress to help them find ways to make the mail more secure. They are using that funding already for their pilot projects of testing this irradiation technology to remove any contamination that might be present on or in the mail. We have been pursuing these things, but we are not ready to go further. The postal service will not be ready for some time to know if this technology will do what it promises to be able to do, and will do it without side effects and without unintended consequences.

We are not ready to go further; but we are putting more money into training and preparation. We are putting the money that we need for homeland security already in the base bill. Let us not be impatient and try to skip forward to the end when we do not know everything that is going to happen and everything that is going to be needed. We have a very responsible piece of legislation in front of us; and I oppose this amendment although I appreciate the intent with which it is offered to protect our homeland.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentleman and I rise in strong support of his amendment. In the aftermath of September 11, our whole Nation has learned to be more watchful. The Federal Government has increased its efforts as well, and the gentleman from Wisconsin (Mr. OBEY) has developed an amendment which would plug many remaining holes in our security system, and I believe we should pass it.

I would like to address one particular part of that amendment which would have been especially important because it deals with one of the most basic elements of our daily lives, the safety of our water systems.

Our drinking and waste water systems are now extremely vulnerable to terrorist attack. Early this month in the Committee on Science, I helped put together a bill which passed that committee unanimously and would authorize $60 million for research and development of methods to monitor and protect our facilities and our water.

The amendment of the gentleman from Wisconsin (Mr. OBEY) would have taken this idea one step further by providing $190 million for vulnerability and security assessments, and, importantly, for the implementation of protections. The amendment of the gentleman from Wisconsin (Mr. OBEY) would have provided $156 million more than the administration request, and $80 million more than the majority package which did not call for waste water facilities to be protected at all. This amendment would have provided the means necessary to keep the system which all Americans depend on safe from attack. Without it, I believe we leave gaping holes in our security network. I support the ideals of the gentleman's amendment.

Mr. Chairman, we all realize how much more should have been done to bolster airport security prior to September 11. We are now given a chance to protect our water supply and other infrastructure before they are subject to attack. I believe the gentleman's amendment does that and I rise in strong support.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations Subcommittee on Defense, and a Member who knows something from personal experience about taking the war to the enemy as a Naval fighter pilot and the first American ace in Vietnam.

Mr. CUNNINGHAM. Mr. Chairman, the Subcommittee on Defense and the Permanent Select Committee on Intelligence is the absolute best committee, I think, to serve on in this House. When we go to our meetings, we do not know the difference between Republican or Democrat when it comes to defense issues.

The gentleman from Pennsylvania (Mr. MURTHA), the ranking member; the gentleman from Washington (Mr. DICKS); the gentleman from California (Mr. HUNTER); the gentleman from Missouri (Mr. SKELTON), all work for the security of this Nation.

One reason it is difficult to oppose the Obey amendment is that the gentleman from Wisconsin (Mr. OBEY) in many cases is 100 percent on target. How many Members took time during the break to visit sites that were vulnerable? The gentleman from Wisconsin went to those sites and saw those vulnerabilities. He talked to the organizations regarding where they were deficient, and they are; and I agree with that. Members of the committee also agree with the gentleman from Wisconsin (Mr. OBEY). Most Members did not. I did not; I was in the hospital. But many people did not take time away from their families like the

gentleman from Wisconsin (Mr. OBEY) did, but he was concerned about national security.

Mr. Chairman, I would say along with the amendment of the gentleman from Wisconsin (Mr. OBEY), not exaggerating, there are a million vulnerable areas, over a million. That is why terrorism is so tough to handle. There is no way that we can prepare and do the studies and things that we need to fight against those threats. The gentleman from Wisconsin (Mr. OBEY) has done a good job at identifying some of those threats, and I believe with all my heart that the President is going to come up and help fund some of these; but we are still not going to have enough.

I would say to the Members that many of us warned that there would come a day when we would have defense needs and we would not have the resources to meet those needs. Mr. Chairman, 126 deployments under the previous administration has put defense $250 billion in the hole.

□ 1600

We have not been able to modernize. The intelligence agencies in which this amendment asks for, the FBI, the CIA, the NSA, they had to deploy every time that the military did and stretch their limits. Retention is only 25 percent in each of those services. They have not been able to modernize.

We do not have enough JDAMs, which is a guided bomb, to complete our mission in Afghanistan. We are short those weapons systems. The Su-27, an older airplane that Russia is exporting to many nations, our pilots die in our F–14s, F–16s, F–18s, 95 percent of the time, both in the intercept and in the dogfight, because we do not have the money to modernize those services and that equipment. The intelligence agency is the same way.

We feel a little bit like Billy Mitchell, warning that there would come a day when we needed funding. And did we ever figure that we would be fighting a war on our own turf and then trying to fund the military and this at the same time? I know my colleagues would agree, there is only so much money. Yes, education is important. Social Security trust funds are important. National security is important. We are only 3 months into this war. It is going to be a long time, and we cannot just keep putting more and more money into it, even though I think we need it and many of the things that the gentleman from Wisconsin talks about are needed.

That is why I reluctantly oppose the gentleman from Wisconsin's amendment. But he is a good friend.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN), a State which has a number of very serious security threats which we are trying to correct in this bill.

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague, our ranking member, and, frankly, a lot of the members of the Committee on Appropriations, and I rise in support of his amendment because I represent one of those security areas.

This amendment would fully fund the emergency request of the U.S. Coast Guard. Since the attacks of September 11, the Coast Guard has been stretched to the breaking point as they attempt to increase their operations and tighten security at all our Nation's vulnerable ports. This amendment would have provided millions of dollars to increase security at ports along our coasts, including the Port of Houston which is the Nation's largest port in terms of foreign cargo. It is the eighth largest port in the world. Each year almost 7,000 vessels and 175 million tons of cargo transit the Houston ship channel on their way to the port. According to current Coast Guard estimates, approximately half of all dangerous and high-interest cargo travels along the Houston ship channel in our country.

Along with the large volume of petroleum and other energy-related products that move through the Port of Houston each year, other top commodities include fertilizers, organic and inorganic chemicals. Each of these cargoes is a potential target for terrorism and any attack could kill or injure thousands, as well as create an enormous environmental impact in the greater Houston area and southeast Texas.

Since September 11, the Coast Guard, despite its limited resources, has dramatically increased security at the Port of Houston and the ship channel along with other ports around the country, with water patrols in our channel and everywhere else at all times, and more frequent dockside and shoreline patrols. The Coast Guard is also boarding all ''high interest'' vessels before they transit the ship channel. They now receive 96 hours' notice of ship calls and receive all crew lists, which they share with the law enforcement community.

While the Coast Guard in cooperation with local authorities have done an excellent job with the resources at their disposal, they will not be able to maintain their efforts without additional funding. We are wearing out our Coast Guard personnel. The President has requested only $203 million to cover 6 months of the activity. This bill today, without the Obey amendment, puts continuation of these increased activities in jeopardy, even falling $58 million short of the President's request.

That is why, Mr. Chairman, I support the Obey amendment, and whether it is now or through the conference committee, we will see an increase in our funding to support our Coast Guard.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. TIAHRT), a member of the Defense appropriations subcommittee.

Mr. TIAHRT. Mr. Chairman, I believe it is appropriate to tell the gentleman from Wisconsin with respect to his amendment, ''not now,'' rather than to just say no. Most people in America are aware that our military has been in decline for a decade. Procurement was lean, recruiting lagging, and maintenance budgets were too low. This bill starts the process of returning our military to its full luster. This bill goes beyond to fund $5.4 billion for domestic security, protecting against bioterrorism, providing airport security, meeting law enforcement and other domestic security needs.

But the gentleman from Wisconsin says we are not spending money fast enough. We do need to take some time, and here is a good example. In a hearing last month, a joint House/Senate transportation appropriations hearing, an engineer testified that to secure a cockpit door, an airplane needed to have a new metal bulkhead, pressurized doors, and a separate environmental system. Easily that would cost the extra one-quarter of a billion dollars that the gentleman from Wisconsin has. But some airlines have already secured their cockpit doors with a simple locking device that looks like an auto antitheft device called The Club.

Mr. Chairman, let us take time to do the job right. Let us look at what the needs are, let us balance what those needs are going to be, and let us reject the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

I would like to respond to something the gentleman just said. He says that we should not be impatient because the airlines have taken care of their cockpit security. Yes, they have done it, on the cheap, Kmart style.

The fact is that this bill contains $250 million less for cockpit security than the President recommended. It contains that lower amount of money because it added to the President's request for sky marshals. I agree that was a higher priority, but in my view both of them should be funded. You ask any citizen in America, Do you want those cockpit doors secured by a temporary device or do you want them secured in a way that will hold against the most professional attacks, and you know what the answer is going to be. They do not want us to be temporizing and they do not want us to be patient. They want us to be impatient, they want us to be aggressive, and they want us to act now.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment, for as a committee and as a Congress we have made the tough choices

with this bill and others we have considered since September 11. Make no mistake about that. This is a bipartisan bill that meets the immediate needs of our troops and their families and, most importantly, as our troops and militaries fight in Afghanistan as we speak here this afternoon, we are united behind them as Americans and as Republicans and Democrats.

In this bill, we have added a new appropriations title and $11.7 billion for our homeland defense, $1.6 billion of that new money, to fight that which may occur against our Nation that involves chemical, biological and, God forbid, nuclear threats.

Can anyone be entirely comfortable, to use somebody else's adjective, with every action or every expenditure or dollar amount that is considered or put into this bill? Of course not, since these terrorists fight by no rules. They kill civilians. But I think we would all agree that we have a greater confidence than we did a month ago as we go about routing them out at home and abroad. We now have a proactive homeland defense leader in Governor Ridge, who is pulling together disparate parts to do the job at home. We have an activated group of emergency management and law enforcement personnel in our States and lower jurisdictions. And yes, we have a public more vigilant, more aware, and more willing to sacrifice to fight terrorism at home and abroad.

Some have suggested we need billions of dollars more for defense. We may need more money, but let us make decisions for further supplementals after we hear from our President and Commander in Chief, and I am sure we will.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, God forbid if the terrorists of September 11 had a nuclear bomb parked in a truck placed in lower Manhattan, 2 million innocent American citizens would have died on that terribly tragic day. That is 500 times more people than were actually killed, as horrible and as inconceivable as that was.

I find it incredible that in this bill, after September 11 and all that we have learned about nuclear threats and terrorist threats, that this House could find $265 million to protect 535 Members of Congress and our staffs but could not find one dime to protect 281 million Americans from the real threat of nuclear terrorism. In fact, without the Obey amendment, this Congress will have actually reduced funding for the programs designed to keep nuclear material out of the hands of terrorists.

We might ask, how serious is the threat of nuclear terrorism against American citizens? Just earlier this year, a bipartisan commission, after a year-and-a-half study headed by former Senators Howard Baker and Sam Nunn as well as Lloyd Cutler, called nuclear terrorism against the U.S., and I quote, ''the most urgent unmet national security threat to the United States today.'' More recently, President Bush on November 6 made this statement: ''We will not wait for more innocent deaths. We will not wait for the authors of mass murder to gain the weapons of mass destruction. We act now because we must lift the dark threat from our age and save generations to come.''

Have we acted now? Have we acted in this bill to protect 281 million Americans from the threat that President Bush, Senator Baker and Senator Nunn have talked about of nuclear terrorists exploding a bomb right here in the United States? The answer is no. Worse than taking no action, we have actually reduced funding for those programs.

For this Congress to reduce funding for those important programs at this particular time in our history is a dangerous and irresponsible mistake. The Obey amendment would add specifically $131 million to protect 600 metric tons of highly enriched uranium in Russia that our Department of Energy has said is in urgent need of immediate upgraded safeguards.

Protecting the Congress from terrorists is a legitimate thing to do in this bill. Protecting Congress, our Capitol and Members of Congress, as part of our democracy is a valid thing to do, but no program is more important, no priority should be more important than protecting the American family from nuclear holocaust at the hands of terrorists.

We should support the Obey amendment, Republicans and Democrats alike. As President Bush said, we must, we should act now.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN), a cardinal and chairman of an appropriations subcommittee.

Mr. CALLAHAN. Mr. Chairman, the previous speaker just said that we are not appropriating one dime for this Russian nonproliferation program. Let me say that he is absolutely right. We did not appropriate one dime, we appropriated $541 million just a few weeks ago.

What is the nonproliferation program? When we decided and reached an agreement with the Russians that we would downsize our nuclear weapons stockpiles, we agreed that we would assist the Russians in finding ways and means to narrow the size of their stockpiles. They are not helping us narrow the size of ours, but we are doing it; but we are spending $2,000,000 a day already in Russia. There is no doubt that we could spend more, but that may not even be possible because the Russians do not let us go in and just carte blanche do whatever we want to do. We have to do it in conjunction with their security requirements, too.

While the gentleman may be right, there may be some need for additional moneys in the spring, I will stand with him on this floor and I will assure you that we will give them whatever money they need to ensure that every effort is made to downsize the nuclear situation in Russia.

□ 1615

But to stand here and tell the American people today that we cannot afford one dime is a long cry from the real world, and the real world is we are spending $2,000,000 a day already in Russia. So I think that is a sufficient amount. It is as much as we can spend. And if, indeed, they can come and justify more, and I intend to hold hearings in the spring to see if indeed they do need more, I will assure the gentleman and this Congress that we will do whatever is necessary to make sure this program is successful and that none of the gloom and doom as presented by the gentleman from Texas would ever take place.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I have great respect for the gentleman from Alabama (Chairman CALLAHAN). I am a Member of his subcommittee. He has made a genuine effort to try to increase necessary funding to protect Americans from the threat of nuclear terrorism. I would, though, differ with the gentleman on several points.

First of all, my comments, I did not say in my statement a few minutes ago that we are not spending one dime on these programs. What I did say is that in this bill we found $250 million above whatever else we were already spending to protect 535 Members of Congress; but in this bill, while we were doing that on one hand, we could not find one dime of additional money to spend on the programs designed to keep nuclear material in Russia from getting into the hands of terrorists.

Furthermore, the gentleman said we will give everything to these programs they will need. I respect the gentleman. I think if the gentleman could individually make a decision, we would have additional funding this year for this. But that is the same promise that was made to me just a few weeks ago when my amendment to add more nuclear nonproliferation funds was defeated in the energy and water bill. I was told if I will just wait until we get to the defense appropriation and supplemental bill, we will add additional funding.

The real question and the fair question to ask is should we act now or act next year? I would suggest our own Department of Energy has listed specific programs where there is a tremendous need now.

The gentleman said if we had more money, could we spend it now? The answer to that is yes. In fact, it is the Bush administration that on September 26 signed a new agreement with Russia that opens up numerous new sites where nuclear materials are located. Right now we have a window of opportunity to go in and provide security for those sites so that nuclear material will not get in the hands of terrorists and end up in downtown New York or Los Angeles in a bomb.

We not only can spend more money now efficiently and effectively, I think that is a responsibility. I think that is our obligation. We could do it in this bill.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 13½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 11½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, in response to the gentleman's comments, he did not indicate in his presentation, as best I heard, that we have just 2 or 3 weeks ago appropriated $541 million for Russian programs. That is in addition to the money that the Russians are putting in. Let us assume they are putting in at least half of it. So that is $1 billion that is available to downsize these programs.

If they need more and come back, we will indeed weigh what they tell us; and at that time, during the spring session, we will, if there is a supplemental bill, or even we might create one, we will give them the additional money. But to say that there is an inadequate amount of money to protect the American people to the best of our ability at this point, the gentleman is wrong. I do think they have a sufficient amount of money. They may not have enough next fall. If we reach that point, we will address it at that time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I will say flatly that there is an insufficient amount of money appropriated by this Congress to protect the safety of the American people from new weapons-grade nuclear material in the Soviet Union and elsewhere.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, despite all of the good efforts, and they have been good efforts, of the gentleman from Alabama (Chairman CALLAHAN), the bottom line is this: despite the tragedy of September 11, this Congress, without passing the Obey amendment today, will have cut funding for the primary programs intended to keep nuclear materials in Russia from getting into the hands of terrorists and killing 2 million innocent men, women, and children here in America. We can do better than that.

My hope is with the bipartisan leadership of this House, we will do better. We ought to do better in this bill by passing the Obey amendment. I certainly hope we will do better in conference committee and adequately fund these important programs that our Department of Energy has said should be funded now.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Committee on Appropriations.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we have heard this debate at the subcommittee level, at the full committee level, and now on the House floor; and it is an appropriate debate, a good debate. I, too, want to thank our distinguished ranking member for the time that he has invested in all of our preparedness issues, not just since September 11, but prior to that, and the gentleman from Texas for his continued advocacy for nuclear nonproliferation and the investment that is required by our Nation and a responsible Congress in this area.

I represent Oak Ridge, Tennessee, the home of the Y–12 weapons plant, and we have had some division about moving monies around. We are adequately funding our preparedness in this country.

I understand the comments of the gentleman from Wisconsin (Mr. OBEY). I understand his comments about us not spending enough money. But if you are looking at the nuclear weapons in the world and the stockpiles that we must maintain in order to have this deterrent, you could not hardly spend enough money to guarantee globally at all times total safety, unequivocally, no matter what, whenever, however. You could not possibly spend enough money. So it is kind of an arbitrary thing.

One thing I am proud of is this defense bill adequately funds the needs that we know of today with a full commitment that when the administration that is responsible for the leadership of foreign policy and the determination of the levels at which nonproliferation will bring us to, I love to see President Putin and President Bush together, coming together, talking about reductions, talking about maintaining safety and security for any weapons stockpiles there or here and what is going to be necessary.

But I want the administration to tell us what will be necessary in a timely manner and for the Committee on Appropriations to respond to the administration, not to arbitrarily come up with a figure and say that this is it. We need to do it in the right time, and we will.

This is a responsible bill. We need to vote down the Obey amendment and pass the bill that is on the floor today.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I rise in support of this amendment for the reason that should it fail to be adopted, we will essentially be reneging on a promise we made to the American people 9 days ago. On a bipartisan basis we adopted an airline security bill that, amongst other things, would require that every bag that goes into the belly of an airplane will be screened for an explosive device, something Americans have expected and really thought has been done for a long time.

The President signed that bill into law 8 days ago. It is now the law of the United States of America, and a promise has been made to the American people that every bag will be screened for an explosive device within a certain time period, within 1 year by a machine, and within 60 days by either manual inspection, a dog sniffing, or positive bag match. We did that on a bipartisan basis. The President signed it. It is the law of the United States of America.

But this morning I open up the Washington Post, and I see that the administration has said they are not going to meet these deadlines. Planes are going to still take off with bags in the belly of an airplane that could have a bomb in them that will not be screened. That is unacceptable to the American people. It should be unacceptable to us. The reason we have been given from the administration is apparently there is some resource inability, a lack of resources, to hire the people or the dogs it takes to get this job done.

This amendment will give the administration adequate resources to make sure the commitment we, on a bipartisan basis, made to the American people is fulfilled. If we do not do this, it will not be fulfilled.

To me, there are going to be a lot of disappointed folks who thought we were making sure their bags were screened for explosives. Then apparently we do not give the administration enough money to hire the people to do it. People are going to be very, very disappointed.

This amendment will allow additional expenses. We ought to pass this and fulfill this statutory commitment we made to the American people.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BONILLA), the chairman of the Committee on Appropriations Subcommittee on Agriculture.

Mr. BONILLA. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, this amendment is well intentioned. Hats off to the gentleman from Wisconsin for offering the

amendment, because I know his intention is similar to what we all want to accomplish here today and have been working on for many months, and that is to provide the administration enough money to deal with any terrorist threat that currently exists. Whether it is money for the Justice Department, the Defense Department, the Agriculture Department, you name it, we have worked in a bipartisan way for months now to try to provide enough funds for every aspect of the war on terrorism.

Specifically, I chair the Committee on Appropriations Subcommittee on Agriculture, and we put $61 million additional money, more money, for increased inspections of imported food products. The amendment the gentleman offers would increase the amount available for inspection of food imports by $239 million, and the statement by the gentleman says the amount would increase the level of effort to cover 10 percent of all food imports. But why is this a good number, and why is it the right number, and why is it any better than the amount we provide now, or should we provide more?

Mr. Chairman, what we have tried to do is work in a practical way with the experts involved in this every day at USDA and provide the right funding level. Again, we did this in the agriculture appropriations bill that was supported overwhelmingly in a bipartisan way, working hand in hand with the administration.

The President's budget also included over $34 million to accelerate the availability of drugs, vaccines and devices. This amendment does not propose to increase the level of effort for this activity. Why not? The question would be, is it more urgent to check the last can of imported olives than it is to review pharmaceutical products for safety and efficiency?

Mr. Chairman, what we have before us is an attempt to strike a balance. We have worked hard to find a balance in recommending the resources for FDA's many regulatory activities and protecting public health.

Could we do more? Perhaps, and all of us want to do that when the time is right and the appropriate budget requests come in. Would more resources guarantee a higher level of security at this point? That is not clear at all, and that is why we are trying to use every reasoned measure to put the spending bills together as a group this year.

I ask Members to think hard about this. Our subcommittee just completed its work on our fiscal year 2002 appropriations conference agreement which was just signed into law this afternoon. That agreement included $1.3 billion, billion with a B, for the FDA; and it was by far the largest appropriation ever for this agency. It is my view that that amount, together with the additional $104 million included in this bill, will provide sufficient resources for FDA to continue its good work in protecting the public health, as it has for 100 years.

So, again, we all want to do the right thing here; and, again, the gentleman's amendment is well intentioned, but at this time it is not the right thing to do. We are trying to act responsibly.

I urge rejection of the amendment and support for the committee's recommendation for funding levels this year.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in very strong support of the Obey amendment.

I must say that I find the arguments being made against the gentleman from Wisconsin (Mr. OBEY) to be very, very curious indeed. Frankly, I think the American people will find it very difficult to understand how we as a Nation cannot afford another $6.5 billion to protect ourselves against bioterrorism, to make sure that our airlines are safe, to make sure that the people of this country have adequate health care in, God forbid, the event of a terrible attack against us. We cannot afford that $6.5 billion, but somehow or another we can afford hundreds of billions of dollars in the last year for tax breaks to the wealthiest 1 percent of the population and for the largest corporations in America.

□ 1630

Tell that sense of logic to the American people.

When our people get on airplanes, they want to know that the baggage on that plane is safely inspected. When people walk into airports, they want to know that the people who are doing security are properly trained. My State borders the Canadian border. The people in Vermont and throughout this country want to know that our border security is strong.

So I would strongly urge the Members to get their priorities right. If we can afford hundreds of billions in tax breaks for the wealthiest 1 percent, we can provide strong security for the American people against bioterrorism.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from California (Mr. HUNTER), a subcommittee chairman on the very important Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I listened carefully while the gentleman from Wisconsin (Mr. OBEY) made, I thought, a very reasonable request for additional spending, and was met with I think an equally reasonable response from the gentleman from California (Mr. LEWIS) and the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. CUNNINGHAM), and a number of other members of the Committee on Appropriations and the Subcommittee on Defense, to the effect that they are working to engage in this process of rebuilding our national defenses which are being strained by the operation in Afghanistan in which we may expect to be strained further if this conflict continues and perhaps deepens. I hope that this is the start of a bipartisan effort to put together a defense bill in the coming year which is adequate to serve our country's needs.

Let me just tell my colleagues that from my perspective, and I heard the gentleman from California (Mr. CUNNINGHAM) make a number of very, very good points with respect to inadequacies, I think we are about $50 billion short, and I think all of the studies that we have done, such as the CBO, which says that our equipment is short-funded about $30 billion a year. That means if we have to replace trucks, tanks, ships, planes, on a steady state just to keep them halfway modern, we need to spend an extra $30 billion a year in the defense area. We are underfunded on munitions. We know that the Army is about $3 billion short of basic ammunition; the Marines have a smaller shortage. But nonetheless, they are not full up. We know that we are short on precision munitions, which are a very important part of projecting American power.

So I would hope that we are starting on a course to rebuild the national defenses that have been savaged pretty badly over the last 6 years. I hope this administration moves with us as well.

Let me just say also that while the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS) and the gentleman from Arizona (Mr. STUMP) and others are working hard on defense and putting in a lot of hours now trying to figure out exactly what we need, and are putting together I think a good blueprint to rebuild defense, I would like to see the Office of Management and Budget understand defense a little more than I think they understand; be more receptive when the services come to them and say we have ammunition shortages, we have spare parts shortages, we have equipment shortages. I know that if that office in the administration does not become more receptive, we are going to see, I think, this House take more initiative in that area.

So let us rebuild defense. I would like to see the gentleman from Wisconsin (Mr. OBEY) working with our Republican leadership to make that happen in this coming budget.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 6½ minutes remaining; the gentleman from

Florida (Mr. YOUNG) has 4½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his extraordinary, as usual, leadership in attempting to bring this amendment to the floor. I am very sad. It is a sad day for this Congress that this amendment has not been made in order, because it addresses many of the concerns that are shared by the American people and, indeed, have been shared by the President of the United States. I have great respect for our distinguished chairman of the full committee and the chairman of the subcommittee, but I object to the fact that we were not able to have this amendment made in order.

Mr. Chairman, I rise in strong support of the Obey amendment. It is hard to understand how the Republican leadership can argue that there is enough money to provide $100 billion in tax cuts for corporations and the wealthiest 25 percent of taxpayers but not enough to strengthen homeland defense, improve security for vulnerable nuclear materials, and keep our commitment to New York. They found enough money, the Republican leadership did, to provide $1.4 billion in tax breaks to IBM, $1 billion to Ford, $833 million to General Motors, and $671 million to General Electric. Why can we not find the money to strengthen State and local health departments, accelerate vaccine development, and improve security of vulnerable nuclear materials?

The gentleman from Wisconsin (Mr. OBEY) has successfully put together a thoughtful, comprehensive package that met these and other needs for $7.1 million, less than one-twelfth of the tax package that the Republicans support.

I wish to associate myself with the concerns expressed by our colleagues from New York. I share their concern about meeting our commitment to them. But I want to focus, Mr. Chairman, in my remarks on the perspective of the prevention of nuclear terrorism, what opportunities are missed here today.

Our President, President Bush, said on November 13 on the occasion of the visit of President Putin, ''Our highest priority is to keep terrorists from acquiring weapons of mass destruction. We agree that it is urgent that we improve the physical protection and accounting of nuclear materials and prevent illicit nuclear trafficking.''

Earlier that week the President had said they, the al Qaeda, ''are seeking chemical, biological and nuclear weapons. Given the means, our enemies would be a threat to every nation and eventually to civilization itself. We will not wait,'' the President said, ''for more innocent deaths. We will not wait for the authors of mass murders to gain the weapons of mass destruction. We act now because we must lift this stark threat from our age and save generations to come.'' We all applauded President Bush's remarks.

How then, how can we understand, then, how this Republican majority in the House would reject the Obey amendment which would add $221 million to this bill; $191 million for securing Russian nuclear materials, $30 million to better fund programs employing former Soviet Union nuclear scientists? The President said, we act now. We cannot wait.

When they say that we are going to have a supplemental down the road, let us review that. That bill came up before Thanksgiving in the Committee on Appropriations. Now we are on our way to Christmas, and we do not even have this bill passed, but we will soon. After Christmas comes what? Let us go through. Valentine's Day, St. Patrick's Day, President's Week, it will be easily Easter before we can revisit this bill and have a supplemental that will address these nuclear issues. How then can we, as the President said we act now, do so when we reject the opportunity that the gentleman from Wisconsin (Mr. OBEY) has given us here today? We are now giving opportunity to those who would threaten our security in our country. I think that is unfortunate.

Mr. YOUNG of Florida. Mr. Chairman, I have no further speakers. I reserve the balance of my time for a brief closing statement before I insist on my point of order.

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, for years, modern military planners, have been telling us that we should be spending less on the big-ticket items that were necessary to fight last century's wars and, instead, do more to prepare ourselves for tomorrow's wars. Well, tomorrow is here and this amendment is trying to take that advice.

We have been told we need to do more to deal with terrorism, more to deal with chem-bioterrorism, more to deal with cyberterrorism. That is what we are trying to do.

I find it very interesting today that not a single speaker, to my recollection, has challenged the merits of this amendment. All they have said is, ''Wait, be patient.'' Maybe next year.

Well, I guess that means we should ring up the terrorists on the telephone and say, ''Folks, we need a little more time to get our act together here at home; would you mind waiting until next year before you figure out where you are going to hit us next?'' I do not think we would get a very receptive reply. That is why we need to do everything that we know we can do, and we need to do it now.

The threat today is just as imminent as it was on September 11, and we need to remember that.

I am sorry, but I am impatient. I want us to expand our public health capabilities now. I want us to triple the Canadian border patrol as the Patriot bill promised but did not deliver; I want us to do that now. I want us to strengthen port security, not by a token amount, but by a large amount, now. I want us to provide those additional translators now. I want us to provide the FBI with computer upgrade capability now. I want us to take the actions necessary to protect our weapons production plants now. I do not want to wait for a supplemental, because we have no idea how long it will take to pass one, and we have no idea what other add-ons will be added to it, because everybody who loses an argument between now and Christmas, when the supplemental comes, will try to attach their pet projects to that bill. It will be much more expensive then than now.

Many of my colleagues on the other side of the aisle have told me, ''I know you are right, we should be doing this, but we have to stick with our party leadership.'' I urge my colleagues instead to stick with their consciences, stick with what they know. They know we need to do more and they know we need to do it now. I urge my colleagues to vote that way.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

I want to thank all of the Members for an excellent debate, a high-level debate, exploring the important issues of the day.

TRIBUTE TO FREDERICK G. MOHRMAN

Mr. YOUNG of Florida. Mr. Chairman, it is with sadness that I announce the death of Mr. Frederick G. Mohrman.

Fred died at his home in Grayson, Kentucky early this morning. His wife, Jan, was with him when he died.

Fred served as clerk and staff director of the Committee on Appropriations from 1984 to 1995. He was born November 24, 1932, a graduate of Kansas State College. He joined the Committee on Appropriations on January 1, 1975. Two years later he was appointed clerk of the Subcommittee on Interior. He became clerk and staff director of the Committee on Appropriations in February of 1985.

He retired from committee service in 1996, having served both Republican and Democrat majorities here in the House.

A veteran of the U.S. Air Force, he is survived by his wife, Jan, and 5 children: Jana, Deke, Sean, Lisa, and Danny.

Fred Mohrman was very much an institution on our committee. He was a big, gentle man. He knew when to be kind and he knew when to be gruff. He

protected the committee against all challenges, most of the time with great success. He knew the rules and how to use them for the benefit of all.

When he retired, he bought a piece of land in eastern Kentucky and became ''Farmin' Fritz.'' Each week he kept the committee updated with his new life.

Fred Mohrman leaves behind a legacy of loyalty, hard work, good humor, and a love of this institution. He will be greatly missed by all of us.

I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. Let me simply say I think the institution has experienced a great loss with the death of Fred Mohrman. As the chairman has indicated, he served this committee and this Congress for a good many years. He in fact served me for a brief period as staff director after I became chairman, and he was what I would call an institutional man.

He cared deeply about this institution, and he cared deeply about the committee. He had that tough, old-fashioned sense of duty that characterized his entire generation, and this country and the world is far better off for it. He would have taken great pride in the fact that this year, despite all of the outside pressures that are brought to bear on this committee, that we managed to produce 12 out of 13 appropriation bills that were passed on a bipartisan basis, and 1 that was pretty close to doing the same.

He recognized that we need to define our differences and then we need to find ways to resolve them, and he took great pride in the services that he provided each and every Member on both sides of the aisle. He performed a great public service to this country. He was a man of absolute integrity, and we were saddened and shocked to learn of his passing.

□ 1645

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for his comments.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part, ''An amendment to a general appropriation bill shall not be in order if changing existing law. . . .''

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and as such constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to address the point of order?

Mr. OBEY. I certainly do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. How could the gentleman?

Let me simply say, Mr. Chairman, that the Chair is being asked to rule on whether or not this amendment is in absolute compliance with each and every rule of the House.

The Committee on Rules, as I understand it, provided the very same waivers so that the underlying bill could be considered that it refused to provide so that this amendment could be considered.

Because of that, the sad fact is that while this subject matter should be a part of this debate, we have in fact been gagged by the Committee on Rules because they chose to provide exemptions under the rules for the core bill while denying those very same exemptions to this amendment.

So for that reason, Mr. Chairman, while I believe deeply that we ought to be able to get a vote on this amendment, because I am confident if we could get a vote on it, it would pass, I must, in all honesty, concede the point of order, misguided though the rule was under which we are now operating.

The CHAIRMAN. The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Commodity Futures Trading Commission'', $6,495,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent to strike Section 803 of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Section 803 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Administrative Review and Appeals'', $3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses, General Legal Activities'', $12,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 194, line 5, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the bill through page 194, line 5, is as follows:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses, United States Attorneys'', $68,450,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses, United States Marshals Service'', $11,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $538,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $409,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Justice Assistance'', $400,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $45,000,000 is for emergency response communications technologies and equipment for Northern Virginia, $20,000,000 is for the Capitol Wireless Integrated Network in the Washington Metropolitan Area, $15,000,000 is for a chemical sensor program within the Washington, D.C. subway system, and $9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''State and Local Law Enforcement Assistance'', $17,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CRIME VICTIMS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Crime Victims Fund'',

$68,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations and Administration'', $750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations and Administration'', $1,756,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Public Telecommunications Facilities, Planning and Construction'', $8,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided,* That matching requirements set forth in Section 392(b) of the Communications Act of 1934, as amended, shall not apply to funds provided in this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations, Research, and Facilities'', $750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $8,636,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Care of the Building and Ground'', $10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

COURT SECURITY

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for ''Court Security'', $21,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided,* That the funds may be expended directly or transferred to the United States Marshals Service, to remain available until expended: *Provided further,* That $4,000,000 shall be available to reimburse the United States Marshals Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit.

DEPARTMENT OF STATE AND RELATED AGENCY

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''International Broadcasting Operations'', $9,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

BROADCASTING CAPITAL IMPROVEMENTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Broadcasting Capital Improvements'', $10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses,'' $1,301,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $20,705,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Disaster Loans Program Account'', $140,000,000, to remain available until expended, to be obligated from amounts available in Public Law 107–38.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. For purposes of assistance available under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns located in disaster areas declared as a result of the September 11, 2001, terrorist attacks, (i) the terms ''small business concern'' shall include not-for-profit institutions and small business concerns described in subsectors 522, 523, and 524 of the North American Industry Classification System codes (as described in 13 C.F.R. 121.201, as in effect on January 2, 2001), except for depository financial institutions, and (ii) the Administrator may apply such size standards as may be promulgated under such section 121.201 after the date of enactment of this provision, but no later than January 1, 2002.

SEC. 202. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001, terrorist attacks shall be increased to $10,000,000.

SEC. 203. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Defense Emergency Response Fund'', $7,242,911,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, as follows:

(1) For increased situational awareness, $1,735,000,000;

(2) For enhanced force protection, $742,911,000, of which $40,000,000 shall be available only for biological weapons proliferation prevention activities under the Former Soviet Union Threat Reduction Program, of which $30,000,000 shall be transferred to ''Department of State, Nonproliferation, Anti-terrorism, Demining, and Related Programs'' only for the purpose of supporting expansion of the Biological Weapons Redirect and International Science and Technology Centers programs, to prevent former Soviet biological weapons experts from emigrating to proliferant states and to reconfigure former Soviet biological weapons production facilities for peaceful uses;

(3) For improved command and control, $162,000,000;

(4) For increased worldwide posture, $2,801,000,000;

(5) For offensive counterterrorism, $769,000,000, of which $237,000,000 is for the Special Operations Command;

(6) For initial crisis response, $108,000,000;

(7) For the Pentagon Reservation Maintenance Revolving Fund, $925,000,000:

Provided, That none of the funds provided under this heading in this chapter may be used for appropriations for military construction and military family housing.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Amounts available in the ''Defense Emergency Response Fund'' (the ''Fund'') shall be available for the purposes set forth in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38): *Provided,* That the Fund may be used to reimburse other appropriations or funds of the Department of Defense, including activities of the National Foreign Intelligence Program funded in defense appropriations acts, only for costs incurred for such purposes on or after September 11, 2001: *Provided further,* That the Fund may be used to liquidate obligations incurred by the Department of Defense under the authorities in section 3732 of the Revised Statutes (41 U.S.C. 11; popularly known as the ''Food and Forage Act'') for any costs incurred for such purposes between September 11 and September 30, 2001: *Provided further,* That the Secretary of Defense may transfer to the Fund amounts from any current appropriation made available in defense appropriations acts, only for the purpose of adjusting and liquidating obligations properly chargeable to the Fund: *Provided further,* That the authority granted in the preceding proviso shall only be exercised after the Secretary of Defense makes a determination that amounts in the Fund are insufficient to liquidate obligations made using appropriations in the Fund, and not prior to 30 days after notifying the congressional defense committees in writing regarding each proposed transfer of funds: *Provided*

further, That in order to carry out the specified purposes under this heading, the Secretary of Defense may transfer funds from the Fund to any defense appropriation account enacted in appropriations acts, including ''Support for International Sporting Competitions, Defense'': *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That within 30 days of enactment of this Act, and quarterly thereafter, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a report (in unclassified and classified form, as needed) specifying the projects and accounts to which funds provided in this chapter are to be transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) are hereby appropriated and shall be available for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as he shall determine, to be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly on all obligations made pursuant to this authority.

SEC. 303. (a) Amounts in the appropriation account ''Support for International Sporting Competitions, Defense'' may be used to support essential security and safety services for the 2002 Winter Olympic Games in Salt Lake City, Utah, under section 2564 of title 10, United States Code, without the certification otherwise required under subsection (a) of that section.

(b) In connection with the provision of essential security and safety support to the 2002 Winter Olympic Games and logistical and security support to the 2002 Winter Paralympic Games, the term ''active duty'' as used in section 5802 of division A of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), shall be treated as including State active duty and full-time National Guard duty performed by members of the Army National Guard and Air National Guard.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 305. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 4

DISTRICT OF COLUMBIA

FEDERAL FUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Protective Clothing and Breathing Apparatus, to be obligated from amounts made available in Public Law 107–38 and to remain available until expended, $12,144,209, of which $921,833 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, $453,376 is for the Department of Public Works, and $5,000,000 is for the Washington Metropolitan Area Transit Authority.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Specialized Hazardous Materials Equipment, to be obligated from amounts made available in Public Law 107–38 and to remain available until expended, $1,032,342, for the Fire and Emergency Medical Services Department.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Chemical and Biological Weapons Preparedness, to be obligated from amounts made available in Public Law 107–38 and to remain available until expended, $10,354,415, of which $204,920 is for the Fire and Emergency Medical Services Department, $258,170 is for the Metropolitan Policy Department, and $9,891,325 is for the Department of Health.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Pharmaceuticals for Responders, to be obligated from amounts made available in Public Law 107–38 and to remain available until expended, $2,100,000, for the Department of Health.

Notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget. The Chief financial Officer of the District of Columbia shall provide quarterly reports to the President and the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading beginning no later than January 2, 2002.

DISTRICT OF COLUMBIA FUNDS

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia and shall remain available until expended.

For Protective Clothing and Breathing Apparatus, to remain available until expended, $12,144,209, of which $921,833 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, $453,376 is for the Department of Public Works, and $5,000,000 is for the Washington Metropolitan Area Transit Authority.

For Specialized Hazardous Materials Equipment, to remain available until expended, $1,032,342, for the Fire and Emergency Medical Services Department.

For Chemical and Biological Weapons Preparedness, to remain available until expended, $10,354,415, of which $204,920 is for the Fire and Emergency Medical Services Department, $258,170 is for the Metropolitan Police Department, and $9,891,325 is for the Department of Health.

For Pharmaceuticals for Responders, to remain available until expended, $2,100,000, for the Department of Health.

CHAPTER 5

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operation and Maintenance, General'' $139,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Water and Related Resources'', $30,259,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for ''Weapons Activities'', $88,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEFENSE NUCLEAR NONPROLIFERATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for ''Defense Nuclear Nonproliferation'', $18,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Defense Environmental Restoration and Waste Management'', $8,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OTHER DEFENSE ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological threats to civilian populations, for ''Other Defense Activities'', $3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Operation of the National

Park System'', $10,098,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

UNITED STATES PARK POLICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for the ''United States Park Police'', $25,295,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Construction'', $21,624,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'', $2,205,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, for the working capital fund of the Department of the Interior.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'' of the Smithsonian Institution, $21,707,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'' of the National Gallery of Art, $2,148,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Operations and Maintenance'' of the John F. Kennedy Center for the Performing Arts, $4,310,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'' of the National Capital Planning Commission, $758,000, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 7

DEPARTMENT OF LABOR

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''State Unemployment Insurance and Employment Service Operations'', $4,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'', $1,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $5,880,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for ''Public Health and Social Services Emergency Fund'', $1,990,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For emergency expenses to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, for the Project School Emergency Response to Violence program, $10,000,000, to remain available until expended, and to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $180,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Limitation on Administrative Expenses'', $7,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 8

LEGISLATIVE BRANCH

LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $256,081,000 to remain available until expended, to be derived from the Emergency Response Fund established by Public Law 107–38: *Provided*, That $34,500,000 shall be transferred to ''SENATE—Sergeant at Arms and Doorkeeper of the Senate'' and shall be obligated with prior notification to the Committee on Appropriations of the Senate: *Provided further*, That $40,712,000 shall be transferred to ''HOUSE OF REPRESENTATIVES—Salaries and Expenses'' and shall be obligated with prior notification to the Committee on Appropriations of the House of Representatives: *Provided further*, That $1,000,000 shall be transferred as a grant to the United States Capitol Historical Society: *Provided further*, That the remaining balance of $179,869,000, together with any other amounts provided to any entity in the legislative branch which are derived from the Emergency Response Fund established by Public Law 107–38 and which remain unobligated as of the date of the enactment of this Act (other than any amounts provided to the House of Representatives or Senate), shall be transferred to the Capitol Police Board, who shall transfer to the affected entities of the legislative branch such amounts as the Capitol Police Board considers appropriate, with prior notification to the Committees on Appropriations of the House of Representatives and Senate.

HOUSE OF REPRESENTATIVES

ADMINISTRATIVE PROVISIONS

SEC. 801. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Chief Administrative Officer of the House of Representatives may acquire buildings and facilities, subject to the availability of appropriations, for the use of the House of Representatives by lease, purchase, or such other arrangement as the Chief Administrative Officer considers appropriate (including a memorandum of understanding with the head of an Executive Agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency), subject to the approval of the House Office Building Commission.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Chief Administrative Officer may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Chief Administrative Officer considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Chief Administrative Officer pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking ''The Capitol Police'' and inserting ''(a) The Capitol Police''; and

(B) by adding at the end the following new subsection:

''(b) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the

use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.''.

(d) TRANSFER OF CERTAIN FUNDS.—Subject to the approval of the Committee on Appropriations of the House of Representatives, the Architect of the Capitol may transfer to the Chief Administrative Officer amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the House office buildings during a fiscal year in order to cover any portion of the costs incurred by the Chief Administrative Officer during the year in acquiring a building or facility pursuant to subsection (a).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 802. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Chief Administrative Officer of the House of Representatives and the head of an Executive Agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the Agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the House of Representatives during an emergency situation; and

(2) the Chief Administrative Officer and the head of the Agency may take any action necessary to carry out the terms of the memorandum of understanding.

(b) The Chief Administrative Officer of the House of Representatives may not enter into a memorandum of understanding described in subsection (a)(1) without the approval of the Speaker of the House of Representatives.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 803. (a) There is established in the House of Representatives an office to be known as the House of Representatives Office of Emergency Planning, Preparedness, and Operations. The Office shall be responsible for mitigation and preparedness operations, crisis management and response, resource services, and recovery operations.

(b) There is established the House of Representatives Continuity of Operations Board, comprised of the Clerk, the Sergeant-at-Arms, and the Chief Administrative Officer of the House of Representatives. The Clerk shall be the Chairman of the Board.

(c) The Board—

(1) shall appoint and set the annual rate of pay for employees of the Office, including a Director, who shall be the head of the Office and shall carry out the day-to-day operations of the Office under the supervision of the Board;

(2) shall exercise, with respect to any employee of the Office, the authority referred to in section 8344(k)(2)(B) of title 5, United States Code, and the authority referred to in section 8468(h)(2)(B) of title 5, United States Code;

(3) shall approve procurement of services of experts and consultants by the Office or by committees or other entities of the House of Representatives for assignment to the Office; and

(4) may request the head of any Federal department or agency to detail to the Office, on a reimbursable basis, any of the personnel of the department or agency.

(d) Until otherwise provided by law, funds shall be available for the Office from amounts appropriated for the operations of the House of Representatives.

(e) This section shall take effect on the date of the enactment of this Act and shall apply to fiscal years beginning with fiscal year 2002.

OTHER LEGISLATIVE BRANCH

ADMINISTRATIVE PROVISIONS

SEC. 804. (a) Section 1(c) of Public Law 96–152 (40 U.S.C. 206–1) is amended by striking ''but not to exceed'' and all that follows and inserting the following: ''but not to exceed $2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.''.

(b) The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed $1,000 less than the annual salary for the chief of the United States Capitol Police.

(c) This section and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 805. In addition to the authority provided under section 121 of the Legislative Branch Appropriations Act, 2002, at any time on or after the date of the enactment of this Act, the Capitol Police Board may accept contributions of recreational, comfort, and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and employees are on duty in response to emergencies involving the safety of human life or the protection of property.

SEC. 806. (a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended by adding at the end the following new subsection:

''(c)(1) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include all buildings and grounds of the United States Botanic Garden, including the National Garden and Bartholdi Park.

''(2) For purposes of this section, the Joint Committee on the Library may suspend the application of section 4 of this Act to the buildings and grounds described in paragraph (1) in order to promote the interests of the United States Botanic Garden.''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 807. (a) ASSISTANCE FOR CAPITOL POLICE FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, Executive departments and Executive agencies may assist the United States Capitol Police in the same manner and to the same extent as such departments and agencies assist the United States Secret Service under section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), except as may otherwise be provided in this section.

(b) TERMS OF ASSISTANCE.—Assistance under this section shall be provided—

(1) consistent with the authority of the Capitol Police under sections 9 and 9A of the Act of July 31, 1946 (40 U.S.C. 212a and 212a–2);

(2) upon the advance written request of—

(A) the Chairman of the Capitol Police Board, or

(B) in the absence of the Chairman of the Capitol Police Board—

(i) the Sergeant at Arms and Doorkeeper of the Senate, in the case of any matter relating to the Senate; or

(ii) the Sergeant at Arms of the House of Representatives, in the case of any matter relating to the House; and

(3) either—

(A) on a temporary and reimbursable basis, or

(B) on a permanent reimbursable basis upon advance written request of the Chairman of the Capitol Police Board.

(c) REPORTS ON EXPENDITURES FOR ASSISTANCE.—

(1) REPORTS.—With respect to any fiscal year in which an Executive department or Executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 30 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or Executive agency in providing assistance under this section during the applicable fiscal year.

(3) SUMMARY OF REPORTS.—After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 808. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a–2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 809. (a) Section 1 of Public Law 93–180 (40 U.S.C. 166d) is amended—

(1) by striking ''secure, through rental, lease, or other appropriate agreement, storage space'' and inserting ''acquire, through purchase, lease, or other appropriate arrangement, property or space'';

(2) by inserting ''the United States Capitol Police,'' after ''Representatives,''; and

(3) by striking ''as such Commission and committee may authorize'' and inserting ''as the Architect deems reasonable and appropriate''.

(b) Nothing in the amendment made by subsection (a) may be construed to affect the authority provided to the Architect of the Capitol under section 128 of the Legislative Branch Appropriations Act, 2002, to secure the property described in such section.

(c) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 810. (a) Public Law 107–68 is amended in the item relating to ''ARCHITECT OF THE CAPITOL—CAPITOL VISITOR CENTER''—

(1) by striking ''unassigned space in the'';

(2) by striking ''for House space''; and

(3) by striking ''for Senate space''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

SEC. 811. (a) In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40

U.S.C. 166b–3b), as amended by section 129(c)(1) of the Legislative Branch Appropriations Act, 2002, is amended by adding at the end the following new subsection:

''(c) The Architect of the Capitol may fix the rate of basic pay for not more than 4 positions for Executive Project Directors whose salary is payable from project funds, at a rate not to exceed 95 percent of the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.''.

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 812. (a) Public Law 107–68 is amended by adding at the end the following:

''This Act may be cited as the 'Legislative Branch Appropriations Act, 2002'.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Military Construction, Army'', $55,700,000, to remain available until expended: *Provided,* That these funds shall be obligated from amounts made available in Public Law 107–38.

MILITARY CONSTRUCTION, NAVY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Military Construction, Navy'', $2,000,000, to remain available until expended: *Provided,* That these funds shall be obligated from amounts made available in Public Law 107–38.

MILITARY CONSTRUCTION, AIR FORCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Military Construction, Air Force'', $47,700,000, to remain available until expended: *Provided,* That these funds shall be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. The Secretary of Defense may transfer to the ''Defense Emergency Response Fund'' amounts appropriated in Military Construction Appropriations Acts only if the Secretary makes a determination that amounts in the Fund are insufficient to carry out needed military construction projects. In exercising the transfer authority provided by this section, the Secretary of Defense shall first transfer unobligated balances remaining from fiscal year 2001 and earlier fiscal years before transferring any amounts appropriated in the Military Construction Appropriations Act, 2002. Amounts so transferred shall be available solely for military construction projects, including activities described in section 2802(b) of title 10, United States Code. At least 10 days prior to each such transfer, the Secretary of Defense shall notify the appropriate defense committees, shall provide an accompanying form 1391, and shall describe the source of funds from which the transfer is derived.

SEC. 902. Amounts made available to the Department of Defense from funds appropriated in Public Law 107–38 and this Act may be used to carry out military construction projects not otherwise authorized by law that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism. At least 10 days prior to carrying out such military construction project, the Secretary shall notify the appropriate defense committees and shall provide an accompanying form 1391.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $458,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

TRANSPORTATION SECURITY ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the ''Transportation Security Administration'', $15,000,000, to remain available until September 30, 2002, to be obligated from amounts made available in Public Law 107–38: *Provided,* That obligation of funds under this heading is subject to enactment of legislation authorizing the establishment of such office.

AIRCRAFT PASSENGER AND BAGGAGE SCREENING ACTIVITIES

For necessary expenses of the Secretary of Transportation to carry out responsibilities for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that, on September 11, 2001, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier, $1,000,000,000, to remain available until expended: *Provided,* That none of the funds under this heading may be obligated or expended until enactment of legislation authorizing: (1) the conduct of such activities, whether by contract, grant, or direct federal personnel, by an organization within the Department of Transportation other than the Federal Aviation Administration; (2) the collection of passenger and baggage screening user fees designed to offset the cost of these activities; and (3) the crediting of the fees as offsetting collections to the account financing the activities and services for which the fee is imposed: *Provided further,* That the sum herein appropriated shall be reduced, on a dollar for dollar basis, as such offsetting collections are received, so as to result in a final fiscal year 2002 appropriation of zero.

COAST GUARD

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operating Expenses,'' $144,913,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations,'' $291,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Facilities and Equipment'', $175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the ''Emergency Relief Program'' as authorized by section 125 of title 23, United States Code, $75,000,000, to be derived from the Highway Trust Fund and to remain available until expended, to be included in the total of amounts made available in Public Law 107–38.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Safety and Operations,'' $6,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Formula Grants,'' $23,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Research and Special Programs,'' $2,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses,'' $465,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 11

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $2,032,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $1,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for ''Salaries and Expenses'', $23,231,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Acquisition, Construction, Improvements, and Related Expenses'', $8,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That, in order to expedite the acquisition of architectural and engineering services for the construction of facilities at the Cheltenham, Maryland, training facility, the Federal Law Enforcement Training Center may procure such services without regard to (1) the competition requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253); (2) the 6 percent fee limitation on such services set forth in section 304(b) of such Act (41 U.S.C. 254(b)); and (3) the procurement notice requirements of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416).

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $31,431,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $5,200,000 may be used for necessary expenses of site acquisition, construction, operations, maintenance and repair of the special purpose canine training facilities in Front Royal, Virginia.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', to meet requirements, including technology, along the northern border and at critical seaports, $160,146,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

In addition, for an additional amount for ''Salaries and Expenses'' for response and recovery costs, a commercial backup facility and enhanced security for the Newington Data Center, and additional staffing and office expenses for anti-money laundering and foreign operations, $141,613,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operation, Maintenance and Procurement, Air and Marine Interdiction Programs'', $6,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Tax Law Enforcement'', $4,544,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $104,769,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United Stats, for ''Federal Buildings fund'', $87,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 12

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''General operating expenses'', $2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Office of Inspector General'', $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Science and technology'', $10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Environmental programs and management'', $140,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

HAZARDOUS SUBSTANCE SUPERFUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for ''Hazardous substance superfund'', $5,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

STATE AND TRIBAL ASSISTANCE GRANTS

For making grants for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for ''State and tribal assistance grants'', $5,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Disaster relief'', $4,345,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Emergency management planning and assistance'', $35,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which not less than $10,000,000 shall be available for support of the 2002 Winter Olympics.

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and expenses'', $30,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107–38 of which not less than $10,000,000 shall be used to enhance the capabilities of the National Security Division.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For emergency expenses to respond to the September 11, 2001, terrorist attack on the United States, for ''Human space flight'', $81,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Science, aeronautics and technology'', $36,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Office of Inspector General'', $3,000,000, to remain available until expended, to the obligated from amounts made available in Public Law 107–38.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Research and related activities'', $300,000 to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 13

GENERAL PROVISION—THIS DIVISION

SEC. 1301. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly provided so herein.

CHAPTER 14

ADDITIONAL EMERGENCY RELIEF AND RECOVERY PROVISIONS—DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Disease Control, Research, and Training'' for baseline safety screening for the emergency services personnel and rescue and recovery personnel $12,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United Stats, for ''National Institute of Environmental Health Sciences'' for carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $10,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Community Development Fund'', $1,825,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002: *Provided further*, That, of the amount provided in this paragraph, $10,000,000 shall be used for a program to aid the travel and tourism industry in New York City.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Training and Employment Services'', $32,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such amount shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

STATE UNEMPLOYMENT SECURITY OFFICE

WORKERS COMPENSATION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Workers Compensation Programs'', $175,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That, of such amount, $125,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks.

POINTS OF ORDER

The CHAIRMAN. Are there points of order against the bill?

Mr. YOUNG of Alaska. Mr. Chairman, I reserve a point of order against the language ''to be derived from the Airport and Airway Trust Fund'' found on page 183, beginning on line 24 and continuing on line 25, and also the language on page 184, lines 7 and 8.

The CHAIRMAN. Does the gentleman from Alaska make the point of order?

Mr. YOUNG of Alaska. I reserve the point of order, Mr. Chairman.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the Committee on Appropriations.

The CHAIRMAN. The Chair first needs to rule on the point of order.

Does any other Member wish to be heard on the point of order?

Mr. LIPINSKI. Mr. Chairman, I have two points of order to make against the bill.

The CHAIRMAN. The gentleman from Illinois will suspend. The Chair is already considering a point of order.

Does the gentleman wish to address the point of order raised by the gentleman from Alaska on page 183?

Mr. LIPINSKI. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman may continue.

Mr. LIPINSKI. I want to hear what he is going to say, because I am prepared to object, or I intend to object to what he wants to do. I intend to object to another portion of the bill, also. I am prepared to make my two points of order at the present time.

Mr. YOUNG of Alaska. Mr. Chairman, I think I take precedence over this.

The CHAIRMAN. The point of order is pending on page 183, beginning on line 24 and line 25. Does any Member wish to address the point of order at that point?

Mr. LIPINSKI. I am raising a point of order on that point, saying that we are legislating on an appropriations bill. I am prepared to hear what the gentleman from Alaska (Mr. YOUNG) has to say and the gentleman from Florida (Mr. YOUNG) has to say, but I reserve my ability to object to this portion of the bill.

The CHAIRMAN. The gentleman from Alaska (Mr. YOUNG) has made his argument on the point. The Chair is prepared to rule on the point of order.

Mr. LIPINSKI. Mr. Chairman, I raise a point of order against the language to be derived from the Airport and Airway Trust Fund, and on page 183, lines 24 and 25, the language constitutes an unauthorized appropriation and is a violation of clause 2(a) of rule XXI.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Alaska will state his parliamentary inquiry.

Mr. YOUNG of Alaska. Mr. Chairman, I believe I was recognized first. I also believe I have the right to indulge in a colloquy with the chairman, if he so desires.

The CHAIRMAN. Not at this point.

Mr. YOUNG of Alaska. Not at this point?

The CHAIRMAN. Not at this point. The gentleman may strike the last word after the ruling of the Chair on the point of order.

The Chair is prepared to rule on the point of order. The gentleman from Alaska (Mr. YOUNG) makes a point of order that the language ''to be derived from the Airport and Airway Trust Fund and'' on page 183, line 24 and 25, constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI.

The provision would provide that funding for Federal Aviation Administration operations ''be derived from the Airport and Airway Trust Fund.'' While authorization in law may exist for this funding from general revenues, no specific authorization in law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the Chair of September 23, 1993, and June 26, 2001.

The Chair finds that the provision is not supported by an authorization in law. The point of order is sustained and the provision is stricken.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Are there other points of order?

Mr. LIPINSKI. I have another point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will suspend. The Chair will complete its statement.

Are there any other points of order against the provision?

POINTS OF ORDER

Mr. PETRI. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Wisconsin (Mr. PETRI) is recognized.

Mr. PETRI. Mr. Chairman, I make a point of order against the language ''to be derived from the Highway Trust Fund and'' found on page 184, beginning on line 18 and continuing on line 19, if I may be heard on the point of order.

The CHAIRMAN. The gentleman may proceed.

Mr. PETRI. This language appropriates $75 million from the Highway Trust Fund for the Federal highway emergency relief program to respond to the attack on September 11.

While I support the administration's request for emergency relief highway funding to repair and reconstruct eligible highways, roads, and bridges that were damaged in these attacks.

This approach constitutes an unauthorized earmarking of funds. The language constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI, and I request a ruling of the Chair.

The CHAIRMAN. Is there any other Member who wishes to be heard on that point of order?

The Chair is prepared to rule on the point of order by the gentleman from Wisconsin (Mr. PETRI).

The gentleman from Wisconsin makes a point of order that the language ''to be derived from the Highway Trust Fund and'' on page 184, lines 18 and 19, constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI.

The provision would provide that funding for the Federal Highway Administration Federal aid highways emergency relief program ''be derived from the Highway Trust Fund.''

While authorization in law may exist for this funding from general revenues, no specific authorization in the law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the Chair on September 23, 1993, and June 26, 2001.

The Chair finds that the provision is not supported by an authorization in law. The point of order is sustained and the provision is stricken.

Mr. LIPINSKI. Mr. Chairman, I have a point of order against the bill.

Mr. Chairman, I raise a point of order against the language ''to be derived from the Airport and Airway Trust Fund'' on page 184, lines 7 and 8. The language constitutes an unauthorized appropriation. It is in violation of clause 2(a) of rule XXI.

The CHAIRMAN. Is there another Member who wishes to be heard on the point of order?

The Chair is prepared to rule. The gentleman from Illinois (Mr. LIPINSKI) makes a point of order that the language ''to be derived from the Airport and Airway Trust Fund and'' on page 184, lines 7 and 8, constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI. The provision would provide that ''funding for Federal Aviation Administration facilities and equipment be derived from the Airport and Airway Trust Fund.''

While authorization in law may exist for this funding from general revenues, no specific authorization in law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the Chair of September 23, 1993, and June 26, 2001.

The Chair finds that the provision is not supported by an authorization in law. The point of order is sustained and the provision is stricken.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to address my colleagues for a moment. I talked to the gentleman from Minnesota (Mr. OBERSTAR) and I talked to the gentleman from Florida (Mr. YOUNG), and we were not going to insist on the point of order with the aviation money. I will tell the Members why, although it is in our jurisdiction of our committee.

We passed the security bill last week, and I am very proud of it. It also needs to be funded. I thought it would be time now to try to put this behind us and get this screening system in place, get the screeners in place, get the equipment in place, and achieve what we sought to do a week ago Friday.

It has been decided not to do that by Members of the Committee. But I do believe the gentleman from Florida (Mr. YOUNG) and I dealt honorably together. I thought we had reached an agreement on the aviation part of the legislation; we had not on the highway part of the legislation.

I just urge my colleagues to understand one thing: We have to fund this program. It has to be funded. We have to get it done.

Members heard about Mr. Secretary Mineta saying he doubts he can meet the 60-day requirement. He is probably correct. We will do everything possible, but he needs the money to do it.

May I suggest respectfully, the other thing that can happen if he does not do it, the faith of the flying public will be eroded. We have to act very rapidly to fund this. I believe the chairman of the Committee on Appropriations was trying to do that.

I do think the White House, very frankly, the administration, did not communicate that need to our committee. It did not inform us that this is very, very important, and frankly, I did not know about this until yesterday afternoon. I suggested to them and to the gentleman from Florida (Mr. YOUNG) that the communication in the future be more evident and more forthwith, so we can reach a mutual agreement, so we can solve the problem.

The points of order have been upheld; I understand that, and I am not going to delay it any longer. But the reality is that if we do not recognizes the need to fund the screeners, marshals, and all the other things that were in that security bill, we are not doing ourselves any favor, nor the flying public.

So I urge Members to consider that. Later on down the road we can and we will make sure this is properly funded.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I regret that the points of order were raised because of the important message that my colleague, the gentleman from Alaska (Mr. YOUNG), has mentioned: the importance of funding these important programs.

I want to say that it was a real privilege and pleasure to work with him most of today to come to an agreement, and I wanted to say to him for the RECORD that regardless of the fact that points of order were raised that were not consistent with that agreement, that I will keep the agreement that the gentleman and I reached personally as this bill proceeds through the conference.

Mr. YOUNG of Alaska. I thank the gentleman, because this goes forth to the Senate side, or, I should mention, the other body. God knows what is going to happen on that side.

Again, I say to my good friends, we must fund these projects. For those who have not gone over to the committee room, anybody on this floor listening to this telecast, look at the technology that is available, that is being shown there today. But it takes money to build those machines. We need those machines.

The battle last week or 1–1½ weeks ago was all over federalization. The battle should be, can we rise to the occasion through technology. I believe we can do that.

Go over and see what is there right now. The reason we have not used it, very frankly, is the FAA has been dragging their feet for the last 10 or 15 years. Under this bill we have passed, I believe the Secretary of Security can demand and issue the permits for the purchase of those pieces of equipment, but we need the money to do it.

I thank the gentleman, the chairman of the Committee on Appropriations, and the gentleman from California (Mr. LEWIS) for a fine defense bill. I think this is a bill to be proud of, regardless of what has been said on the floor. We must get past this bill and move it forward.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the difficult position the chairman of our committee was in in this process, wanting to accomplish the right thing for aviation security, but also constrained by the appropriation process.

Now, striking that provision does not strike the money.

□ 1700

The money is available. It is just the source of money. Now, when this body moved in the immediate aftermath of September 11 to appropriate the $40 billion, it was clearly understood $20 billion of that was to be set aside for New York and another $20 billion was to be used for other purposes. And it was also made clear by the executive branch and specifically by the Secretary of Transportation that one of the first measures to be instituted in aviation security would be to bring sky marshals aboard domestic flights; and that the funding for those sky marshals would come out of this $20 billion of the initial $40 billion.

It does not seem reasonable to me to raid the Aviation Trust Fund, to do that when there was already commitment to take those dollars out of another source. But I understood the difficult position that our committee chairman was in. I want to see if there would be a commitment from the Committee on Appropriations that these Aviation Trust Fund dollars would be restored and in what way and in what time. But our ranking member felt very strongly about this matter that we worked on a bipartisan basis in the last Congress to fashion and enact Air 21 with the firewalls to understand those dollars would not be raided for other purposes.

We do not know what specifically those dollars are going to go for from the Aviation Trust Fund. It would have been good to have an elucidation on that. I regret that I was not on the floor at that time. I confess I had a meeting with the Federal Highway Administrator talking about other matters, and I rushed over as soon as I concluded that meeting.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. LIPINSKI), the distinguished ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I thank the ranking member of the full committee for yielding.

Mr. Chairman, I simply want to say first of all that I was not party to any agreement. I was aware of the situation in this bill. I felt it was inappropriate and against the rules to take this money out of the Highway Trust Fund. I want everyone to know here that any agreements they had I was not party to. I also want everyone to know that this was my initiative and my initiative alone. I felt very strongly about it.

If I have ruffled any feathers and upset any agreements over here, that is unfortunate; but nevertheless, I felt very strongly about it so I moved in that direction.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. OBERSTAR. Mr. Chairman, I think that the important work of the aviation security measure that we enacted which is now law can go forward. It is unfortunate that some sky marshals, frankly, have not been paid. I have been made aware of situations where sky marshals have performed their job now for several weeks but have not been paid and that is because the $20 billion fund has not been made available for this purpose because it was not a specific authorization.

Now, the bill before us is supposed to have a specific authorization to do these things. It was not our understanding that the Aviation Trust Fund was to be raided for this purpose. In the Aviation Security Act it provided a $2.50 airline ticket surcharge that in the coming years is estimated to raise between $800 million and $1,200,000,000 depending on when that fee is actually put into effect; and in the following year, a full year of operation, that fee would raise $2.65 billion.

That is enough money to fund these purposes. But we should not raid the trust fund which is needed now more than ever before for the runway improvements, taxiway improvements and the investment dollars that are needed at this most critical time for aviation to get back on its feet.

I appreciate again the very difficult position the chairman was in. I wish that we had been involved at an early stage of this process on this side so some of our concerns could have been taken into consideration.

AMENDMENT NO. 3 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FILNER:

In title X (the emergency supplemental provisions), in the item relating to ''DEPARTMENT OF JUSTICE—IMMIGRATION AND NATURALIZATION SERVICE—SALARIES AND EXPENSES'', insert before the period at the end the following:

Provided, That, of the amount provided under this heading, $20,000,000 shall be for the hiring of additional inspectors for the United States-Mexico border to respond to increased security needs and to maintain the maximum number of border inspection lanes open while providing the maximum amount of security for the United States.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order.

Mr. FILNER. My amendment, Mr. Chairman, refers to the southern border of the United States.

We know the tragedies that had afflicted this country of September 11, especially on New York City; and arguments have been made on this floor very eloquently this afternoon about the need for help for New York City. The ripple effect of those attacks affected our whole Nation. And similar arguments can be made for other sectors of our country, other sectors of our economy. For example, the increased security that was called for after September 11 on our borders required what we call a level-one alert.

Level-one alert means that every individual, every vehicle is going to be stopped, inspected, trunk opened up, questions asked, information entered into a computer, questions asked again. That process of level-one alert takes time.

And what has occurred at the southern border is because of the time that is required for this increased security, which everybody supports and everybody wants, is that the waiting period for legal people to cross the border from Mexico into the United States has increased to an hour, 2 hours, 4 hours, sometimes 8 hours at a time. That waiting time for people to cross the border legally has devastated the economies of communities along the border.

I represent San Diego, California, which has the busiest border crossing between any two countries in the world. But what I say today refers also to Calexico, California; to Nogales, Arizona; to El Paso, Texas; to Brownsville, Texas. The border economies have depended on that legal crosser for their business. Anywhere from 50 to 90 percent of economic activity has been cut since September 11.

Now, nobody on the border wants terrorists to cross. Everybody supports the level-one security concerns. But what is needed if we are going to spend the time on level-one alert is to provide the resources to the Customs Service and the Immigration and Naturalization Service to carry out these inspections.

We have 24 crossing gates at the San Ysidro border-crossing in San Diego. Sometimes a couple of them are open, sometimes six or 12. Why not open them all? Why not open them all 24 hours a day? We could have both the level-one security and the quick time that is required to keep the flow moving.

People who want to shop in San Diego or in Calexico or Nogales or in Brownsville or in El Paso do not cross the border because it takes too long. People cannot cross the border for their jobs. People cannot cross the border to go to school. Let us open all the lanes 24 hours a day.

According to my discussions with the INS, the increased number of positions to do the level-one security and to keep the flow at a reasonable rate would cost about $20 million, $20 million. That seems like in the context of the discussions we have had today almost minuscule. We have talked about billions here and billions there. All I am saying is let us allocate within the budget, Mr. Chairman, allocate within that budget $20 million to inspectors to help us deal with the border crossings.

We can have security. We can have the commercial flow that is absolutely necessary. Businesses along the border, these are mom and pop businesses. These are people who are having trouble keeping the mortgage going on their rents, who are having trouble keeping employees hired, having trouble meeting the utility payments. It is devastating the border communities, in fact, devastating much of the city of San Diego. Three billion dollars a year of our economy in San Diego comes from the legal shopper from Mexico.

So let us keep terrorists out. Let us keep security high, but let us keep the flow necessary for commercial activity. Let us reallocate within the budget, Mr. Chairman, $20 million to make sure that the southern border is properly staffed. The bill has $165 million for the northern border. Let us put in 20 extra for the southern border. I do not think that is too much to ask.

Mr. ORTIZ. Mr. Chairman, I join my good friend from California and thank him for his work with the Border Caucus and his diligence to find ways to accommodate the free flow of commerce along the Southwestern border.

It is not new for border members to let the House know when our infrastructure does not meet our transportation and trade needs. But at this point, it is less the need for more infrastructure—we simply need to be able to use what we already have. It does us no good to have 4–5 lane U.S.-Mexico bridges if we have only enough personnel to operate a couple of those lanes.

This House would be appalled if you could see the staggering lines of traffic waiting to

use a fraction of lanes on a bridge . . . only because we do not have the personnel to staff them. Imagine coming across a bridge from Virginia using only one lane, while perfectly good lanes go unused. That's what we face at our nation's border crossings. The border is in a crisis, Mr. Chairman.

It is the front door to the North American markets—yet right now it is the front door to chaos and congestion. As a border representative, I understand—more than you can possibly imagine—the recent attitude in the Congress that while we are at war, our borders should be harder to cross—not easier. That's bunk.

Open borders and free-flowing commerce are a large part of what this country is about. And I might remind my colleagues, respectfully, that the terrorists who visited the terror on our nation came across the northern border, not the southern. We have addressed that already through the PATRIOT Act, and this amendment does not affect those inspectors on the northern border. But we failed to focus our attention on the border traffic that is best characterized by the extraordinarily long waits at our front door. Well, we have to put out a better welcome mat than that, my friends. This addresses not only our democratic tendencies, but a fundamental principle of our economy as well.

Mr. Chairman, we are in real trouble on the border. That's hardly a new position for us; but the increased security after the 11th has made an already bad situation much worse. One of the issues that has contributed to the suffering on the border is Congress' insistence that border crossers now use biometric laser visas. The deadline to get the new visas passed Sept. 30, and many border residents can no longer cross to shop, go to school, or get health care.

Let's forget for a moment that the INS does not have enough equipment to scan the biometric components, which is bad enough. But without an extension to the now-passed deadline, these people simply won't be participants in our economy until well into 2002 when they can get replacement cards. The truck traffic passing over our bridges is nearly always destined for points far beyond the border. That leaves us with nothing.

I understand the chair's ruling on the amendment and we will not press this here, but let the members of the House hear our message: We are in trouble on this and we need enough inspectors on the bridges and an extension for laser visa compliance to mitigate the damage to the border economy.

Mr. FILNER. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, as empathetic as I am to the gentleman's causes here, I think we have done a very balanced job in this overall package. Therefore, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part: ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.'' Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. FILNER. Mr. Chairman, yes, I do.

The CHAIRMAN. The gentleman may proceed.

Mr. FILNER. Mr. Chairman, the gentleman from California (Mr. LEWIS) refers to a rule which in the normal course of things is completely understandable. The gentleman from California (Mr. LEWIS) knows there are a hundred items in his bill that do not follow the rule that he just stated. He knows that a hundred items not authorized are appropriated in this bill.

The gentleman from California (Mr. LEWIS) says he is empathetic with my arguments. It is an emergency. It is a disaster. Some of the same argument we heard from New York City on a lesser scale and on a lesser visibility are occurring on the southern border communities.

All that we are saying is not asking for money to just reallocate; make sure it is reallocated to these deserving communities which are dying, and take into account we have a disaster. What I am asking is no different than a hundred other folks have asked in your bill. So let this one go and help the border communities survive.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The amendment proposes to earmark certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the proponent of the amendment.

Finding that this burden has not been carried, the point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATOURETTE:

Pages 168 through 170, strike section 801 of the bill, and redesignate subsequent sections accordingly.

Mr. LATOURETTE. Mr. Chairman, this is the first of two amendments that we may offer and coauthored by the gentleman from Illinois (Mr. COSTELLO), the ranking member of our subcommittee. One has to do in section 801, the other one in section 809, is a specific usurpation of the jurisdiction of the Committee on Transportation and Infrastructure.

Specifically, section 801 would authorize the chief administrative officer of the House to acquire buildings and facilities for the House of Representatives in the event of an emergency situation, and section 809 would permanently authorize the Architect of the Capitol to purchase property for use by the House, the Senate and the Capitol police.

The Committee on Transportation and Infrastructure has a long history of reviewing legislation pertaining to the Capitol grounds, to authorize the Architect of the Capitol to acquire facilities for the Library of Congress, the Library of Congress storage facility, for the Senate page school, for the Japanese-American patriotism memorial on the Senate side, for the Capitol visitors center, and even for the sale of 501 First Street.

The legislative language in this appropriations bill causes us some concern; and with the acquiescence of the distinguished chairman of the full committee, I would like to engage in a colloquy, if I may on my time.

Mr. Chairman, as the chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management, I have serious concern over the authorization language relating to the lease, purchase or the acquisition of buildings and facilities granted to the Chief Administrative Officer of the House and the Architect of the Capitol. It is my understanding these provisions are intended to relate to items arising only from the September 11 attacks and other October biological events.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would say that the language that the gentleman refers to is included to allow the House of Representatives to continue planning for future contingencies and continuity of operations.

Section 809 of the bill, which the gentleman from Ohio (Mr. LATOURETTE) is also concerned with, is intended to allow the Architect of the Capitol to acquire facilities such as a new Capitol Police headquarters and command and control center, which they desperately need. The language is intended to relate to events of September 11 and is not intended to usurp your committee's authority, and we will certainly work with the gentleman through this process.

Mr. LATOURETTE. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida (Mr. YOUNG) very much for his observations.

It is my intention in a moment to ask unanimous consent to withdraw this amendment; but before I do, would the gentleman from Minnesota (Mr. OBERSTAR) like to be yielded to?

□ 1715

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I share the chairman's great concern, and I appreciate that the Committee on Appropriations wants to give this authority in the emergency circumstances, but it is authority that is not necessary.

The chief administrative officer now has authority to sign agreements with executive branch agencies, like GSA, that can supply office space in time of emergency. And I have great concerns about the language used in this provision. Section 801 has terms that are not defined, ''facilities,'' ''such other arrangements,'' and ''other entities.'' Seems to me that broadly worded language of that nature leaves the House open to risk, leaves us open to speculative real estate transactions without the ordinary scrutiny that would be undertaken by the subcommittee which the gentleman from Ohio chairs.

I just wonder whether the Committee on Appropriations had given thought to this: whether in providing such broad language they really intended to remove from the committee's appropriate oversight responsibility these actions by the chief administrative officer. Is the chairman prepared to respond to that concern?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I have to admit that I was engaged in a conversation and not listening to the gentleman.

Mr. OBERSTAR. If the gentleman from Ohio will continue to yield, my question simply was, did the Committee on Appropriations understand in crafting this language that they were, in some sense, removing from the Subcommittee on Economic Development, Public Buildings and Emergency Management its responsibility for oversight and for authorization of these actions by the chief administrative officer in order to protect the House's interest in appropriate real estate transactions; protect us against speculative actions?

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, I would say to the gentleman that these are items that have been identified that need to be taken care of. As my colleague, the gentleman from Alaska (Mr. YOUNG), mentioned just a few minutes ago dealing with airport security and aviation security, they have to be done.

Now, Members do not understand that in the absence of an authorizing bill, the appropriators are usually asked to take care of issues that have not been authorized, and so that is what we do, and we do that very well. We try to do it in cooperation with the authorizing committee, and we thought that we had a fairly good understanding not only on this but the aviation package as well.

So we understand the appropriate relationships of the committees, but sometimes the authorizing committees do not have a bill, do not have a vehicle, are not prepared to deal with a problem, and so the Committee on Appropriations is asked to do it.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. LATOURETTE) has expired.

(On request of Mr. OBERSTAR, and by unanimous consent, Mr. LATOURETTE was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I appreciate what the chairman has just said; however, our side was not involved in these discussions, and it is obvious that the chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management was not involved. We could well have worked with the Committee on Appropriations to craft language that would have been acceptable to our committee, and then folded that into the appropriation process. That is the concern that we have.

Mr. LATOURETTE. Reclaiming my time, Mr. Chairman, I thank the gentleman, and I will tell the distinguished ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), for whom I have great respect and have worked closely with for 7 years, that the appropriators have indicated to me this is a specific situation to deal with the events of September 11.

I felt it more than appropriate to express the concerns of our subcommittee that we not lose the oversight function, which we do very well, but I am satisfied and assured by the Chairman's remarks, and I thank him for that.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 182, line 21, after the dollar amount, insert the following: ''(increased by $250,000,000)''.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would like to say to the gentleman, if we can expedite this, we are prepared to accept the amendment.

Mr. INSLEE. Reclaiming my time, Mr. Chairman, I can assure the gentleman that it will be as expedited as humanly possible, given those good tidings.

This amendment, offered by the gentleman from Ohio (Mr. STRICKLAND) and myself, is an effort to ensure that we fulfill the obligations set forth in the airline security bill we passed and the President signed just a week ago. It is precipitated by concerns that have been expressed by the Secretary of Transportation that we will not meet some deadlines that were established in that bill to assure that 100 percent of the bags that go into the belly of an airplane are screened.

Just 1 week after the President of the United States signed this bill, assuring Americans that we are going to have 100 percent screening of baggage, to say we give up and we are not going to fulfill this equipment does not respect the needs of the American public for safety in flying. So this amendment we offer would increase the appropriation by $250 million so that we can be assured that no excuse is allowed; that there was a lack of resources to do the positive bag matching that is required by the bill, to do the visual inspection that is required by the bill, and to use perhaps dog sniffers, which are euphemistically called ''canine explosive detection units'' in our bill.

We want to make sure resources are not an issue. We think we should do this on a bipartisan basis.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

I am doing this for one reason. My good friend, the gentleman from Washington, if I am not mistaken, voted for the Senate bill, and in the Senate bill they had no bag screening at all, period.

I read the paper today, and Mr. Mineta, unfortunately, did say what he said, and he is probably correct unless we do fund it; but I also see a couple of other Members jump up and holler in anguish, saying this is terrible, this is wrong, we are letting the American people down, who voted for the Senate bill.

* * * In reality, the Senate bill had no screening of baggage at all.

Mr. OBEY. Mr. Speaker, I demand the gentleman's words be taken down.

The CHAIRMAN. The gentleman will suspend.

Mr. YOUNG of Alaska. If it is the ''demagogue'' word, Mr. Chairman.

The CHAIRMAN. The Member will be seated.

The Clerk will report the appropriate portion of the remarks.

Mr. YOUNG of Alaska. Mr. Chairman.

The CHAIRMAN. The gentleman will suspend.

□ 1730

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent to withdraw any statement that any Member might think I said that was out of order, just to speed things along, although I have been informed that I was

not out of order; otherwise I will wait for the ruling of the Chair.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, I want to get back to the point that when we work on legislation, we do the best we can within the House of the people. And to have other Members question the integrity of the House during a period of debate following the 2 weeks after we pass the bill, and then to have the Secretary of Transportation mention something that might be a reality, and to say that the administration is not fulfilling the obligation of the Congress is not correct.

Mr. Chairman, I respectfully request Members, do not use this as a political issue as has been used for the past 4 weeks. Let us seek good, sound security. Let us fund it and make it correct.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are prepared to accept the amendment. However, I would like this opportunity to just remind Members that what this amendment would do is increase the amounts available from the user fee trust fund for the purposes of airport security which we all want.

However, just a few minutes ago there was stricken from this bill monies from the airport trust fund for this very purpose. I am having a little bit of difficulty fathoming the duplicity that we are engaged here in. There was a point of order, two points of order sustained just a few minutes ago that would prevent the Congress spending airport trust funds and highway trust funds for the emergency that we are dealing with here, the aftermath of September 11.

Here we are increasing the amount of money coming from a trust fund. I am having a little difficulty, pardon my ignorance, in fathoming the duplicity that is involved this afternoon. If anyone would care to comment on that, I would be happy to yield.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Washington.

Mr. INSLEE. First, Mr. Chairman, I have not made any points of order today in this regard. But more importantly, what this has done is we have been looking for a way on a bipartisan basis, and I see no reason for ill will on this issue at all, I really think the parties are together on this, to assure that we give the administration enough resources to do this baggage screening that we all want done, and we are all on the same page on that.

What we found is there is another probable $250 million that will be available from the stream of revenue through the ticket surcharges that were set forth in the airline security bill. This money will not come out of the airport trust funds. This money will be funded 100 percent by the surcharge on the tickets.

Mr. ROGERS of Kentucky. Reclaiming my time, I fully understand that. But I am having some difficulty understanding that those earlier who objected to the use of trust funds for airport security and struck $466 million from the bill that was designed for that purpose, and now supporting the dipping into a trust fund, the new one, for the purpose of airport security.

Mr. Chairman, we have got to find the money somewhere. I really am at a loss to understand why those who objected to the use of the trust funds that were earlier stricken did that. We have got to find monies to pay these air marshals to safeguard the cockpit, to pay the screeners under the new scheme. It is going to cost us $54,000 per person, the government. We do not have the money. It was stricken from the bill.

Where is the money? Where is the money?

The trust funds are sitting there fat. I thought when we passed a tax to create a trust fund and charge users of the airports and the highways for the use of those facilities, I thought those monies would be used for airport security and the other purposes that the trust fund is collected for; and yet those were stricken from this bill. I support the gentleman's amendment because we have to have the money, but it still leaves us several hundred million dollars short.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, first off, we are not a monolithic group on our side of the aisle, so I will not address the concern of any other Members. Members must understand that this will be funded through a stream of revenue that has been set up, and there is a $2.50 charge.

I want to make sure that Members understand that I think there is a bipartisan desire to get this job done. I compliment the gentleman from Alaska (Mr. YOUNG), although I disagree with his assertion of my demagoguery on his work in increasing the appropriation in the airline security bill to have a 100 percent baggage screening requirement. That is the right thing to do. We have now a fund for making sure that gets done, and I thank the gentleman for accepting this amendment.

Mr. STRICKLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, after September 11 many Americans were absolutely shocked to learn when they got on an airplane, the bags were not screened for explosive devices. We have debated that issue in this House, and we came to a bipartisan agreement that I think we can all be proud of. It was something that we agreed to and voted on. We sent it to the President. He signed it into law. It is the law of our land today.

I was stunned, quite frankly, a few hours ago when our Secretary of Transportation announced that he could not meet the requirements of this law. As I understand the law, it is not an option. It is a requirement that within 60 days this government have some procedure in place to make sure that every bag is screened for explosives. All Members want that. The American people want it.

All we are trying to do with this rather simple amendment is to provide an additional $250 million to the already $1 billion so that if the Secretary of Transportation does not have enough employees, he can acquire them. If there are not enough drug-sniffing dogs, we can have them trained. We can do, in fact, for the American people what we have said we will do for the American people. There is no need for acrimony.

Mr. Chairman, I think we can all agree on this. We can all claim victory and say we have done the right thing and we can get the job done. With that I urge my colleagues to feel good about this amendment, and I congratulate my Republican colleagues for having indicated that they will accept it.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do so for the purpose of responding to the chairman's question where these funds are going to come from, and the implication that the point of order made by the gentleman from Illinois struck the money. In fact, the point of order struck the source of the funding. It did not strike the $466.5 million in this legislation.

When the Congress appropriated $40 billion in the immediate aftermath of September 11, $20 billion was clearly understood to go to New York for its needs and another $20 billion to respond to other needs of the economy. And it was made very clear at that time when the Secretary of Transportation announced that sky marshals would be assigned to domestic flights that the funding for those sky marshals would come out of that $20 billion. That is the basis on which we have proceeded.

That in this interim period of time until the surcharge on airline tickets provided for in the aviation security bill is put into effect and the money is raised, that the emergency appropriation of $20 billion in part would cover the cost of the sky marshals.

Mr. Chairman, does the chairman of the appropriations subcommittee have a different understanding?

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, what is happening here is once the sections were stricken earlier, no longer will these expenses that we are talking about for the sky marshals and the screeners and the like be taken from the airport trust fund; it will be taken from the general treasury. The American taxpayers are going to be footing the bill here rather than the trust fund that was created for the purpose. If we are going to have a trust fund for security in the airports, we ought to spend those dollars for that purpose.

Mr. Chairman, does the gentleman believe in truthful budgeting, or not?

Mr. OBERSTAR. Reclaiming my time, the sky marshal program was established by President Nixon by executive order issued on September 11, 1970, with funds appropriated not out of the airport and airways trust fund, not out of an aviation account, but out of a separate account dedicated to fund the sky marshal program. That program ramped up to a few thousand sky marshals, and then gradually dwindled down.

When the $40 billion was appropriated in the aftermath of September 11, the Secretary of Transportation made it clear that the funding initially of the sky marshal program, the ramping up of the program would come out of that $20 billion, and we do not see any reason to raid the trust fund in order to do that. The Secretary made a commitment, and I think the purpose is very clear. The Committee on Appropriations has so many demands on the $20 billion, it does not want to exceed its $20 billion, and dipped into the trust fund to do so.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, then perhaps we need to reduce taxes. If we are not going to use the trust fund monies for trust fund purposes, perhaps we need to reduce that tax; and perhaps we ought to ask the Committee on Ways and Means to address the issue of taxing the traveling public and we are not using the money for that purpose.

Mr. OBERSTAR. Mr. Chairman, I would say to the gentleman, that is why we proposed a surcharge. The funds to be taken by this language are already spoken for. They are already spoken for in the FAA, and are needed for the purposes for which they are intended. The additional money to pay for the sky marshals was to have come out of $20 billion. That was our understanding.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask the gentleman, is it not true that there are unobligated, unexpended, surplus, noncommitted funds in the airport trust fund at this moment?

Mr. OBERSTAR. Mr. Chairman, there always are at the beginning of a fiscal year when the funding has not been designated, but those dollars will be committed and are already spoken for.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(On request of Mr. ROGERS of Kentucky, and by unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, there is a balance at the end of the year in the airport trust account that is unobligated, unspent surplus funds; is that not true?

Mr. OBERSTAR. Not exactly.

Mr. ROGERS of Kentucky. If the gentleman would continue to yield, yes, it is.

Mr. OBERSTAR. Mr. Chairman, not exactly. Those dollars are committed to acquisition of air traffic control technologies, as the chairman well knows. The operations account is to pay for the air traffic controllers and for the professional systems repair personnel, and were not intended to pay for sky marshals.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, would they also be available for such things as bomb detection machines at the airports?

Mr. OBERSTAR. In the facilities and equipment accounts, yes.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman would continue to yield, I rest my case.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, the point is that the surcharge is to pay for those acquisitions, and payment of sky marshals is to come out of the $20 billion. We should have had this dialogue long before this moment, before coming to the floor with this legislation.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate on the airport security bill was a fascinating debate and one in which I thought the Senate had done a good job, and I thought the House had improved on it. I thought the House improved on it when they added a provision that said we must check baggage that goes into the belly of an aircraft. The House version required this to be done by the end of 2003.

That is really what the gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) and I had requested. We were saying at least by the end of 2003. To the credit of, frankly, the House, they put that amendment in; and then the conference committee said by the end of the year 2002.

It is physically impossible to inspect for explosives in 60 days, and there was no intent that we would be able to inspect for explosives in 60 days.

□ 1745

If Members of Congress thought they were voting for that, I think that would be a hypocritical thing for me or anyone else to do, because we know it cannot be done. It is going to be tough to do it by the end of 2002.

But clearly we need more money, and I think that the gentleman from Washington (Mr. INSLEE) is right in requesting it. I thank the chairman for accepting it. But it should have been taken out of the trust fund. We should not be talking about expanding airports and doing all the other improvements until we make planes safer. I take some real exception to the deletion of this. I realize technically they were right in doing it, but I think they were, frankly, inaccurate and I would say it was a moral mistake. I think that what is in the trust fund should go for safety. Our constituents want that and I regret that it will now come out of the general fund. But I thank the chairman for accepting the amendment. I appreciate the gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) offering the amendment here and support it. I also want to thank the gentleman from Alaska (Mr. YOUNG) for being the one who made sure it was in the bill because it was not in the Senate version. The Senate did a good job; the House, I thought, improved on it; and I think the conference committee did an even better job.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Does the gentleman understand that as a result of the moneys being stricken earlier this afternoon, coming out of the trust funds for the purpose of security, buying bomb detection machines, sky marshals, screeners and the like, because that money was stricken from the bill, this bill earlier today, that $466.5 million, adding back the $250 million that we are talking about with the Inslee amendment, will not get us back to where we were? We are still going to be short several hundred million dollars. And that the airport trust fund has funds in it right now that could be used for this purpose.

Mr. SHAYS. I am aware of it. I am very distressed by it. I hope it is worked out by the leaders and you as to how we deal with this. I think it was a clear mistake to take it out of the trust funds. I think in the end we endanger the public by doing it.

Mr. ROGERS of Kentucky. Does the gentleman mean it was a mistake to strike it?

Mr. SHAYS. Yes, it was a mistake to delete from the bill the use of the money from the trust funds; we should be using the trust funds for what they were intended, and that is for the flying safety of the American people.

Mr. ROGERS of Kentucky. I thank the gentleman for that statement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VISCLOSKY:

In the proposed division B (relating to emergency supplemental appropriations), insert the following new title:

TITLE ____—STEEL INDUSTRY LEGACY RELIEF

FINDINGS

SEC. ____1. The Congress finds the following:

(1) The United States steel industry has been severely harmed by a record surge of steel imports into the United States since 1998.

(2) This surge in imports has resulted in the loss of more than 26,000 steel worker jobs and is the imminent cause of 25 steel company bankruptcies.

(3) The import surge has also forced the United States steel industry into reduced volume, lower prices, and financial losses.

(4) On October 22, 2001, the International Trade Commission determined that the domestic steel industry has been severely injured by the import surge.

(5) The United States steel industry has massive retiree health care liabilities that total $13,000,000,000 and cost the steel industry almost $1,000,000,000 annually.

(6) These health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the impact of foreign imports.

(7) Steel company bankruptcies, job losses, and financial losses are contributing to the Nation's current economic slowdown and are having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens.

(8) A strong steel industry is necessary to a healthy economy and to the adequate defense preparedness of the United States.

TRADE ADJUSTMENT ASSISTANCE FOR STEEL

SEC. ____2. (a) IN GENERAL.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following:

"CHAPTER 6—ADJUSTMENT ASSISTANCE FOR STEEL COMPANIES

"SEC. 291. DEFINITIONS.

''In this chapter:

''(1) QUALIFIED ANNUAL EXPENDITURE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified annual expenditure' means, for any calendar year in connection with a qualified steel company, the total of all expenditures made by such company during such calendar year to meet retiree health care liabilities under a covered retiree health plan established or maintained by such company. Such term includes—

''(i) any disbursement during such calendar year from a voluntary employees' beneficiary association trust organized by the company under 501(c)(9) of the Internal Revenue Code of 1986 to fund retiree health care liability, and

''(ii) any qualified transfer by the company during such calendar year of excess pension assets, described in section 420 of such Code, to fund retiree health care liability.

''(B) LIMITATION.—In any case in which an employee benefit plan is a covered retiree health plan as a successor to another covered retiree health plan, in determining so much of the qualified annual expenditure for any calendar year of the qualified steel company as is attributable to such successor plan, the Secretary shall disregard any expenditures made to meet retiree health care liabilities in excess of the present value of the amount of the retiree health care liabilities in existence on the date of the enactment of this chapter under the predecessor plan in effect on such date.

''(2) QUALIFIED STEEL COMPANY.—The term 'qualified steel company' means any entity that is incorporated under the laws of any State and—

''(A) on January 1, 2000, was so incorporated and was engaged in—

''(i) the production or manufacture of a product identified by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; or

''(ii) the mining of iron ore, or

''(B) is a successor to an entity described in subparagraph (A).

''(3) RETIREE HEALTH CARE LIABILITY.—The term 'retiree health care liability' means, in connection with a qualified steel company, an obligation of such company under an employee benefit plan to pay post-retirement health benefits to participants and beneficiaries or to contribute to such a plan providing such benefits.

''(4) COVERED RETIREE HEALTH PLAN.—The term 'covered retiree health plan' of a qualified steel company means an employee benefit plan—

''(A) established or maintained by such company for its employees, or

''(B) established or maintained pursuant to a collective bargaining agreement between one or more employers including such company and one or more employee organizations,

under which, as of the date of the enactment of this chapter, such company has retiree health care liability. Such term includes a successor employee benefit plan established or maintained as described in subparagraph (A) or (B).

''(5) EMPLOYEE BENEFIT PLAN AND RELATED TERMS.—The terms 'employee benefit plan', 'participant', 'beneficiary', and 'employee organization' have the meanings provided such terms, respectively, under section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"SEC. 292. ESTABLISHMENT OF GRANT PROGRAM.

''(a) AUTHORIZATION.—The Secretary of Labor is authorized to provide grants to any qualified steel company for the purpose of assisting such company in making the qualified annual expenditure for the calendar year for which assistance is requested.

''(b) APPLICATION.—

''(1) IN GENERAL.—A qualified steel company may, not later than December 1 of the year prior to the calendar year for which assistance is requested, submit to the Secretary an application for a grant under this section.

''(2) CONTENTS.—An application for a grant under this section shall contain—

''(A) appropriate documentation of the company's qualified annual expenditure for the calendar year for which assistance is requested; and

''(B) such other information as the Secretary may require.

''(3) REVIEW AND APPROVAL.—Not later than 30 days after the receipt of an application under paragraph (1), the Secretary—

''(A) shall review the application and determine whether or not the application meets the requirements of paragraph (2); and

''(B) if the Secretary makes an affirmative determination under subparagraph (A), shall approve the application.

''(c) AMOUNT OF GRANT.—The amount of a grant provided to a qualified steel company under subsection (a) for a calendar year shall be equal to 80 percent of the qualified annual expenditure of the company for the calendar year..

''(d) MONTHLY PAYMENTS UNDER THE GRANT.—The Secretary shall make assistance payments on a monthly basis to an eligible company that provides in a form satisfactory to the Secretary documentation of so much of a qualified annual expenditure as is attributable to the previous month. Proper adjustments shall be made in amounts subsequently paid to the extent prior payments were in excess of or were less than the proper amount.

''(e) DIRECT ASSISTANCE TO PARTICIPANTS AND BENEFICIARIES.—In the case of a qualified steel company that ceases operations as of any date on or after January 1, 2000, and that has retiree health care liability with respect to participants and beneficiaries under a covered retiree health plan at the time the company ceases operations, each such participant or beneficiary shall be eligible to receive assistance under this chapter to compensate for the inability of the company to satisfy such liability with respect to such participant or beneficiary. Such assistance shall be equal to the actuarial present value of such liability with respect to such participant or beneficiary as of the date the company ceases operations. The Secretary shall by regulation provide for the administration of such assistance, except that, to the extent that funds available under this chapter for providing assistance pursuant to this subsection are insufficient to provide for such assistance in full to all eligible participants and beneficiaries, the Secretary shall allocate such funds on a pro rata basis.

"SEC. 293. RECORDS.

''(a) IN GENERAL.—Each recipient of assistance under this chapter shall keep records which fully disclose the amount and disposition by such recipient of the assistance received which will facilitate an effective audit. The recipient shall also keep other records as the Secretary may prescribe.

''(b) ACCESS.—The Secretary and the Comptroller General of the United States shall have access for the purposes of audit

and examination to any books, documents, papers, and records of the recipient pertaining to assistance received under this chapter.

"SEC. 294. PENALTIES.

"Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any obligation, for the purpose of obtaining money, property, or anything of value under this chapter, shall be fined not more than $5,000 or imprisoned for not more than 2 years, or both.

"SEC. 295. CIVIL ACTIONS.

"In providing financial assistance under this chapter the Secretary may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and such jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy, but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or Secretary's property. Nothing in this section shall be construed to except the activities pursuant to this chapter from the application of sections 516, 547, and 2679 of title 28 of the United States Code.

"SEC. 296. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.

"SEC. 297. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Secretary to carry out this chapter $2,400,000,000 for the fiscal year 2002, of which—

"(1) $800,000,000 is authorized to be expended in calendar year 2002;

"(2) $800,000,000 is authorized to be expended in calendar year 2003; and

"(3) $800,000,000 is authorized to be expended in calendar year 2004.".

(b) CONFORMING AMENDMENT.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the items relating to chapter 5 the following:

"CHAPTER 6—ADJUSTMENT ASSISTANCE FOR STEEL COMPANIES

"Sec. 291. Definitions.
"Sec. 292. Establishment of grant program.
"Sec. 293. Records.
"Sec. 294. Penalties.
"Sec. 295. Civil actions.
"Sec. 296. Regulations.
"Sec. 297. Authorization of appropriations.".

APPROPRIATION

SEC. ____3. The following sums are appropriated out of any money in the Treasury not otherwise appropriated, for the Department of Labor, for the period comprising fiscal years 2002, 2003, 2004, and 2005, for purposes of carrying out the preceding provisions of this title (including the amendments made thereby), including the provision of adjustment assistance to qualified steel companies to meet qualified annual expenditures, the following: $2,400,000,000, of which $800,000,000 is available for obligation solely for calendar year 2002; of which $800,000,000 is available for obligation solely for calendar year 2003; and of which $800,000,000 is available for obligation solely for calendar year 2004: *Provided*, That of the amount made available for calendar year 2002, $5,000,000 shall be available for necessary expenses to administer this Act, to remain available for calendar years 2003 and 2004 until expended: *Provided further*, That the amounts appropriated under this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amounts shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

Mr. VISCLOSKY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. VISCLOSKY. Mr. Chairman, reserving the right to object, I have no objection, but our preference is to have the gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Subcommittee on Defense and former chairman of the Steel Caucus, control time on our side of the aisle on behalf of the amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Without objection, the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Kentucky (Mr. ROGERS) each will control 15 minutes.

There was no objection.

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman from Pennsylvania (Mr. MURTHA) for controlling time on this amendment.

Mr. Chairman, the amendment that I have before the House is the same amendment I offered in full committee 2 weeks ago and, that is, to provide $800 million a year for 3 years to provide assistance on the so-called legacy costs to the domestic steel industry to assist the industry in solving their problems as far as pension costs and health care for retirees, to allow the industry to save itself, to consolidate and to continue to melt steel in the United States of America.

Why am I and others offering this amendment today to this bill? Because it is a matter of utmost national defense. On August 26 of this year, President George Bush said, "If you're worried about the security of the country and you become overreliant upon foreign sources of steel, it can easily affect the capacity of our military to be well supplied. Steel is an important jobs issue. It is also an important national security issue."

But why should we today ask the American taxpayer to help a specific industry in this country? It is because they have been injured through no fault of their own by foreign interests. On June 22 of this year, Trade Ambassador Zoellick on behalf of President Bush initiated a section 201 investigation by the International Trade Commission into allegations that serious injury has occurred to the domestic steel industry because of illegally traded steel over the last some years. I would point out to my colleagues that this is the first presidentially initiated 201 investigation in the last 16 years.

On October 22, a little over a month ago, the ITC, comprised of 3 Republicans and 3 Democrats, found that serious injury had occurred to this industry. At this point in time, I would also point out that this is an industry that has done everything possible to save itself. Under the voluntary restraint agreements of the 1980s, the industry has invested $60 billion in itself. Its productivity has increased 156 percent since 1980. And no one on the planet Earth makes steel more efficiently than our domestic industry. It now takes only 3.5 man-hours per ton to produce a ton of steel compared to 10 man-hours per ton two decades ago.

As far as the technology involved with the industry, it is on the cutting edge. Almost 50 percent of the steel purchased by automakers today was not even produced 7 or 8 years ago, given the changes. But I would point out to my colleagues, this is not only an economic issue but it is a human tragedy in the making. These improvements have occurred over the last two decades because 300,000 American citizens gave their economic life. And now we find that injury continues to occur because of illegal trade practices.

The Trade Ambassador has suggested before any final implementation of relief under an ITC recommendation, the industry must consolidate. The industry needs this relief on liability in order to proceed.

Why today? Because the industry cannot wait until next year. The ITC recommendation is not due until December 19, and the President's final action does not have to occur until February 16. But what has happened over the last 36 days since I last appeared before the Committee on Rules in an attempt to offer this amendment to the economic stimulus package? At that time and on that day, on October 23, I indicated to my colleagues in the Committee on Rules that we were losing a

steel company at the rate of one every 3 weeks. That was October 23. Today I stand before you and tell you we are losing steel and mining companies at the rate of one every 7 days.

Since October 23, USA Metals in Texas declared bankruptcy. Since October 23, Acme Steel in Illinois ceased all operations and are trying to sell themselves for $1. Since October 23, Geneva Steel in the State of Utah has ceased operations. Since that same date, LTV Corporation filed to protect its assets. And last week in the State of Michigan, Empire Mine idled all of its facilities indefinitely.

I would conclude my remarks on my amendment by reminding my colleagues, we are talking about American citizens who are losing their jobs, families who are losing their income, and I would ask for their consideration.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding me this time.

Mr. Chairman, the gentleman from Indiana has made a very powerful and compelling case. Steel is the basic building block of an industrial society. In 1947, author John Gunther wrote that what makes America the greatest industrialized Nation in the world is its ability to roll more steel than the Soviet Union, Germany, France, Belgium and Great Britain combined.

That statement is no longer true. We are bombarded by unfairly traded steel, subsidized in foreign countries, to preserve a basic building block of their economy and to dump their excess capacity in the world's largest open free market, the United States. While we have played in the international trade arena by the Marquis of Queensbury rules, other countries are playing with black belt karate and kicking our brains out. Brazil, 27 different tax subsidies for the production and export of steel. Russia, Ukraine, producing steel at a loss in order to keep people working, and dumping their steel in this market and causing unemployment here.

The gentleman spoke well and truly about the legacy costs of the domestic steel industry. His amendment is one way, but the best way to avoid those legacy costs is for the administration to conclude the 201 proceeding now underway; impose countervailing duties or tariffs or quotas, and stop the influx of subsidized steel; let the U.S. steel industry continue to work, to hire people, to keep them on the job, to keep those payrolls going. And we will not have to draw down the Pension Benefit Guaranty Corporation funding to support the retirement funds that are in jeopardy. We will not have to pay unemployment compensation to pay people not to work. We ought to do either what the gentleman from Indiana is suggesting or impose the penalty phase of the injury process underway now in the International Trade Commission.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I rise today as the son of a steelworker in support of the gentleman from Indiana's amendment. I want to commend the gentleman for his tireless efforts within the Steel Caucus to ensure that the Federal Government is utilizing every means possible to protect our domestic steel industry and those Americans it employs.

The goal of the steel industry legacy relief program will not only provide assistance to the steel producers in meeting retiree health care costs, but it also gives comfort to the nearly 2 million Americans who currently receive pensions and health care from current and former steel companies. This assistance is especially important for those who are eligible for retiree health insurance at the time a steel company ceases its operations.

It is no secret that our domestic steel industry is in jeopardy. This is an industry we rely on for our transportation, electric, oil and, most importantly, our national security needs. The domestic steel industry has been devastated by a flood of imported foreign steel, resulting in plunging steel prices and the closing of multiple steel producing companies. For example, LTV in Cleveland, like other steel companies, is now on the brink of shutting down, leaving thousands to be unemployed.

It is imperative that we make meaningful and effective reforms that will ensure the long-term viability of this vital industry. The steel industry legacy relief program is just one way to assist American steelworkers who are negatively affected by widespread plant closings and bankruptcies.

I want to thank the gentleman from Indiana. He is a soldier in this fight to protect this vital industry. I urge my colleagues to support his amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

□ 1758

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am proud to join the gentleman from Indiana (Mr. VISCLOSKY) in support of this amendment. As thousands of American steelworkers have sadly discovered, the U.S. has become the world's steel dumping ground. During the 1998 steel crisis, steel imports into the United States exceeded steel exports by 36 million tons. The trade deficit in steel was $11.7 billion, accounting for about 7 percent of our continually growing overall trade imbalance. The vast majority of these imports were subsidized by foreign governments and dumped at below-market prices in the United States.

Congress must respond. One immediate step we must take is protect the retirement benefits that these workers have earned. To encourage needed reorganization and consolidation of the domestic steel industry, a Steel Industry Legacy Relief Program should be created to provide assistance to steel producers in meeting retiree health care costs. This amendment establishes such a program, offering assistance equal to 80 percent of the total expenditures made to meet steel retiree health care liabilities.

Our country's history of flawed trade agreements has propelled the steel industry towards the crisis it faces today. It only makes sense that current and future retirees, surviving spouses, and dependents who are eligible for retiree health insurance which they earned at the time a company ceases operation be eligible to receive assistance.

We must protect the 700,000 hardworking families who rely on this industry for their salaries, pensions and health benefits, and for those communities in which they live. I urge all of my colleagues to support America's steelworkers and those communities in which these steelworkers live.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the legacy cost issue that has been raised by the gentleman from Indiana (Mr. VISCLOSKY) is one of the important elements in addressing the financial stability of America's steel industry.

Mr. Chairman, at this very time, 3,200 steelworkers in Cleveland are wondering whether or not they are going to have jobs tomorrow; and yet, despite the fact that the union and the creditors have worked together to make concessions, the management of LTV wants to liquidate the company. We are anticipating that new management will come in, and new management will need something done about legacy costs, as will management of steel companies throughout this country.

It is urgent that we address the issue that is raised by this amendment. Because of the accumulation by steel companies of massive legacy costs, the cost of pension and health benefits for thousands of employees who went into retirement has to be assured.

The Visclosky amendment, supported by both the steel industry and the steelworkers, provides a solution. Much like title II of H.R. 808, the amendment would create a fund to address legacy costs. Steel companies would be able to draw on the fund to aid with the payment of health and pension benefits.

One might ask, what does this have to do with defense? That has been

raised. The existence of a healthy steel industry is crucial to our national security. It is inexplicable that at the time when we are in a national emergency, at a time when our men and women are traveling overseas to defend the interests of this country, that we should simultaneously be here begging for the survival of the American steel industry, which has defended this country through matters, thick and thin, over the last century.

It is essential that Congress begin to take action to save this steel industry and to save the jobs. Right now there are thousands of American families, tens of thousands, who are watching this Congress, wondering if we are going to hear their pleas. We bailed out the airline industry. The insurance industry is going to be walking down this aisle in the next few hours. And yet what about American steel? What about protecting our national security? What about legacy costs?

Mr. MURTHA. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, one of the points that I want to make, and I am not in the habit of speaking when I know a point of order is going to be made against legislation, but here is what we face: for instance, Bethlehem Steel has 18 retirees for every person working. Bethlehem's pension cost is going to be at least $2 billion over a period of time if they go chapter 7.

Now, who picks that up? The PBGC picks it up. We set up the PBGC in order to protect what we thought would be garment factories going out of work. We only pay 80 percent of the pension costs. We pay none of the health care costs.

Right now all of those retirees are being paid by Bethlehem Steel. We have the same problem with LTV and all these other companies that have retirees that do not have full funding for the pension guarantee in their fund. So we are going to have to face this.

We did it for the coal miners, for the health care costs for the coal miners, and we are going to have to look at some way to take care of these pensioners. All of us have retired steelworkers. We have them from Pennsylvania that move to Florida, we have them in California, we have them all over the country. If we do not, we are going to have thousands of steelworkers getting 80 percent of their pension and losing their health care costs completely.

So I hope that when we go to conference we will look at the possibility of finding a way to fund some of these corporations out of the tariffs. Now, if the administration finds a way to charge tariffs and then we can take the money out of the tariffs, it would cost the government a lot less than it would if we go to PBGC. So I would ask all the Members of the committee to think about the disastrous process we are going to have to go through if we lose these steel companies, besides the fact of national security.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the gentleman for yielding me time.

I am pleased to rise in support of this amendment. In the city of Cleveland, I am sure you have heard from my colleague that we are in the midst of the closing of LTV Steel. That will impact some 3,200 workers at LTV, but also, in addition, the retirees and others who are supported by the steel industry.

I rise in support of this Legacy Relief Program because the retiree costs in the industry are surely the highest costs that are paid by the industry. In the case of a steel company that ceases operation on or after January 1, 2000, current and future retirees, surviving spouses and dependents who are eligible for retiree health insurance at the time the company ceases operation shall be eligible to receive assistance.

That is what our steel companies need. The percentage of the cost of retiree health care costs far exceeds the other costs of a steel company remaining in place.

I want to thank my colleague, the gentleman from Indiana (Mr. VISCLOSKY), for offering this amendment. I want to thank my other colleagues in the Steel Caucus who have stood up on behalf of steelworkers across this country.

As we have talked over the past weeks of being in an economic crisis as a result of September 11, the steel industry is in an economic crisis, not just because of September 11, but because of the failure of our Nation to come up with a program that adequately addresses the steel industry.

It is the long-term impact that has caused the steel industry to be in the dilemma it currently is in, and it is therefore incumbent upon us as Members of Congress to step up to the plate and say to the steel industry, we want to save you; we are going to do two, three or four things to help you get on the right track.

This bill is one of the things that we can do to get the steel industry on the right track, and, in addition, to support those workers who built the World Trade Center, those workers who built all of the buildings that cross this country.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, therefore violating clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment directly amends existing law, and I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from Indiana (Mr. VISCLOSKY) wish to be heard on the point of order?

Mr. VISCLOSKY. Mr. Chairman, I would ask to be recognized.

Mr. Chairman, I will not concede the issue of relief being necessary for the domestic steel industry. I would concede that the amendment that was offered here today is violative of the rule we are operating under. I would simply want to withdraw that amendment.

Before I do that, I want to sincerely thank the chairman of the full committee, the gentleman from Florida (Mr. YOUNG); I want to thank my chairman on the Subcommittee on Defense, the gentleman from California (Mr. LEWIS); as well as the gentleman from Kentucky (Mr. ROGERS), who managed the time, for the courtesy in allowing us to keep this very important issue before this institution and the American people.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Could the gentleman from Illinois specify which amendment?

Mr. MANZULLO. Mr. Chairman, this is the amendment that deals with the 7(a) program, the 504 program.

The CHAIRMAN. Section 201 or 202?

Mr. MANZULLO. It would be on page 148, line 7, if that helps.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 148, beginning on line 9, strike section 201.

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The point of order is reserved.

The gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Chairman, this amendment, which I offer along with the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking minority member on the Committee on Small Business, will allow the $140 million appropriated in this emergency supplemental to also go toward the 7(a) and 504 loan programs of the Small Business Administration if not all the funds

have been used for disaster relief. The initial appropriation of $100 million last September and this additional funding of $140 million is designated to support $1 billion in disaster relief. As of November 19, the SBA approved nearly $142 million in total disaster relief.

The CHAIRMAN. The gentleman from Illinois will suspend.

The amendment the Clerk read was an amendment striking section 201. Is that the amendment the gentleman wishes to offer?

Mr. MANZULLO. I am not addressing that. There are three amendments.

The CHAIRMAN. The amendment that the gentleman is addressing is not yet at the desk.

Mr. MANZULLO. I would withdraw my remarks, and ask unanimous consent that the amendments that we have striking sections 201 and 202 be considered en bloc, and then we could return later to the first one which I was addressing.

The CHAIRMAN. Without objection, the amendment reported by the Clerk is withdrawn, and the amendments striking sections 201 and 202 will be considered en bloc.

There was no objection.

AMENDMENTS OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments offered by Mr. MANZULLO:

Page 148, beginning on line 9, strike section 201.

Page 148, beginning on line 23, strike section 202.

Mr. MANZULLO. Mr. Chairman, this amendment strikes sections 202 and section 201 and section 202. Section 202 violates House rule XXI by authorizing in an appropriations bill, and it is the same argument with section 201. I would ask for the support of the Committee on Appropriations on this.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman is prepared to complete his debate on this, we are prepared to accept his amendment.

Mr. MANZULLO. Mr. Chairman, I am finished.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. MANZULLO).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 148, line 7, after the period insert ''Notwithstanding any other provision of this Act or any other law, funds made available to the Small Business Administration from amounts available in Public Law 107–38 may be obligated for emergency expenses and business loan assistance related to the September 11, 2001, terrorist attacks on the United States and related economic conditions under subsections (a) and (b) of section 7 of the Small Business Act (15 U.S.C. 636) and title III and sections 503 and 504 of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.).''.

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The point of order is reserved.

The gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Chairman, this amendment, which I offer along with the ranking minority member, the gentlewoman from New York (Ms. VELÁZQUEZ), will allow the $140 million appropriated in this emergency supplemental to also go towards the 7(a) and 504 loan program of the Small Business Administration if not all the funds have been used for disaster relief.

The initial appropriation of $100 million last September and this additional funding of $140 million is designed to support $1 billion in disaster relief. As of November 19, the SBA approved nearly $142 million in total disaster relief, with only $24 million being actually disbursed. It is quite conceivable that the SBA may not use the entire allotment provided in this appropriations.

My amendment simply gives the SBA administrator the flexibility to use all these funds to provide additional relief to small business borrowers who use the main lending programs of the SBA, the 7(a) General Business Loan program and the 504 Certified Development Company program. The $240 million set aside for the SBA in P.L. 107–38 and H.R. 3338 should be used to help as many small businesses as possible.

I urge my colleagues to support this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just rise to ask the gentleman a question. As I understand it, the gentleman just moved to strike in the previous amendment because it was legislating on an appropriations bill.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, that is correct.

Mr. OBEY. Now, reclaiming my time, is it correct that the gentleman is proposing an amendment that legislates on an appropriations bill?

Mr. MANZULLO. Mr. Chairman, if the gentleman will yield further, it is questionable as to whether it does or not. I am sure the Committee on Appropriations will state that it does; and I will state that it does not for the record, and I will probably lose. That is correct.

Mr. OBEY. Well, all I can say is it certainly appears to me to do so, and I find that lack of consistency very interesting.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Manzullo and Velázquez amendment. The purpose of this amendment is to allow $140 million appropriated in this emergency supplemental to also go towards the 7(a) Loan Guaranty Program and the 504 Certified Development Company Loan Programs of the Small business Administration providing that not all the funds have been used for disaster relief. This amendment will give the Small Business Administration flexibility to use all appropriate funding to provide additional relief to small business borrowers who use main lending programs of the Small Business Administration.

After 10 years of solid economic growth, America has entered an economic downturn. For the first time in a decade the economic indicators—benchmarks showing where we are and where we are going—all point down. Job losses in technology and manufacturing have risen dramatically and corporate bankruptcies were nearly double what they were last year. Consumer confidence hit its lowest point in over a decade. Even though, the U.S. stock market saw a significant gain in the last 10 years. However, the bottom has virtually fallen out as a result of the events of September 11. Now every industry is taking a huge hit as profits and employment figures head into a free fall.

Part of the solution to this problem is for Congress and the President to implement a sound and fair fiscal policy that will provide an economic stimulus for the general public and small businesses. Since small businesses account for 99.7 percent of America's employers, it can play a vital role in bringing America out of this economic downturn.

To help American small business survive this economic downturn, the Small Business Administration must engage all available resources in facilitating entrepreneurship development, providing low- or no-interest loans, and more technical assistance programs to small businesses. The most important contribution Congress can make is to fund all SBA programs at their authorized levels.

I urge all my colleagues to support the Manzullo and Velázquez amendment.

□ 1815

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part, ''An amendment to a general appropriations bill shall not be in order if

changing existing law.'' This amendment changes existing law. I ask for a ruling on the point of order.

The CHAIRMAN. Does the gentleman from Illinois (Mr. MANZULLO) wish to be heard on the point of order?

Mr. MANZULLO. Yes, I wish to be heard on the point of order.

This amendment simply gives the flexibility to the SBA administrator to use leftover funds already appropriated to also go towards a 7(a) and 504 loan program. There is sufficient authorization already in place to cover the expected increase in demand as those turned down for disaster look to other sources for assistance. This amendment does not require that this funding go towards 7(a) in a 504 loan program, it simply provides discretion to the SBA administrator. On line 3 and 4 the amendment clearly states that funds made available to the Small Business Administration from amounts available in P.L. 107–38 may be obligated for emergency expenses and business loan assistance for the purpose of disaster loan programs and also the 7(a) and the 504 programs.

We would argue that this is not an open-ended commitment; this is a one-time emergency response to a credit crisis facing small businesses across the Nation.

Earlier this month the Federal Reserve released reports which stated that banks are imposing tougher standards on business loans over the last 3 months because of the slowing economy. We need fee relief in the 7(a) and 504 loan programs in order to get our economy back on track. So this does not spend any extra money, it simply works within the parameters of the discretion of the SBA administrator and, therefore, I do not believe that we are legislating on an appropriations bill.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment explicitly supersedes existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

Page 165, line 24, after the dollar amount, insert the following: ''(reduced by $100,000,000) (increased by $100,000,000)''.

Mr. SANDERS. Mr. Chairman, this amendment is cosponsored by the gentleman from Illinois (Mr. DAVIS), the gentleman from New York (Mr. HINCHEY), the gentleman from Massachusetts (Mr. TIERNEY), and the gentlewoman from Wisconsin (Ms. BALDWIN).

Mr. Chairman, today we are talking about bioterrorism and how to protect the American people against this nightmare, and that is an appropriate subject of discussion and something that the American people want us to address. But we must be frank and say that if, God forbid, this country was ever subjected to a major terrorist attack in terms of biological, chemical, or nuclear weapons, we must admit that we currently do not have the public health infrastructure to deal with such a crisis. This bill contains many important provisions to fill that gap, and I support those provisions, but it still leaves a very large hole.

Mr. Chairman, 44 million Americans have no health insurance or any primary care physician, and tens of millions more are inadequately insured. In the event of a national medical emergency, where would these people turn for medical assistance? How, in an orderly and effective way, would millions of people receive the medications and medical care they need on the same day?

In my view, the United States Government must make certain that every community in America, in our large cities and in our rural small towns, have a public health capability for treating all people, regardless of income, regardless of geographical location. It is inconceivable to me that we can talk seriously about addressing the nightmare of bioterrorism without addressing the issue of public health infrastructure. We can have all the medicine we want, we can have all the vaccines we want, and we must have that, but they will not do us any good if there is not a public health infrastructure to make sure that that medicine is adequately and effectively distributed and that all people are able to get the health care that they need. That will not be easy.

Mr. Chairman, this amendment begins to address that problem by providing $100 million in additional funding for federally qualified community health centers. The good news here is that we are not reinventing the wheel in this area, because FQHCs have already shown in urban areas and in rural areas that they can provide quality health care to all people at a very cost-effective rate.

Mr. Chairman, FQHCs already exist in every State in this country and are widely recognized as doing a great job. They have widespread support on both sides of the aisle and from President Bush and Secretary of Health and Human Services Thompson. The only problem is that there are not enough of them, and if we are serious about protecting the American people from bioterrorism, we must build more. The bottom line is that every American must know that in the event of a national medical emergency, there is a public health place that they can go to get the drugs that they need and to get the health care they need that does not exist now. And in my view, by expanding the community health center program, we can go a long way in making that access available to all people.

So, Mr. Chairman, I think that this is an important amendment, it is widely supported, and I would hope the membership would accept it.

Mr. LEWIS of California. Mr. Chairman, we very much appreciate the brevity of the gentleman and, with that, we have no objection to the amendment.

Mr. OBEY. Mr. Chairman, we also have no objection on this side of the aisle.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the amendment.

I simply appreciate the fact that this amendment is accepted. I commend the gentleman for introducing it. Community health centers do, in fact, have the infrastructure in place, and I think it is a great amendment, and I appreciate the chairman and the ranking member for accepting the amendment.

Mr. Chairman, I rise in support of the Sanders amendment. This amendment simply redirects $1 million from the Public Health and Emergency Fund to Community Health Centers to make sure that they are prepared in the event of a bioterrorism attack.

Community Health Centers are the first responders; they are the community doctors to more than 12 million patients a year. They provide quality affordable health care to the uninsured, working poor, and Medicaid and Medicare populations.

The tragic events of September 11th have changed our lives forever. It has caused us to re-examine our public health infrastructure—to determine whether we are prepared should a bioterrorism attack occur. The Illinois Primary Health Care Association just distributed a ''White Paper'' on this very subject. They suggest that the unfortunate reality of today is that community health centers in Illinois and throughout the country are not well prepared to fulfill their role as first responders in the event of a bioterrorist attack. They note that health center personnel presently lack adequate (if any) training to detect the symptoms associated with bioterrorism. Additionally, health center personnel lack the capacity to conduct mass inoculations, and they do not possess the communications infrastructure necessary to quickly share suspicious diagnosis information with other entities in the community and public health sector. Finally, many Illinois community health centers lack any formal plan to manage the consequences of a bioterrorist attack and community and regional planning has been inadequate.

This ''White Paper'' really underscores the weaknesses in our public health infrastructure. We must not only ensure our strength abroad—but we must solidify our strength at home. A public health infrastructure that is strong provides security for all of our citizens. This is a matter of public health. The Sanders amendment proposes to strengthen our public health infrastructure by redirecting $1 million to our first responders—community health centers.

This is a good amendment because it will provide the resources needed to assist in

training health center personnel on bioterrorism and upgrading existing facilities. It will also help to create additional health centers and provide resources to strengthen our integrated information system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to consideration of the amendment at this stage of the reading?

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY:

In the proposed division B (relating to emergency supplemental appropriations), insert the following new titles:

TITLE II—EMERGENCY RELIEF AND RECOVERY PROVISIONS

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TEMPORARY EMERGENCY UNEMPLOYMENT ASSISTANCE FOR THE STATE OF NEW YORK

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for payment to the special fund established and administered by the State of New York for the payment of unemployment compensation (as referred to in section 3306(f) of the Internal Revenue Code of 1986), $880,000,000, to remain available until expended: *Provided,* That such amount shall be available only to provide assistance to dislocated workers in New York City and the State of New York who are unemployed as a consequence of those attacks, in accordance with succeeding provisions of this paragraph: *Provided further,* That such amount shall not be paid over to such special fund until such time as the State of New York enters into an agreement with the Secretary of Labor, under the terms of which such amount shall be used only (1) to provide for up to 26 weeks of regular compensation to displaced workers (described in the preceding proviso) in accordance with the unemployment compensation law of that State, (2) to provide for up to 26 weeks of extended compensation, under a program established under such agreement, for any such displaced workers who have, beginning with any week that begins on or after September 11, 2001, and before the week that includes December 31, 2002, exhausted all rights to regular compensation under the unemployment compensation law of that State, (3) to provide for up to 26 weeks of benefits, under a program established under such agreement, for any such displaced workers not otherwise eligible for benefits under the unemployment compensation law of that State (weekly benefits under such program not to exceed the maximum weekly amount authorized under the unemployment compensation law of that State), and (4) notwithstanding any other provision of State or Federal law, to cover administrative expenses incurred by that State in connection with any compensation or benefits provided for under clauses (1)–(3); and the State of New York has taken such measures as may be necessary to ensure that the provisions of such agreement relating to clauses (2) and (3) will be implemented: *Provided further,* That such amount may be used to reimburse the appropriate fund or account of the State of New York for any amounts described in clause (1) or (4) of the preceding proviso which were paid or incurred after September 11, 2001, and before the date of the enactment of this Act with respect to such displaced workers: *Provided further,* That, in determining (for purposes of this paragraph) whether an individual's separation from employment was as a consequence of the September 11, 2001, terrorist attacks on the United States, the relevant authority may consider the displacement of businesses in and around the World Trade Center area, dislocations for workers employed in businesses serving clients in and around the World Trade Center area, the effect of the attacks on travel and tourism in the New York City area, and the effect of the attacks on the ability of businesses to distribute goods and services in the New York City area: *Provided further,* That, in connection with any compensation payable under chapter 85 of title 5, United States Code, and any compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies, any amounts paid out of the amount appropriated by this paragraph shall not be required to be repaid: *Provided further,* That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR CERTAIN INDIVIDUALS IMPACTED BY THE TERRORIST ATTACKS

SEC. 2101. (a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a program under which premium assistance for COBRA continuation coverage shall be provided for qualified individuals under this section.

(2) QUALIFIED INDIVIDUALS.—For purposes of this section, a qualified individual is an individual who—

(A)(i) becomes entitled to elect COBRA continuation coverage—

(I) as a result of the loss of employment in New York City or New York State of the individual as a consequence of the September 11, 2001, terrorist attacks on the United States; or

(II) as a result of a reduction of hours of employment in New York City or New York State of the individual as a consequence of such attacks; or

(ii) is the beneficiary of an individual who—

(I) is described in clause (i); or

(II) was employed in New York City or New York State at the time of such attacks and was killed as a result of such attacks;

(B) has elected such coverage; and

(C) enrolls in the premium assistance program under this section by not later than the end of the 1-year period beginning on the date of the enactment of this Act.

(3) SCOPE OF CONSEQUENCES OF ATTACK.—For purposes of this section (and the succeeding section), in determining whether an individual's loss of employment or reduction in hours of employment is a consequence of the September 11, 2001, terrorist attacks on the United States, there shall be taken into consideration the displacement of businesses in and around the World Trade Center area, dislocations for workers employed in businesses serving clients in and around the World Trade Center area, the effect of the attacks on travel and tourism in the New York City area, and the effect of the attacks on the ability of businesses to distribute goods and services in the New York City area.

(4) STATE OPTION TO ELECT ADMINISTRATION OF PROGRAM.—

(A) IN GENERAL.—A State may elect to administer the premium assistance program established under this section if the State submits to the Secretary of the Treasury, not later than January 1, 2002, a plan that describes how the State will administer such program on behalf of qualified individuals who reside in the State beginning on that date.

(B) PAYMENTS.—In the case of a State that submits a plan under subparagraph (A), subject to subsection (k), the Secretary of the Treasury shall pay to each such State an amount for each quarter equal to the total amount of premium subsidies provided in that quarter on behalf of such individuals.

(5) IMMEDIATE IMPLEMENTATION.—The program established under this section shall be implemented without regard to whether or not final regulations to carry out such program have been promulgated by the deadline described in paragraph (1).

(b) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—Premium assistance provided under this subsection shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer covered under COBRA continuation coverage; or

(2) 12 months after the date the individual is first enrolled in the premium assistance program established under this section.

(c) PAYMENT AND CREDITING OF ASSISTANCE.—

(1) AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be equal to 100 percent of the amount of the premium required for the COBRA continuation coverage.

(2) PROVISION OF ASSISTANCE.—Premium assistance provided under this section shall be provided through the establishment of direct payment arrangements with a group health plan (including a multiemployer plan), an issuer of health insurance coverage, an administrator, or an employer as appropriate with respect to the individual provided such assistance. It shall be a fiduciary duty of the plan, issuer, administrator, or employer to enter into such arrangements under this section.

(3) PREMIUMS PAYABLE BY QUALIFIED INDIVIDUAL REDUCED BY AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be credited by such plan, issuer, administrator, or employer against the premium otherwise owed by the individual involved for such coverage.

(d) CHANGE IN COBRA NOTICE.—

(1) GENERAL NOTICE.—

(A) IN GENERAL.—In the case of notices provided under section 4980B(f)(6) of the Internal Revenue Code of 1986 with respect to individuals who, on or after September 11, 2001, and before the end of the 1-year period beginning on the date of the enactment of this Act, become entitled to elect COBRA continuation coverage, such notices shall include an additional notification to the recipient of the availability of premium assistance for such coverage under this section.

(B) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the

notice provision under section 4980B(f)(6) of the Internal Revenue Code of 1986 does not apply, the Secretary of the Treasury shall, in coordination with group health plans, health insurance issuers, administrators, and employers that provide or administer the COBRA continuation coverage involved, assure provision of such notice.

(C) FORM.—The requirement of the additional notification under this paragraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(2) SPECIFIC REQUIREMENTS.—Each additional notification under paragraph (1) shall include—

(A) the forms necessary for establishing eligibility under subsection (a)(2)(A) and enrollment under subsection (a)(2)(C) in connection with the coverage with respect to each qualified individual;

(B) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with the premium assistance; and

(C) the following statement displayed in a prominent manner:

''You may be eligible to receive assistance with payment of 100 percent of your COBRA continuation coverage premiums for a duration of not to exceed 12 months.''.

(3) NOTICE RELATING TO RETROACTIVE COVERAGE.—In the case of such notices previously transmitted before the date of the enactment of this Act in the case of a qualified individual who has elected (or is still eligible to elect) COBRA continuation coverage as of the date of the enactment of this Act, the group health plan, health insurance issuer, administrator, or employer involved or the Secretary of the Treasury (in the case described in the paragraph (1)(B)) shall provide (within 60 days after the date of the enactment of this Act) for the additional notification required to be provided under paragraph (1).

(4) MODEL NOTICES.—The Secretary shall prescribe models for the additional notification required under this subsection.

(f) OBLIGATION OF FUNDS.—Subject to subsection (k), this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of premium assistance under this section.

(g) PROMPT ISSUANCE OF GUIDANCE.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall issue guidance under this section not later than 30 days after the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''administrator'' has the meaning given such term in section 3(16) of the Employee Retirement Income Security Act of 1974.

(2) BENEFICIARY.—The term ''beneficiary'' has the meaning given such term under section 1002 of the Employee Retirement Income Security Act of 1974.

(3) COBRA CONTINUATION COVERAGE.—The term ''COBRA continuation coverage'' means continuation coverage provided pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), section 8905a of title 5, United States Code, under a State program that provides continuation coverage comparable to such continuation coverage, or other comparable continuation coverage offered to a beneficiary under a group health plan.

(4) FEDERAL PUBLIC BENEFIT.—The term ''Federal public benefit'' has the meaning given that term in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)).

(5) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a)) and in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)).

(6) MULTIEMPLOYER PLAN.—The term ''multiemployer plan'' has the meaning given that term in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)).

(7) STATE.—The term ''State'' means the State of New York.

(8) STATE OR LOCAL PUBLIC BENEFIT.—The term ''State or local public benefit'' has the meaning given that term in section 411(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(c)).

(i) EMERGENCY DESIGNATION.—The amount provided in this section is designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. Such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

(j) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium assistance provided to, or on behalf of, an individual under this section, shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other Federal public benefit or State or local public benefit.

(k) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or section 2102, in no case shall the total amount that may be obligated under this section and section 2102 exceed $1,025,000,000.

(2) CONTINGENCY MECHANISM.—

(A) IN GENERAL.—The Secretaries of the Treasury and Health and Human Services shall cooperatively establish a mechanism to assure that the total amount obligated under this section and section 2102 does not exceed the amount specified in paragraph (1).

(B) USE OF FIRST COME, FIRST SERVED MECHANISM.—Under such mechanism—

(i) with respect to this section, the Secretary of the Treasury shall provide, in coordination with States to the extent applicable, the assistance under this section giving priority based upon the order in which a qualified individual applies for assistance in a manner consistent with subparagraph (A); and

(ii) with respect to section 2102, the Secretary of Health and Human Services shall provide that the Federal financial participation provided under such section shall be available to States giving priority based upon the order of qualifying expenditures under State plans in a manner consistent with subparagraph (A).

OPTIONAL TEMPORARY MEDICAID COVERAGE FOR CERTAIN UNINSURED INDIVIDUALS IMPACTED BY THE TERRORIST ATTACKS

SEC. 2102. (a) IN GENERAL.—Notwithstanding any other provision of law, with respect to any month before the ending month, a State may elect to provide, under its medicaid program under title XIX of the Social Security Act, medical assistance in the case of an individual—

(1)(A) who lost employment in New York City or New York State as a consequence of the September 11, 2001, terrorist attacks on the United States;

(B) who experienced a reduction of hours of employment in New York City or New York State as a consequence of such attacks; or

(C) who is the spouse or dependent child of—

(i) an individual described in subparagraph (A) or (B); or

(ii) an individual who was employed in New York City or New York State and was killed as a result of such attacks;

(2) who is not eligible for COBRA continuation coverage (as defined in section 2101(h)(3)); and

(3) who is uninsured.

(b) LIMITATION OF PERIOD OF COVERAGE.—Assistance under this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer uninsured; or

(2) 12 months after the date the individual is first determined to be eligible for medical assistance under this section.

(c) SPECIAL RULES.—In the case of medical assistance provided under this section—

(1) the Federal medical assistance percentage under section 1905(b) of the Social Security Act shall be 100 percent;

(2) a State may elect to disregard (or apply alternative) income, asset, and resource limitations and the provisions of section 1916(g) of such Act, except that in no case shall a State cover individuals with higher family income without covering individuals with a lower family income;

(3) such medical assistance shall not be provided for periods before the date the individual becomes uninsured;

(4) individuals eligible for medical assistance under this section shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act; and

(5) the Federal financial participation with respect to such assistance is subject to the limitations specified in section 2101(k).

(d) DEFINITIONS.—For purposes of this Act:

(1) UNINSURED.—The term ''uninsured'' means, with respect to an individual, that the individual is not covered under—

(A) a group health plan (as defined in section 2791(a) of the Public Health Service Act),

(B) health insurance coverage (as defined in section 2791(b)(1) of the Public Health Service Act), or

(C) a program under title XVIII, XIX, or XXI of the Social Security Act, other than under such title XIX pursuant to this section.

For purposes of this paragraph, such coverage under subparagraph (A) or (B) shall not include coverage consisting solely of coverage of excepted benefits (as defined in section 2791(c) of the Public Health Service Act).

(2) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act.

(3) ENDING MONTH.—The term ''ending month'' means the last month that begins before the date that is 1 year after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—This section shall take effect upon its enactment, whether or not regulations implementing this section are issued.

(f) EMERGENCY DESIGNATION.—The amount provided in this section is designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. Such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

TITLE III—ADDITIONAL EMERGENCY RELIEF AND RECOVERY PROVISIONS

CHAPTER 1—LABOR PROGRAMS

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Of the amount provided under this heading in title I of this division, $32,400,000 shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

STATE UNEMPLOYMENT SECURITY OFFICE

WORKERS COMPENSATION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for workers compensation programs in accordance with this paragraph, $195,000,000, to remain available until expended: *Provided*, That, of such amount, $145,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 2—HEALTH AND HUMAN SERVICES PROGRAMS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for ''Health Resources and Services'' to reimburse local area public and private hospitals for unreimbursed care provided in response to the September 11, 2001 terrorist attacks on the United States, including overtime costs, equipment and supplies destroyed or damaged in the attack, $140,000,000, to remain available until expended: *Provided*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'' for baseline safety screening for the emergency services personnel and rescue and recovery personnel who served in response to the September 11, 2001 terrorist attacks on the United States, $12,000,000, to remain available until expended: *Provided*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for ''National Institute of Environmental Sciences'' to respond to the September 11, 2001, terrorist attacks on the United States, for carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $10,450,000, to remain available until expended: *Provided*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 3—COMMERCE PROGRAMS

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For an additional amount for emergency grants authorized by section 392 of the Communications Act of 1934 to respond to the September 11, 2001 terrorist attacks on the World Trade Center, $6,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 4—COMMUNITY DEVELOPMENT AND FEMA PROGRAMS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for ''Community Development Fund'', to respond to the September 11, 2001 terrorist attacks on the United States, $900,000,000, to remain available until expended: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 : *Provided further*, That, of the amount provided in this paragraph, $10,000,000 shall be used for a program to aid the travel and tourism industry in New York City: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'', to respond to the September 11, 2001 terrorist attacks on the United States, $6,560,000,000, to remain available until expended: *Provided*, That such amount shall be for recovery activities and assistance in New York City and the State of New York, Northern Virginia, and Pennsylvania: *Provided further*, That, of the amount provided in this paragraph, $1,350,000,000 shall be for the Office of World Trade Center Attack Claims, created in chapter 5 of this division: *Provided further*, That, of the amount provided in this paragraph, the Federal Emergency Management Agency may provide up to $110,000,000 to the New York City Board of Education to compensate the Board for the costs of providing additional classroom instruction and related activities to students who lost instructional time as a result of the September 11, 2001 terrorist attack on New York City: *Provided further*, That, of the amount provided in this paragraph, not less than $600,000,000 shall be for public facilities defined in section 3601 of this division: *Provided further*, That the amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

CHAPTER 5—WORLD TRADE CENTER ATTACK CLAIMS

SHORT TITLE

SEC. 3501. This chapter may be cited as the ''World Trade Center Attack Claims Act''.

DEFINITIONS

SEC. 3502. In this chapter, the following definitions apply:

(1) AFFECTED AREA.—The term ''affected area'' means the area south of Canal Street in the borough of Manhattan, New York City, New York.

(2) ATTACK.—The term ''attack'' means the attack on the World Trade Center in New York City that occurred on September 11, 2001.

(3) CLAIM.—The term ''claim'' means a claim by an injured person under this chapter for payment for injury suffered by the injured person as a result of the attack.

(4) CLAIMANT.—The term ''claimant'' means an injured person that submits a claim under section 3504(b).

(5) DIRECTOR.—The term ''Director'' means—

(A) the Director of the Federal Emergency Management Agency; or

(B) if an Independent Claims Manager is appointed under section 3503(d)(4), the Independent Claims Manager.

(6) INJURED PERSON.—

(A) IN GENERAL.—The term ''injured person'' means an individual, corporation, partnership, company, association, cooperative, joint venture, limited liability company, estate, trust, or nonprofit organization that—

(i) suffered injury as a result of the attack; and

(ii) resides or maintains a place of business in the affected area.

(B) EXCLUSIONS.—The term ''injured person'' does not include—

(i) a lender that holds a mortgage on or security interest in real or personal property affected by the attack; or

(ii) a person that holds a lien on real or personal property affected by the attack.

(7) OFFICE.—The term ''Office'' means the Office of World Trade Center Attack Claims established by section 3503.

OFFICE OF WORLD TRADE CENTER ATTACK CLAIMS

SEC. 3503. IN GENERAL.—There is established within the Federal Emergency Management Agency an office to be known as the ''Office of World Trade Center Attack Claims''.

(b) PURPOSE.—The Office shall receive, process, and pay claims in accordance with section 3504.

(c) FUNDING.—The Office—

(1) shall be funded from funds made available under this chapter; and

(2) may reimburse any other Federal agency for provision of assistance in the receipt and processing of claims.

(d) PERSONNEL.—

(1) IN GENERAL.—The Office may appoint and fix the compensation of such temporary personnel as are necessary to carry out the duties of the Office, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PERSONNEL FROM OTHER AGENCIES.—On the request of the Director, the head of any other Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Federal Emergency Management Agency to assist the Office in carrying out the duties of the Office under this chapter.

(3) EFFECT ON OTHER FEMA DUTIES.—The establishment of the Office shall not diminish the authority of, or funding available to, the Director to carry out the responsibilities of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the timely provision of disaster assistance to any area with respect to which a major disaster or emergency is declared by the President to exist during the period in which the Director carries out this chapter.

(4) APPOINTMENT OF INDEPENDENT CLAIMS MANAGER.—The Director may appoint an Independent Claims Manager to head the Office and to assume the duties of the Director under this chapter.

COMPENSATION FOR VICTIMS OF THE ATTACK

SEC. 3504. (a) IN GENERAL.—Each injured person may receive from the United States compensation for injury suffered by the injured person as a result of the attack, as determined by the Director in accordance with subsection (d).

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which interim final regulations are promulgated under subsection (h), an injured person may submit to the Director a written claim for payment of injury suffered by the injured person as a result of the attack in accordance with such requirements as the Director determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—The Director shall investigate, adjust, grant, deny, settle, or compromise any claim submitted under subsection (b).

(d) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Any payment on a claim by an injured person—

(A) shall be limited to the amount necessary to compensate the injured person for injury described in paragraph (2) suffered as a result of the attack during the period beginning on September 11, 2001, and ending on March 11, 2003;

(B) shall be subject to subsection (e)(1)(D);

(C) shall not include—

(i) interest on the amount of the payment before the date of settlement or payment of a claim; or

(ii) punitive damages or any other form of noncompensatory damages; and

(D) shall not exceed $500,000, except in the case of a claim for which the Director determines that a greater amount is appropriate.

(2) TYPES OF INJURY.—

(A) RESIDENTIAL LOSS.—Under paragraph (1), an injured person may receive payment for a residential loss consisting of 1 or more of the following:

(i) An uninsured or underinsured property loss.

(ii) Damage to or destruction of physical infrastructure.

(iii) An insurance deductible.

(iv) A temporary living or relocation expense.

(v) Debris removal and other cleanup costs.

(vi) Any other type of related injury that the Director determines to be appropriate.

(B) BUSINESS LOSS.—Under paragraph (1), an injured person may receive payment for a business loss consisting of 1 or more of the following:

(i) An uninsured or underinsured property loss.

(ii) Damage to or destruction of physical infrastructure.

(iii) Damage to or destruction of tangible assets or inventory.

(iv) A business interruption loss.

(v) Overhead costs.

(vi) Employee wages for work not performed.

(vii) An insurance deductible.

(viii) A temporary relocation expense.

(ix) Debris removal and other cleanup costs.

(x) Any other type of injury that the Director determines to be appropriate.

(3) BURDEN OF PROOF.—

(A) IN GENERAL.—Subject to subparagraph (B), a claimant shall have the burden of demonstrating injury suffered by the claimant.

(B) ABSENCE OF DOCUMENTS.—If documentary evidence substantiating injury is not reasonably available, the Director may pay a claim based on an affidavit or other documentation executed by the claimant.

(e) PAYMENT OF CLAIMS.—

(1) DETERMINATION AND PAYMENT OF AMOUNT.—

(A) IN GENERAL.—To the maximum extent practicable, not later than 180 days after the date on which a claim is submitted under subsection (b), the Director shall—

(i) determine the amount, if any, to be paid for the claim; and

(ii) pay the amount.

(B) PRIORITY.—The Director may establish priorities for processing and paying claims based on—

(i) an assessment of the needs of the claimants; and

(ii) any other criteria that the Director determines to be appropriate.

(C) PARAMETERS OF DETERMINATION.—In determining and paying a claim, the Director shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injuries that are the subject of the claim resulted from the attack;

(iii) the amount, if any, to be paid under this section; and

(iv) the person or persons entitled to receive the amount.

(D) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—Subject to clause (ii), to prevent recovery by a claimant in excess of the equivalent of actual compensatory damages in accordance with subsection (d), the Director, in determining the amount of, and paying, a claim, shall reduce the amount to be paid for the claim by an amount that is equal to the sum of the payments or settlements of any kind that were paid, or will be paid, with respect to the claim, including—

(I) payments on insurance policies; and

(II) benefits under the public assistance program, individual assistance program, or other program of the Federal Emergency Management Agency or under a program of any other Federal, State, or local agency.

(ii) GOVERNMENT LOANS.—Clause (i) shall not apply to the receipt by a claimant of any Federal, State, or local government loan that is required to be repaid by the claimant.

(2) ADVANCE OR PARTIAL PAYMENTS.—At the request of a claimant, the Director may make 1 or more advance or partial payments before the final settlement of a claim.

(f) RECOVERY OF FUNDS IMPROPERLY PAID OR MISUSED.—The United States may recover any portion of a payment on a claim that was improperly paid to the claimant as a result of—

(1) fraud or misrepresentation on the part of the claimant or a representative of the claimant;

(2) a material mistake on the part of the United States;

(3) the payment of benefits described in subsection (e)(1)(D) that were not taken into account in determining the amount of the payment; or

(4) the failure of the claimant to cooperate in an audit.

(g) APPEALS OF DECISIONS.—

(1) RIGHT OF APPEAL.—A claimant may appeal a decision concerning payment of a claim by filing, not later than 60 days after the date on which the claimant is notified that the claim of the claimant will or will not be paid, a notice of appeal—

(A) in the case of a decision on a claim relating to a business loss, with the Administrator of the Small Business Administration; and

(B) in the case of a decision on a claim relating to a residential loss, with the Director.

(2) PERIOD FOR DECISION.—A decision concerning an appeal under paragraph (1) shall be rendered not later than 90 days after the date on which the notice of appeal is received.

(h) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act—

(1) the Director shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims; and

(2) the Director and the Administrator of the Small Business Administration shall jointly promulgate and publish in the Federal Register procedures under which a dispute concerning payment of a claim may be settled through an appeals process described in subsection (g).

(i) PUBLIC INFORMATION.—At the time of publication of interim final regulations under subsection (h), the Director shall disseminate, through brochures, pamphlets, radio, television, the print news media, and such other media as the Director determines to be likely to reach prospective claimants, a clear, concise, and easily understandable explanation, in English, Spanish, and any other language that the Director determines to be appropriate, of—

(1) the rights conferred under this section; and

(2) the procedural and other requirements of the regulations promulgated under subsection (h).

(j) COORDINATION.—In carrying out this section, the Director shall coordinate with the Administrator of the Small Business Administration, other Federal agencies, State and local agencies, and any other individual or entity, as the Director determines to be necessary—

(1) to ensure the efficient administration of the claims process; and

(2) to provide for local concerns.

(k) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—

(1) IN GENERAL.—Section 3716 of title 31, United States Code, shall not preclude any payment on a claim.

(2) ASSIGNMENT AND EXEMPTION FROM CLAIMS OF CREDITORS.—

(A) ASSIGNMENT.—No assignment, release, or commutation of a payment due or payable under this section shall be valid.

(B) EXEMPTION.—

(i) IN GENERAL.—A payment under this section shall be exempt from all claims of creditors and from levy, execution, attachment, or other remedy for recovery or collection of a debt.

(ii) NONWAIVABLE EXEMPTION.—The exemption provided by clause (i) may not be waived.

(3) EXCEPTION.—Notwithstanding paragraph (2), the Director may—

(A) require the repayment, using a payment under this section, of any disaster loan made by the Small Business Administration to address injury suffered as a result of the attack; and

(B) use the remedies provided by subchapter II of chapter 37 of title 31, United States Code, in collecting debts due to the Federal Government that arise from this chapter.

ACCEPTANCE OF SERVICES OF OTHER AGENCIES AND VOLUNTEERS; GIFTS

SEC. 3505. In carrying out this chapter, the Director may—

(1) accept and use the services or facilities of any State or local government, or of any agency, office, or employee of any State or local government, with the consent of the government;

(2) use such voluntary and uncompensated services by individuals or organizations as may be needed; and

(3) accept gifts of supplies, equipment, and facilities to be used in carrying out this chapter.

RELATIONSHIP TO FEDERAL ENTITLEMENT PROGRAMS

SEC. 3506. (a) REQUESTS FOR BENEFITS.—Nothing in this chapter affects any right of an injured person that submits a claim to submit a request for benefits under any Federal entitlement program.

(b) CONSIDERATION OF PAYMENTS AS RESOURCES.—A payment on a claim received by an injured person under section 3504 shall not be taken into account in determining the assets or resources of any individual or household under any Federal program or federally assisted program that provides financial aid, assistance, or benefits based on need, including—

(1) the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(2) any program established under the Social Security Act (42 U.S.C. 301 et seq.).

REPORTS AND AUDITS

SEC. 3507. (a) REPORTS.—Not later than 1 year after the date of promulgation of interim final regulations under section 3504(i) and annually thereafter, the Director shall submit to Congress a report that describes the claims submitted under section 3504(b) during the year preceding the date of submission of the report, including, with respect to each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment on the claim.

(b) AUDITS.—The Comptroller General shall—

(1) conduct an annual audit of the payment of all claims submitted under section 3504(b); and

(2) not later than 120 days after the date on which the Director submits to Congress the initial report required by subsection (a) and annually thereafter, submit to Congress a report on the results of the audit.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3508. (a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter—

(1) for administration by the Office of the compensation process $100,000,000; and

(2) for payment of claims $1,900,000,000.

(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

(c) FEMA FUNDS.—None of the funds made available to the Federal Emergency Management Agency for the administration of disaster relief shall be used to carry out this chapter.

TERMINATION OF AUTHORITY

SEC. 3509. The authority provided by this chapter terminates effective 42 months after the date of enactment of this Act.

CHAPTER 6—GENERAL PROVISIONS - THIS TITLE

AUTHORITY TO OBTAIN REIMBURSEMENT FOR EXPENSES INCURRED IN RESTORATION OF UTILITY SERVICE AND TRADING OPERATIONS

SEC. 3601. (a) IN GENERAL.—For purposes of any appropriations made by Public Law 107–38 or this division—

(1) the term ''public facilities'' as used in such law and in section 102(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(8)) includes facilities and equipment of public utility companies regulated by the New York Public Service Commission and the facilities and equipment of not-for-profit exchanges and boards of trade regulated by the Securities and Exchange Commission or the Commodity Futures Trading Commission; and

(2) the term ''repairing public facilities'' in such law includes replacing and restoring facilities and equipment lost, damaged, and destroyed.

(b) APPLICABILITY.—Subsection (a) shall apply through September 30, 2003.

Mrs. LOWEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mrs. LOWEY. Mr. Chairman, I introduced this amendment in behalf of the gentleman from New York (Mr. SWEENEY) and myself and other members of our delegation.

Mr. Chairman, it has been 11 weeks since terrorists attacked America. We have asked our allies to join us to defend the Free World and embarked on a dangerous and long-term effort against terrorism overseas. Here at home, we are growing used to a sense of uncertainty and tighter security. When we go home, we say hello to our neighbors who are very concerned, who ask us all kinds of questions. We thank the police, we thank the firefighters. And I know when we went home to see our families, we just hugged them a little tighter, a little closer, and expressed our forgiveness, our thankfulness, thankfulness that we were able to be together.

Again and again we hear, it will never be the same. The world has forever changed.

Mr. Chairman, nowhere is that more true than in New York. Almost 4,000 dead, many of them under 40, with young children. The loss among firefighters in one day is more than in the last 50 years combined.

Mr. Chairman, 100,000 have lost their jobs. There is a frozen zone that has swallowed up small businesses by the hundreds. Mr. Chairman, 5,000 people still cannot go home. Do we remember how we rushed home for Thanksgiving? Just think of what it has been like for the last few months in New York for too many New Yorkers.

There has been some progress. Yes, FEMA is a full partner in the recovery. It is going well. About 40 percent of the site has been cleared. Crews are working 24 hours a day, 7 days a week, even on Thanksgiving, to recover bodies and clear away the rubble. Some have said New York is getting all the help it needs, but I say to my colleagues, Ground Zero is not the only place where we see such devastation. Widows need health insurance. Laid-off workers who are just getting by need extended unemployment benefits. Residents need checks to cover security deposits in temporary homes and to repair their apartments. Small businesses need grants, not loans, and they need a simple application process. The FEMA bills will accumulate over time and the Federal Government will pay as the FEMA bills come due.

Mr. Chairman, I say to my colleagues, people need help, not just local governments. Families have bills now. Small businesses have loans due and orders to place now. Residents have to decide whether to relocate or wait it out now, and the holidays are coming. Imagine how it feels to be in New York, to be a New Yorker.

Mr. Chairman, there is no tougher, more feisty place than the city of New York, but our city took a staggering blow for all of America. We asked for help, and we were promised whatever it took. We worked together, Republicans and Democrats, to put together an amendment that would set aside $20 billion that we were promised by the President of the United States of America. I was in that room, and we were so appreciative when the President of the United States of America said, ''You got it. You got the $20 billion.'' We thought we got it. And we designated as a contingency emergency spending which would allow the President to determine when the money would become available. This makes sense. It allows Congress and the President to keep their promise to New York and it gives the President flexibility.

I must tell my colleagues, I have seen some tough fights in my years in the Congress, but this fight for New York has been one of the more demoralizing and difficult of my career. For the life of me, I simply cannot understand why the White House and the Congress cannot come together to do what is right for New York now. But I want to make one thing very clear. I will not give up. My colleagues from New York will not give up. I am convinced that we can come to an agreement. I will work with the majority, the Senate, the White House until we do.

I truly want to thank the gentleman from New York (Mr. SWEENEY) for cosponsoring this amendment with me. He has been a real leader in this effort. I want to thank the gentleman from New York (Mr. WALSH) for his leadership, and I particularly want to thank the gentleman from Florida (Mr. YOUNG), who really gets it. He understood from the start. He visited Ground Zero, he saw the tremendous needs. He understood that the $20 billion would be a floor, not a ceiling.

□ 1830

I also want to thank our ranking member of the committee, the gentleman from Wisconsin (Mr. OBEY), who also has been supportive of this effort and understood, as the gentleman from Florida (Chairman YOUNG) said, we are all New Yorkers at this time.

Mr. Chairman, this is the right thing to do. Please support us in our fight.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 55 minutes, to be divided and controlled as follows: 25 minutes controlled by the gentlewoman from New York (Mrs. LOWEY), who has already had 5, and 30 to be controlled by myself.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply say that I think that is reasonable. That is in line with the original intent of the agreement that had been worked out. It just was not offered soon enough to be offered in a more pure fashion.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. Does the gentleman from Florida (Mr. YOUNG) continue to reserve his point of order?

Mr. YOUNG of Florida. I continue to reserve my point of order.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I rise in support of this amendment, I want to thank my colleague, the gentlewoman from New York (Mrs. LOWEY), for working with me, along with the gentlewoman from New York (Mrs. KELLY), and other members of the delegation.

Without being redundant, I would like to recap a little bit of history and recognize that on September 11, New York stood in the cross-hairs of an attack on America, an attack by those who would perpetuate world terrorism, who caused unprecedented loss of life and property to all New Yorkers.

That is why we offer this amendment today, in recognition of that loss and that terrible damage. We recognize that New York's problems have not ended. In fact, in some respects, we run the risk of exacerbating those problems.

The New York economy is in fiscal crisis in many respects. It went from a period of surplus prior to the attacks to now a period of deficits, deficits that have been estimated in the range of something like $9 billion at the end of next year. New York has lost 150,000-plus jobs already from this attack.

So what we attempt to do today is to honor a commitment, a commitment that was made immediately by the President of the United States and the leadership of this House and of Congress to make sure that whatever New York needed, it was going to be done, it was going to be taken care of.

We call for the establishment of contingent funds in this amendment, funds that will not be scored, that will be under the discretion and control of the administration so they can keep an eye on the broader issues of spending and the effect of that.

We need to do this because we need to keep a focus. We need to continue to make clear that our commitments are not just words, but the real, tangible efforts on the part of the Federal Government to let those who attacked New York, those who would deem to attack New York, that they cannot get away with that process.

Mr. Chairman, I trust the President, I trust the Speaker of this House in their commitment, but I also recognize that assurances are not insurance.

This is not a partisan battle, although some may come to the floor and may argue that it is a partisan battle in some respects, that it is the failure of commitment. I, for one, as one Member, do not believe that at all, that those commitments are not real. I expect at the end of the day that the right thing is going to be done. What we have here is a disagreement over process and procedure.

It is an important distinction, an important point to make, that we need to establish a mechanism to ensure that there are no delays in New York's recovery, that there are not any hiccups in the process to go forward.

Today in New York, people are making decisions about what they are going to do with jobs, how they are going to go forward with their business interests, whether they are going to live in lower Manhattan or whether they are going to move elsewhere. They are looking to Congress for leadership. They are looking for Republicans and Democrats alike to come together and find that process and build in those assurances.

What we propose today in this amendment, recognizing that it is subject to a point of order, is to continue that fight forward.

I have, as well, introduced a standalone supplemental funding bill in the Committee on Appropriations as another means, another mechanism, to reserve space, to reserve New York's place in the appropriations process to ensure that we do not forget.

Earlier today, as we debated and discussed the rule attendant to this underlying bill, one of my colleagues stepped forward and said he viewed this process as one of not a great urgency right now, today, because New York has not expended the dollars that have already been appropriated or authorized out, and that New York may indeed not be able to do that.

I wish I could tell the chairman that I shared in that belief, because I do not know what is going to happen in February, what is going to happen in March or in April. What I do know is that we need to ensure that we do not have those kinds of delays.

My colleague further pointed out that he viewed this process as one not unlike the use of a credit card. I do not disagree with that process. That is why we have asked for the establishment of this contingent fund, to ensure that the money is there to back up the commitments that are made on behalf of the city and the State of New York, so when those officials go to get contracts, they can do it with the assurance and with expedited force to ensure that those jobs get done.

Some New York officials have said that at this point we do not need this funding. What I would suggest is they are not looking down the road at the pratfalls that may overtake an additional supplemental bill that could come forward to this floor at additional times.

New Yorkers have been through an awful lot, Mr. Chairman. To subject them to further debate and deliberation over something that has already been committed I think goes beyond the pale of what we can accept here in this House, or what we should accept.

With that, I would urge my colleagues to support this amendment. I would urge my colleagues to move steadfastly on the notion that New York needs to have those dollars in place so it can begin the full reconstruction.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think that any of us, unless we were there and lived there, could understand what the people of New York have gone through. This was a tragedy that none of us have ever seen before, none of us have ever witnessed before.

We made a commitment to New York that they would be provided at least $20 billion. The President made that commitment. The gentleman from Wisconsin (Mr. OBEY) and I were in meetings with our counterparts in the Senate when that commitment was made, and we reacted to it and said yes, we will agree to the $20 billion, and we added $20 billion to the original number of that emergency supplemental.

The whole country owes New York a lot, not only for what happened there but for the way they responded. The New Yorkers have shown America what it is like to be Americans in time of trials and tribulation and trouble. They have responded in an unbelievable way.

The mayor was a strong leader, is a strong leader. The Governor is a strong leader. I watched in amazement as I saw the firefighters and the police officers and the civilian people who were involved in the rescue and recovery. I can say that they made America proud, the way that they responded.

We are going to keep the commitment that was made to New York. We are going to provide whatever is necessary, even if it goes above that commitment.

I would say today, Mr. Chairman, that based on the rules of the House and the work of the Committee on Appropriations, this amendment is subject to a point of order; and later in the debate I will raise that point of order, not that I really want to, but that is the way it is. That is the way it is going to be.

But I want to say to my friend, the gentleman from New York, all of my friends from New York, that we will move quickly on a supplemental request to provide whatever is necessary for New York and for America to recover.

I have a friend, a family friend, visiting me in the Capitol today. In fact, if I was not here, I would be having dinner with him tonight. He was an executive, or he still is, because the company is surviving, we hope, an executive of one of the largest companies in the World Trade Center.

The only reason that he is alive today is because the taxi that he was in, going to work, got caught in a traffic jam. He had just exited the cab and was on the sidewalk in front of the World Trade Center when the airplane hit it. Every member of his firm who were in that building at the time did not survive. Not one that was in that building in that firm, not one survived.

So I understand, I understand the importance of what we are talking about here. I want the gentlewoman from New York (Mrs. LOWEY) to know that this commitment that the President made, I am going to keep it. The President is going to keep it.

As of today with the rule that we adopted, which had a self-executing amendment dealing with New York, adding an additional $1.5 billion, we now have committed just a little over $10 billion for New York. With the additional $10 billion or whatever it is that is necessary, we are going to move it, because we are all a part of New York based on what happened in that city on the 11th day of September of 2001.

We are going to maintain that commitment. It may not be totally today, but it will be committed and it will be maintained, and we are going to deliver on that promise.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to thank the chairman for his work. I know he would rather be arguing on this side of the aisle, Mr. Chairman. It is unfortunate that he is being put in this very difficult position, but I want to thank him.

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. RANGEL), dean of our delegation.

Mr. RANGEL. Mr. Chairman, I am a proud Member of Congress today to be following the eloquence of the chairman of the Committee on Appropriations. His remarks were stirring and moving, and almost as wonderful as I felt when this great House went to the steps of the Capitol and sang together ''God bless America.''

None of us knew how New York would respond to what struck us, but it was abundantly clear that America had spoken and this Congress had spoken, and as the gentleman said so eloquently, that we knew that New Yorkers were going to fight back and our country was going to fight back and the Congress will be with us.

It is difficult to see why we are here. Why are we in the hall? I leave here, and I have this time ahead of the ranking member of the Committee on Appropriations because I am going to a meeting on the economic stimulus package, where the leadership of this House is asking for a $200 billion tax cut to be put in the stimulus package.

What are we talking about? What is the $10 billion shortfall causing us to create an atmosphere where once, and not that long ago, we were in complete unity? In our delegation there was not a position between Republicans and Democrats, and outside of that, there was not a position in this House with Republican and Democrat.

They shuffle around some money to give a handout to New York City, we thank them, but that money is coming from other congressional districts, and this evening some of our own Members will be moving to restore that money back to where originally it was supposed to be in their congressional district.

Mr. Chairman, I leave this floor, hoping that no district in this country ever suffers a natural disaster or a terrorist strike or anything; but I tell the Members, I also wish that they never be treated like the people in the city and State of New York are being treated. We are not even given a reason why a promise made is not being kept. We have no reason why $10 billion is being taken away, allegedly to support the Department of Defense.

So I appreciate the song, but I wish we could go home with the money.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the gentleman from Florida, Senator BYRD, Senator STEVENS, and I were in a room negotiating that original $40 billion package after the events of September 11. We had agreed on about $32 billion, because we had assumed that it was going to cost about $10 billion to $12 billion in New York.

Then a note was passed into the room telling us that the President had personally guaranteed the New York delegation that he would provide, in this bill, $20 billion. Later on that evening, when some Senators tried to unravel the deal, those of us who were in the room putting that deal together again remember that at one point they suggested that we ought to substitute language ''up to $20 billion.''

So I asked Mitch Daniels, the director of OMB, whether the language ''up to $20 billion'' would meet the commitment that the President had made or whether the language needed to be ''$20 billion,'' period. He said the commitment was $20 billion, period.

Now we are being told that New York ought to settle for less in this bill. So I guess I've finally got this figured out. The commitment to New York is going to be kept, the administration is going to keep its commitment, but I guess they believe in keeping their commitments on the installment plan.

That is not the way we do business around here and engender trust. It is a shame. New York ought to get the full $20 billion. The gentlewoman is right to offer this amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would remind all Members not to characterize actions or inactions by Members of the Senate or the Senate.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. HINCHEY), an outstanding member of the Committee on Appropriations who has been very forceful in his arguments.

□ 1845

Mr. HINCHEY. Mr. Chairman, I just want to take a couple of minutes to remind us about the extent of the devastation and the consequences of the devastation that occurred in New York.

Currently, there are more than 5,000 people who are displaced from their homes in Manhattan as a result of the attack; 16 million square feet of office and hotel space has been destroyed; and 838 major companies have been dislocated as a result. More than 15,000 small businesses have been destroyed, dislocated or severely damaged. Over 108,000 people have lost their jobs. And the realistic estimate of economic damage to the metropolitan region area this year, $83 million.

We are asking for this Congress and the executive branch to fulfill its commitment to the State and City for the basic minimum that was agreed to already in public law, for at least $20 billion to begin to meet the human needs.

Now, we are told do not worry about it. We know that we agreed to $20 billion. You have only gotten half. The rest of it will be coming. But what happens to the people in the meantime? What happens to the unemployed? What happens to the widows and the orphans? What happens to the people who are injured? What happens to the people who have no health insurance? The answer to that question is virtually nothing will happen to them.

They will continue to be unemployed. Their unemployment insurance will run out. They will continue not to have health insurance, and they will not get the health care that they need. They will continue to be disabled, and they will not get the attention to deal with those disabilities.

These are the problems that are confronting the people of the city and the metropolitan region in the surrounding area. And the money that was supposed to come to the city, the other $10 billion was supposed to deal with these human consequences. And the fact is that the human consequences have gone unanswered, and they will continue to go unanswered so long as the State and city do not get what they have been promised by this Congress.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of this amendment.

The residents of my district and my State have suffered greatly. I am here today to speak for them. Congress has to do everything it can to help us rebuild our lives and our communities. The amount of money contained in the final bill is sufficient for now, but this vote seems a chance to get more funding for New York faster and send a clear signal to Congress that New York's needs persist and will continue to persist.

For many of us who support the measure of the gentlewoman from New York (Mrs. LOWEY) and the gentleman from New York (Mr. SWEENEY) it is not about doubting the promises that have already been made. The President has shown tremendous compassion for New Yorkers in the aftermath of September 11. I trust the President. I take him at his word when he says New York is going to receive the full $20 billion commitment from the Federal Government.

So while I appreciate the efforts of my colleagues who have worked very hard to meet the needs of New Yorkers, I believe this amendment reflects the true magnitude of the State's loss and deserves support. This is not just about bricks and mortar. It is about the people. It is not just the heroic police and firemen, the public safety officers, the real heroes that went in and pulled people out of those buildings and helped that day. But it is about the extended family around New York, the people from my district who suffered then and are still suffering. It is about supporting those people in their loss. It is about supporting our city that we all, so many of us, work in. It is a very important amendment to so many of us that I feel it really needs support.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SERRANO), a member of the Committee on Appropriations.

Mr. SERRANO. Mr. Chairman, this is how it started with the devastation at the World Trade Center. This aerial photograph shows you what you have already seen and what you know, the damage.

What this photograph does not show you is the ripple effect that it has had on a community, on a city. Underneath this rubble, there are people who lost their lives and may never be found. But the ripple effect is people who lost their jobs, victims who have to be compensated, rebuilding that has to take place. That this picture does not show you. That is what this amendment is about.

But this amendment is also about a promise, a promise from a President to a city, a promise from a President to a Nation, that we would get what was coming to us in terms of dollars. Now we are being told to wait until the spring.

As I said many times today and many times in the last few weeks, next spring the fervor for New York may not be the same. Next spring if you pit New York against other budget items, New York will not win that fight. And so we are here today to try to bring help to the victims and to try to bring help to our city, not by asking for anything we do not deserve or not by asking for anything that was not promised, by simply allowing the law to be carried out. Let us be clear on that. It is law and all we need to do is follow the law. The picture tells you what you need to know. But what we need to solve is how to deal with the devastation that was left behind. I urge all of my colleagues to please join us in this fight in allowing this amendment to be approved and allowing my city to get back on the road to recovery.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER), in whose district can be found Ground Zero.

Mr. NADLER. Mr. Chairman, the scene of devastation my colleagues just saw is in my district. Many of the dead and injured were my neighbors and friends. Many of the newly unemployed and the at-risk small businesses are my constituents.

This bill welshes on a solemn pledge made to the people of New York a few months ago. It amends the bill passed by the House in September to cut in half the $20 billion appropriated for New York, Virginia, and Pennsylvania. Congressional leaders and the President have repeatedly stressed their intentions to provide more than the $20 billion in aid to New York, just not now. The funds will come eventually. Be patient, trust us, they say; but the funds are desperately needed now, not in 6 months.

We need funds now for grants to enable small businesses to survive. Lower Manhattan could lose 10,000 of its 14,000 small businesses in the next 6 months. The victims of the attack need unemployment benefits and health insurance now, not next year.

Small business owners are making decisions now, whether to try to keep going or to shut their businesses. Large businesses must decide whether to return to downtown eventually or whether to seek permanent quarters elsewhere now. Residents are debating now whether or not to return to Lower Manhattan. They all need to know now whether there is a commitment on which they can depend, on which they can risk their lives and livelihoods, to rebuild Lower Manhattan.

How can we expect them to trust a commitment from people who are today breaking their solemn pledge of only 2 months ago? Who in this Chamber would bet his or her family's fortune on such a commitment?

Mr. Chairman, the honor of the House is at stake. We must vote for this amendment. We must not pass this bill in this form so that we can redeem the honor of the House and not welsh on the commitment that was made and signed into law only 2 months ago. Despite the efforts of people like the gentleman from New York (Mr. SWEENEY) and the gentleman from New York (Mr. WALSH), who have done wonderful work here, and the gentlewoman from New York (Mrs. LOWEY) and others and the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, the honor of this House is still at stake. I urge the Members to redeem it today with a proper vote.

Mr. YOUNG of Florida. Mr. Chairman, could I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 24 minutes remaining. The gentlewoman from New York (Mrs. LOWEY) has 10½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I would be happy to grant the gentlewoman's request to yield her 10 minutes of my time for purposes of control.

Mrs. LOWEY. Mr. Chairman, I am very appreciative, and I would like to thank our chairman, our gracious chairman, who is always eloquent and articulate, and thank him again for his support for New York; and if I was not afraid I would use up more time, I would tell the group how very helpful he has been to us, and I thank him very much.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I am very proud to yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I want to thank the gentleman from Florida (Mr. YOUNG) for the opportunity to talk about this amendment, which is still subject to a point of order, and also to thank the gentleman from New York (Mr. WALSH), the gentleman from New York (Mr. REYNOLDS), and especially the gentleman from New York (Mr. SWEENEY), as well as the New York appropriators, the gentlewoman from New York (Mrs. LOWEY) and the gentlemen from New York (Mr. HINCHEY and Mr. SERRANO).

It is a shame we will not have the opportunity to vote on the Sweeney amendment because it would help address New York's tremendous unmet needs. We need all the Federal aid we were promised, not next year, not next month, not tomorrow. We need it yesterday. None of the $20 billion we need is going under a mattress. No one doubts that FEMA will pay to clear up the site at the World Trade Center.

What is in doubt are the costs that do not neatly fall in the Federal guidebook for disaster relief; like money for hospitals that canceled elective surgery so they could treat victims; like costs to utilities to rewire Lower Manhattan; like many different kinds of costs of education. We have tremendous unmet needs and unpaid bills.

Here are some of the invoices: $108 million to make up for lost classroom size; $6.1 million in reimbursement for lost revenues for food services for children; $13.4 million for reimbursement for additional school-related expenses including transportation, data infrastructure, and other critical-support services.

Yesterday, I met a man who tells the whole story. His name is Eddie Rodriguez. He makes $38 an hour painting bridges, which is difficult and dangerous work. His son is also a bridge painter. His daughter is a freshman in college. Because of September 11, Eddie and his son lost their jobs. Today, the Rodriguez family has no health insurance, and Eddie had to tell his daughter that her dream of graduating from college would have to wait because he could not afford to pay for the tuition.

Soon Eddie and his family will be attending the funeral of his wife's sister's husband who was killed in the World Trade Center attacks, and Eddie lost several friends in the crash of Flight 587.

Eddie's story tells a story of the pain of New York. It has been a terrible year for New York and for Eddie Rodriguez. The American people understand this and they want Washington to help; and in a month and a half, without the New York amendment, Eddie and his son will not get extended unemployment benefits. His household will have no income at all, and his daughter's college dream will be suspended indefinitely.

So do not go telling me that New York does not need the money. Go tell Eddie Rodriguez and the thousands of Eddie Rodriguezes in New York who have lost their jobs because of this disaster.

PREFERENTIAL MOTION OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. ACKERMAN moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his preferential motion.

Mr. ACKERMAN. Mr. Chairman, not to be concerned, it is not my intention to follow through on the motion, just that we are tight on time, and I do not want to impact on any of my other colleagues and we have got numbers worked out now.

Mr. Chairman, I come from New York, a city wracked with pain, suffering from an attack of mass destruction against our country and upon our city. We are an American city which makes it even more painful for us to fathom why we should have an uphill fight as we plead the cause of our people to our government.

To those who want to send us away with a penny and a promise, please remember some things. When California was hit with an earthquake, 84 people died, a national tragedy, 84 people died, and we ponied up $7 billion. Every New Yorker was there. Nobody asked for a receipt. Nobody said, take part now and come back later.

When Texas was hit with floods, every New Yorker was there, voting for every penny that was requested then and there. Nobody asked for a receipt.

□ 1900

We do this because we believe that we are good neighbors and we are great Americans.

When Hurricanes George and Andrew hit Alabama, Florida, Louisiana, and Mississippi, $4.3 billion was spent immediately, and every New Yorker stood by at the exact moment that it was requested. Hurricane Hugo, $1.5 billion, hitting North and South Carolina. Every New Yorker voted for it. The

floods in the Midwest, Illinois, Indiana, Kansas, Minnesota, Montana, Nebraska, South Dakota, North Dakota. Billions of dollars was spent and not one New Yorker even blinked.

New Yorkers have been there every time there has been a problem anywhere in the country. Nobody in this Congress has ever questioned. And we are so proud that not one New Yorker in the history of the Republic has ever said no to $1 to any other place in the Nation that had a disaster. We do not know why we are treated like this. We never said to anybody else, take half now and come back later.

Let me tell my colleagues a little bit about who we are. We are the people that showed the world the courage of Americans. We are the people who have more dead and unburied in a disaster than have occurred in all the disasters in the history of the Republic.

Our one town has more people than 42 States. We have more Puerto Ricans than San Juan. We have more Dominicans than Monte Christi. We have more Germans than Bonn. We have more Italians than Palermo and Bologna. We have more gentlemen than Verona, more merchants than Venice, and more barbers than Seville. And Brooklyn alone has more people than all of Mongolia. We have more Catholics than Rome. We have more Muslims than the Holy City of Madina. We have more Irish than Cork and Limerick and Galway. And, yes, we have more Jews than Jerusalem.

On any day, on any lousy, stinking, single, random day, we have more heroes than the world could ever have conceived. Do not tell us that we have made you proud, unless you are willing to help make us well.

We are part of your country. We are not here, hat in hand, looking for foreign aid. Do not nickel-and-dime us. Do not tell us to go home to our constituents with half a loaf and to come back later, maybe next year, if the money is there. We are part of this team. Do not turn us away.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I continue to reserve the point of order and my time, but I am almost sorry that the gentleman withdrew his motion, because I was going to get that 5 minutes on my side and offer it to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my colleague from Westchester, which we share, and I thank the chairman and everyone else.

Let us remember that the September 11 attacks were not attacks on New York, it was an attack on America, and we as Americans need to help New York City recover its costs directly connected to the World Trade Center attacks.

I am a little bit bewildered to be here today to even be discussing this at all, because 2 days after September 11, I was part of a congressional delegation that met with President Bush at the White House, and the President unequivocally said to us the $20 billion is for New York, and the $20 billion is only the start, because $20 billion alone is not enough to repair all the damage that was done to New York. It was a floor, not a ceiling. And that money, the President told us, would be there.

Now, I do not understand what the difficulty is. The money has been appropriated. It is a law. It has been passed. The money should be there. It should be a pot of money for New York to draw on, not something for New York to come back next year and ask for more, when there will be other regions of the country with needs.

And to have to compete with those regions, that is not fair. When there are earthquakes and fires and floods, we all respond. We certainly need to respond to terrorism. And if the money is going to be there, why is it not there now, when this is the law that this Congress passed?

Many, many people need our help. Four thousand people died. Special consideration needs to be given to hospitals and schools and businesses and our utilities. Verizon and ConEd, they need special help. They are precluded from getting money, and it is not fair to have them compete with everything else. They need to have a special waiver so they can get the $900 million that they are owed.

Let us look at this amendment. This amendment provides unemployment insurance extension, emergency employment clearinghouse, workers' compensation, continuation of health care, COBRA, hospital costs, CDC safety screening program, NIH environmental assessment, disaster recovery programs, public television facilities, economic development, CDBG, FEMA. These are all things that New York needs.

I implore my colleagues: We need the money now. This money was passed. It is not just a promise, it is a law. New York needs the help. Please help us now.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Brooklyn, New York, (Mr. TOWNS).

Mr. TOWNS. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Let me begin by first thanking the chairman of the full committee, the ranking member, of course, and the chairman and ranking member of the subcommittee. And of course my good friend, the gentleman from New York (Mr. WALSH), who I think has done a magnificent job. I want to say that before I make these comments.

Mr. Chairman, this is wrong. New York deserves a whole lot better. We know there are certain religious groups, certain agencies locally that are trying to do all that they can do during this crisis, but this cannot be resolved without the help of the Federal Government.

A $20 billion promise was made and only half of that money is now being appropriated. The question is: What do we do about the other $10 billion? Well, somebody said, trust us, we will give it to you. Just trust. And then somebody said, pray and maybe it will happen. I think New York deserves a lot better than that.

Anytime there has been a crisis anywhere, New Yorkers have been there on behalf of whoever. That is one thing about us, that we have demonstrated our generosity down through the years. And to come here today and have our colleagues say to us, we will give you this and you just have to trust and wait for later, I think that is the wrong attitude to take.

We have hospitals that have already spent $140 million in direct costs, directly related to the World Trade Center disaster, and they have only gotten back $35 million. These hospitals are now laying off people because they do not have enough money to continue to function. And my colleagues are saying do not worry about it, it is all right? I think that when it comes to our hospitals laying off people, I think we should be very, very concerned about that, because that is something that we cannot afford the luxury of.

The other thing that I think we should be very concerned about is that we have people now with no health insurance as a result of the sudden action that we are taking. We should move now to keep our commitment that we made. I think we should do it now.

What has happened to us, let us face it, can happen anyplace, anywhere, and we all are Americans.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York, (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentlewoman for her leadership on this issue. And at the risk of doing harm to them politically, I want to thank the gentleman from New York (Mr. SWEENEY) and the gentlewoman from New York (Mrs. KELLY) for their great leadership on this issue.

We passed Public Law 107–38, and it says $20 billion shall be expended in New York. It does not say anywhere ''eventually,'' it does not say anywhere ''someday,'' and it does not say anywhere ''when we get to it.'' It was an allocation of funds for this year. It is the law. This should not be misunderstood. It was not an optional thing. It

was not ''maybe we will do it.'' It is the law. We made a commitment to do it; and, frankly, the President of the United States looked us in the eye and gave us that commitment.

But there is a myth that has been perpetuated here today that, well, New York has gotten everything that it has asked for. Well, that is baloney. New York has gotten together, and Governor Pataki has asked, Mayor Giuliani has asked, Republicans have asked, and Democrats have asked how to spend that $20 billion; unemployment benefits, extension of COBRA, Workmen's Comp., extension of tax credits to redevelop lower Manhattan. We have asked. It is not coming.

Finally, we have heard on some level the words have been to ''trust us.'' And, frankly, we do. Chairman YOUNG has been great on this stuff. And, to be honest, New York has lost a little bit of its swagger. We have been hit with a couple of body blows. But all we are saying now is that this is the time. There will be other emergencies, there will be other urgent needs, and there will be other things this country will face. If anthrax did not teach us, nothing will.

This is a time when New York needs it. This is a time when New York has been promised. We trust this House will do the right thing, and the right thing is to pass the Lowey-Sweeney amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER)

Ms. SLAUGHTER. Mr. Chairman, today, my colleagues from New York and I are on this floor fighting to guarantee that this Congress and the administration fulfill the promise made to us in law.

We find ourselves working against an inexplicably stealth campaign by the White House to delay, perhaps indefinitely, the needed aid to our city. In public, the administration officials make statements like, ''An agreement is an agreement is an agreement.'' But in private they have made it known to the House leadership that the President would veto any spending bill with New York's funds in it, forcing the Committee on Appropriations to abandon ongoing bipartisan discussions to craft such an amendment.

In public, the President vows that New York will receive everything it was promised; but in private, Vice President CHENEY lobbied members of the majority to vote against the efforts to allocate this aid.

I am at a complete loss as to why the administration would wage this underground campaign to deny New York the needed funding in its hour of need. If there is a legitimate and reasonable explanation, we would like to hear it. To date, however, we can only guess as to the motivation.

Mr. Chairman, New York holds a special place in our Nation's history and culture. It was the first capital of the newly formed United States, the historic gateway for the immigrants who built our country, and home to the Statute of Liberty. It is a cultural mecca, an international financial center, and a beacon of opportunity. New York personifies the spirit of our whole Nation. It is big, bold, modern and ambitious. And that, Mr. Chairman, is why New York City was attacked.

As many others have said, New York took the blow, but America was the target. It should be a matter of our national pride not only to help New York recover but to go above and beyond the call of duty to restore this city to health. I find it incomprehensible that some seem to be trying, instead, to do the least amount possible for this devastated and wounded city.

I urge my colleagues to join me in supporting the Sweeney-Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time.

I want to thank the entire New York delegation. I am proud to work with all my colleagues these past few weeks after the attack on New York on September 11, and never more proud than I am right now on this floor to stand behind the Sweeney-Lowey amendment.

Let me thank my colleagues, the gentleman from New York (Mr. WALSH) and let me thank the gentleman from Florida (Mr. YOUNG), the chairman, for their efforts. Let me especially thank the gentlewoman from New York (Mrs. KELLY), and my good friend the gentleman from New York (Mr. SWEENEY) for standing with us on this amendment.

A great deal has been said about the wound that was inflicted upon our great city, but sometimes, as someone who was personally affected by this, I find it easier to talk about it in metaphor.

On September 11, a dagger was struck into the heart of the city of New York that has left a gaping wound for the last 2 months. That wound has not healed; has not even been bandaged. It is bleeding. New York City is still bleeding today and will continue to bleed.

We have the best economic surgeons, the best economic doctors in the world. They know how to fix it. They know what medication the wound needs, but they are saying they just cannot get the right dosage.

□ 1915

Mr. Chairman, that is what we are talking about here. We are asking for the money that was promised to the city. That is all. Where we find ourselves now is that we are relegated to glorified begging. We, the delegation of New York, after having sustained the blow on September 11, after sustaining the loss of the Twin Towers, after having sustained the loss of thousands of individuals with lives and talents, everything that goes into making an individual a person, thousands have been lost.

On top of that, we are told that we are not going to get the full funding that we were told we would get in the spirit of unity just 2 months ago. We have to go back to our constituents and say, I know we were told we were going to get that money, we will not get it yet and we will have to wait 4 or 5 months down the road, and hopefully then we will be successful and get this money for New York.

I do not know how Members of Congress can vote against this amendment and go back and the next time there is a disaster in their area and react to their constituents when they say, Where is the money?

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, New York's economy is in deep trouble. We lead dozens of States in economic decline. Jobs are being lost. Small businesses are going under. Municipal governments are going back into debt. Fire and police budgets are strained.

I do not represent New York City; I represent Long Island, but my district sends thousands of commuters into New York City every day, and our jobs depends on jobs in New York City. Our economies are linked.

This House has just approved a $25 billion retroactive repeal of the alternative minimum tax for the richest corporations of America. If we can find the money for Enron and we can find the money for IBM, we should be able to find the money for people who have lost their jobs and their health insurance and their unemployment insurance and the small businesses who are being forced out of business in New York today. We have done it for others. It is time to do it for New York.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), a former New Yorker.

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, just last week I was on this floor lamenting as intently as I could bring to bear the idea that we were passing a bill having to do with the Andes and so-called free trade when we were unable to come to a conclusion with respect to not just unemployment, but with respect to the human needs in this Nation, throughout this Nation.

I said at that time why should people from New York have to come to the floor and beg for the opportunity to

have a redress of this egregious grievance that has been committed against us in the United States. I have an article here on what was called a bone-sopping rainy day, hundreds of unemployed people in Waikiki coming hoping they could get a job working on invasive species in Hawaii, to work with their hands in the fields to try to work to make our environment better.

We have 31,000 people out of work directly as a result of September 11. What I am asking is cannot the example of the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and the appropriators here be brought to bear when we deal with the other bills that are coming forward with respect to how we are going to deal with the economic trauma that has hit the whole country?

Mr. Chairman, perhaps the gentleman from California (Mr. THOMAS) at that time misunderstood my quest that day. I voted against the Democrat bill and the Republican bill that is supposed to be dealing with economic stimulus. Let us use what the gentleman from New York (Mr. WALSH) has done and what the gentleman from New York (Mr. HINCHEY), the gentlewoman from New York (Mrs. LOWEY) has done, and what the gentleman from New York (Mr. SERRANO) has done. Let us use what the gentleman from Florida (Chairman YOUNG) has done by way of leadership on the economic stimulus program and as Republicans and Democrats draw together on behalf of the entire Nation with New York leading the way, and this amendment leading the way, showing us what we can do as Americans to come together and have victory.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to close by thanking again the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations, who has made it clear over and over again that when the United States was attacked, we were all Americans, we were all New Yorkers. The gentleman has expressed to me his concern, his observations, the pain that he saw when he visited Ground Zero. I feel confident that we are going to continue this process.

For me it was very gratifying to work in a bipartisan way with my colleagues, the gentleman from New York (Mr. SWEENEY), the gentleman from New York (Mr. WALSH), the gentleman from New York (Mr. REYNOLDS), with all of the appropriators and the New York delegation, to make it clear to our colleagues that although the United States was attacked, New York has been suffering extraordinary pain.

As New Yorkers we go home every weekend. We look in the eyes of those who lost their loved ones, their sisters, husbands, family members. Life will never be the same for any of us; but for New Yorkers, they feel that every single day. We were all in the office when the President made the commitment of $20 billion to New York. I feel confident that the President of the United States will keep that commitment. In fact, from the chairman of the Committee on Appropriations to the ranking member who has been so supportive, the gentleman from Wisconsin (Mr. OBEY), all of the Members have made it clear that this is a floor, it is not a ceiling.

I hope, Mr. Chairman, that although today it is tremendously disappointing to all of us that that commitment that is so needed now so we can rebuild, so we can plan, so we can make sure that New York regains its former glory, I would hope that in the days, not months ahead, we can somehow find the vehicle to keep that promise. There are an awful lot of people in New York who heard that promise, who heard it again and again who are counting on it, who understand that when the President of the United States speaks and the Congress of the United States speaks, that word, that word can be believed by everyone.

Mr. Chairman, let us work together again in a bipartisan way to ensure that in the days and the weeks ahead we can keep that commitment. I am sorry that it cannot be done this evening, but I know that Members' hearts and thoughts are with us every day. Mr. Chairman, again I thank the entire New York delegation.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I believe this is a sad state of affairs. What took place on September 11 was not a New York tragedy; it was a national tragedy. As a result, we spoke with the President of the United States, and he pledged $20 billion to the City of New York.

We all know that to repair the damage that took place to the United States of America that happened to be in the City of New York will cost far more than $20 billion. But the President pledged $20 billion. We negotiated and we thought we had agreed that we had at least $20 billion in this appropriation, in this year, that the city could count on in rebuilding the World Trade Center area.

And then to come back and to only receive $11 billion, not knowing when the $9 billion will come and having some promise in the future about when the $9 billion will come will not help restore what needs to be done in New York City.

We need to make sure now, not just for New York City, but for our Nation, that we rebuild in that area. We need the $20 billion, not sometime in the future, but now, as promised. We heard the President say during the campaign, ''I mean what I say, and I say what I mean.'' We want the President to say what he means and let us have the $20 billion now.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not disagree with almost anything I heard this afternoon. All I will say is that the commitment was made and it will be kept. The only question is one of timing. I take the President at his word that at the appropriate time the request will be made for the additional money for New York, and I will move that supplemental request just as quickly as I possibly can.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, at this point, I would make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.''

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and as such constitutes legislation in violation of clause 2 of rule XXI. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from New York wish to be heard on the point of order?

Mrs. LOWEY. Mr. Chairman, no, since I have no options available to me.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes new emergency designations under section 251(b)(2)(a) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOBIONDO:

Page 183, after line 18, insert the following:

For an additional amount for such purpose, $60,235,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. LOBIONDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. OBEY. Mr. Chairman, I also reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes, to be equally divided and controlled by the proponent and myself.

Mr. OBEY. Mr. Chairman, reserving the right to object, on the minority side, will we be yielded some time under that arrangement?

Mr. YOUNG of Florida. Mr. Chairman, I would ask unanimous consent that of my 10 minutes, that 5 minutes be yielded to the gentleman from Wisconsin (Mr. OBEY) for the purpose of control.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1930

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

My amendment provides for full funding of the President's antiterrorism emergency supplemental spending request of $203 million for the Coast Guard to maintain its aggressive response to terrorist threats to our Nation's ports and waterways.

I want to thank and commend Chairman Young for his very strong commitment and support to the Coast Guard over the years. Chairman Young has understood the needs of the Coast Guard, has attempted to work with us, and I hope that in the future we will be able to continue that. But the reality, Mr. Chairman, is that since September 11, the Coast Guard has increased its counterterrorism operations using existing personnel, vessels and aircraft, augmented by Reserves and auxiliary personnel. Without immediate additional resources from Congress, this posture is unsustainable.

For this reason, I am shocked that the supplemental funding bill that we are considering today cuts nearly one-third of the President's request. Mr. Chairman, this is not my request. This is not a request of some other body or entity. This is a request of the President of the United States. The request for this Coast Guard supplemental funding is absolutely essential. The failure to include these funds for Coast Guard operations means that the President must choose between ensuring a safe counterterrorism posture for our ports and waterways and providing an adequate level of drug interdiction and other maritime law enforcement operations. This is an unacceptable choice.

Earlier this year, the House voted 411–3 in support of the authorization bill that funded the President's request for the fiscal year 2002 to the tune of $5.4 billion. Mr. Chairman, at that time, almost every Member of Congress stood up, wanting to voice their support to vote for the Coast Guard, to make strong statements about the tremendous job that the Coast Guard has been doing, and we thought we were finally on a roll with people understanding that the Coast Guard has been doing an exceptional job.

The President requested $203 million for the increased efforts of the Coast Guard in this supplemental. The amendment that I will offer would restore approximately $60 million in funding due to the emergency status that the Coast Guard has been operating under since September 11.

For the past several years, the Coast Guard has suffered from significant funding shortfalls. During fiscal years 2000 and 2001, the Coast Guard was forced to reduce law enforcement operations by up to 30 percent due to insufficient funds. Without the President's request for supplemental funding, the Coast Guard will be forced to reduce operations immediately by 15 percent. I do not think that is acceptable to any of us, Mr. Chairman. To put this in real terms, cutting this funding would keep a number of cutters, helicopters, aircraft and patrol boats sitting idle for up to 6 months, unable to safeguard our ports, unable to save lives, unable to respond adequately to threats to America.

Mr. Chairman, this means that the very successful program of drug interdiction that the Coast Guard has embarked upon would be forced to be set aside so that the Coast Guard could use its scarce assets to protect our ports. This is not a choice they should be forced to make.

Congress acted to safeguard our airways recently. We listened to the debate about the economic impact that aviation has on our Nation's GNP. We must now act to safeguard our ports and waterways. Maritime industries contribute over $740 billion to the gross domestic product annually, and we cannot allow the guardian of this economic engine to go underfunded. We have thousands of containers that come into our ports. The Coast Guard is required to implement a program that they have been grossly underfunded to implement. It is time to recognize that.

I want to commend the Coast Guard for their enormous efforts to safeguard the American people in the wake of the attacks of September 11. All U.S. ports remain open to commerce with an increased security, and currently the Coast Guard enforces 110 maritime security zones. I was honored to again visit Coast Guard Group Air Station Atlantic City yesterday and to hear their comments about their increased missions. Mr. Chairman, I looked into the eyes of the young men and women who have been so motivated, so well trained, so ready for duty, I listened to how they have stepped forward in this time of need of their Nation, willing to put themselves in harm's way, no different than men and women who have traveled to Afghanistan with our Special Forces or Marines. I listened to how the Coast Guard has been asked to board ships to check manifests of cargo and crew to match up from foreign nations; a boarding party that does not know what they are running into, a boarding party that does not know what they are going to find. Yet these young men and women are willing to do it time and time again. How can we look into their eyes and tell them that their efforts are not recognized by resources necessary to keep up this mission?

I was impressed by their can-do spirit and by their willingness to serve their country and do whatever is necessary. I am disappointed that this House is not providing the resources they need. Without increasing the available resources, the Coast Guard simply will be unable to protect these vessels and our port facilities, despite the tremendous efforts of these young Americans.

The Commandant of the Coast Guard, Admiral Loy, said the following about the budget concerns of the service and I am quoting: ''Post-September 11, our national interests require that all Coast Guard resources be operated at their historical level. The President's supplemental request of $203 million for the Coast Guard reflects the minimum funding required to meet these national security obligations.'' This is the gentleman that we have entrusted to lead our Coast Guard, to head our Coast Guard, who has made this statement.

The $203 million in Coast Guard supplemental funding is imperative to ensure we are adequately protecting our 95,000 miles of waterways and coastlines. We must take a shared responsibility to assure that our ports and waterways are protected from terrorism and other security threats. The Coast Guard is doing their best to preserve our Nation, and they deserve nothing less than our best to make sure that they can do their job.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if I understand this correctly, this is what I refer to as a holy-picture amendment. The administration asked for 200-and-some million dollars for the Coast Guard. The bill before us cut it by $58 million. I tried earlier today to defeat the rule under which this bill is being considered so that we could add not just the $60 million that the gentleman is asking to be

added to the Coast Guard's budget, but $223 million so that we could fully finance the increased pace of Coast Guard operations to combat terrorism for an entire year rather than the 6 months that is in the bill. I find it interesting that the gentleman voted against our efforts to in fact make in order the amendment which the House could under the rules have adopted, and yet is pursuing today an amendment which is clearly going to be ruled out of order. I find that effort enough to give inconsistency a bad name.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I continue to reserve the point of order, and I yield myself such time as I may consume.

Mr. Chairman, I join the gentleman from New Jersey (Mr. LoBIONDO) and the eloquent statement that he made about the valiant efforts of our men and women in the Coast Guard and the great work that they are doing and have done and will continue to do.

This bill, as we all know, is to deal with the funding for activities directly responding to the terrorist attacks of September 11. That is why in the bill we have included almost $145 million for that purpose. Included in that figure, $110 million, new dollars, for Reserve activation, $31 million for increased homeland security capability, and $3.6 million for chemical, biological and radiological strike teams; all of those related, of course, to the activities responding to the terrorist attacks.

However, the administration requested an additional $58 million which the committee bill does not include because, in discussions with the Coast Guard, the majority of these dollars were not for the purpose of responding to the terrorist attacks, but to restore moneys which the Coast Guard deleted itself from its fiscal year 2002 budget request, the regular expenses of the Coast Guard. Those moneys we can deal with in the regular appropriations bill or a supplemental if it should be necessary at a later time. But this bill funds the Coast Guard for the activities related to September 11, like the other provisions of this bill. It does not deal with the regular operating funds for fiscal year 2002. That bill will be on the floor momentarily, this week I hope, which will include funds for the Coast Guard for fiscal year 2002. I believe that the gentleman from New Jersey will be pleased with that bill. I hope he is.

We cannot find all the money that I would like to find for the Coast Guard, but in this bill I have to say that we have done, I think, well by the Coast Guard dealing with the aftermath of September 11. We can deal with the fiscal year 2002 moneys in another bill, hopefully this week.

So I reluctantly rise to oppose the gentleman's amendment. It is well intentioned and well meant. I commend the gentleman for his enthusiasm for the Coast Guard and the mission that it has been assigned by us to do and which they are carrying out with great success.

We salute the men and women of the Coast Guard. We thank them for the tremendous service they are giving our Nation. We want to see that they have the adequate funding that they desperately need. We will do that in the appropriate bills coming before the House in the appropriate order, rather than fund fiscal year 2002 needs in this emergency supplemental bill dealing with the aftermath of September 11.

Mr. Chairman, I reserve the balance of my time.

Mr. LoBIONDO. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I appreciate the difficulty that the subcommittee chair and the full committee chair have with the moneys; I know these things are very difficult to balance, but it is clear we have an emergency in the Coast Guard. We have had to divert the Coast Guard to antiterrorism protection in New York Harbor, Boston Harbor, in Puget Sound, in the Great Lakes. We have pulled them off of their other resources in order to guard the nuclear power plants and other chemical facilities on the water.

What it has done is it has pulled many of them out of the Caribbean where they were in the forefront of our antidrug effort, temporarily. They are moving back and forth. We have a shortage. We cannot do both things. Similarly on the California coast and in the Pacific, we have fisheries questions, we have safety questions, we have increasing immigration, water interception things coming through the Pacific Ocean. It is clear that we have an emergency as well.

I encourage you strongly as we move towards the supplemental to address this. I understand that your budget is extremely tight, there is general sympathy for the difficulty, but we have to have more for the Coast Guard, our most neglected service, because they are being asked to do double and triple and quadruple duty.

The events of September 11, 2001 have changed this Nation forever. So many people were affected, so many agencies and people have had to make sacrifices, and work so hard, to meet the national security needs of America these past 3 months, and they continue to do so. The Coast Guard is one of the foremost of these agencies, and the men and women who serve are some of those people, they have doubled and redoubled their efforts to tackle their normal multi-mission responsibilities, along with the massive increase in Homeland Security requirements that were placed on their shoulders as a result of this national crisis. In fact, the Coast Guard took on the responsibility of sweeping the Capitol and our office buildings in response to the Anthrax threat.

As a multi-mission, maritime, and military service, the Coast Guard is a leader in America's maritime security. They array their ships, planes, and people against multiple National Security threats including drug smuggling, alien migration, protection of fish our fish stocks, and of course terrorism.

Along with these law enforcement missions, they tackle their other traditional missions, of Search and Rescue, Maritime Safety, Recreational Boating Safety, Aids to Navigation, to name a few.

Their motto, Semper Paratus, Always Ready, has been put to the test many, many times, and without fail, they have come through, it's now our turn to come through for them through adequate funding.

They have worked around the clock since 11 September, increasing their presence to protect ports and maritime transportation infrastructure, boarding commercial vessels at sea, instituting a successful Sea Marshal program at many of their ports, escorting our Navy Ships entering and departing ports, and enforcing Security Zones in protection of critical infrastructure points along our shores.

There was a dramatic mission shift for the Coast Guard come 11 September, once again they proved to be very felxible, very can-do, these are their greatest strengths. They have met the current crisis, they continue to increase their effectiveness, they continue to say Aye Aye, but it has not come without a cost.

The cost has been that their people, their equipment, have been pressed −071o their limit. The increase in their operational tempo, regardless of the mission emphasis, has drained their crews depleted their surge capacity. Some air stations and many of their other field commands are beginning to express concern about their Search and Rescue posture based on crew fatigue, lack of resource maintenance, and lost training opportunities in certain mission areas. Sustainability of their current operational pace is a growing service concern.

The cost has also been their presence, or lack thereof, in other law enforcement mission areas due to their limited resourcing. Shifts in protecting ports and maritime transportation infrastructure yielded activity levels near zero in fisheries enforcement and Alien Migration Interdiction Operations. The Coast Guard is the designated lead agency for maritime drug interdiction and shares lead agency responsibility for air interdiction with the Customs Service, but is now down to less than half of the previous level of activity.

This can not and should not continue. Declines in these mission areas are not in the long term national interest especially drug interdiction. Increased profits for illegal drug smuggling is channeled into the coffers of terrorist organizations thereby giving them additional resources to mount further strikes against our homeland.

The Coast Guard has broad enforcement and regulatory civil authorities, military capabilities, and a coastal and offshore presence to bring to bear against Homeland Security requirements, they will protect our Nation's largest, and perhaps most vulnerable border a

95,000 mile coastline with hundreds of ports. But they are a multi-mission service which can not possibly meet these new homeland security requirements as well as other mission requirements without significant increases in both people, assets and overall funding.

Comparing the new security environment and the new demands it places on the Coast Guard, the Coast Guard mission requirements in other mission areas and the services current capability there are major gaps we need to assist * * * we need to do our best to help fill those gaps.

In the House mark-up of the Emergency Supplemental appropriation, the Coast Guard's figure has been cut from $203M to $145M a $58M cut that will directly take away from the Coast Guard's ability to handle sorely needed depot level maintenance, much of the maintenance that was deferred as a result of the current crisis as well, this cut will not allow Coast Guard operational assets their cutters, small boats, and aircraft, to operate at their optimum levels. Now is not the time to be cutting the Coast Guard. We need them to be operating at their absolute maximum level in order for them to have any chance of meeting America's present and future needs.

The Coast Guard has been Semper Paratus for America, day in and day out. In their time of need let's do our part to be Semper Paratus, Always Ready for them.

Coast Guard's capability has been reduced due to chronic maintenance funding shortfalls; 15 percent operational reduction proposed in the FY 2002 President's budget limits the Coast Guard's ability to operate at the levels necessary for the national interest; Cutters, boats, and aircraft are thoroughly involved in the Coast Guard's port safety and security missions and are a key component of the service's Homeland Security mission; The Coast Guard cannot take on the increased Homeland Security demands without first ensuring their assets are properly supported and maintained; and Overall operational level must be increased to ensure that the service can continue other missions critical to national security such as marine safety, alien migrant interdiction, living resources enforcement, and counter-drug operations, while maintaining a robust Homeland Security force.

Mr. LoBIONDO. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I rise in support of the amendment and I rise in support of any effort to increase dollars to the Coast Guard. As the vice chairman of the Subcommittee on Coast Guard and Maritime Transportation, I have worked very closely with the gentleman from New Jersey, and I am intimately aware of the difficulties that the Coast Guard is facing under its current fiscal constraints. I also host the Coast Guard Academy in my district and have for many years been involved in those issues.

Now more than ever, we need resources to defend our 95,000 miles of shoreline and our hundreds of ports. Also, for those of us who have nuclear power plants in our districts, along rivers and on the coastal waters, defense of those littoral shores is critically important, and that even as we speak and even as we have deployed over 30 percent of the Coast Guard Reserves, we cannot provide adequate security along those shorelines for those facilities.

□ 1945

So as I understand the conversations of the distinguished chairman, we are going to be addressing these issues in the future. I certainly hope so.

Mr. LoBIONDO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to thank the gentleman from Kentucky (Mr. ROGERS) for his comments and his willingness to recognize that the Coast Guard desperately needs additional funding, if I heard the gentleman correctly. I would also like to apologize for any breach in communications that we obviously have experienced in the translation of the Coast Guard's needs to what the gentleman from Kentucky (Mr. ROGERS) has understood them to be, and I express my willingness on behalf of our committee to work with the gentleman to try to eliminate those kinds of communication gaps in the future.

I think we have all been able to come together, and this has been productive, in acknowledging that the Coast Guard is doing a tremendous job, and they do desperately need additional supplemental funds to keep going.

So, with that, Mr. Chairman, I once again thank the gentleman from Kentucky (Mr. ROGERS) for his acknowledgment of the situation.

Mr. BARCIA. Mr. Chairman, I rise today in support of the LoBiondo amendment to restore critical Coast Guard funds which are stripped by this bill.

It's no secret that there is a significant difference between what the Coast Guard needs to run its day-to-day operations and to make needed acquisitions and what they have received recently through the budget process.

Earlier this year, the Administration put forth a budget that included a 15 percent reduction in Coast Guard Operations, but that was before September 11—before the Coast Guard shined in its role responding to the attacks of that day, even though it was already stretched so thin.

The demands placed on the Coast Guard since September 11 forced the Administration to reconsider and agree to include $203 million in the its emergency supplemental request for the Coast Guard.

But the bill currently before the House cuts that number by $60 million. Without the full $203 million, the Coast Guard will literally not be able to meet its national security obligations.

Can we really afford to have drastic operational cuts in an organization that is such an integral part of our national defense and plays such a critical role in our maritime safety, security, and mobility? As we all know, the answer is a resounding "no."

With more than 600 miles of coastline in my District in Michigan, the Coast Guard's numerous missions— from ice-breaking to search and rescue, from drug interdiction to marine environmental science—are critical to the health and safety of my constituents.

More than that, the Coast Guard is critical to our nation's defense—our homeland security. The cuts included in this bill are unconscionable because they are unsafe.

Thanks to the impressive leadership on the Coast Guard Subcommittee and within the Coast Guard Caucus, I am hopeful that this problem will be rectified and the Coast Guard will be able to continue to provide the nation with the high level of services we have come to know and rely on so heavily.

I urge all of my colleagues to support the LoBiondo amendment.

Mr. LoBIONDO. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply note that the gentleman earlier today voted in such a way that made not only my amendment not in order, but it also made the very amendment that he is offering tonight not in order.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Hearing no objection, the amendment is withdrawn.

There was no objection.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. WATT of North Carolina. Mr. Chairman, today, as I rise in support of the Defense Appropriations bill, I want to draw my colleagues' attention to the strong cooperation and support the United States has received from the Republic of Kazakhstan.

Kazakhstan is a former Soviet state celebrating their 10th anniversary of independence from the Soviet Union on December 16 of this year.

Today's Defense Appropriations bill provides $403,000,000 to assist the republics of the former Soviet Union in the elemination and the safe and secure transportation and storage of nuclear, chemical and other weapons. Unfortunately, this level of funding is totally insufficient and is, in fact, much less than the President requested for this important purpose. It also helps fund programs to prevent the proliferation of weapons, weapons components and weapon-related technology and expertise. This money would aid Kazakhstan, which borders Russia and is located near Afghanistan. Kazakhstan is a strategic friend and business partner of the United States.

On September 15, 2001, following the September 11 attacks on the United States, President Nursultan Nazarbayev of Kazakhstan said:

In these tragic days for America, the people of Kazakhstan are grieving together with the American people about the death of thousands of innocent people.

I am closely following the situation as it unfolds. We stand on the position that the terrorists must be punished, as well as those harboring the terrorists.

The United States and its Security Council have condemned the barbarian act of terrorism and called upon the world community to take resolute actions.

Therefore, Kazakhstan is ready to support the measures undertaken by the United States to fight against terrorism, with all the means available.

Kazakhstan has always been standing against terrorism and is ready to participate in creation of a real international coalition of countries to fight against the international terrorism.

We proceed from the assumption that retaliation should not only be effective, but also should be just. This requires that the state should act with great deal of responsibility. And we rely upon the wisdom of the American leadership. We were pleased to learn that the United States wants to know for sure who has perpetrated these barbaric acts and helped the terrorists before taking actions.

Today I sent a letter to U.S. President George Bush. I expressed Kazakhstan's support for the U.S. actions aimed at fighting against the international terrorism, the global evil that has developed metastases across the entire world.

We hope the American people will be able to quickly cope with the heaviest psychological blow and remain committed to their great historical values.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEORGE MILLER of California:

At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available under the heading ''Community Development Fund'' in chapter 14 of division B may be used to carry out the first proviso, or any activity (except community development that provides public services for employment and health as described in section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) that are wage supplements and health insurance assistance to unemployed workers), under such heading.

Mr. GEORGE MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 60 minutes, to be equally divided and controlled by the proponent and an opponent.

Mr. GEORGE MILLER of California. Mr. Chairman, reserving the right to object, I have a lot of people who said they want to speak. Could I ask that we do that after we have our opening statements. I think I will only take 3 or 4 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I think the agreement was for 60 minutes.

Mr. GEORGE MILLER of California. I understand that; 30 minutes a side, as I understand it. I would like to make my opening remarks, and then have the time limit take effect. If the gentleman wants to do the same on his side, we would have maybe 70 minutes. It may not be that long. I do not know if Members will come to the floor or not who said they want to speak.

Mr. ROGERS of Kentucky. My understanding was the agreement was 60 minutes total.

Mr. GEORGE MILLER of California. I am asking if the gentleman would amend that to let the opening statements be made by myself and by the gentleman and then have the 60 minutes.

Mr. ROGERS of Kentucky. Will the gentleman take approximately 5 minutes?

Mr. GEORGE MILLER of California. I think so.

Mr. ROGERS of Kentucky. I would be willing to amend the unanimous consent request so that after the gentleman has a 5-minute opening statement, then the 60-minute clock would start to run.

Mr. GEORGE MILLER of California. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for his agreement on the time, and I appreciate the additional time.

Mr. Chairman, this is a very difficult amendment to offer, but it is a very essential amendment to offer for a number of reasons. First and foremost, those of us who represent States and localities that have suffered dramatic increases in unemployment, both before and since September 11, with people who are unemployed and were hoping to get a job, who had their chances of a job being secured greatly diminished because of the September 11 attacks, and those who were immediately unemployed after September 11, we have an obligation to those people to make sure that money will be available to help with extended unemployment benefits, unemployment benefits, COBRA benefits or health care supplements; and that is what this amendment does.

What this amendment does is essentially try and reverse what the amendment of the gentleman from New York (Mr. WALSH) did that was made in order as part of the rule which gathered up unemployment funds from all across the country and then said we are going to give these to New York to use for whatever purposes they seek to do that through the Community Development Block Grant.

This is also a very important amendment, because I think it helps to make a point, and that is that what happened in New York, what happened to the people of New York, to the State of New York, what happened in Virginia, what happened in Pennsylvania, was completely unanticipated, unknown by anybody and an emergency; and when the New York delegation from the Senate and the House asked for $20 billion, the President looked them in the eye and said, you have got it.

Now we find out he said, you got it, sort of; and today we find out he said, you got it, but you got to go take it from all the unemployed people in the rest of the country.

That is not what America expects us to do in response to the tragedy of New York. They expect us to deal with New York and to deal with the needs of this country. As they see more of their friends and neighbors becoming unemployed, they expect us to help those individuals, not steal their unemployment in the middle of the night and give it to New York.

We want to help New York. We have all voted to help New York, and we are going to continue to vote to help New York. But what has happened with this amendment has put New York in a terrible position, because our friends and colleagues from New York who are desperately in need now finally have to look us in the face and say we have no alternative. We did not do this amendment. They took this money from you. They made this in order. This was not a matter of debate. They came around and picked it up.

Now, let us understand what this amendment does. This amendment completely ignores what the Secretary of Labor told our committee when she came before our committee. Every issue that we asked her about, the unemployment crisis in this country, the decline in the economy, September 11, her answer was we have a block grant that we are going to give to the Governors, and the Governors can take care of health care, take care of unemployment. They can extend benefits. They can do everything.

Now we find out that $1.8 billion has been taken out of that block grant. So if you are in California, where parts of our economy have been devastated because of the lack of travel, San Francisco, Los Angeles, Disneyland, Orange County, we lose $220 million. If you are from North Carolina, where people have been unemployed because of the problems with U.S. Air, the hospitality interests on the Outer Banks, they lose $54 million. The State of Washington, where the Boeing employees were hit immediately, were unemployed, what do we do in the State of Washington?

They lose $53 million. Hawaii, where almost instantaneously people were laid off because people stopped flying to Hawaii, people looking for jobs, low-wage jobs, people without a cushion, what did we do to Hawaii? We take 20 million of their dollars.

It is simply not fair, and it is not right. It is not fair to New York to put the citizens of New York, the Representatives of New York and the victims of New York in this position, where they have to suggest that the only way they can be taken care of is to harm somebody else.

These are people who have lost their jobs and continue to lose their jobs. The number of people who are running out of unemployment grew more than 60 percent in the third quarter over third quarter from year 2000 to this year. In Michigan it is up 88 percent; Indiana, 91 percent; North Carolina, 94 percent; Tennessee, 68 percent; Colorado, 65 percent.

So, as people who are going on unemployment at record rates, the demise in the economy, and people who are on unemployment but losing their benefits at record rates, the answer in this legislation is to take away the money that the Governors could use to try to help them pay for the health insurance, to extend their unemployment benefits, to provide them unemployment benefits if they do not qualify.

That is the challenge of the Walsh amendment. That is the unfairness of the Walsh amendment. That is the unfairness of this bill, that we would take one group of Americans who may be in the process of losing their children's education, losing their car, losing their home, and we would say to them, rather than take care of you too, we are going to take what you desperately need, you desperately need for your family, and we are going to move that over to New York.

Then to New York we say we are helping you, but we had to take it from millions of other Americans who are in desperate trouble; in many instances, Americans that are as in trouble, that lost their economic livelihood. Within days of this vicious attack on the World Trade Center, on the Pentagon, within days they became unemployed, because people realized that people were not going to get back on the airplanes.

So what do we do with these people that were working at the airports, working at the hotels, working in the restaurant industry? We told them a couple of months ago, the Secretary of Labor said we are going to give the money necessary; the Governors are going to have it. But now what has happened in this bill with the acceptance of the Walsh amendment is we have gone out and gathered all of that money up.

We cannot let that be the legacy of this Congress. We cannot help the victims of New York by creating victims in California, by creating victims in Hawaii, by creating victims in Wisconsin, by creating victims in Minnesota, where hundreds of thousands of people are now unemployed there because of the layoffs, with the layoffs of Northwest Airlines, the decline and cutbacks in the routes, with people in Minneapolis-St. Paul who do not have jobs. Do we really think that we can transfer their misery to New York and make New York whole? Of course we cannot. Of course we cannot.

That is why the President, in the heat of the moment, in the emotion of the moment, when the New York Senators, Senator SCHUMER and Senator CLINTON, asked him for the $20 billion in front of everybody in the Cabinet Room, said, you got it. Because he knew this was an extraordinary event in the history of this country; that there was the only way we could deal with it, and that was to take care of this problem.

Did the President really mean you got it, but you got to get it from somebody who has been unemployed because of the same tragedy? You have got to get it from somebody who has lost their health care coverage because of the same tragedy? I do not think so. I do not think he meant to take $141 million from the State of Florida that would go to cover their health care, go to extend their unemployment benefits, a State that has been devastated, again, because of its reliance on tourism and hospitality. I do not think that is what the President meant. But that is the policy that is being carried out here.

I would urge my colleagues to vote for this amendment. The money, the money for New York has been appropriated. It is available. It simply has been impounded. It has been impounded by this President and this administration until such time. And the answer to that impoundment is not to make the life of the unemployed more miserable to help New York; it is to take care of New York, and to take care of the unemployed and those without health insurance because they are unemployed in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 30 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank Members for this important debate about the future of our State and the great City of New York.

The amendment that is being debated today, right now, that the gentleman from California has offered, would take approximately $1.8 billion of the funds that were reallocated in an agreement we reached with the White House, take almost $2 billion out of the Community Development Block Grant program, away from New York, and spread it around to the rest of the country.

It does not re-create the national emergency grants that the administration initially provided. This keeps it within the Community Development Block Grant program, but it also takes away the waivers that we had provided for New York so that those waivers would not be available either in New York or the rest of the country.

Why is that important? Well, I think it is pretty obvious to all of us that we have a two-front war going on right now, Afghanistan and the United States.

□ 2000

In Afghanistan we have been seeing all the battlegrounds as the battle has progressed. In the United States, we all know what the battleground was; it was New York City and the Pentagon. The Pentagon is being rebuilt. We are working on a defense appropriations bill today that provides over $300 billion in the defense budget, and there are further funds within the supplemental to fight the war and to rebuild the Pentagon and to conduct our military action.

New York City took a direct hit on September 11. Not only was the World Trade Center destroyed and thousands of people died, but hundreds of thousands of people have been affected in that immediate area. I talked with people in the last number of weeks who still do not have telephone service, who cannot get to their apartments or their businesses by public transportation. There is no one else in the country in that situation right now.

What we did was we tried to attach funds that would otherwise have gone to the rest of the country in anticipation of serious unemployment dislocation. The stimulus package that is being discussed in the House and in the Senate deals directly with unemployment issues. We tried to add to this appropriations bill unemployment insurance benefits and COBRA benefits to provide for health care for those workers who were dislocated and lost their health care. It belongs in the stimulus package. That is where the debate has centered, and both the House and the Senate deal with that, with those issues, in the stimulus package. Indeed, these national emergency grants were authorized by that stimulus package bill. So the $1.5 billion or the total amount of funds, the $3 billion, is unauthorized.

When we designated, redesignated these funds as community development block grant funds, we also redesignated about a half billion dollars in FEMA funds to provide New York City with $2.5 billion in community development block grant funds. Those funds are the

most flexible, the most readily available, and most important dollars that we could send to New York City at this time. Why? Because of the thousands of people who live in those neighborhoods and the thousands of businesses that conduct their business and employ people and put bread on the table, there is no other way to affect those decisions that are being made that the Federal Government can do right now.

I think most people understand that CDBG funds are flexible; they can be applied to individual situations, for businesses, for residences; those funds can be used to build public infrastructure, to approve parks, to provide curbs and streets that were destroyed, to build water systems, public utilities. That is why we went after those funds. We have heard today, clearly, that New York City did not get all the funds that were promised and have not received all the funds that were promised. We had to take, I think, dramatic action to show the administration that these funds were needed and they were needed right now, and they agreed to this. And I think the administration was reticent about this, but they acceded to our desires.

The key to this whole thing is putting New York City back together again as quickly as possible. There is no better way to do it than to utilize these funds, these community development block grant funds. If the Congress supports what the gentleman from California wants to do, which basically plays the entire country against New York, it will hurt New York very deeply for a second time. Because right now, people are beginning to understand what this action that we have taken accomplishes: that those businesses who want to stay in New York but need incentives, they need to help put their storefronts back together again, they need to get their communications systems redesigned; they need to buy new communications systems and new point-of-sale equipment for their stores; they need to help their employees to get back on their feet.

Quite frankly, I say to my colleagues, this is about putting a neighborhood back together. No American could or should or would want to deny the people of New York, of lower Manhattan, of the neighborhoods of Chinatown and Soho and Chelsea and Battery Park, and that magnificent area which was really one of the real centers of the beginning of this country; that is where the island of Manhattan was first settled. We are trying to put that neighborhood back together. We have taken dramatic action to try to do that.

I promise that if this amendment is defeated, and I hope that it will be and I believe that it will be, that I will work with my colleagues on both sides of the aisle, as I have thus far, to make sure that any workers who have been displaced or suffered a loss of a job because of that attack on September 11 will have the full force and strength of the Federal Government behind them in making sure that their unemployment insurance benefits, their health care benefits, their retraining, is supported by the Federal Government.

Mr. Chairman, there is one aspect of this that the gentleman has not mentioned. There is $175 million of funds in here that would go towards reflushing the Workers' Compensation Fund. Why is that important? Because hundreds and hundreds of workers have been injured, were injured in the attack and have been injured in the subsequent rubble removal and in the search and rescue processes that took place. This is a dangerous place. There are still toxins in the area from that attack. Those funds, the workers' compensation funds and another $30 million or $40 million for worker retraining to help those workers dramatically and directly affected in New York, in no place have they been affected as they were in New York, to give those people a chance to learn a new job.

So I say to my colleagues, I would implore them, please, please do not accept this amendment. Please reject it. New York has suffered enough. This gives us an opportunity to help, to show the people of lower Manhattan and the rest of that magnificent island the concern that the country has for them. Do not play America against New York. I think America is squarely behind New York. This is a divide-and-conquer strategy that the gentleman from California has offered. I strongly urge that we reject it. Stick with the bill as it stands. Let the bill go forward and let us try to work for the rest of the country's benefit as we go forward.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 30 seconds just to say when the gentleman says that we are taking the money back that he took to New York out of all of the other unemployment funds and he says we did not do it in a technical way with the waivers, it is a little bit like a person who robbed my wallet and then when I took it back, he says I put it in the wrong pocket. No, it is my wallet. And these benefits go to the unemployed. This is not about divide and conquer. This is about this country meeting its obligation to New York and to unemployed Americans, and we can do both.

Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I thank the gentleman for the time.

I hope the gentleman from New York will understand, but we do not accept his promise. The President promised $20 billion. The Speaker stood right over there and said that when we did the airline bailout bill, we would take care of the workers.

Now, there are 8 million people in this country unemployed. There are 137,000 in the transportation industry. What have we done for them? Nothing. There are 136,000 in the hospitality industry, nothing; 57,000 in communications, 226,000 in manufacturing, 14,000 in retail, 44,000 in the service industry, 30,000 Boeing employees are being laid off, and we cannot get any more out of this House than $12 billion out of $150 billion stimulus package out of the Committee on Ways and Means, not directed to any new money. We sent it over to the Senate and that stimulus bill is on life support. We have done nothing for workers in this country.

Now, are we in trouble? The overall jobless rate jumped from 4.9 to 5.4 percent in October, in one month. Washington State went from 5.1 percent to 6.1 percent. That is a 20 percent jump in 30 days. New York, Illinois, West Virginia, Texas, do not even have money in their unemployment funds to pay 6 months' worth of benefits, and we have 19 more States that do not have enough for an entire year. That does not reflect the real nature of the problem.

Mr. Chairman, we had over the last 10 years such a good economy, we have eroded the funds in every State. Today, The New York Times says, 30 States are looking at cutting their budgets in the next session, or doing it right now. Maine is $250,000, Connecticut just had a session for $300 million. So we are doing it all across the country. My State is looking at a $1.2 billion cut in the State budget.

So the government puts the money out, the Governor reaches for it, and it is gone. It is gone in Washington State, it is gone in California. And then the height of this whole financial baloney is that stimulus package we put out of here.

Now, the gentleman from New York says it is the only thing we could do. It was the only way we could handle this issue. You voted on the floor of this House to give $25 billion in AMT relief to companies that paid it back to 1986. That $25 billion in and of itself would deal with New York, if my colleagues were serious about New York. There is not a single one of us out here that is not in favor of doing something about New York, and I resent being made out to be me against New York because I argue for the State of Washington, or the gentleman from California (Mr. MILLER) argues for California, or the gentleman from Hawaii (Mr. ABERCROMBIE) argues for Hawaii.

We are supportive of New York, and we had another way to do it, and my colleagues promised it, the President promised it, the Speaker promised it, and we have not done anything. Now we pass a bill and we say well, we are sorry, but we saw that money there

and it had not been spent yet because the Governors in the State legislatures had not figured out how to do it, so we are going to sneak it away before they know it is gone. And we promise you, we will come back and fix it.

Nobody in here is going to hold their breath until that stimulus bill passes out of the House. Vote for the Miller amendment.

Mr. WALSH. Mr. Chairman, I yield myself 30 seconds just to respond quickly. No New Yorker offered an amendment to take funds back from California when the Northridge earthquake hit, and no New Yorker offered an amendment to take back funds when the Mount Saint Helens disaster occurred. I think we have always been forthcoming in our support for the rest of the country. This is our difficult time.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. SERRANO), a member of the Committee on Appropriations.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from upstate New York for his support.

Let me first do what so many of my colleagues have done, and that is to thank the gentleman from New York (Mr. WALSH) for really being our leader and trying to get what was rightfully ours and to try to keep to the promise that was made from the White House. Somewhere along the way the gentleman from New York (Mr. WALSH) had to do what many people felt he had to do, which we disagreed with, some members of the delegation, which was to agree to this and present it to us.

Let me also say that I understand the gentleman from California's statement. He is doing for his State no different than what I and the gentleman from New York (Mr. WALSH) have been trying to do for our State. He sees harm coming, and he is trying to stop it.

But the gentleman from California (Mr. MILLER) makes the point that I have been trying to make for the last 2 weeks, better perhaps than I have made it, and that is that the fight is already on between New York and other States based not only on this amount, but on the promise for all the money that is supposed to come in the spring. If my colleagues think this is going to be a difficult debate, imagine what it is going to be in April and in May when we try to take money, as I have said, out of the FBI and the INS and the Justice Department, and the State Department, and the war and defense, and all other departments and issues, to give to New York based on the promise that if we do not abide by the law now, the money will be coming in the spring.

□ 2015

Now, we have a couple of problems here. One of them is that we had allies in this fight. The allies have abandoned us.

Now, we know that one of the most difficult things to do in politics or in government is to take on a popular person at the top of his popularity. Mayor Giuliani is riding a wave of popularity. But he was in this fight with us from the beginning, and he took a walk on us. He said, Guys, girls, do not pester the President. You will get the money in the spring.

Number one, in the spring he is not going to be around to use the force of his popularity to get us the money. Michael Bloomberg will be around; and he will be trying to get this money, which will not be coming.

Secondly, by saying that, he pulled the rug from under the floor of the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. SWEENEY), all the members of the New York delegation. That is part of our problem.

Mr. Chairman, this is a difficult situation to be in. I spent all week telling Members how bad the Walsh agreement was; and now I am here telling Members, do not get rid of the Walsh agreement because it is the only thing we have.

But at the same time, it continues to make the point that someone put us in this situation. Someone already pitted 49 States and some territories against New York, and this was not what it was all about. It was about one part of America getting hit as a symbol of what we were all about, and the enemy wanted to hit that part of America. It was about a situation where the President and the Committee on Appropriations said, Whatever it takes, and whatever it takes did not even come to be.

Mr. Chairman, if we can only realize that the Walsh agreement is the only thing that we have. So I would beg my colleagues, do not hurt us anymore. We are not going to get the money in the spring. We have been done in. We have been lied to. In fact, if New York newspapers were not so supportive of the Republican Presidents, the 1970s headline could come back, ''Bush to New York City: Drop Dead,'' the way it is set forth to New York City. We were never going to see that, but that is where we are going.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding.

I was going to follow on the gentleman's statement with one about California. In the past, we have had disasters. The fact that we have come together in the past without worrying about one State versus another, it seems to me we should operate with great care in disasters like this and help one another for the strength of the country.

Mr. SERRANO. Reclaiming my time, it was not this side, with all due respect, that put us in this situation. It was the gentleman's administration that did not keep the promise. That is why we are here. That is why the gentleman from New York (Mr. WALSH) is in this situation and we have to find ourselves in this situation.

So again, to the gentleman from California (Mr. GEORGE MILLER), I understand what he is doing. We would do the same thing in New York if we were caught up. But sooner or later, people are going to realize that New York, as the gentleman from New York (Mr. HINCHEY) has said, was the scene of the crime, but the attack was on America, and the people who died and were suffering and the economy that was devastated needs our help.

This is a way to start getting some help, but the real help will probably never come. I ask Members to keep that in mind when they vote tonight.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, what happened to New York was a terrible thing. When it happened, I was one of the four people in this Congress who helped negotiate a $20 billion what I thought was a rock hard commitment to New York to deal with the problems.

Since then, the administration has tried to change the deal. Some people in the Congress have been trying to fix it.

There is a right way and a wrong way to fix that problem. The wrong way is to try to fix it by stealing money from unemployed people in other States in the Union, which is what the arrangement was.

What happened is that the administration's original $20 billion commitment has been chiseled down to $10 billion or so in this bill. Then, when there was a public eruption about that, the White House worked out a deal to take $2 billion, which had originally been requested by the President to help unemployed people in all 50 States in the Union, and instead, they moved that money only to help New York.

That solved New York's problem only partially. It still leaves New York over $8 billion short. What it does to my State is take approximately $33 million away from unemployed people in my State. It does the same thing in Minnesota. That is on top of what the majority has already done to my State by their tax bill.

My new Republican Governor in Wisconsin indicates that the actions of the Republican House tax bill will cost Wisconsin an extra $300 million on its State deficit. Now, how many times do they have to punch other States in the solar plexus in order to cover up the fact that they are welshing on the deal to New York? That is what they are doing, they are compounding the number of victims.

In the end, they are not solving New York's problem, and all they are doing is making the problems of the rest of the States worse. Shame on people who do things like that. In this town and in this body, one's word is supposed to be one's bond. I think we ought to return to that understanding.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I believe that every single Member, and if not every single Member, almost every Member of this body went to visit Ground Zero. We stood there with our hard hats, maybe some were photographed. We were in shock and disbelief. We pledged our support to New York. We said we felt New York's pain and that we would make good.

Feeling New York's pain and not doing what we need to do about it, which is what this administration has done, is a classic bait and switch.

At Ground Zero, surrounded by firefighters and police officers, the President promised to make funding available to assist families, workers, and businesses whose lives were permanently damaged by the events of September 11. This amendment would return funding back to State unemployment and health programs that was taken away in a disingenuous effort to help New York in its greatest hour of need.

I sat in a room with the members of the Committee on Appropriations, along with New York, along with Connecticut and New Jersey and Pennsylvania, to talk about how in fact we were united in helping the New York situation and the individuals who lost everything on September 11. We pledged to work at that.

So this is not directed at my colleagues in New York, to take their money away. This is a sham, what has been done here tonight. What we find out is that the money comes out of funds that were supposed to go to the other 49 States.

I will tell the Members, this is nothing new, because in the economic stimulus package that was proposed by the majority, the health care money that is proposed to go to people who are unemployed and who have lost their health care benefits, that money is coming from the Children's Health Insurance Program, Mr. Chairman. We are taking children's health insurance money from the States; and we are saying, take that money and pay for the health care of workers who are out of work.

Mr. Chairman, this is another bait and switch, nothing new by this majority. These funds would have helped American families hit by the post-September 11 recession, helped to restore them some security they have lost. It comes out of unemployment; it comes out of health care.

We are charged with the responsibility to help each and every American, to heal the wounds of September 11 and return security to all parts of their lives. We must rebuild the confidence of the American people. Together, we are obligated to make this happen.

We provided today that opportunity not to make this happen. We said, take the money from all 49 States and give it to New York, and the rest, go figure it out. Mr. Chairman, I ask Members to support this amendment and please turn this sham around.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, the gentleman from New York has said that he is unhappy to some extent that money must come from money set aside for pressing social needs in other States, but there is no alternative. Harry Houdini had a trick. He would have other people tie him in knots, and his trick was to get out of the knots.

What we sometimes see in the legislature is the reverse Houdini. That is the process by which one ties oneself in knots and says, gee, I am sorry, I have to do this because I am all tied up in knots.

The people who voted for this rule pulled a reverse Houdini. They tied themselves in knots. They prevented the House from being able to vote a genuine, honest meaning of the commitment.

People say, well, do other States not want to give to New York? Yes, I have people in Massachusetts who want to give to New York, but they are not the unemployed. This is not a case of one State to another. This is a case of going to the very poorest people, the people who have also been hurt. This is victimology, comparative victimology.

They want to help New York, I want to help New York, so how about helping New York, instead of helping IBM by repealing the corporate minimum tax for $1.4 billion? We could help New York just with one piece of the giveaway tax bill.

First they vote to reduce taxes on the wealthiest people in the country, without any incentive to invest. Then they vote for a rule which allows the President to get out from under his promise.

I am not defending Massachusetts. I do not believe in State sovereignty. I am not one of those five Members of the Supreme Court who is trying to rewrite the Constitution to dismantle the Union. I am not here defending a corporate State called Massachusetts. I am here talking about people who may have lost their health care in Massachusetts, Wyoming or anywhere else. I am talking about people who have been thrown out of work.

They are the ones, those who voted for this rule, and I know, they went through the dance, they voted present for a while, and, great suspense, the members of the Committee on Appropriations voted present. We held our breath, the world wondered what would happen; and surprise, surprise, they caved in.

And having caved in and having helped denude New York of the money the President had promised, they then say, hey, let us all be generous and go after people who have been unemployed, people who have lost their health care, and let us feel good about the fact that we are taking it from them.

We have to understand, that is what it is, that it is easy to be charitable with other people's money. It is easy to be charitable with the money of the poor. I understand New York is now in need, and in need not through its fault; but it is kind of liking walking down the street and there is somebody who has lost his job, he is homeless, he asks for some money. What do we do? Go over to some other poor old lady and take 5 bucks off her and give it to him and we feel generous.

That is what they have done here, reduced taxes on people who make $1 billion a year, give profitable corporations billions and billions of dollars in aid; and then, when they are stuck because they have an administration that is unwilling to live up to its own promise, when they are stuck with trying to give New York, and by the way, we are not the ones who want to give New York 10 percent of what they are promised. When they are stuck with that, they say hey, we have a great idea. You know those unemployed people in other States, those people who do not have any health care? Let us give them a chance to feel good.

I suppose the theory is that these poor people are hurt economically, they do not have jobs or health care; but they will do them a good big favor, they will let them feel noble. They will single them out for an involuntary charitable deduction.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, oh, to have the prestidigitation skills of Houdini, or the rhetorical skills of the gentleman from Massachusetts (Mr. FRANK).

But the fact of the matter is, Mr. Chairman, if Members support this amendment, they will hurt New York. If Members listen to the Members of the New York delegation, they will tell us that this amendment clearly will hurt New York, and no State nor any American city has suffered as New York has.

Mr. Chairman, this is a hurtful debate for New York. We are very concerned, quite frankly, about what happens down the road, as my colleague, the gentleman from New York (Mr.

SERRANO), mentioned. We will have to come back to the Congress for additional help, clearly. Just as the country came back to the Congress and the Congress developed I believe it was seven or eight supplementals after the Pearl Harbor attack, we will have to come back for additional supplementals.

This debate that I see here today tells me it is going to be very difficult for New York to gather its strength and its support from across the Nation to continue the help that we need.

□ 2030

But need it we will. And here we will come. And we will ask our colleagues from California and Washington and Massachusetts and Wisconsin and the rest of the States around this great country to help us.

We are not doing anything to hurt the rest of the country. These issues will be dealt with in a stimulus package. If they are not dealt with in a stimulus package, they will be dealt with in subsequent supplementals also. Please, if Members want to help New York, oppose this amendment. Stay with the New York delegation, the bipartisan New York delegation, and oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, may I inquire how much time is remaining?

The CHAIRMAN. Each side has 13½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, we must restore funding for all unemployed workers across our Nation. We have to provide income assistance and health premiums. It absolutely dumbfounds me that we would take away this aid for all unemployed workers to make up for a failed promise by our President to New York.

We are all sympathetic. This is not about taking away something from New York. This is about making the promise to New York for $20 billion, but not robbing Peter to pay Paul. Instead of New York's $20 million commitment being failed, we should pay for that and fulfill President Bush's original promise to provide for community block grants so we can expand unemployment benefits, pay for health insurance premiums, or otherwise help families displaced by recession-related impacts across this Nation, impacts created across the Nation due too September 11 and before that.

Without the Miller amendment, my State of California will lose about $220 million that is needed to extend unemployment insurance. Yet California's economy is also suffering from the economic effects of the 11th of September.

Mr. Chairman, I urge my colleagues, stand up for all unemployed Americans and their families. All of them deserve your help. All of them deserve unemployment assistance and health care benefits and we can do that by voting for the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding me time.

I rise not to in any way be unfair to the people of New York. I rise to support this amendment to be fair to people throughout this country. If we stand in Jersey City, New Jersey, we can look across the river and see Lower Manhattan. It is about a 5-minute boat ride from Jersey City to Lower Manhattan.

The absurdity of the underlying bill if we do not pass the Miller amendment is this: a worker who lives in Jersey City who lost her job or his job on September 11 because their business was destroyed in the attack, will get no additional unemployment benefits or health benefits. But a worker on the other side of the river who happens to live in Lower Manhattan, would be entitled to get additional unemployment or health benefits if the money is used for that purpose.

A river should not divide us. This bill should not divide us. We should not have to choose between honoring our promise to the people of New York City and honoring our obligation to unemployed people all across this country.

The rule for this bill should have permitted us to address both of those concerns. It did not. Fairness dictates, however, that we address the concerns of unemployed Americans across the Hudson River and around the country and adopt the Miller amendment so that unemployed Americans everywhere can receive fair treatment from this Congress tonight. I urge a vote in favor of the Miller amendment.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Just to respond to my good friend and colleague, the gentleman from New Jersey (Mr. ANDREWS), I just want to be clear that under the structure that we are discussing, either under the Miller amendment or the existing structure of the bill, the workers in New York and New Jersey will be treated equally. There is no difference. There is no additional money in the amendment that I offered that was made whole in the rule that would treat New Yorkers any better than those in New Jersey or Connecticut. So I think we really need to make that clear to everyone, and hopefully they will consider that when they consider voting against the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, our good friend, the gentleman from New York (Mr. WALSH), has a lot of good things said about him. How fast it goes, does it not?

Just a few minutes ago we were over here talking in the Committee on Appropriations how we were trying to work this out, and now the gentleman finds himself in this position. You notice how lonely he is over there. Notice how people are not rushing down here to defend this position.

Now we can understand that. We are all legislators here. But let us go over what is taking place here. There is a victory for the forces that attacked us if we are able to be divided this way.

I am here to state that this is politics. We need to vote this amendment for the reason that these folks brought up over here and that they are valiantly defending over here.

Supplementals. If we can handle it by supplementals, and the gentleman from New York (Mr. WALSH) is reduced to the position of saying, look, we are not trying to hurt anybody else, even though that is what the result is going to be. Let us do it by supplemental. Let us deal with that because the revenues are going down all over the country, and it does not matter whether you are Republican or you are a Democrat. But I will state this, if this Miller amendment fails, it will be a bell ringer in the arguments that are going to be made in the next fall in the elections. And some of the people that have been supporting folks on the other side of the aisle, believe me, are going to find themselves in a very difficult political position. And that position will be how is it possible that a promise could be made that all of us are supposed to pull together, Democrat and Republican, but we are hurting the very people at the grassroots that are supporting this war effort.

These are unemployed. I am taking this from the preliminary monthly report of the Bureau of Labor Statistics. And the people of New York are going to get hurt in the sense that they get $60 million, but the people in New Jersey or Hawaii, my people, and I note in passing December 7 was brought up here. I ought to know about that. And we dealt with that with supplementals. How is it possible for us to attack the unemployed in order to pay for a political strategy over here with respect to the supplemental budget that we are supposed to put forward, the stimulus?

How is it possible that we could attack our own people? We are eviscerating ourselves. We are devouring ourselves in order to get behind a political strategy that is going to be a loser for my colleagues. I guarantee my colleagues this, there is not a person on that side of the aisle that supports the position of trying to defeat the Miller

amendment that could stand up to anybody in any neighborhood board meeting, in any community meeting and defend that position.

Let us vote for the Miller amendment if my colleagues want to be here next year and they want to be here defending the interests of the American people rather than the interests of American corporations that are trying to take advantage of us.

DISTRIBUTION OF $1.5 BILLION IN NATIONAL EMERGENCY GRANT FUNDS BASED ON STATE SHARE OF INCREASED UNEMPLOYMENT SINCE 9/11

	Average number of unemployed for Aug/Sept	Number of unemployed for October	Increase in number of unemployed	Percent of total increase in unemployed (among States with increase)	Allocation of $1.5 b. of NEG grants based on share of increase unemployed
California	1,214,800	1,284,400	69,600	14.7	$220,742,150
Florida	340,250	384,900	44,650	9.4	141,611,164
Texas	530,800	555,800	25,000	5.3	79,289,565
Virginia	114,150	136,400	22,250	4.7	70,567,713
Arizona	108,550	128,300	19,750	4.2	62,638,757
New York	644,850	664,000	19,150	4.0	60,735,807
Indiana	130,550	148,800	18,250	3.9	57,881,383
North Carolina	206,150	223,300	17,150	3.6	54,392,642
Washington	183,150	200,100	16,950	3.6	53,758,325
New Jersey	187,050	203,300	16,250	3.4	51,538,218
Nevada	49,850	66,100	16,250	3.4	51,538,218
Colorado	85,250	99,300	14,050	3.0	44,560,736
Pennsylvania	287,650	301,300	13,650	2.9	43,292,103
Georgia	158,350	171,000	12,650	2.7	40,120,520
Maryland	115,400	127,700	12,300	2.6	39,010,466
Tennessee	116,750	128,700	11,950	2.5	37,900,412
Louisiana	103,300	115,000	11,700	2.5	37,107,517
Michigan	267,550	278,900	11,350	2.4	35,997,463
Missouri	121,500	132,200	10,700	2.3	33,935,934
Wisconsin	126,650	137,200	10,550	2.2	33,460,197
Massachusetts	131,100	140,100	9,000	1.9	28,544,244
Alabama	105,100	114,000	8,900	1.9	28,227,085
Ohio	254,550	262,300	7,750	1.6	24,579,765
Minnesota	97,100	103,700	6,600	1.4	20,932,445
South Carolina	104,600	111,000	6,400	1.4	20,298,129
Hawaii	26,150	32,500	6,350	1.3	20,139,550
Oklahoma	56,550	62,600	6,050	1.3	19,188,075
Oregon	114,900	118,900	4,000	0.8	12,686,330
Illinois	350,150	353,700	3,550	0.8	11,259,118
Iowa	50,750	54,300	3,550	0.8	11,259,118
Kansas	54,450	57,900	3,450	0.7	10,941,960
Mississippi	66,750	70,100	3,350	0.7	10,624,802
Kentucky	98,050	101,100	3,050	0.6	9,673,327
Utah	46,000	48,400	2,400	0.5	7,611,798
New Mexico	47,850	49,500	1,650	0.3	5,233,111
Maine	28,550	29,600	1,050	0.2	3,330,162
Idaho	32,500	33,400	900	0.2	2,854,424
South Dakota	11,900	12,700	800	0.2	2,537,266
Total	6,769,550	7,242,500	472,950	100.0	1,500,000,000

Mr. WALSH. Mr. Chairman, I reserve my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, in North Carolina our State legislature is still in legislative session in the longest legislative session in the history of North Carolina. It started the year with a budget deficit of over $300 million and a constitutional requirement of a balanced budget. After September 11, and after the State legislature had found a way to balance the budget, September 11 hit and they had to face another set of projections that threw the budget out of balance again. They are still there trying to solve this problem.

Now we are told that the poor people, the unemployed people of North Carolina, are going to be taxed an additional $54 million out of their unemployment benefits for the purposes of New York. The people of North Carolina do not mind supporting the people of New York. People who have income would readily do that. I talk to them all the time, but it is patently unfair to ask unemployed people to give $54 million from North Carolina, unemployed people in North Carolina, when we have suffered the same impact from the same set of events.

U.S. Air has a hub in Charlotte. It flies out of Reagan National to Charlotte. It laid off thousands of people after September 11. Those people need the unemployment benefits just like New York needs these funds. We should adopt the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, may I inquire how much time I have.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining. The gentleman from New York (Mr. WALSH) has 13 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, if I might inquire, I am the only speaker left.

Mr. WALSH. Mr. Chairman, no one else has requested time.

Mr. GEORGE MILLER of California. I will go ahead and the gentleman from New York (Mr. WALSH) will close; is that correct?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has the right to close.

Mr. WALSH. Mr. Chairman, I will reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the remainder of my time.

The events of September 11 were uniquely cruel, were uniquely cruel against the victims, people who chose to do nothing more than get up and go to work in the morning, and by the thousands they were slaughtered, unique in their cruelness, in the history of this country and the history of the world.

From the moment after September 11 and even as it was unfolding, we saw something uniquely American, and to the wonder of the rest of the world, we erased all of the boundaries, all of the characteristics, all of the identities, and we pulled together. People drove across country so they could put in a 12-hour shift; children sent money; people were out on the streets asking for help for New York. People raised billions of dollars. Uniquely American.

That is what Robert Frost wrote about, about our boldness, our greatness, our strengths, about our broad shoulders, about our integrity. That is what America saw. It saw strength and it saw compassion. It saw a sharing like we have never witnessed in this country, in this generation of those of us who are alive now. It saw people who said I will do anything to help those people in New York. People went to enlist to help the fight overseas. People gave blood. They stood in line here at the Cannon Building, stood in line to give blood, more blood than they needed. What a tribute to our country.

Now we have got to finish the job, but we have got to finish it as the

United States of America, as the American people. When we had hurricanes in Florida, we did not say to the earthquake victims in California that they must contribute, and only victims. We did not say to the victims of the floods in Texas that the people devastated by the ice storms in Maine could only contribute. We did not say to the people in the tornadoes in Kansas, in Tennessee and Arkansas that they would have to get their help from the victims of the hurricanes. No. We came and said this is an American problem, this is a natural disaster, it is an act of God and America will take care of this problem. We will all join together.

We got emergency funding for the floods in Texas, if my colleagues will remember the gentleman from Texas (Mr. DELAY) holding up the bill until it happened. Californians put their shoulders to the wheel to help the victims of Florida after Andrew. That is America.

□ 2045

It is not about making your neighbor poor. It is not about collecting only from the poorest people in the country, those who are already unemployed, who are every much a victim as the unemployed of New York due to that event. That cannot be the trust fund from which we are going to rebuild New York. No.

That is why this Congress went to the President of the United States and asked for $20 billion. That is why this Committee on Appropriations has struggled with the issues of homeland defense. We are not going to get there by thinking we are going to move money between accounts, my colleagues.

And Americans have overwhelmingly said that they are willing to pay to rebuild this country and restore this country and to erase this scar on our landscape. They did not assign that to the unemployed. They assigned that to every American in this country. Every American in this country. That is who America assigned it to.

The gentleman from New York (Mr. WALSH) is in an untenable position. An untenable position. Why? We know the struggles that our colleagues on the Committee on Appropriations have gone through, our colleagues from New York, trying to meet these demands. We heard from the Coast Guard earlier. This is going to cost a lot of money, my colleagues, but it is about the integrity of this country. It is about the future of our families. It is about the security of our Nation.

Can we not rise to that occasion without creating new victims? Can we not rise to that occasion and defend this country and defend its families and try to provide them some income security, a little bit of health care while they are being devastated? I think we can. I think we can do this as a Congress.

I think it is important that our colleagues from New York join us in this and turn our back on this beggar-thy-neighbor policy; that somehow we can make New York whole by bringing down the unemployed in Florida or the unemployed in California. That is not the way a great Nation addresses its great problems. That is not the response we have to terrorism.

This is about our Nation, united in one step together to rebuild this country and to secure this country. And we are not going to do it on the backs of the unemployed. We should repudiate this.

Mr. WALSH. Mr. Chairman, I yield myself the balance of my time, and I wish to just clarify one point that has been made by several of the proponents of this amendment, which I think quite clearly is wrong, and that is that this amendment or that the arrangement under the current structure of the bill takes unemployment insurance benefits away. In fact, people will continue to receive their unemployment benefits.

So anyone out there who has lost their job, this bill will not take away any of their unemployment benefits. I hope people understand that. In fact, the stimulus package will extend extended unemployment insurance benefits and extend making COBRA payments to all Americans who have lost their jobs since the attack on September 11.

Mr. Chairman, I think the debate has been divisive enough, so I would like to try to end on as positive a note as I could.

I think the gentleman from California spoke about the integrity of America, the broad-shouldered approach to this disaster on the part of Americans, the sharing spirit of Americans, and I would ask my colleagues from States throughout this Nation to continue that. We need their help. We are in a difficult spot. The legislative process is unwieldy. We cannot always make things work exactly the way we want to. Sometimes we do get tied up in knots. But it is all for the right reasons, Mr. Chairman. It is all to help a city that has been hit and hit hard. As our Governor said, we have been bloodied but we are not bowed.

This is a difficult time. This is a difficult bill. But I would ask my colleagues to stay with us just this one more time. We will stand with you to make sure that your constituents, the people in your States that have lost their jobs, get the support that they deserve from the United States, from this government.

So Mr. Chairman, in conclusion, I would ask that we reject this amendment. I think it is a divisive amendment. Let us reject it. Support the bill and move this bill over to the Senate for its consideration.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

Are there any other amendments?

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE:

At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in Division A of this Act may be used to provide support or other assistance to the International Criminal Court or to any criminal investigation or other prosecutorial activity of the International Criminal Court.

Mr. HYDE (during the reading). Mr Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. HYDE. Mr. Chairman, this amendment is intended to protect the men and women of our Armed Forces from the risk of criminal prosecution by the U.N. International Criminal Court.

This is a new court. It has not yet come into existence, but it predictably will, because it is getting ratification from the 60 countries that is necessary, so we should face the fact that this is going to be a reality. Now, once this court is operating, it will claim jurisdiction to prosecute the men and women of our Armed Forces, as well as officials of our government, for alleged war crimes, crimes against humanity, et cetera, even though our country has not and will not ratify the treaty establishing the court.

The court is a threat to the sovereignty of our Nation. Its claim of criminal jurisdiction over our citizens

directly conflicts with the supremacy clause of our Constitution, and any Americans prosecuted by this court will be without the protections guaranteed them by our Bill of Rights, beginning with the right to trial by jury.

For those of us who are committed to protecting our Constitution, and we have heard many such voices during our debate on the terrorism bill just a few weeks ago, the first place to begin is with the International Criminal Court.

Terrorists, like the suicide bombers who attacked our Nation on September 11, will not be deterred by the threat that if caught and successfully prosecuted they may be sentenced to life imprisonment, because that is the highest penalty the international court can impose. But U.S. military personnel and their civilian and military commanders will have to worry a great deal about the threat of criminal prosecution by the court.

As a result, if the court were in existence today, the U.S. military operations currently underway in Afghanistan would have to be reconfigured in order to avoid the risk of criminal prosecution by the court. It is imperative that we in Congress do everything within our power to ensure that our Nation's ability to respond to terrorists and others who threaten us is not circumscribed by the U.N. court operating in conflict with the Constitution.

The purpose of my amendment prohibits the use of funds appropriated in this act to support or assist any activity of the International Criminal Court. I wish the Rules of the House permitted me to offer a broader amendment, because I think it is important to permanently prohibit any form of U.S. support to or cooperation with the International Criminal Court, not just support or cooperation by the Department of Defense, but any government agency in the United States.

On September 25, the administration informed us it supports a revised version of the American Servicemembers' Protection Act that a number of us negotiated with the administration. That revised language was based on a bill, H.R. 1794, that was introduced on May 10 of this year by the gentleman from Texas (Mr. DELAY), the gentleman from Pennsylvania (Mr. MURTHA) and myself. The text of that bill was approved by the House as a floor amendment on May 10 by a vote of 282 to 137.

I hope that in conference the agreed language that we have worked out with the administration can be submitted with the text of my amendment, because I believe that our agreed language will better protect military personnel from the threat of prosecution by the International Criminal Court.

Mr. Chairman, the Constitution protects Americans. To put Americans outside the protection of the Constitution in a court that does not permit jury trials is an abandonment of one of the core indicia of citizenship. It is not a good idea, and I hope my amendment is adopted.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I ask my colleagues to think seriously. Generally, we say, ''Let Hyde be your guide.''

The United Nations votes against the United States at least 90 percent of the time, even though we pay the lion's share of funding for the United Nations. On many of the key votes, we are vetoed out of the process.

I do not think any of us wants our men and women that we ask to go in harm's way in our military, or our intelligence agencies and their members, to be tried in a kangaroo court without the proper jurisdiction.

I rise in strong support of the Hyde amendment. I think it is a good amendment and it is good for our men and women both in the service and in our intelligence agencies.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

I simply rise to thank the gentleman from Illinois for offering this amendment. I think it is something that we should have considered, and we are considering. We are prepared to accept this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. ____. (a) OCCOQUAN RIVER, VIRGINIA.—The project for navigation, Occoquan Creek, Virginia, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 440), is modified to direct the Secretary of the Army—

(1) to deepen the project to a depth of 9 feet; and

(2) to widen the project between Channel Marker Number 2 and the bridge at United States Route 1 to a width of 200 feet.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out the project referred to in subsection (a) by the Energy and Water Development Appropriations Act, 2001 (as enacted into law by Public Law 106–377), shall be made available to carry out the modifications to the project under subsection (a).

(c) PROJECT REDESIGNATION.—

(1) IN GENERAL.—The project referred to in subsection (a) shall be known and designated as the ''project for navigation, Occoquan River, Virginia''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the project referred to in subsection (a) shall be deemed to be a reference to the ''project for navigation, Occoquan River, Virginia''.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. DAVIS of Virginia. Mr. Chairman, this is a simple amendment that will cost the Federal Government no additional money and will provide an absolutely critical service to the people of the northern Prince William County, Virginia.

Over the past 3 years, I have been working with the Army Corps of Engineers, the Prince William County Board of Supervisors, the mayor of the town of Occoquan, several commercial interests, and recreational boaters, all in an attempt to make the navigation of the Occoquan River safer for everyone who uses it.

Last year, this Congress appropriated $1 million from the Corps of Engineers to conduct maintenance dredging of the federally mandated channel. My amendment will alleviate the problem of maintaining the channel without costing the Federal Government any additional dollars.

□ 2100

First, it establishes deeper and wider channels that will accommodate the increased traffic on the river. Second, it redirects the funds already appropriated for maintenance dredging for this purpose. This is a project of supreme importance to the people of eastern Prince William County, Virginia. We can improve access to the Occoquan River without spending any new Federal money. I urge my colleagues to support this amendment.

Mr. OBEY. Mr. Chairman, I continue to reserve my point of order, and I move to strike the last word.

Mr. Chairman, I think the gentleman in the well is a very constructive Member, and I consider him to be a good friend of mine. I do not want to in any way prejudge this project because I do not know anything about it.

But in light of some of the things that have happened today, I want to make some observations about this project. This project was brought before the Subcommittee on Energy and

Water. That subcommittee is controlled 7 to 4 by the majority party. The subcommittee looked at it and chose not to approve it.

Now we are being asked to approve an energy and water project on a Department of Defense appropriations bill. It is what is traditionally called by some people pork because it is an individual project for an individual Member. I make no judgment about whether that is good or bad. I am not offended by pork if it is responsible. I think it is just as reasonable for Congress to designate projects as it is for the Secretary of any agency.

But I want to note that for the last 2 weeks I have been begging this House to review objectively and support a crucial amendment that would have addressed many of the crucial homeland security issues facing this country. The White House attacked that amendment for being laden with pork, although there was not a single pork item in it; and I defy anyone to show me one.

The Republican leadership in this House peddled the same misinformation to the press, that the amendment we were seeking to provide as a matter of urgent safety, they kept trying to imply to the press that it was laden with pork when in fact it had not a single pork item. They used that argument to block our ability to provide additional border security, additional port security, more help for the FBI, and a variety of other actions, including added protection against weapons-grade nuclear material.

Mr. Chairman, that is one of the reasons that it was hard for at least a week to get the press to pay attention to what was actually in our package because of the misinformation being spread about it, all under the rubric of the term ''pork.''

Now we are being asked to provide for a Member of the Republican leadership as an add-on to this bill an item that can only be called pork. I could object to this under the rules of the House, the very rules that denied our security amendment an opportunity to have a vote. I am not going to do that because I respect the gentleman in the well and I do not consider myself, without further study, qualified to judge the merits of this project. It is probably legitimate. I do not know.

All I know is that there is a very different standard being applied by the House leadership on this issue in comparison to the standard that was misapplied in order to make it more difficult to communicate to Members the content of our own security-related bill.

I will not, Mr. Chairman, raise the point of order that I could raise against this project. If the majority has enough chutzpah to proceed after they have pummeled us with mislabels for the past 2 weeks on an important matter of national security, so be it.

Again, I want to emphasize, I do not criticize the gentleman. He is doing for his district what he thinks is legitimate, and all of us have a right to do that and I do not condemn that project until I know more about it. But I do condemn a process that enables people to smear a legitimate amendment like ours for over 2 weeks by mislabeling it as pork when in fact we had not a single item in that amendment that in any way could be called an item of pork. Mr. Chairman, with that I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) withdraws his point of order.

The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to yield to my colleague from North Carolina for a colloquy.

Mr. BURR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from North Carolina.

Mr. BURR of North Carolina. Mr. Chairman, the bill we are debating today allows $8.25 million to help replace the public broadcasting facilities that were destroyed atop the World Trade Center during the devastation of September 11 of this year.

No one disagrees that the stations in New York, both commercial and noncommercial, need to get back to the business of serving the people of the city as soon as possible. To date, however, no alternative site for the replacement broadcast towers has been located. Unfortunately, plans to build the new tower have been stalled, and it is unclear when a site will be located. Until then, it is obviously impossible for broadcasters to begin projects to rebuild the broadcast facilities and get back to reaching the full broadcast area that was served prior to September 11.

For this reason, I think it is only appropriate that NTIA refrain from granting this money to the designated stations until a proper site is secured to construct a replacement tower. I urge the NTIA to use its expertise and planning resources to help New York broadcasters with any engineering and technical decisions about the placement of the new tower. However, any actual grant of these monies should occur only after such a tower is located.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I agree with the gentleman from North Carolina that the funding in this bill is for the purpose of reinstituting full broadcast service to the people of New York City. The NTIA will make the funding available to the stations as soon as the most appropriate location of the replacement tower is secured.

Mr. Chairman, I yield to my colleague from Alabama for a brief statement.

Mr. ADERHOLT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, Johnny Michael Spann, the world found out today, is the first American known to have died in combat in Afghanistan. Having grown up in Winfield, Alabama, he served in the United States Marine Corps, and was a Central Intelligence Agency officer when he was killed during the prison riot at Mazar-e Sharif.

Winfield, Alabama, is in the congressional district I represent, and only a few miles from my hometown. I am currently preparing a resolution to honor Mr. Spann in his service for his country. He was 32 years old and a father of three, and I extend my condolences to his family, and ask that all Americans keep his family in their prayers in the days to come.

Mr. YOUNG of Florida. Mr. Chairman, I join in the statement of the gentleman from Alabama, and extend the condolences and the sympathies from this Member in the death of this heroic young American.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 142, line 23, strike the period at the end and insert '', of which $5,000,000 is for enforcement of section 212(a)(1) of the Immigration and Nationality Act.''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, as I said earlier today, I appreciate the work of both the chairman and the ranking member of this committee, and appreciate how difficult a task this is.

I would have hoped that the Sweeney-Lowey amendment would have been made in order to help our fellow New Yorkers and fellow Americans. I would have hoped that the Obey amendment that dealt specifically with homeland security would have been made in order, and we would have had an opportunity to confront security within our Nation head on.

We find ourselves debating now with unfinished work. I mentioned earlier that our task is to be proactive. This amendment simply reinforces my commitment to being proactive. It deals with the enforcement of health conditions at our border, and specifically in enforcement of section 212(a)(1) of the Immigration and Nationality Act. This amendment would have provided extra dollars for health inspectors and others who would help us assist with individuals who might be crossing our border

with contagious diseases. But more particularly, it would assist us in the detection of individuals who would do harm by bringing across infectious diseases such as smallpox.

We have offered to say to the American public that we must go on with our lives and live as we lived before September 11. We must fly in airplanes and visit our relatives, and I agree with that. But as we fight the evilness of terrorism, it is important that we are proactive.

Mr. Chairman, this is a simple amendment. It simply would have taken the dollars and isolated them or targeted them specifically to help enforce or provide extra staff to enforce this provision which will be able to detect those individuals traveling across the border with infectious diseases.

I only realized in the course of this bill that this particular aspect of it needs to be part of a larger picture. I am going to withdraw this amendment hoping that we can move homeland security legislation forward in this House as quickly as possible, that these issues dealing with the securing of our border, these issues dealing with health inspectors at our borders, will be a first priority or a high priority in securing the homeland.

Likewise, Mr. Chairman, I hope that we will not find ourselves borrowing from Peter to pay Paul, taking money from other resources in order to move forward with homeland security. I believe this is an emergency and that these dollars should be separately set aside in order to provide the security that we need while funding our hospitals and public clinics and providing more dollars for law enforcement, and helping to support the new airport security legislation. We need emergency-added dollars. More particularly, we need to act now.

This amendment, I believe, was a good amendment to ensure that those who would come across the border with infectious diseases to do wrong would be detected at the border. We are lacking in the resources to do that. But if we are not going to act today, I hope that we will act extremely quickly, and I will say to the ranking member and the chairman, I hope that they will consider this amendment and consider the need for this amendment and the resources, and provide the extra staffing at our borders to be able to protect those within our borders, and fight terrorism proactively and to move now on behalf of the American people.

The terrorist attacks of September 11, 2001, have challenged Congress to assess and protect against the many risks that this Nation faces. But one of the greatest and least understood risks is the biological threat at our Nation's borders.

America is ill-equipped to deal with terrorist who, infected with deadly biological agents, attempt to pass through our borders. Once such agents pass into the United States, undetected by our border security as it currently exists, they may proceed to launch a terrorist attack against unsuspecting Americans by spreading the disease at an alarming and epidemic rate.

For example, one of the most deadly biological threats known to science is smallpox. Although smallpox was "eliminated" from the world in 1977, stockpiles still exist in secure facilities in the United States, and in more loosely secured facilities in Russia.

According to the American Medical Association and information available for the U.S. Army Medical Research Institute of Infectious Diseases, "Because financial support in laboratories in Russia has sharply declined in recent years, there are increasing concerns that existing expertise and equipment (e.g., smallpox) might fall into non-Russian hands."

While it is not clear whether this disease has been obtained by terrorist cells, such an incident could lead to a terrorist attack that would have national and global ramifications.

In the case of smallpox, the incubation period is about 12 days. During this period, there is minimal visual indication of the disease, allowing a person infected to easily pass through border security undetected.

Even at later stages of the disease, where a characteristic rash, flat red lesions and scabs are apparent, there are few medical professionals at our borders to properly identify and diagnose the disease. Undetected, smallpox may spread from one person to another by infected saliva droplets that expose a susceptible person having face-to-face contact with the ill person.

According to the Centers for Disease Control, infection results in death in up to 30 percent of cases. According to the American Medical Association "In a now highly susceptible, mobile population, smallpox would be able to spread widely and rapidly throughout this country and the world." Clearly, these threats are real and must be addressed.

My amendment provides $5,000,000.00 for the creation of a Border Health Inspectors program, under the Immigration and Nationalization Service, in order to identify and thwart human biological threats to national security at our borders. As the American Medical Association warns "The discovery of a single suspected case of smallpox must be treated as an international health emergency and be brought to the attention of national health officials." My amendment ensures that such national health officials are at our borders and that they have the tools they need to protect us all.

I urge my colleagues to support it.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 220, not voting 11, as follows:

[Roll No. 457]

AYES—201

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Cardin
Carson (OK)
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dunn
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hefley
Hill
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Lynch
Maloney (CT)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Scott
Sherman
Shows
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Wilson
Woolsey
Wu
Wynn

NOES—220

Ackerman
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Biggert
Blunt
Boehlert

Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Castle
Chabot
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (OK)
Maloney (NY)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McNulty
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Owens
Oxley
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Towns
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boehner
Carson (IN)
Chambliss
Cubin
DeFazio
Ford
Latham
Peterson (PA)
Quinn
Rothman
Wexler

□ 2136

Messrs. TERRY, BUYER, BARTON of Texas, EVERETT, RANGEL, BARCIA, NEY and HOSTETTLER changed their vote from ''aye'' to ''no.''

Mr. MEEHAN and Ms. HART changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This division may be cited as the ''Emergency Supplemental Act, 2002''.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 296, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 20, not voting 7, as follows:

[Roll No. 458]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Blumenauer	Jackson (IL)	Owens
Brown (OH)	Lee	Paul
Conyers	Lewis (GA)	Payne
Delahunt	McDermott	Serrano
Eshoo	McKinney	Stark
Filner	Miller, George	Velázquez
Hinchey	Nadler	

NOT VOTING—7

Carson (IN)	Ford	Wexler
Cubin	Quinn	
DeFazio	Rothman	

□ 2154

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3210, TERRORISM RISK PROTECTION ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–304) on the resolution (H. Res. 297) providing for consideration of the bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3323

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3323.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2200

GLUCOPHAGE

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise on the House floor to express my deep concerns regarding the lobbying efforts of Bristol-Myers-Squibb to block access to affordable generic alternatives to their blockbuster diabetes drug Glucophage.

The FDA's Office of Generic Drugs has numerous generic versions of this diabetes drug awaiting approval. However, the office is unable to allow these generics onto the market due to Bristol's monopoly. There are no patents blocking the approval of generics in this case. The only obstacle is a result in the loophole in the Waxman-Hatch exclusivity. It allows Bristol to obtain 3 years of Waxman-Hatch exclusivity in addition to 6 months of pediatric exclusivity for a new indication, the use of this drug for treatment of Type 2 diabetes in pediatric patients ages 10 to 16 years.

Mr. Speaker, the pediatric research conducted on this drug has yielded useful results for pediatric use. However, Bristol should not be allowed a total of 3 years plus 6 months of exclusivity for changing its label to indicate pediatric use. This only leads to 3 years and 6 months more of keeping valuable generics off the market.

The FDA regulations authorize a generic manufacturer to carve out of its labeling indications that are protected by patents or exclusivity. Therefore, there does not seem to be any reason why the generic forms of this diabetes drug cannot be approved now without the pediatric indication.

This specific drug is effective for millions of Americans with Type 2 diabetes. Type 2 diabetes affects the minority population disproportionately, many of whom cannot afford to pay the higher monopoly prices for this life-saving drug. Access to more affordable generic versions of this drug will undoubtedly serve as a life-saving option.

Mr. Speaker, there is currently a legislative fix in place in the House and Senate version of the pediatric exclusivity bill that would close this loophole and allow generic versions of this diabetes drug to compete with Bristol's Glucophage. As Members commence conferencing on this bill, it is crucial that this language remain intact.

Bristol-Meyers-Squibb is sweeping through key offices on Capitol Hill in an effort to retain its exclusive marketing monopoly on its near 80-year-old profitable drug, Glucophage, which reaps about $1.8 billion in annual sales.

Mr. Speaker, I encourage my colleagues working on the pediatric exclusivity bill to keep the current language regarding this important issue in place and not to lose this battle with the drug industry. We have lost it too many times, and given the current circumstances, let us do something for once that will help the consumers of America, who not only have to deal with the weak economy, but also a life-threatening illness such as diabetes.

Let us fight against Bristol-Myers-Squibb and close the Waxman-Hatch loophole.

THE SLIPPERY SLOPE OF HUMAN CLONING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I come to the well of the House today to call my colleagues' attention to recent developments in biotechnology research.

As I was preparing to return to Washington, D.C. on Sunday morning, I was shocked, along with the overwhelming majority of Members of this body, to learn that a company in Massachusetts was loudly touting its recent decision to clone a human being for medical research.

Despite the overwhelming vote in this Chamber on the subject, this rogue company and perhaps others have rushed to get ahead of our deliberations, breaking a heretofore established barrier of scientific ethics. I fear, Mr. Speaker, that this action may be the beginning of the end for medical ethics in our country.

No matter what one's position on the issue of human life or abortion or a woman's right to choose, 88 percent of the public today is opposed to the cloning of human beings. We should all be troubled by the fact that scientists are attempting to thwart the political will of the country and the consensus of the medical community in advancing this research ahead of legislation.

When faced with a similar claim of the benefits of what was known as eugenics in his time, the great moralist G.K. Chesterton remarked, ''Eugenicists have discovered how to combine the hardening of the heart with the softening of the head.''

There is no doubt that we have entered a new area of the debate over this issue, Mr. Speaker. Rather than speaking hypothetically about using some human beings to serve the needs of others, for-profit entities are actively defending this as science on the evening news.

This Faustian bargain is the same sort of dilemma that has faced humanity, and particularly civilized societies, for some time. We in the western tradition have consistently embraced the principle, and no matter how attractive the benefits, it is impermissible to experiment on the helpless. We must guard this important principle.

It is hard for us to grapple with the moral implications of a human life that is only seconds from conception. We cannot look at a cloned embryo in the face to confront this moral chasm. It takes a particularly keen sense of moral seriousness to grasp the implications of these recent developments.

One person who does understand this is my good friend and colleague, the gentleman from Florida (Mr. WELDON), who authored the legislation, along with my friend and colleague, the gentleman from Michigan (Mr. STUPAK), who I joined today at a press conference where we stepped in to say that the will of the people of the United States, informed by conscience, ought to lead American ethics in research, and not these amoral biotechnical firms.