

So while it is laudable that we are going to pass by a significant bipartisan vote a good piece of legislation for the fiscal year that starts October 1, we need to move the money in the supplemental for the remainder of this fiscal year, or we are going to face a real crisis situation starting about August 1.

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

Mrs. MYRICK. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM) to close.

Mr. CUNNINGHAM. Mr. Speaker, I would like to reiterate what the gentleman from Texas (Mr. FROST) spoke about and the gentleman from Washington (Mr. DICKS). The supplemental is important. We have over 21 ships that are tied up to the pier that cannot go anywhere, and we are going below that 300-ship Navy. Yet, there are some people on that side of the aisle that would even cut defense in an emergency situation like this. I think that is wrong.

I would like to thank the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Washington (Mr. DICKS) and the Subcommittee on Defense of the Committee on Appropriations. When I served on the authorizing body, it was the absolute best committee to serve on. There are no Republicans and no Democrats on that committee; they are all looking forward to helping the men and women in the services. Unfortunately, when we get to this floor, there are critics of those policies that want to cut for social spending. That is wrong. We put at risk our men and women in the services.

I would like to thank the gentleman from Texas (Mr. FROST) and the gentleman from Washington (Mr. DICKS) and the gentleman from Pennsylvania (Mr. MURTHA), the authorizers. This is a good rule. I thank especially the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense of the Committee on Appropriations, who has been tied up in another committee today.

Mr. Speaker, this is a good rule and a good bill. I thank my colleagues for supporting it. We need to get the other body in line with the supplemental.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### 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 H.R. 4576, and that I may include tabular and extraneous material in the RECORD.

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

There was no objection.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 514 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. 4576.

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

□ 1550

#### 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. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, with Mr. GILLMOR (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. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Pennsylvania (Mr. MURTHA) and I are pleased to bring before the Membership today the fiscal year 2001 appropriations bill for the Department of Defense. This bill, which received strong bipartisan support in our subcommittee and the Committee on Appropriations, passing through the committee with no amendments, continues the efforts of the Congress to ensure that our Nation's military is ready for the challenge of the 21st century. Those challenges are daunting as any we have faced during the Cold War, and I am gratified that my colleagues understand that our security and the defense of freedom must remain above partisanship.

Mr. Chairman, let me say at the beginning of this that the foundation laid by our subcommittee is designed to make certain that America remains as the single superpower well into the next century. Indeed, the foundation laid in this committee's product is a direct result, first of all, of the work done by my colleague and my chairman, the gentleman from Florida (Mr. YOUNG) when he was chairman of this subcommittee, and now as full Committee chairman and before that, the

foundation was further laid by the gentleman from Pennsylvania (Mr. MURTHA) when he was chairman of the committee. I must say, if we have a committee in the House in which both parties work better together, I do not know what committee that is. For indeed, this is a product of the work of our very fine staff working with the members of the committee on both sides of the aisle who recognize just how critical it is that America be ready for the 21st century.

Mr. Chairman, let me say that this bill in many ways is a very forward-leaning bill. Among other things, perhaps most important, we have taken seriously the efforts on the part of the new chief of the Army, General Eric Shinseki, to develop a vision and a transformation strategy that will take our Army into a posture that will cause it to be the Army we need well into 2020, 2025, 2050. Indeed, it is the Army, the men and women of our military, who make a critical difference in terms of America's strength.

So I am proud to say that the bill is designed to accelerate the efforts on the part of General Shinseki in building that vision for the future.

Mr. Chairman, we are approximately \$1.2 billion above and beyond the budget request in connection with the Army's vision implementation. We have gone forward, rounding out the first interim brigade that Eric Shinseki is recommending, and we are fully funding as well a second brigade in support of his effort. We have included language that will require the Army to give us direct feedback so that we can monitor carefully the progress that is being made in their effort at Fort Lewis, Washington.

Let me say that as we look to the next century, the Members should know that we are hurdling into an age of warfare that will require heretofore unimaginable speed, complexity, and flexibility for our fighting machines and the men and women who design, build, and operate them. Imagine, if you will, a battle where most of our fighter pilots never see their enemy before they are engaged. Imagine pinpoint attacks on enemy ground targets from 35,000 feet in the air or 100 miles away at sea. Imagine computer-guided flying machines that never put our personnel at risk. Imagine planning and executing a battle on foreign shores from the computer stations in the Pentagon.

This is no longer the stuff of science fiction. Our Armed Forces faced many of these challenges in their engagement in Kosovo, and it is indicative of the rapidly changing climate that the Congress and our military leaders must address for the real future.

Mr. Chairman, America, as I have suggested, is the country which will preserve freedom in the next century. This bill is designed to set the stage to be sure that we are ready for that. In connection with a fundamental piece of our direction, the bill includes over \$40

billion for the kind of R&D that will make sure that the assets are available that are required to do that sort of research that assures America's strength.

I might mention 2 other areas in which the bill is making an effort to lean forward. I would point out the fact that most are aware today of the reality that we could face some serious challenges in our communications systems, especially the computer in the months and years and the decades ahead. We have begun within this bill by providing a \$150 billion pool to begin to help us figure out what the questions are that need to be answered in the arena that we now describe as cyber war.

I might further mention that one of the elements that was more controversial in last year's bill relates to America's future efforts in terms of having the best available tactical fighters. This bill provides for the funding that was part of an agreement regarding the F-22 aircraft that took place last year. While the Air Force is going forward with the kind of testing that we feel is absolutely necessary to be sure that the F-22 is the airplane we hope it to be, we have laid the foundation with those commitments to testing while providing the funding, the full funding for 10 production aircraft that will keep them on a pathway to further tests of that aircraft.

Mr. Chairman, this is a very, very healthy appropriations bill that is some \$19.5 billion beyond last year's appropriation. The total amount is \$288.5 billion. Further, we should state for the RECORD that the bill is approximately \$3.5 billion beyond the President's budget request. It is a bill that has broadly-based bipartisan support.

Mr. Chairman, we are pleased to bring before the membership today the Fiscal Year 2001 appropriations bill for the Department of Defense. This bill, which received near-unanimous bipartisan support in our subcommittee and the Appropriations Committee, continues the efforts of Congress to ensure that our nation's military is ready for the challenges of the 21st Century. Those challenges are as daunting as any we faced during the Cold War, and I am gratified that my colleagues understand that our security and the defense of freedom must remain above partisanship.

The bipartisan path we follow today toward strengthening our nation's forces was forged by my chairman, BILL YOUNG, in his years as chairman of this subcommittee. Before that, the groundwork was being laid by our ranking member, Congressman JOHN MURTHA, when he chaired the subcommittee. Their wealth of knowledge and commitment to our military are precious assets to Congress. I would also like to commend the hard work of all of the members and staff of the Defense Subcommittee. This bill is truly a fruit of their combined labors.

The Appropriations Committee submits to you today a Fiscal Year 2001 Appropriations

Bill for the Department of Defense that we believe will allow our armed forces to embark on a new millennium in military technology, deployment strategy and world view. It will allow us to demonstrate our commitment to our nation's defense by providing \$288.5 billion in new budget authority.

We are hurtling into an age of warfare that will require heretofore unimaginable speed, complexity and flexibility for our fighting machines and the men and women who design, build and operate them. Imagine a battle where most of our fighter pilots never see their enemy before they are engaged. Imagine pinpoint attacks on enemy ground targets from 35,000 feet in the air or 100 miles away at sea. Imagine computer-guided flying machines that never put our personnel at risk. Imagine planning and executing a battle on foreign shores from computer stations in the Pentagon.

This is no longer the stuff of science fiction films. Our armed forces faced many of these challenges in their engagement in Kosovo. And it is indicative of the rapidly changing climate the Congress and our military leaders must address for the real future.

The bill we bring before you today strongly supports the need for the most forward-looking technology in our aircraft, ships, ground weapons and missile defense. We must press forward in developing this technology, looking not to today but to 2020, 2050 and beyond.

The most crucial commitment we must address, however, is the one we make to the soldiers, sailors, airmen, and Marines who are the reason America is the remaining superpower, unrivaled in our ability to defend and support freedom anywhere in the world.

The members of the Defense Subcommittee believe we must show our unequivocal support for our military men and women by providing them with the best pay and benefits, best working conditions, and best living conditions possible. Every member of Congress should take time in the coming year to visit military installations and experience the inspiring morale and commitment of our troops.

What you will find is an enthusiasm and level of technical expertise that would be the envy of our nation's business leaders. We are depending on these young men and women to operate some of the most sophisticated machinery and complicated battle plans in the world. When they receive adequate training and support, they rise to that challenge.

But you will also see a desperate need for barracks renovation and improved maintenance at our military installations. You will hear of a disturbing lack of spare parts, that combined with a high operating tempo has left much of our advanced equipment on the tarmac or in repair facilities indefinitely.

In spite of these shortfalls, we can still count on our men and women in uniform to dedicate themselves to protecting their nation. We must dedicate ourselves to providing the support they need to do that well.

To address the needs of our troops, the bill provides \$2 billion more than in FY 2000 for active and reserve personnel pay and benefits. We fully fund a pay raise for the troops. We add \$250 million to the budget request for

enlistment bonuses, housing allowances and other personnel investments. We have also increased funding for military health care and medical research by \$988 million over last year. A portion of these funds will implement the plan approved by the House in the authorization process to improve access to health care for service members, their dependents and the retired medical community.

Operation and maintenance accounts receive \$1.2 billion more than requested by the administration. This will continue help us tackle the critical shortages in facilities maintenance, field-level equipment maintenance and logistical support and spare parts. It also funds such basic needs as cold-weather clothing, body armor and shipboard living needs for sailors.

While this spending bill provides numerous incentives for our military leaders to reach toward the future, I would like to highlight two areas that we believe are particularly urgent.

The first is the Army Transformation, a much-needed overhaul of our basic ground forces. The subcommittee members enthusiastically support the Army Chief of Staff, General Ric Shinseki, in his vision to create new Army brigades, and eventually divisions, which he believes will be able to place a very strong, mobile force into a battle situation within 96 hours. The Chief has proposed to jumpstart this process by standing up, in fiscal year 2001, two new medium combat brigades. Our spending bill would fully fund those brigades. And we strongly urge the Army to reform its internal structure to revitalize and modernize procurement processes. We must put an end to weapons systems that take 30 years to develop.

The other forward-looking element of the bill is a \$150 million addition over the budget for what are popularly known as "cyber-war" systems. The recent international outbreak of the Love Bug virus is only the latest danger signal that anyone anywhere in the world is capable of compromising our computer systems. The military must be on the cutting edge of information technology and its uses, but we must also recognize that the growing use of this technology brings potential vulnerabilities.

Finally, I would like to briefly address a subject many of you will remember from last year: Our tactical fighter program and the F-22. This year, we have funded the first 10 production models of this fighter, which has the potential to be one of our most fabulous assets. But our bill continues the requirement that critical Block 3.0 avionics software be tested in the aircraft before production begins, and also requires a report of the adequacy of testing overall.

In conclusion, I believe this spending bill commits Congress to providing the support our military leaders need to defend our nation, and defend freedom around the world. This commitment must be continued and increased in future years, for while ensuring peace is expensive, the alternative is war, whose costs are unimaginable.

At this point I would like to insert for the RECORD a brief summary of the funding recommendations in this bill.

**DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)**  
**(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I</b>					
<b>MILITARY PERSONNEL</b>					
Military Personnel, Army.....	22,006,361	22,198,457	22,242,457	+ 236,096	+ 44,000
Military Personnel, Navy.....	17,258,823	17,742,897	17,799,297	+ 540,474	+ 56,400
Military Personnel, Marine Corps.....	6,555,403	6,822,300	6,818,300	+ 262,897	-4,000
Military Personnel, Air Force.....	17,861,803	18,282,834	18,238,234	+ 376,431	-44,600
Reserve Personnel, Army.....	2,289,996	2,433,880	2,463,320	+ 173,324	+ 29,440
Reserve Personnel, Navy.....	1,473,388	1,528,385	1,566,095	+ 92,707	+ 37,710
Reserve Personnel, Marine Corps.....	412,650	436,386	440,886	+ 28,236	+ 4,500
Reserve Personnel, Air Force.....	892,594	981,710	980,610	+ 88,016	-1,100
National Guard Personnel, Army.....	3,610,479	3,747,636	3,719,336	+ 108,857	-28,300
National Guard Personnel, Air Force.....	1,533,196	1,627,181	1,635,681	+ 102,485	+ 8,500
<b>Total, title I, Military Personnel.....</b>	<b>73,894,693</b>	<b>75,801,666</b>	<b>75,904,216</b>	<b>+ 2,009,523</b>	<b>+ 102,550</b>
<b>TITLE II</b>					
<b>OPERATION AND MAINTENANCE</b>					
Operation and Maintenance, Army.....	19,256,152	19,073,731	19,386,843	+ 130,691	+ 313,112
(By transfer - National Defense Stockpile).....	(50,000)	(50,000)	(50,000)	.....	.....
Operation and Maintenance, Navy.....	22,958,784	23,250,154	23,426,830	+ 468,046	+ 176,676
(By transfer - National Defense Stockpile).....	(50,000)	(50,000)	(50,000)	.....	.....
Operation and Maintenance, Marine Corps.....	2,808,354	2,705,658	2,813,091	+ 4,737	+ 107,433
Operation and Maintenance, Air Force 2/.....	20,896,959	22,296,977	22,316,797	+ 1,419,838	+ 19,820
(By transfer - National Defense Stockpile).....	(50,000)	(50,000)	(50,000)	.....	.....
Operation and Maintenance, Defense-Wide.....	11,489,483	11,920,069	11,803,743	+ 314,260	-116,326
Operation and Maintenance, Army Reserve.....	1,469,176	1,521,418	1,596,418	+ 127,242	+ 75,000
Operation and Maintenance, Navy Reserve.....	958,978	960,946	992,646	+ 33,668	+ 31,700
Operation and Maintenance, Marine Corps Reserve.....	138,911	133,959	145,959	+ 7,048	+ 12,000
Operation and Maintenance, Air Force Reserve.....	1,782,591	1,885,859	1,921,659	+ 139,068	+ 35,800
Operation and Maintenance, Army National Guard.....	3,161,378	3,182,335	3,263,235	+ 101,857	+ 80,900
Operation and Maintenance, Air National Guard.....	3,241,138	3,446,375	3,480,375	+ 239,237	+ 34,000
Overseas Contingency Operations Transfer Fund.....	1,722,600	4,100,577	4,100,577	+ 2,377,977	.....
United States Court of Appeals for the Armed Forces.....	7,621	8,574	8,574	+ 953	.....
Environmental Restoration, Army.....	378,170	389,932	389,932	+ 11,762	.....
Environmental Restoration, Navy.....	284,000	294,038	294,038	+ 10,038	.....
Environmental Restoration, Air Force.....	376,800	376,300	376,300	-500	.....
Environmental Restoration, Defense-Wide.....	25,370	23,412	23,412	-1,958	.....
Environmental Restoration, Formerly Used Defense Sites.....	239,214	186,499	196,499	-42,715	+ 10,000
Overseas Humanitarian, Disaster, and Civic Aid.....	55,800	64,900	56,900	+ 1,100	-8,000
Former Soviet Union Threat Reduction.....	460,500	458,400	433,400	-27,100	-25,000
Pentagon Renovation Transfer Fund.....	222,800	.....	.....	-222,800	.....
Quality of Life Enhancements, Defense.....	300,000	.....	480,000	+ 180,000	+ 480,000
<b>Total, title II, Operation and maintenance.....</b>	<b>92,234,779</b>	<b>96,280,113</b>	<b>97,507,228</b>	<b>+ 5,272,449</b>	<b>+ 1,227,115</b>
(By transfer).....	(150,000)	(150,000)	(150,000)	.....	.....
<b>TITLE III</b>					
<b>PROCUREMENT</b>					
Aircraft Procurement, Army.....	1,451,688	1,323,262	1,547,082	+ 95,394	+ 223,820
Missile Procurement, Army.....	1,322,305	1,295,728	1,240,347	-81,958	-55,381
Procurement of Weapons and Tracked Combat Vehicles, Army.....	1,586,490	1,874,638	2,634,786	+ 1,048,296	+ 760,148
Procurement of Ammunition, Army.....	1,204,120	1,131,323	1,227,386	+ 23,266	+ 96,063
Other Procurement, Army.....	3,738,934	3,795,870	4,254,564	+ 515,630	+ 458,694
Aircraft Procurement, Navy.....	8,662,655	7,963,858	8,179,564	-483,091	+ 215,706
Weapons Procurement, Navy.....	1,383,413	1,434,250	1,372,112	-11,301	-62,138
Procurement of Ammunition, Navy and Marine Corps.....	525,200	429,649	491,749	-33,451	+ 62,100
Shipbuilding and Conversion, Navy.....	7,053,454	12,296,919	12,266,919	+ 5,213,465	-30,000
Other Procurement, Navy.....	4,320,238	3,334,611	3,433,063	-887,175	+ 98,452
Procurement, Marine Corps.....	1,300,920	1,171,935	1,229,605	-71,315	+ 57,670
Aircraft Procurement, Air Force.....	8,228,630	9,539,602	10,064,032	+ 1,835,402	+ 524,430
Procurement of Ammunition, Air Force.....	442,537	638,808	638,808	+ 196,271	.....
Missile Procurement, Air Force.....	2,211,407	3,061,715	2,893,529	+ 682,122	-168,186
Other Procurement, Air Force.....	7,146,157	7,699,127	7,778,997	+ 632,840	+ 79,870
Procurement, Defense-Wide.....	2,249,566	2,275,308	2,303,136	+ 53,570	+ 27,828
National Guard and Reserve Equipment.....	150,000	.....	.....	-150,000	.....
Defense Production Act Purchases.....	3,000	.....	3,000	.....	+ 3,000
<b>Total, title III, Procurement.....</b>	<b>52,980,714</b>	<b>59,266,603</b>	<b>61,558,679</b>	<b>+ 8,577,965</b>	<b>+ 2,292,076</b>
<b>TITLE IV</b>					
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION</b>					
Research, Development, Test and Evaluation, Army.....	5,266,601	5,260,346	6,025,057	+ 758,456	+ 764,711
Research, Development, Test and Evaluation, Navy.....	9,110,326	8,476,677	9,222,927	+ 112,601	+ 746,250
Research, Development, Test and Evaluation, Air Force.....	13,674,537	13,685,576	13,760,689	+ 86,152	+ 75,113
Research, Development, Test and Evaluation, Defense-Wide.....	9,256,705	10,238,242	10,918,997	+ 1,662,292	+ 680,755
Developmental Test and Evaluation, Defense.....	265,957	.....	.....	-265,957	.....
Operational Test and Evaluation, Defense.....	31,434	201,560	242,560	+ 211,126	+ 41,000
<b>Total, title IV, Research, Development, Test and Evaluation.....</b>	<b>37,605,560</b>	<b>37,862,401</b>	<b>40,170,230</b>	<b>+ 2,564,670</b>	<b>+ 2,307,829</b>

**DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)—Continued**  
**(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE V</b>					
<b>REVOLVING AND MANAGEMENT FUNDS</b>					
Defense Working Capital Funds .....	90,344	916,276	916,276	+ 825,932	.....
National Defense Sealift Fund:					
Ready Reserve Force .....	257,000	258,000	270,500	+ 13,500	+ 12,500
Acquisition .....	460,200	130,158	130,158	-330,042	.....
Total .....	717,200	388,158	400,658	-316,542	+ 12,500
Total, title V, Revolving and Management Funds .....	807,544	1,304,434	1,316,934	+ 509,390	+ 12,500
<b>TITLE VI</b>					
<b>OTHER DEPARTMENT OF DEFENSE PROGRAMS</b>					
Defense Health Program:					
Operation and maintenance .....	10,522,847	11,244,543	11,525,143	+ 1,002,496	+ 280,600
Procurement .....	356,970	290,006	290,006	-66,964	.....
Research and development .....	275,000	65,880	327,880	+ 52,880	+ 262,000
Total, Defense Health Program .....	11,154,817	11,600,429	12,143,029	+ 988,412	+ 542,600
Chemical Agents & Munitions Destruction, Army: 1/					
Operation and maintenance .....	543,500	607,200	607,200	+ 63,700	.....
Procurement .....	191,500	121,900	105,700	-85,800	-16,200
Research, development, test, and evaluation .....	294,000	274,400	214,200	-79,800	-60,200
Total, Chemical Agents .....	1,029,000	1,003,500	927,100	-101,900	-76,400
Drug Interdiction and Counter-Drug Activities, Defense .....	847,800	836,300	812,200	-35,600	-24,100
Office of the Inspector General .....	137,544	147,545	147,545	+ 10,001	.....
Total, title VI, Other Department of Defense Programs .....	13,168,961	13,587,774	14,029,874	+ 860,913	+ 442,100
<b>TITLE VII</b>					
<b>RELATED AGENCIES</b>					
Central Intelligence Agency Retirement and Disability System Fund .....	209,100	216,000	216,000	+ 6,900	.....
Intelligence Community Management Account .....	158,015	137,631	224,181	+ 66,166	+ 86,550
Transfer to Dept of Justice .....	(27,000)	(27,000)	(33,100)	(+ 6,100)	(+ 6,100)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund .....	35,000	25,000	25,000	-10,000	.....
National Security Education Trust Fund .....	8,000	6,950	6,950	-1,050	.....
Total, title VII, Related agencies .....	410,115	385,581	472,131	+ 62,016	+ 86,550
<b>TITLE VIII</b>					
<b>GENERAL PROVISIONS</b>					
Ship Transfers (FY99 with FY2000 carryover) .....	-170,000	.....	.....	+ 170,000	.....
Additional transfer authority (Sec. 8005) .....	(1,600,000)	(2,000,000)	(2,000,000)	(+ 400,000)	.....
Indian Financing Act incentives (Sec. 8022) .....	8,000	8,000	8,000	.....	+ 8,000
Disposal & lease of DOD real property (Sec. 8037) .....	32,200	24,000	24,000	-8,200	.....
Overseas Military Fac Investment Recovery (Sec. 8040) .....	4,300	3,000	3,000	-1,300	.....
Rescissions (Sec. 8054) .....	-350,180	.....	-690,492	-340,312	-690,492
FY 1999 Economic Adjustment (rescission) .....	-452,100	.....	.....	+ 452,100	.....
Women in Service for America Memorial .....	5,000	.....	.....	-5,000	.....
Civilian personnel under execution .....	-123,200	.....	.....	+ 123,200	.....
Foreign Currency Rev Economic Assumptions (Sec. 8092) .....	-171,000	.....	-537,600	-366,600	-537,600
A-76 Studies .....	-100,000	.....	.....	+ 100,000	.....
WMD consequence management .....	35,000	.....	.....	-35,000	.....
Travel Cards (Sec. 8098) .....	5,000	5,000	5,000	.....	.....
Recovery of DoD admin expenses from FMS .....	-87,000	.....	.....	+ 87,000	.....
Advance pay appropriation .....	-1,838,426	.....	.....	+ 1,838,426	.....
Transfer to Department of Transportation .....	(5,000)	.....	.....	(5,000)	.....
Aircraft leasing .....	19,000	.....	.....	-19,000	.....
Munitions/Readiness .....	-100,000	.....	.....	+ 100,000	.....
Red Cross .....	5,000	.....	.....	-5,000	.....
United Service Organizations .....	5,000	.....	.....	-5,000	.....
F-22 Program Transfer Account .....	1,000,000	.....	.....	-1,000,000	.....
F-22 Program Termination Liability .....	300,000	.....	.....	-300,000	.....
Performance Based Academic Model (Sec. 8104) .....	5,500	.....	5,000	-500	+ 5,000
Seattle Conveyance .....	1,000	.....	.....	-1,000	.....
Eisenhower Memorial Commission .....	300	.....	.....	-300	.....
Rome Labs .....	13,000	.....	.....	-13,000	.....
Aviation Support Facility .....	10,000	.....	.....	-10,000	.....
Depot Maintenance .....	-400,000	.....	.....	+ 400,000	.....
Spares .....	-550,000	.....	.....	+ 550,000	.....
Base Operations .....	-100,000	.....	.....	+ 100,000	.....
Munitions .....	-356,400	.....	.....	+ 356,400	.....
O&M general reduction .....	-7,200,000	.....	.....	+ 7,200,000	.....
O&M contingent emergency .....	7,200,000	.....	.....	-7,200,000	.....
Working Capital Fund Cash Balances (Sec. 8085) .....	.....	.....	-800,000	-800,000	-800,000
Foreign Currency Cash Balance Stabilization (Sec. 8109) .....	.....	.....	-463,400	-463,400	-463,400
Total, title VIII .....	-3,350,006	32,000	-2,446,492	+ 903,514	-2,478,492
Grand total .....	267,752,360	284,520,572	288,512,800	+ 20,760,440	+ 3,992,228

**DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)—Continued**  
**(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>OTHER APPROPRIATIONS</b>					
Waiver of certain sanctions against India and Pakistan.....	43,000			-43,000	
P.L. 106-113:					
Title II - O&M, Army.....	100,000			-100,000	
Title VI - 1994 Friendly Fire Settlement .....	2,000			-2,000	
Title III - Across the board cut (0.38%).....	-1,028,000			+1,028,000	
<b>Total, other appropriations.....</b>	<b>-883,000</b>			<b>+883,000</b>	
Adjusted total (incl other appropriations).....	266,869,360	284,520,572	288,512,800	+21,643,440	+3,992,228
<b>CONGRESSIONAL BUDGET RECAP</b>					
Scorekeeping adjustments:					
Adjustment for unapprop'd balance transfer (Stockpile) .....	150,000	150,000	150,000		
Stockpile collections (unappropriated) .....	-150,000	-150,000	-150,000		
Spectrum .....	-2,600,000			+2,600,000	
<b>Subtotal .....</b>	<b>-2,600,000</b>			<b>+2,600,000</b>	
Advance pay appropriation (P.L. 106-31).....	1,838,426			-1,838,426	
<b>Total adjustments .....</b>	<b>-761,574</b>			<b>+761,574</b>	
Adjusted total (incl scorekeeping adjustments).....	266,107,786	284,520,572	288,512,800	+22,405,014	+3,992,228
<b>RECAPITULATION</b>					
Title I - Military Personnel .....	73,894,693	75,801,666	75,904,216	+2,009,523	+102,550
Title II - Operation and Maintenance .....	92,234,779	96,280,113	97,507,228	+5,272,449	+1,227,115
(By transfer) .....	(150,000)	(150,000)	(150,000)		
Title III - Procurement.....	52,980,714	59,266,603	61,558,679	+8,577,965	+2,292,076
Title IV - Research, Development, Test and Evaluation .....	37,605,560	37,862,401	40,170,230	+2,564,670	+2,307,829
Title V - Revolving and Management Funds .....	807,544	1,304,434	1,316,934	+509,390	+12,500
Title VI - Other Department of Defense Programs.....	13,168,961	13,587,774	14,029,874	+860,913	+442,100
Title VII - Related agencies.....	410,115	385,581	472,131	+62,016	+86,550
Title VIII - General provisions .....	-3,350,006	32,000	-2,446,492	+903,514	-2,478,492
<b>Total, Department of Defense (in this bill).....</b>	<b>267,752,360</b>	<b>284,520,572</b>	<b>288,512,800</b>	<b>+20,760,440</b>	<b>+3,992,228</b>
Funds provided in Supplemental Acts.....	1,838,426			-1,838,426	
Other appropriations .....	-883,000			+883,000	
<b>Total DoD funding available.....</b>	<b>268,707,786</b>	<b>284,520,572</b>	<b>288,512,800</b>	<b>+19,805,014</b>	<b>+3,992,228</b>
Other scorekeeping adjustments .....	-2,600,000			+2,600,000	
<b>Total mandatory and discretionary .....</b>	<b>266,107,786</b>	<b>284,520,572</b>	<b>288,512,800</b>	<b>+22,405,014</b>	<b>+3,992,228</b>
<b>RECAP BY FUNCTION</b>					
Mandatory.....	209,100	216,000	216,000	+6,900	
Discretionary:					
General purpose discretionary:					
Defense discretionary.....	265,898,686	284,304,572	288,296,800	+22,398,114	+3,992,228
Nondefense discretionary .....					
<b>Total discretionary .....</b>	<b>265,898,686</b>	<b>284,304,572</b>	<b>288,296,800</b>	<b>+22,398,114</b>	<b>+3,992,228</b>
<b>Grand total, mandatory and discretionary .....</b>	<b>266,107,786</b>	<b>284,520,572</b>	<b>288,512,800</b>	<b>+22,405,014</b>	<b>+3,992,228</b>

1/ Included in Budget under Procurement title.

2/ O&M, AF request reduced by \$300,000 by a technical correction budget amendment (H. Doc. 106-222).

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

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, everyone in this House knows that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) are pros. They understand this defense budget, they know their stuff, and they know it in detail. They are truly legislative craftsmen.

However, I want to get some things off my chest, nonetheless, about this bill and the context in which it is being presented. The President presented to the Congress a defense bill which had a hefty \$16 billion, 6 percent increase. It contained the President's recommendation for a military pay raise, it made sure that we hit the \$60 billion target for procurement, and it was presented to the Congress in the context of other administration initiatives to also make needed investments in education, in health care, in science, and in environmental cleanup across the board.

□ 1600

This bill comes to us in a quite different context. This bill raises the President's request for the military budget by \$4 billion, and it does so at the same time that it requires that we cut over the next 5 years \$125 billion out of domestic programs for education, health care, and the like. It also does so in the context of the majority party insistence that we pass, in piecemeal fashion, tax cuts largely aimed at the wealthiest people in our society, which will total over \$700 billion over that same time period.

We cannot do all of those things and meet the obligations we have to this society. We are not going to be able to eliminate the debt that everyone promises we are going to eliminate if the majority party insists on tax cuts of those magnitude, especially aimed where they aim them. If they do insist on those tax cuts, then something else has to give, in my opinion.

I want to simply point out one thing about this bill. This chart demonstrates what we spend versus what everybody else in the world spends on defense. We are now spending \$266 billion, represented by that blue bar. NATO is spending \$227 billion. The last time I looked, they were on our side.

If we take a look at what "they" spend, our potential main opponents, Russia is spending \$54 billion; China, \$37 billion; Iran, \$6 billion; North Korea, \$2 billion; Libya, \$1 billion. That is not the picture of a country in trouble in terms of defense preparedness.

Despite these gross differences, I would be willing to support this bill if it were presented in a balanced context, if it were not presented at the same time that the majority party is

asking us to provide billions of dollars in excessive tax cuts, and in the context of what is happening on the other side of the budget, where we are forcing a huge squeeze on education, on health care, on job training and the rest.

In that context, I do not believe this bill makes sufficiently tough choices in a number of areas, most especially with respect to the aircraft choices being made by the Pentagon.

I have in the committee report listed my concerns, most especially my concerns about the F-22. We have been given three separate caution flags by agencies that we ought to pay attention to: the Pentagon's director of Operational Testing and Evaluations, the committee's own Surveys and Investigation staff, and the General Accounting Office, which said we should be producing no more than six of those aircraft, instead of the expanded number in the bill.

I think that is just one example of the choices which this Congress is not making that it should be making if it is going to impose much deeper reductions and a much tighter squeeze on the rest of the budget. So if Members want my vote for a bill like this, they have to bring it to the floor in the context of a better balance between what we are doing to deal with our education problems, our health care problems, our national security problems, and most especially what we are doing on the tax side of the aisle.

We could afford the tax cuts we are talking about if we were not trying to fund increases like this, maybe. But we certainly cannot afford them both. It is about time this Congress makes some of the tough choices in this bill that it is making in other bills, or else recognize that there is no room in the budget for the excess of tax cuts that we are bringing to the floor piece by piece.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank my distinguished colleague for yielding me this time.

Mr. Chairman, I want to rise in strong support of this bill. This is a good bill. The subcommittee has worked really hard to fashion a bill that meets the needs as best they could with the funding available to them.

I would like to compliment and congratulate the subcommittee chairman, the gentleman from California (Mr. LEWIS), who has done such a magnificent job as chairman of the subcommittee, and his partner and our very dear friend, the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, who in his turn served as chairman of the subcommittee. They have done a good job.

I rise today to discuss an important role that Congress plays in the whole business of national defense. I have reviewed the Constitution today, as I do periodically. Article 1, Section 8 of the

Constitution, which provides the authorities and responsibilities of the Congress, talks about providing for the common defense.

It also says that Congress "has the authority to raise and support the armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces."

I take that responsibility very seriously, as I know my colleagues in the House do, Mr. Chairman. But we have more of a responsibility than just sending troops into combat or declaring war. We have more of an obligation to those who serve in the military of our country not only to give them the best training that is second to none, the best equipment that we hope will be second to none, but we also have an obligation to house them, to clothe them, to feed them, to provide their health care, not only to those who serve in the uniform, but also their families.

I want to rise today, and I appreciate the gentleman yielding the time to me, to discuss some issues that are in my opinion very important as they relate to military health care.

As many of my colleagues know, during my long tenure as a Member of the Subcommittee on Defense of the Committee on Appropriations, and 5 years ago became its chairman, I was totally committed and an outspoken advocate for our military families and their health care.

Today, as chairman of the full committee, I continue that commitment, because it is essential. It is an obligation that we have as Members of Congress to care for these troops and their families. That includes proper medical care.

That support is evident by the fact that since fiscal year 1996, the Committee on Appropriations has recommended and Congress has approved \$66 billion for the defense health program. That is an amount that is \$3.5 billion more than the President requested for military health care for that same period. Of that \$3.5 billion increase, about \$2.5 billion was provided for urgent requirements of the Department of Defense.

In other words, the Department's budgets for military health were grossly insufficient when they arrived in the Congress. If Congress had not provided these additional funds, the health care of military families and military retirees would have been severely affected.

To give an idea of how much was needed year by year for the last few years, let me add this. In fiscal year 1997, Congress added \$475 million over the President's budget for military health care. In 1998, we added another \$274 million as a budget amendment. In fiscal year 1999, we added \$200 million over the President's budget in our supplemental. In the supplemental for this year, 2000, we added \$1.6 billion. That provision is now in conference. Hopefully we will respond to that quickly.

Needless to say, this support for military medicine and quality care continues under the outstanding leadership of the chairman, the gentleman from California (Mr. LEWIS), and the gentleman from Pennsylvania (Mr. MURTHA). This bill today appropriates over half a billion dollars more than the administration requested for military medicine.

I raise the issue because it is important to understand that besides just preparing them for wars and battles, that it is our responsibility to provide health care for those who serve in our military, whether it is at time of war, time of battle, or whether there are injuries in training. Whatever it might be, it is our responsibility. We provide for the hospitals and the clinics and the doctors and the nurses and the corpsmen and the specialists, all who serve our military men, women, and their families.

I have been concerned about these extra monies that we have had to increase, but we have done it. I am just not satisfied that all of those monies are being used effectively. To the contrary, I think maybe there is too much bureaucracy. Maybe there is too much administrative staffing. There is something wrong, because my office and the office of the Committee on Appropriations have received numerous complaints.

In one of our military hospitals today, as we sit here in this Chamber, lies a retired Marine colonel who received the Medal of Honor in Vietnam, a real hero. He had a serious operation a few days ago, and he laid in pain in his bed for almost a whole day when the pain machine that he was given did not work. These are machines that allows the patient to push a button and a measured amount of painkiller then will enter the body and help ease the pain. For nearly a day, after request after request, that Marine colonel, Medal of Honor recipient, laid in pain. That is just not right.

Another case, a young soldier was shot during a training exercise. He was moved to one of our military hospitals. Early one morning he had stabbing pains with every breath that he took. Orders were given to do CAT scans or x-rays to find out what was causing this problem, but it was a Sunday, and the tests that were ordered Sunday morning had not been done even as late as late Sunday night. But thank God for the intervention of a doctor outside of that particular institution who went to that hospital and insisted that the test be done.

Those tests resulted in the discovery that this young Marine had two pulmonary embolisms, either one of which could have broken loose at a moment's notice and killed him. That is not right. Something needs to be done.

I had planned to offer an amendment today that would have dealt with this issue very, very effectively, but I have been in contact with a member of our Defense Department for whom I have

tremendous respect and we have discussed this issue at length. He has promised that he will do everything that he possibly can to correct these situations wherever they might be.

So I am not going to offer that amendment today, but I will reserve that amendment for a future date if necessary. Again, I want to remind my colleagues, it is our obligation. We are responsible under the Constitution for the men and women who serve in our uniform, and their health care is just part of it. We provide for the hospitals, we provide for the staff. It is our obligation. If we see something that is not working properly, it is our obligation to fix it. I make that commitment to my colleagues today, that I will be there on the front line to fix these problems wherever I find them.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the chairman of the committee and I have discussed this whole subject area very extensively. The gentleman has brought to my personal attention some of the serious difficulties that actually exist out there in this hospital system.

I want the chairman to know that our subcommittee is committed, following the time we get through with the conference, to bring our committee together to have public hearings regarding this matter, and to bring in the authorizers as well, to make sure that we get at the bottom of the very questions that are being raised. It is not going to be taken lightly by this subcommittee.

Mr. YOUNG of Florida. I thank the chairman for that, Mr. Chairman, and I appreciate that commitment.

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

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I would like to bring to the subcommittee chairman's attention the Next Generation Small Loader program included in the bill. The bill cuts funding for the NGSL program by \$12.6 million. The United States Air Force estimates the number of loaders for FY 2001 would be reduced by 60 percent.

I am concerned that the committee's adjustment was based on information that was outdated and incomplete. Considering that the current materials-handling fleet, which this new loader will supplement, is short by more than 100 units from the authorized number, and considering that more than half of the existing loaders are outdated and ready for retirement, I believe it is imperative that any adjustments made to this program be based on the latest and best information available.

Mr. Chairman, would the chairman be willing to review this program again

going into conference, and if the facts merit, work to restore funding as appropriate for this important program?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WICKER. I yield to the gentleman from California.

Mr. LEWIS of California. I would be happy to revisit this matter going into conference to ensure that the committee has all available information to make the best possible judgment on the appropriate funding level for this program.

Mr. WICKER. I thank the distinguished subcommittee chair.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. RILEY) for a colloquy.

Mr. RILEY. Mr. Chairman, as a member of the Committee on Armed Services, I know how difficult the task was this year, given the amount of the President's request and the magnitude of the unfunded requirements list the service chiefs presented to us earlier this year. Many difficult choices have been made, and I appreciate very much the chairman's willingness to take the time today to address an issue here that is critical to our military readiness and important to the citizens of my district.

This year the authorizing committee, both authorizing committees, included \$50 million in additional funds for the M-113 upgrades, while no additional funds were included in either appropriation bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman from Alabama (Mr. RILEY), as one of the Members concerned with these things in the Committee on Armed Services, I know the gentleman from Alabama does understand how difficult this process has been.

□ 1615

We have worked hard to address the Chiefs' requirements, given current budget restraints. I appreciate the gentleman's particular concerns about this funding shortfall and the impact it will have on his constituents who work on the M113.

Mr. RILEY. Mr. Chairman, recognizing that there could be job losses next year if the current funding level in this bill is enacted, I ask the gentleman if he will agree to bring this issue up in conference.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would continue to yield, I am happy he brought this funding matter to our attention. We definitely will be discussing it in conference, and I look forward to continuing to work with the gentleman.

Mr. LEWIS of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, as the gentleman from California (Mr. LEWIS) knows, I think this is an excellent bill that he has brought to the floor today, but there are three issues that I hope might receive additional attention in the context of conference.

First, the sole domestic manufacturer of sonar domes has been working on an advanced submarine sonar dome that will result in a less expensive, more capable system. This is a program of great importance to the Navy and the Nation and was authorized by the House this year at \$2 million.

Second, I remain concerned that the training requirements of the Army National Guard did not receive adequate consideration in the President's budget request. A critical training device known as A-FIST XXI, which is the Guard's number one unfunded training system requirement and which the House authorized at \$9 million this year, did not receive funding.

Finally, I would note my interest in the S-3B Surveillance System Upgrade program which has been funded by Congress in the past and was authorized by the House this year at \$12 million. SSU has leveraged existing technologies to yield highly successful tactical exercises that have drawn the praise of fleet commanders.

Mr. Chairman, I would certainly appreciate the assurance of the gentleman from California (Mr. LEWIS) that the committee will look at these programs carefully in the context of conference to consider whether additional attention and funding may be in order.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me say to the gentlewoman, I cannot express deeply enough how strongly I appreciate her work with us by way of her participation on the authorizing committee. I am certainly happy to give her my assurance that we will look at these programs carefully as we go to conference.

Mr. KUYKENDALL. Mr. Chairman, I rise today to express my support for H.R. 4576, the Defense Appropriations Act for Fiscal Year 2001. This bill is a fair and balanced approach to address the military's many legitimate needs with the limited funds available. I especially appreciate the efforts to address health-care issues facing both our active duty and retired veterans. It is essential for our servicemen and women to have quality, accessible and affordable health care. Given the current economic prosperity in America, sustaining an all-voluntary military force has been challenging. Add to that a disgruntled population of retired veterans, many who have been an important part of our recruiting effort in the past, and sustaining appropriate personnel levels becomes nearly impossible. The House Armed Services Committee (HASC) recently began the process of addressing these difficult issues, in spite of the enormous costs associated with these problems. The Defense Appropriations Subcommittee had the difficult task of

fulfilling the HASC's commitment by finding the budgetary resources.

Another critical issue that we continue to focus on is modernization of our military equipment. Modernization is difficult enough when the only question is replacing old equipment with similar new equipment. However, advances in technology and manufacturing are causing everyone in defense to revisit how we perform R&D and procurement in a manner that keeps pace with the advances in technology and ensures timely fielding and upgrading of equipment. As always, we must provide our soldiers, sailors, airmen, and marines with modern equipment, ensuring that they continue to succeed on today's battlefield. I applaud the leadership you have provided as this committee determines funding levels needed to shape and define our future armed forces.

While I fully support the objectives and provisions of this bill, I am disappointed in the committee's recommendation to terminate the Discoverer II program. I appreciate the expense involved to field a complete constellation of satellites. However, I believe the decision to terminate this program may be premature. The benefits of tracking ground movements from a satellite-based system are undeniable. For example, during the Kosovo operation, weather impeded or canceled many scheduled aircraft sorties, including those aircraft necessary to gather aerial intelligence. Receiving intelligence data from a space-based asset that can provide coverage 24 hours a day, unconstrained by weather or political boundaries will be beneficial to warfighters and their planners, avoiding many of the problems we encountered in Kosovo. Advances in technology enable us to capture vast amounts of intelligence data—so much so that the infrastructure required to disseminate this increased amount of data has not kept pace. Fixing this processing problem at the expense of denying future intelligence gathering capabilities is not the answer. While I understand the committee's desire to ensure the viability of all our intelligence gathering and disseminating systems, I would urge it to keep available all options concerning future requirements and systems, like Discoverer II, that might fulfill those requirements.

Thank you, Mr. Chairman, and I urge my colleagues to support America's military by voting to support this bill.

Mr. HAYES. Mr. Chairman, for almost a decade now, this nation's defense budgets have continued to fall victim to the Clinton administration's cutting ax. We have gone from a budget in 1992 that exceeded \$300 billion to a budget that in the mid-90's fell perilously low. This year, thanks to the vigilance of the Defense Appropriations chairman and his subcommittee, Congress will reverse the downward and misguided trend in our nation's defense spending. I applaud the chairman for his leadership and support his call to renew our commitment to the men and women who selflessly serve in the defense of our country.

One of the things I didn't fully realize before coming to Congress is the true crisis in readiness that has taken shape in our military. When you look at the big picture, the problem is easy to understand: Over the last 10 years, our service branches have been forced into far more missions while receiving less and less dollars. Consider this:

In the last 10 years, we have more than doubled our number of deployments.

From 1950–1990 the United States deployed its troops 10 times.

However, since 1990, we have deployed our troops over 30 times.

We have been doing this with shrinking forces.

In 1990 the U.S. military had 18 Army divisions, 546 Navy battle force ships and 36 fighter wings.

Today, we have only 10 Army divisions, 346 Navy battle force ships and 20 fighter wings.

That isn't surprising given the fact that our national investment in our Armed Forces went down sharply.

From 1986–1997, defense spending declined by \$150 billion.

This isn't right. Without true national security, we can't move forward and work for a stronger economy, better education or higher quality health care. If we continue to deprive the men and women who defend our country of the assets and resources they need to do their job, we will all ultimately pay the price.

This year's defense appropriations bill continues the good work we began last year in what was called "the year of the troops." I look forward to returning to my district and telling the young soldiers and airmen at Ft. Bragg and Pope Air Force Base that our work last year was no fluke. That we are resolved to strengthen once again our Armed Forces and this year's appropriations represents another important step to ensure our men and women in uniform have the resources they need.

I urge my colleagues not to forget a profound statement of President Calvin Coolidge, "The nation which forgets its defenders will be itself forgotten."

Mr. STARK. Mr. Chairman, I adamantly oppose H.R. 4576, the Defense Appropriations bill for Fiscal Year 2001. This bill spends \$288.5 billion for defense programs. However, this amount does not include the \$8.6 billion already passed by the House in the Military Construction Appropriations bill (H.R. 4425), nor does it include the \$13 billion expected to be allocated for defense needs in the upcoming Energy and Water Appropriations bill. The three measures provide \$310 billion on defense needs alone. Monday, the Washington Post reported that the Joint Chiefs of Staff are preparing to request increases in military spending of more than \$30 billion per year over the next 10 years starting in FY 2002. The U.S. Congress must not yield to the whims of the Joint Chiefs and the demands of military contractors when the American people have real needs that Government can provide.

This is the wrong time to throw money at pork-barrel defense projects such as the national missile defense (NMD) system and the F-22 program. The U.S. is experiencing unprecedented economic growth and the federal budget is balanced. Now is the time that we should provide health insurance for the eleven million children without it, provide a Medicare prescription drug benefit for 39 million Medicare beneficiaries, and ensure solvency of the Social Security and Medicare systems for the millions of baby boomers in their near retirement years. Let's make no mistake about priorities—the Republican majority has done nothing to extend the solvency of Medicare or Social Security in the 106th Congress. Now they want to squander hundreds of billions of dollars on high-cost, unreliable weapons systems.

According to recent analysis by the General Accounting Office, the F-22 aircraft program

continues to encounter various problems with defects in the aircraft structure causing delays and fewer flight tests per month. In addition, the GAO analysis indicates that the Air Force has not been able to control F-22 costs. The GAO recommends that the F-22 low-rate production should be limited to approximately seven aircraft per year. Merry Christmas, Lockheed and Boeing—you get 10 unproven F-22s from Congress!

The Department of Defense has spent \$18 billion on the F-22 since the mid-1980's. The project is too expensive and simply not needed. The program was initiated in 1981 to meet the threat of next generation Soviet aircraft. However, that threat no longer exists. Last year's war in Kosovo illustrates why the U.S. does not need the F-22. The current fleet of F-15s and F-16s demonstrated U.S. dominance in the air in Kosovo. Proponents of the F-22 claim that the aircraft is far superior than the F-15 in air to air combat. This is yet to be determined, but given it is true, we never had air to air combat in Kosovo and we don't need anything superior. The Yugoslav Air Force never engaged the U.S. in air to air combat because they would have faced defeat much sooner. No nation in the world comes close to challenging U.S. air dominance. However, there are many countries that scoff at the U.S. for not providing health insurance to our children. Eliminating the 10 F-22s appropriated in today's bill will allow us to insure 1.6 million children currently without health insurance.

Attention in recent months has focused on the military's readiness problems and difficulty recruiting and retaining quality people, yet today's appropriations bill continues to stress weapons over personnel and training. While funding for Operations and Maintenance, the so-called "readiness" account, goes up by 5% and the personnel account rises 2%, funding for the purchase of new weapons goes up over 16%. The U.S. spends two-and-a-half times what Russia, China and all potential threat countries spend on their militaries combined. We are preparing for World War III against a phantom enemy that cannot rival U.S. military strength.

We could save \$40 billion per year if we keep our current generation of sophisticated weapons systems; cut nuclear weapons to no more than 1,000 warheads; continue research and development programs on new technology rather than introduce it into the force; and cut back on deployments in Europe. This would enable my home state of California to provide health care for every uninsured child in the state and provide Head Start for 94,209 additional children. It would also give California \$1.3 billion to rebuild our schools and enough to build 18,506 affordable housing units.

I encourage my colleagues to dissect our annual defense spending and expose the façade that the GOP is helping the men and women in uniform. The leadership is helping those who line their campaign pockets. There are too many domestic needs to make pork-barrel defense spending our number one spending priority. I urge my colleagues to join me in voting no on the Defense Appropriations bill before us today.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Department of Defense Appropriations bill. I am very disappointed with this bill. Let me say at the outset of this debate many of us are aware of the need to pro-

tect democracy at home and promote it abroad. However, the question here today is at what cost?

Do we really need to spend \$183 million for 60 Blackhawk helicopters while at the same time withhold \$1.3 billion for much needed school renovation?

Do we really need to spend \$709 million to repair faulty Apache helicopters while at the same eliminate the elementary school counselors program? I am sure all of us are aware of the 13-year-old honor student accused of killing his English teacher simply because he was reprimanded for throwing water balloons.

Do we really need to spend \$285 million for 2,200 Hellfire missiles? What is a Hellfire Missile?

Do we really need to spend \$433 million for 12 Trident II ballistic missiles? While in the very next bill that we must vote on today will cut \$26 million from reading instruction programs, \$416 million from title 1 reading and math programs and \$600 million from our Nation's Head Start programs.

Mr. Chairman, building a strong army is not enough to promote democracy or protect our society. It is our duty here in Congress to build a society where no sick person will go unattended, no hungry person will go without food, no able bodied person will go without adequate employment and good schools will be provided for every American child.

This bill is too expensive, unnecessary and I urge all Members to vote "no."

Mr. BISHOP. Mr. Chairman, I rise today in support of H.R. 4576, the Defense Appropriations for FY 2001. I wish to commend Chairman LEWIS and Ranking Member MURTHA for crafting a bill which provides the necessary tools for military readiness and a better quality of life for our men and women in the armed services.

I believe, as the vast majority of Americans do, in a strong national defense. We live in an uncertain time and an unstable world. While the Soviet Union is no longer considered an enemy and no other nation has assumed the "evil empire" status, there are nations arming themselves and becoming real threats to our national security.

The measure before us today will allow this nation to have the most technologically advanced armed services in the world. The funding levels contained in this bill will provide our troops with the superior weapons they need to prosecute and deter war as effectively as possible. However, there is a human face to this equation and that is the focus of my remarks today.

Georgia's Second Congressional District is home to three military installations: Fort Benning, home of the 75th Ranger Regiment; Moody Air Force Base in Valdosta, home of the 347th Fighter Wing; and, the Marine Corps Logistics Base and Materiel Command in Albany. I have seen, first hand, the excellent work that our fighting men and women do, often under very difficult circumstances. Our responsibility is to make their jobs easier. We cannot expect to attract qualified recruits if poor pay and benefits, inadequate housing and increased ops tempo are the norm. I support this bill because it addresses both readiness and raises the quality of life for our armed forces.

This measure provides a 3.7-percent increase for military personnel in FY2001. It appropriates \$433 million for the Cooperative

Threat Reduction program to assist in the denuclearization and demilitarization of the states of the Former Soviet Union. This funding goes a long way in helping to disarm those would be rogue states that are currently buying nuclear material on the black market. The bill also funds drug interdiction activities of the U.S. military at \$812 million. And, in an attempt to be proactive to the evolving threat to computer security, the measure appropriates and extra \$150 million for research an development in support of the Defense Department's information systems security program.

Mr. Chairman, it is for these and many other reasons that I gladly support H.R. 4576 today and encourage my colleagues to support this bill.

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 4576, the Fiscal Year 2000 Department of Defense Appropriations bill. This bill will provide \$288 billion for defense programs which is sufficient to meet the needs of today's military.

I would like to highlight an important project included in this bill that would provide \$10 million for the Disaster Relief and Emergency Medical Services [DREAMS] program. This is the fourth installment on funding for DREAMS that would help to save lives and reduce health care costs. In 1997, Congress provided \$8 million for DREAMS, in 1999, \$10 million for DREAMS, and in 2000, \$10 million for DREAMS. These federal funds have been leveraged with State of Texas funding, financial support from the National Institutes of Health and the ANA and philanthropic sources.

DREAMS is a joint Army research project with the University of Texas Houston Health Science Center and Texas A&M University System. The DREAMS project will demonstrate in both civilian and military terms how to attend to wounded soldiers from remote locations during emergency situations. The project will fund two broad areas, digital Emergency Medical Services [EMS] and advanced diagnostic and therapeutic technologies.

The EMS program will use emergency helicopters to fly directly to injured persons and treat these individuals after a trauma injury. Using the fiber-optic traffic monitoring system already being used in Houston, the DREAMS project will help helicopters to reach their victims faster. The second part of this EMS program is to collect real-time patient data and relate this information back to trauma physicians to make immediate diagnosis and recommended treatments.

The advanced diagnostic and therapeutic technologies will help to develop techniques to identify chemical and biological threats to victims. In addition, DREAMS is developing mechanisms for the biological decontamination and detoxification of these chemical agents. The City of Houston is an ideal location for these tests because of that large number of petrochemical and industrial facilities located in our area.

The diagnostic methods and therapies program will determine possible applications to treat patients during the "golden hour" following a traumatic injury. These methods will develop new technologies to diagnose inflammation, cancer, and necrosis utilizing infrared catheters. This program is also exploring new treatment to resuscitate victims by increasing blood flow that is common in many trauma patients. This project is also exploring how to

prevent cell death as a result of traumatic injury. The DREAMS project will yield new results and procedures to help patients become stabilized before sending them to trauma centers.

I am also pleased that this legislation includes \$6 billion for the Biology, Education, Screening, Chemoprevention, and Treatment [BESCT] lung cancer proposal at University of Texas MD Anderson Cancer Center in Houston, Texas. This is the second installment on a five-year project to reduce lung cancer and save lives.

The BESCT program would provide comprehensive services for lung cancer patients including smoking cessation, early diagnosis, inhibition of cancer development in active and former smokers, and improved treatment and survival for patients with active lung cancer. This ambitious program is necessary to save lives and reduce health care costs.

Lung cancer is the leading cause of cancer death in the United States today, killing more than 60,000 individuals a year. Research for this disease is not receiving adequate funding in proportion to the number of lung cancer patients who are suffering from this disease.

As you know, the Department of Defense during World War II, Korea, and Vietnam, encouraged smoking among our soldiers. I believe that the federal government should help fund research that will save the lives of these soldiers. The current five-year survival rate of lung cancer is less than 15 percent. Because many lung cancer victims do not usually live long enough to advocate the necessary funding to accelerate progress against this disease, I am pleased that the House Appropriations Committee has acted to fight for them.

I am pleased that Congress has included these vitally important research projects and urge my colleagues to support this measure.

Mr. WATTS of Oklahoma. Mr. Chairman, I want to add my support to the FY 2001 Department of Defense Appropriations Act. This legislation applies virtually all of the additional \$4 billion above the President's request to unfunded requirements identified by the military service chiefs and defense agencies. Unfortunately, this bill cannot solve the fundamental problems facing the U.S. military with a single year's appropriations bill. It will take a substantiated effort over a number of years to bring our military forces to the level needed to maintain our national security.

We in Congress must fund the military based on the fact that the first priority of the Federal Government is national defense. As we look at the defense budget and the U.S. military in general, we need to remember the quote attributed to George Washington, "Those who love peace prepare for war" is as true today as it ever been.

Frankly, I sometimes worry that many people have forgotten the real mission of the military. I firmly believe the U.S. Armed Forces exist for only one reason—to win the Nation's wars when told to do so by the elected representatives of the American people. To accomplish this mission, we must ensure that our military remains focused on war fighting and readiness. We have done much in this bill to allow our Armed Forces to be prepared to fight not only today, but also tomorrow. First, we have given a well deserved increase in military pay of 3.7 percent. Next, we included increasing funding for National Missile Defense development by \$739 million over last

year's bill; \$4 billion for the Air Force's F-22 Fighter Program; and \$1.8 billion for transforming the Army into a more mobile and technologically advanced force. Another provision of great significance to the nation is \$355 million appropriated for the Crusader program. The Crusader is a fully digitized system that revolutionizes artillery for the 21st century. Crusader has three times the effectiveness of Paladin (the system it will replace), with a 33 percent reduction in manpower for each system. It delivers precision low-cost munitions decisively and with very low chance of collateral damage, in all weather.

Finally, we must keep the faith with our veterans and military retirees so that our present and future service members know that the American people, through their elected officials, can be trusted. Toward that end, this bill includes \$12.1 billion for Defense Health Program, \$543 more than requested by the President. This legislation has \$280 million to implement healthcare enhancements such as removing barriers to an effective TRICARE system thereby generating significant savings that will be redirected to pay for future benefits, and restoring pharmacy access to all Medicare-eligible military retirees.

I know some do not believe that a strong defense is necessary today. I believe just the opposite. We must strengthen the Armed Forces by increasing funding of defense and we must insure that our foreign policy makes sense.

I strongly urge my fellow Members of Congress to support the Department of Defense Appropriations Act for Fiscal Year 2001.

Mr. OXLEY. Mr. Chairman, I rise in full support of H.R. 4576 and thank Chairman LEWIS, Ranking Member MURTHA, and the Defense Appropriations Committee for the great work in putting together this legislation. They are to be commended for expertly balancing our national security interests with very unforgiving budget constraints.

Even though the Army, in my opinion, has shortsightedly threatened the superiority of our heavy forces by terminating the Heavy Assault Bridge program, the committee is wisely supporting the bridge and the most superior tank in the world, the M1A2 Abrams.

The M1A2 Abrams System Enhancement Program [SEP] tank is a major component of the Army's heavy forces and will remain so through the year 2020. The committee very wisely is providing \$512 million for the Abrams Upgrade Program. I am also pleased the committee provides \$36 million for the SEP System Enhancement Program and \$36 million for M1 Abrams tank modifications.

The Wolverine Heavy Assault Bridge [HAB] is a mobile bridge deployable in five minutes, retrievable in less than ten minutes, and can support 70-ton vehicles. Like the Grizzly Breacher, the President's budget terminated this program to pay for Army Transformation efforts, even though Congress has provided multi-year procurement authority and additional funds for HAB in recent years. It is the top unfunded modernization requirement of the Chief of Staff of the Army for fiscal year 2001. To restore this program, the committee rightly directs the Army to use \$82 million in fiscal year 2000 funds to procure the Wolverine. An additional \$15 million of unobligated FY00 Research, Development, Test and Evaluation, Army funds appropriated for the Grizzly program is transferred to procure additional Wolverines as well.

I urge all my colleagues to support this vital legislation.

Mr. BARR of Georgia. Mr. Chairman, today, I rise in strong support of the Department of Defense Appropriations Bill for FY 2001.

The Defense Committee's decision to fully fund \$3.96 billion for the production of 10 F-22 production planes, and to provide continued funding for advance procurement and research, development, technology and engineering, places us one major step closer to our goal of seeing the next generation of air superiority fighter into production.

As the next generation air superiority fighter, the F-22 will replace our aging F-15 aircraft which was designed in the early 1970s. Defense experts stress the urgency in maintaining our capability to control the skies through air superiority. Many defense experts agree the F-22 performs a vital—indeed, absolutely essential—role in maintaining air superiority in future conflicts. As witnessed in the recent strikes in Kosovo and the Persian Gulf, air superiority is the only effective way to protect our nation and our interests abroad. Without the complete development of stealth technology and advanced avionics features, we put our soldiers at risk.

The F-22 is America's next generation air superiority fighter, and has been developed to counter any future threats posed by foreign advanced surface-to-air missiles (SAMs). As we witnessed over the skies of Iraq, SAMs and other advanced fire-controlled radars pose a real, tangible threat to U.S. combat air fighters. The only defense against those systems is the F-22 program, which has the ability to operate against multiple targets and use advanced avionics. As foreign countries continue to develop and purchase increasingly advanced air defense systems, our nation must continue advancement of our own fighters to preserve future air superiority.

The goal of the F-22 program is to maintain the dominance of aerodynamic stealth performance and will enable the Department of Defense to continue its air superiority. As the F-22 program continues to exceed every technical and programmatic challenge, the U.S. Air Force continues to give its strong, explicit support to the project's continuation.

From the start, the F-22 has been designed for minimal maintenance and will provide a reliable aircraft which is far superior to any other aircraft today. Compared to the F-15, which requires an average of 23 maintenance personnel, the F-22 will require only 15 personnel, which represents a substantial cost savings when calculated over the 20-to-30 year life of an aircraft. Through the use of advanced technology, several benefits will be gained by developing a cost efficient design strategy, creating substantial savings, and improving operational flexibility throughout the life of this program.

As other foreign countries begin to develop and acquire combat aircraft that will be superior to our current fighters, the F-22 program is the only hope to beat the encroachment of advanced foreign arsenals. Countries such as Russia are developing advanced fighters for their foreign customers such as Syria, China, India, and others. It is certain advanced stealth fighter aircraft produced by other countries in the near future, will fall into the hands of rogue states such as Iraq, Iran and Libya.

The F-15 began service over 25 years ago. When the F-22 becomes operational in FY06,

the F-15 will average nearly 30 years of service. The F-15's flight characteristics are well-known today, making it even more susceptible to the next generation of foreign missiles and fighters.

The F-22 is the only opportunity our nation has to ensure America's military continues to control the sky in the 21st century. There is no other combat aircraft in service today that has similar capacity to successfully operate amid our growing future foreign threats.

I urge you to support this defense initiative that builds our nation's future conflict capability while still maintaining our nation's air superiority. We must continue to guarantee air superiority through the continued support and funding of the F-22 program. There is no other American aircraft that can offer the insurance and protection our soldier's and their families desperately need.

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.

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 Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, 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), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$22,242,457,000.

###### 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), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$17,799,297,000.

###### 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), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$6,818,300,000.

###### 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), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$18,238,234,000.

###### 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, \$2,463,320,000.

###### 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, \$1,566,095,000.

###### 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 under-

going 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, \$440,886,000.

###### 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, \$980,610,000.

###### 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, \$3,719,336,000.

###### 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, \$1,635,681,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I, through page 7, line 14, 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.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

#### 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 \$10,616,000 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, \$19,386,843,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds made available under this heading, \$6,000,000, to remain available until expended, shall be transferred to "National Park Service—Construction" within 30 days of 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  
(INCLUDING TRANSFER OF FUNDS)

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 \$5,146,000 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, \$23,426,830,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

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, \$2,813,091,000.

OPERATION AND MAINTENANCE, AIR FORCE  
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,878,000 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, \$22,316,797,000 and, in addition, \$50,000,000, shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, \$500,000 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  
(INCLUDING TRANSFER OF FUNDS)

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, \$11,803,743,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$32,700,000 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 of the amount provided under this heading, \$10,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance, procurement, and research, development, test and evaluation appropriations accounts, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority

provided under this heading is in addition to any other transfer authority provided in this Act: *Provided further*, That of the funds made available under this heading, \$15,000,000 shall be available only for retrofitting security containers that are under the control of, or that are accessible by, defense contractors.

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, \$1,596,418,000.

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, \$992,646,000.

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, \$145,959,000.

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, \$1,921,659,000.

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), \$3,263,235,000.

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 author-

ized 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, \$3,480,375,000.

OVERSEAS CONTINGENCY OPERATIONS  
TRANSFER FUND  
(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, \$4,100,577,000, 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, \$8,574,000, 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, \$389,932,000, 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, \$294,038,000, 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, \$376,300,000, 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, \$23,412,000, 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, \$196,499,000, 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), \$56,900,000, to remain available until September 30, 2002.

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, \$433,400,000, to remain available until September 30, 2003.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks), \$480,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 2002, as follows:

Army, \$282,500,000;  
Navy, \$70,000,000;  
Marine Corps, \$47,000,000;  
Air Force, \$70,000,000; and  
Defense-Wide, \$10,500,000:

*Provided*, That notwithstanding any other provision of law, of the funds appropriated under this heading for Defense-Wide activities, the entire amount shall only be available for grants by the Secretary of Defense to local educational authorities which maintain primary and secondary educational facilities located within Department of Defense installations, and which are used primarily by Department of Defense military and civilian dependents, for facility repairs and improvements to such educational facilities: *Provided further*, That such grants to local educational authorities may be made for repairs and improvements to such educational facilities as required to meet classroom size requirements: *Provided further*, That the cumulative amount of any grant or grants to any single local education authority provided pursuant to the provisions under this heading shall not exceed \$1,500,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent the remainder of title II of the bill through page 20, line 10 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.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

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, \$1,547,082,000, to remain available for obligation until September 30, 2003: *Provided*, That of the \$183,371,000 appropriated under this heading for the procurement of UH-60 helicopters, \$78,520,000 shall be available only for the procurement of 8 such aircraft to be provided to the Army Reserve.

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, \$1,240,347,000, to remain available for obligation until September 30, 2003.

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, \$2,634,786,000, to remain available for obligation until September 30, 2003.

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, \$1,227,386,000, to remain available for obligation until September 30, 2003.

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 35 passenger motor vehicles for replacement only; and the purchase of 12 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, \$4,254,564,000, to remain available for obligation until September 30, 2003.

#### 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, \$8,179,564,000, to remain available for obligation until September 30, 2003.

#### 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, \$1,372,112,000, to remain available for obligation until September 30, 2003.

#### 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, \$491,749,000, to remain available for obligation until September 30, 2003.

#### 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, \$12,266,919,000, to remain available for obligation until September 30, 2005: *Provided*, That additional obligations may be incurred after September 30, 2005, 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 63 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000; 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, \$3,433,063,000, to remain available for obligation until September 30, 2003.

#### 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 33 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, \$1,229,605,000, to remain available for obligation until September 30, 2003.

#### AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, 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, \$10,064,032,000, to remain available for obligation until September 30, 2003.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 28, line 16 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.  
Are there any amendments to title III?

#### AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO: Page 28, line 15, insert "(reduced by \$930,000,000)" after the dollar amount.

Mr. DEFAZIO. Mr. Chairman, this amendment serves two purposes. We have heard and continue to hear a litany of concerns from our men and women serving in the military about their basic needs not being met. We still know some can receive and are eligible for food stamps. I talked earlier about a Marine's dad who had to buy him a waterproof case for his new digital radio as a communications specialist, because the Pentagon could not afford it. We have problems meeting sea duty pay. We have problems in readiness.

This amendment will go to many of those concerns. It is quite modest in its scope, actually, and follows the recommendations of a number of professionals. It says that we should slow down the procurement of a plane that has not yet been successfully tested. We would cut from 10 to six this fiscal year under consideration the procurement of the F-22, a plane which has failed to meet any of the major benchmarks in its testing and advanced purchases from 16 to eight.

Mr. Chairman, this would follow the recommendations of the General Accounting Office, the Pentagon's Director of Operational Tests and Evaluation and, in fact, the committee's own surveys and investigations staff recommendations.

I met this morning with Colonel Riccioni. He was a principal in the development of the F-16, a very decorated fighter pilot. He said in his critique, which was absolutely devastating of the F-22, and perhaps it should be classified like the critiques of Star Wars have recently been by a prominent physicist, his are not classified. He said this plane was designed to be stealthy. It is not stealthy. It is bigger than an F-15. It is visible. It is visible at a longer distance. It is visible from look-down or look-up radar. It has a huge radar signature of its own.

It is not stealthy on an infrared basis, and it fails all of those criteria. It does not have, nor does he believe they can prove, a supersonic cruise capability. It was the idea in the designing to fight deep into the Soviet Union against threats which the Soviet Union is not building.

The avionics do not work. In fact, what he says will happen here is that if we go ahead with procurement of this plane, which will not meet the standards that were set out, that we will jeopardize our future combat capacity because we will produce so few of these planes and replace so many planes with them.

The original plan was for 800 F-22s. Then it was 620. Then it was 460. Then it was 339. Not because of our operational needs. We have always enjoyed numerical air superiority. If we cut down to 339, and I suspect we will end up maybe with 200 the way the prices

are running with this plane if it works, we are going to give up the idea of numerical superiority and bet on this plane which is totally unproven.

Mr. Chairman, I am not even saying we should not build it. I am not saying we should not go forward. I am saying we should slow down until we meet the benchmarks and the tests. Take a billion dollars and take that billion dollars and put it into needs that were requested by the Pentagon that are not met in this bill. That makes sense to me. I think it would make sense to a lot of the troops on the ground.

It may not make sense to some of the brass hats at the top of the Pentagon; and it certainly will not make sense to the contractor who is building this plane, at this point at such an extravagant cost overrun.

So I would suggest strongly that my colleagues, if they support the recommendations of the Pentagon in the areas of recruiting, bonus payments for sailors on sea duty, basic allowance for subsistence, that means get the troops and their families off food stamps once and for all; if we are looking at the O&M request of the Marine Corps, the personnel request of the Marine Corps again for basic allowance; O&M requests for the Air Force for maintenance and base operations, recruiting and retention for the Air Force, basic allowance, get the young men and women in the Air Force off food stamps; get the young men and women in the Army off food stamps and look at O&M defense-wide for cooperative threat reduction and for overseas humanitarian disaster and civic aid. We have an extraordinary list of things we could fund if we just followed the advice of the experts and said do not rush into full production at accelerated production with a plane that has not even yet met its basic test requirements.

That is what we are talking about here. This was a subject of concern last year. The committee, in fact last year in the House, the House bill did not include funding for this plane. They killed it. They went much further than I am going. They killed the plane because of these similar concerns.

I am just saying take and transfer this nearly a billion dollars to these real identified readiness needs of our men and women on the ground. Slow this thing down. Do full testing. And then if it meets those tests, if it operates and can meet the criteria we set out at the beginning, which Colonel Riccioni and others say it will not and cannot do, then go ahead. But if it cannot, then maybe we should think later about canceling it and investing in other projects that are proposed, like the Joint Strike Fighter.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I realize we could have a lot of people speak about this, but we have debated this at great length in the committee. Last year we cut the money out because we felt the Air Force was going in the wrong direc-

tion. We felt they needed more testing. This year we have taken the cap off the testing. We are insisting they finish the testing. But we do think they are moving in the direction that we originally agreed to.

I would hope we will not hear a lot of debate today so we could move forward with this bill and then just get right to the vote.

But this is an important program. I think the gentleman may have overestimated the numbers. I am not sure we will ever get to the numbers that even he predicts in this airplane. I think it is a sophisticated airplane which deals with one specific program and am not sure, because of its cost, we will get any higher. But I can assure the gentleman we are making sure that this airplane is going to be tested before it flies. And we have been on the Air Force more than the contractor. The contractor has been more cooperative than the Air Force, so the Air Force is the one causing us the problems.

Mr. Chairman, I would hope we could get to a vote very quickly on this amendment and go forward with the bill.

□ 1630

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

Mr. Chairman, first of all, I want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. MURTHA) who has already stated that we went through this battle last year. We answered the questions that the gentleman from Oregon (Mr. BLUMENAUER) has raised here with respect to the F-22.

But I also want to point out the fact that, in the last two military conflicts that the United States of America has engaged in, we have proven beyond any shadow of a doubt that, when air superiority and air dominance is maintained by the United States, that the loss of life of our brave young men and women who serve in our military forces is minimized and, to a certain extent, is even eliminated altogether.

As we move into the 21st century, we must have the F-22, a full complement of the F-22, in order to continue to maintain air superiority and air dominance. This plane is going to be tested. If we slow down production of it, we are going to increase the cost of this airplane. That is the wrong move to make. Not just from a budgetary perspective, but also from the perspective of trying to ensure that we eliminate or significantly decrease the possible loss of life of our young men and women who are called into combat to protect freedom and integrity of this country around the world.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise to support the amendment.

Mr. Chairman, the cost of this development program has doubled since 1985 to \$24 billion. Only 15 percent of the testing program has been accomplished

since the engineering manufacturing development program began in 1991. The conference agreement last year on the F-22 prohibits a production decision until the so-called Block III software is flight tested in an actual F-22 aircraft. That testing is not even scheduled to occur until the fall of next year at the earliest.

It should be noted that the Air Force has to conduct only a system flight test to meet the congressional requirements and to allow the program to enter initial production.

Mr. DICKS. Mr. Chairman, will the gentleman from Wisconsin yield for a point of clarification?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. The gentleman said the fall of next year, I believe. I checked with the staff, it is the fall of this year.

Mr. OBEY. I am sorry, the fall of this year. The gentleman from Washington is correct.

Let me simply say, Mr. Chairman, that, as I said in my earlier remarks, one has to understand this amendment in the context of the way the bill is being presented, not just the broad budget context, but what we are doing with respect to other tactical aircraft.

We are expected to move forward on the Joint Strike program at a cost of possibly up to \$200 billion. In addition to that, we have the F-18 and we have got the F-22. As I said earlier in my remarks, there have been three cautionary flags raised that the Congress ought to pay attention to with respect to this program.

First of all, the Pentagon's Director of Operational Testing Evaluation testified before Congress that, and I quote, "basically not enough of the test program has been completed to know whether or not significant development problems remain to be corrected."

Secondly, our committee's own surveys and investigation staff reported to the committee in March that the decision to enter into the F-22 production in December is "premature in light of fatigue and avionics testing, which is yet to be accomplished." It recommended no production funds until the year 2002.

The General Accounting Office recently told the defense authorization and Committee on Appropriations, "we believe low rate initial production should begin at no more than six aircraft and that aircraft quantity should not exceed six to eight aircraft per year until developmental and operational testing and evaluation are complete."

It recommended reducing the fiscal 2001 budget by \$828 million, a reduction of four aircraft. It is pretty clear to me that three independent organizations have indicated there are major problems with this aircraft, and two of them have explicitly recommended that the F-22 production not be funded at the level being proposed in the budget.

I recognize this amendment is not going to pass and I congratulate the subcommittee for trying to take this issue on last year. I guess I do not blame them for backing off after they had gotten bloodied and had their heads knocked against the stone wall.

But the fact is the decision last year to question this production was the correct decision. I wish the Congress would stick to it. I wish the House would stick to it. If we did, in the long-term, we would be doing a favor, both to the defense establishment to this country charged with the responsibility to defend the country and to the taxpayers who are, after all, going to pay for it all.

Mr. DICKS. Mr. Chairman, if the gentleman from Wisconsin (Mr. OBEY) will yield for a personal inquiry, maybe the gentleman would like to join me in advocating bombers as a much more economical way to proceed as these expensive fighters.

Mr. OBEY. Mr. Chairman, I welcome the gentleman's conversion to support B-2 bombers. It is the first time I have ever known he has been for that program.

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

Mr. Chairman, I would like to address a couple of the statements that have been made by the proponents of this amendment. First of all, when it was stated that the cost has doubled, when one takes all the research and development money, and one spreads that over 756 airplanes, each of those airplanes cost a certain amount. If one cuts in half the buy of those airplanes to less than 336 today, all that research and development money goes over on a fewer number of airplanes driving up the cost of that airplane.

We took that into account last year. I joined with the committee last year looking, because I was concerned about the cost of the F-22 and the upcoming electronics in it. I would tell the gentleman from Wisconsin (Mr. OBEY) I am not bloody. I stood for what I believed was right and fought for that. No lobbying, nothing swayed me in what I believed.

I will tell the gentleman, if he has any idea what it is like to look at tracers coming across the canopy, if he has any idea what is like to see a sidewinder coming up one's tailpipe, if he has got any idea what it feels like to be coming down in a parachute over enemy territory, then he would support the F-22.

I would tell my colleagues this, why have we not had the funds for the joint strike fighter and the F-18E/F? Because the White House has delayed and delayed and delayed and delayed, and amendments like this have delayed procurement of aircraft knowing that, in the out years, they said, oh, we will give it to you in the out years, but knowing when we come to the out years, we will not have the money to fund all the different systems that we

need to support national security effectively.

It makes me sick to hear, well, we want to take care of the food stamp military personnel. We want to take care of those poor military that are shipped around. But, yet, when it came to Somalia and Haiti, we told you that there would be a cost associated with that. \$200 billion out of the defense budget for 149 deployments.

So we do not have the money for R&D. We do not have the money for procurement. There are unfunded requirements by the military because of the liberal foreign policy that does not give us the amount of money to support aircraft and equipment.

I would tell the gentleman from Oregon (Mr. DEFazio) I flew the F-15 alongside the F-22. The gentleman's information is wrong. It does have super cruise. I could not keep up with it in an F-15. Or General Ryan could not keep up with it in the F-16.

The V<sub>o</sub>, which is the stealth capability, gives us the ability to close an enemy fighter and fire before he fires on us because his missiles are better today, his radar is better, and we cannot see through his jammer. The F-22 gives us that capability.

I beg the gentleman, go down and look at the simulator with the actual electronic equipment. In a dog fight, it is also helpful to know where one's wingman is. It is also nice to know who he has locked up so that one can fire efficiently at the enemy and take him out before he takes us out.

The F-22 does that; so does the joint strike fighter. The joint strike fighter is going to use the same technology that is being tested today in the F-22.

The F-22, I am concerned about the cost of the F-22. We need to hold that down so that we can buy in greater numbers that aircraft. Because we need to look at the threat.

Mr. Chairman, if our pilots fly against the SU-27 today, both in the intercept and in the dog fight, our pilots die 90 to 95 percent of the time. But our liberal and socialist friends would tell us the Cold War is over, there is no threat. Our kids are going to die, and it is amendments like this that have stopped our military from surviving and puts us in a situation where we have got 21 ships along pier that cannot be deployed because they are down for maintenance. Our kids are getting worn out, and we are flying 30-year-old equipment.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, will the gentleman yield to me since he mentioned my name?

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I wondered how long it would take the gentleman

from California before he gets to his usual accusation that those who disagree with him are socialists or worse.

I would simply say that the assertion that amendments like this have somehow killed people is absurd. This House has not adopted an amendment to cut back any major defense program in 20 years.

Mr. CUNNINGHAM. Mr. Chairman, I reclaim my time. Two classic examples. The helicopters that we lost in Kosovo, the pilots were not trained. They did not get trained in night goggles. They did not get trained in combat wielded aircraft. Captain O'Grady that was shot down in Bosnia was not even qualified in combat maneuvering, because we did not have the money because of all the 149 deployments that the gentleman supported.

Mr. OBEY. Mr. Chairman, what does that have to do with the F-22? Nothing.

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

Mr. Chairman, I rise for just a brief period of time to remind all of us that last year the former chairman and ranking member and the gentleman from California (Chairman LEWIS) placed the F-22 under the most scrutiny of any procurement and testing in the defense authorization, in the defense budget, much less anything else.

The reference was made they had hit a stone wall, and I guess that alluded to a lot of political pressure. But the truth of the matter is one who learned a little bit about this process last year, because I was new, and one that does have an interest because the production of this airplane is almost in my district and a lot of its workers live there, I watched the diligence that the former chairman and the ranking member and the chairman placed the airplane, the engineers, and the company, not to mention the military, under to see if it was worth the investment of this Congress. The answer was ultimately yes.

The stone wall was not a stone wall of politics and lobbying, although that component always exists. It was the promise that that aircraft, its design, and its predictable avionics would deliver, which now, in initial testing, are being borne out.

So I would ask all of us to remember that it was a year ago we placed this very program under the most scrutiny of any program in the DoD budget period, and it passed. It passed the scrutiny of two of the most distinguished gentlemen in this House. It passed the scrutiny of those who think America needs to be prepared to defend ourselves and our young men and women in the 21st century.

I rise to oppose the amendment and to thank both these fine gentlemen in the committee for last year allowing that aircraft to pass the test which will deliver for our country in the years ahead.

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

Mr. Chairman, I rise in opposition to the amendment. The F-22 will give us air superiority into the future for at least the next 30 years. I have been around here long enough to know that, yes, in every one of these programs, there are problems that have to be dealt with, whether it is the radar or wing bump or whatever it is. But we go through a development program for that purpose to make those corrections.

Now, the reason air superiority is so important, if one looks at what happened in Iraq and then what happened in Yugoslavia, within a matter of hours, we were able to completely dominate the Earth. Remember the aircraft from Iraq went to Iran. They fled the country because they knew they would all be shot down.

Once we have air superiority and once we can control the surface-to-air missiles and their anti-aircraft guns, then we can bring in, not only our stealthy airplanes like the B-2 and the F-117, which are used to go after those fixed targets, but then we can bring in all of the nonstealthy planes, the F-16s, the F-15s, the F-18s Es and Fs and Cs and Ds, and the B-52 and the B-1s.

□ 1645

But the Enabler is our ability to gain air superiority rapidly; and that saves American lives, saves money, and that is what the F-22 is all about.

I was pleased last year, and I supported our chairman and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), in reviewing this program; but I think we still need to have an unquestioned air superiority fighter for the future. As General Ryan says over and over again, "We do not want a fair fight."

I believe that once we get through the development that this plane will live up to expectations. We are not going to buy as many of them as some people would like to buy, because of affordability reasons; but we will have enough of them to ensure that in the next 30 years we will have unquestioned superiority in this area, which is crucial to winning wars early, decisively, saving money and saving American lives.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee now rise and present the bill to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I would not have done this but for the words uttered by the gentleman from California.

Mr. Chairman, the gentleman from California who just spoke attacked those who were supporting this amend-

ment as being "leftists and socialists and the like." I would like to ask him whether he believes that the Pentagon's director of Operational Test and Evaluation, whether he is a leftist or a socialist. I would like to ask him whether he believes the committee's own staff on surveys and investigation are a collection of leftists and socialists. I would ask him if he believes the General Accounting Office is a collection of leftists and socialists.

I would simply point out the gentleman himself, in the subcommittee last year, when we marked up this bill, supported the proposal to slow down the production of this aircraft until some of these questions could be offered and said that what was happening on that day was "a good thing," and I am quoting him directly.

I have a great deal of respect for the service the gentleman has provided this country, in the military and in this institution; but that does not give him a right to question the views or motives of those who disagree with him by calling them leftists or socialists. Every person here on this floor is a good American and we believe we are doing our duty when we have the "temerity" to raise at least a question or two before we spend almost \$290 billion of the taxpayers' money.

The question is not whether we want this country defended or not; the question is whether we want this country defended in the most effective manner. And if we cannot have an honest discussion of that question without calling into question people's patriotism or motives, then that says a whole lot more about the gentleman who made those charges than it says about us.

The CHAIRMAN. Does the gentleman from California (Mr. CUNNINGHAM) rise in opposition to the motion?

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the motion, and I would say that the liberal left is known to fight against national security and defense for greater socialized spending. The gentlemen that support this amendment are members of the Progressive Caucus in which—

Mr. OBEY. I am not.

Mr. CUNNINGHAM. Let me finish. The author of the amendment is.

Mr. OBEY. The statement was "the gentlemen who support."

Mr. CUNNINGHAM. I stand corrected. And in that they are listed under the Democrat Socialists of America that want to cut defense by 50 percent.

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

Mr. CUNNINGHAM. I will not at this moment.

Mr. SANDERS. The gentleman is making a factual inaccuracy.

Mr. DEFAZIO. I think we are going to get into a point of personal privilege very soon if the gentleman continues with his bizarre and inaccurate accusations because he cannot operate a computer properly.

The CHAIRMAN. The gentleman will suspend. The gentleman from Cali-

fornia (Mr. CUNNINGHAM) controls the time.

Mr. CUNNINGHAM. On the computer program the Democrat Socialists of America have their own Web page, and on that Web page are listed the Progressive Caucus. That is a fact. And I have stated that the Democrat Socialists of America—

Mr. DEFAZIO. Is the gentleman familiar with the first amendment? Anybody can list anything. I am going to be asking for a point of personal privilege if the gentleman continues to insult me in the most inaccurate manner and make inaccurate statements.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) controls the time.

Mr. DEFAZIO. He does not have the time to make inaccurate statements, and I will be asking to have his words taken down if he continues in this vein.

Mr. CUNNINGHAM. The words that I state are factual. The Progressive Caucus is listed under the Democrat Socialists of America, their Web page.

Mr. DEFAZIO. The gentleman is inaccurate. They are listed as a reference by another group. Any group, I am sure that the Nazis of America can list people in this House if they want. Anybody can make such lists. It has no affiliation. If the gentleman is alleging an affiliation, he is absolutely wrong, inaccurate.

Mr. CUNNINGHAM. Mr. Chairman, it is my time.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) must seek time later in the debate.

Mr. CUNNINGHAM. Some people cannot stand for the truth, and they would like to shout it down.

Mr. DEFAZIO. Mr. Chairman, I demand that the words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

□ 1700

The CHAIRMAN. Does the gentleman from Oregon (Mr. DEFAZIO) insist on his demand?

Mr. DEFAZIO. Mr. Chairman, I have seen the transcript, which uses the word "some" people.

Obviously, I feel strongly the gentleman from California (Mr. CUNNINGHAM) was directly referencing another Member of the House, me. Perhaps he was not.

If he is not, then I will remove the objection at this point in time.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) withdraws his demand.

The gentleman from California (Mr. CUNNINGHAM) is recognized.

Mr. CUNNINGHAM. Mr. Chairman, it is well known that people have a right to either support national security or they do not. That does not make them a socialist.

A difference of opinion does not make them categorized by a political spectrum. But over a period of time, those that oppose national security, in my opinion, have hurt the ability of our

troops to fight and wage a conflict that our President and this Nation offers.

This particular amendment does not make one a socialist. This particular amendment does not mean that one wants to hurt defense. But over a period of time, if historically a person opposes the advancement of defense, that is their right. But I have the right, also, to disagree with that. And in this case, I strongly disagree.

It was my own self that opposed the F-22 even last year. If the gentleman would say that because I opposed the amendment last year I was a socialist, I would agree, too. That is not the case. But it is the case that I would make that our troops are hurting. They have been exposed to 149 deployments. Over \$200 billion has come out of the defense bill. The White House has cut defense in the past. And all of these accumulated have caused a lack of training, older machines, poor retention, and the things that we are trying to address in this bill. And at the same time, there is a very definite threat out there.

Those were the points I was attempting to make.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) withdraw the preferential motion?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. Without objection, the motion is withdrawn.

There was no objection.

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

Mr. Chairman, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there is sort of a contradictory vein here raised by the previous gentleman. He expresses concern about readiness, training, basic tools, and things that our men and women in uniform need.

In fact, this amendment would follow the recommendations of the Government Accounting Office, the Pentagon, the Investigations Committee of the Armed Services, and slow down procurement of a plane that has yet to meet any significant portion of its testing benchmarks, the same concerns expressed last year. And the GAO says, in fact, things have gotten dramatically worse since December of last year, the concerns raised by the committee. That is the GAO saying that. That is not me. Things have gotten dramatically worse.

I am saying it would be prudent before we begin to purchase for production planes that have not yet been proven, planes that are going to cost nearly \$200 million a copy, when, as the gentleman says, and I agree with him, we are not meeting the basic needs of our troops, whether it be in the Air Force, which he is particularly concerned with, or the Navy, or the Army, or the Marines, like the young man whose father I met who was issued a garbage bag as a waterproof cover for

his \$12,000 new super-duper digital radio.

I think he should have the digital radio. We need encrypted communications in the field so they would not have to use cell phones like they have in the last couple of conflicts. That is great. But the Pentagon cannot find the wherewithal to get a waterproof cover for his radio and his dad has to go buy him one at G.I. Joe's. There is something wrong.

There is something wrong when Hal the Computer at the Pentagon is ordering parts that are in a 100-year supply for wartime and it is ordering more. It is ordering parts for weapons that have been retired at outrageous prices. That steals from the men and women in the field and their basic needs, and it steals from every American and all their needs.

The management is broken. That is the statement of the chairman of the Committee on the Budget on that side of the aisle, that they cannot find things, like the \$960 million that they mistakenly sent to contractors, which they voluntarily sent back. I think that is wonderful. But we do not know how much money was mistakenly sent to contractors who did not send it back. And we have accounts still of outrageously overpriced items. That steals from the men and women in the field.

And to say the response is more, more, more, as opposed to better management, is a mistake. And that is the position I have consistently taken since I have come to this House of Representatives. I want the strongest, most efficient defense this country can buy so we do not steal from the men and women in the field and we do not steal from all the other needs in this country and more and more shoveled after bad management in an attempt not to punish the troops in the field who are being punished, as the gentleman himself pointed out, because they are not getting the training they need which we could fulfill if this amendment passed because we would transfer a billion dollars from a premature acquisition of a weapon that is not yet proven which has significant problems according to a number of very highly reputed sources.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BARR of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Chairman, this bill and its provisions for funding of the next phase of the F-22 development is supported by the Department of Defense, by the House Committee on Armed Services, the House Committee on Appropriations, and by the distinguished membership of the Subcommittee on Defense of the House Committee on Appropriations.

This amendment to cut the spending for the F-22 program is opposed by the Department of Defense, by the House

Committee on Armed Services, by the House Committee on Appropriations, and the subcommittee chaired by the distinguished gentleman from California.

That fact should tell us something; and what it tells us is my position, as well: Oppose this amendment, which is a gutting amendment.

Mr. Chairman, equipment, no matter how good, does not guarantee victory on the battlefield. But bad equipment, no matter how competent the training of the individuals who use it, no matter how highly motivated is the motivation of those who use it, will guarantee defeat.

The F-22 has already proved itself, even in this stage of development, as the most superb fighter ever conceived by the mind of man. The technology that has already been proven, even in these early stages of its development, are utterly awesome.

We need to show our fighting men and women and we need to show the rest of the world that America remains committed to providing the world cutting edge technology. That cutting edge technology, which when combined with the superb training and the high motivation of our men and women, has always, and will with the F-22, guarantee air superiority and, therefore, victory and minimize losses on the field.

Is the program perfect? Probably not. Are there problems? Obviously there are. But the scrutiny, as my colleagues from Georgia have already indicated, under which this particular program has been placed, and rightfully so, by this Congress and by the administration are handling those problems in a straightforward, efficient manner. Every one of them has been overcome. I am confident that every problem that arises in the future will be overcome.

Is this program expensive? Yes, it is. Is any technological advance expensive? Yes, it is. Is that a reason not to move forward? No, it is not.

I urge my colleagues to strongly oppose this gutting amendment, to move forward with this piece of legislation with the funding for the next phase of the development of the F-22 aircraft. Our fighting men and women need it. Our country needs it. The world needs it. And they are watching.

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

Mr. Chairman, I applaud my colleague, the gentleman from Oregon (Mr. DEFAZIO), for offering this amendment. I think what the issue that we are debating about is priorities.

I believe that every Member in the House wants to see the United States have a very strong national defense. But we want to make sure that that national defense is cost effective, because there are other needs in this country.

No Member of the Congress ever wants to see a service person killed in action. And we want to protect them

the best way that we can. But similarly, I would hope that no Member of the Congress wants to see an elderly person die because they cannot afford prescription drugs, wants to see a child end up in jail rather than college because that child is not getting adequate elementary education, wants to see an American veteran sleep out on the street because the VA is underfunded, wants to see a veteran of World War II not get the health care they need in a VA hospital. I do not think any Member wants to see that happen.

But we have to make choices. And some of us say, enough is enough. When we talk about increasing military spending by \$22 billion and we talk about greatly outspending all of our enemies combined and then we add NATO to it and another \$200 billion, how much do we need?

We have middle class families in this country who cannot afford to send their kids to college. Should we not be addressing that? We are talking about not having enough money for Medicare. Several years ago this institution, against my vote, cut Medicare by \$200 billion; and the result is massive dislocation in our hospitals, our nursing homes, and in our home health care agencies.

Those are the choices that we have to make. Talk about those people. Do my colleagues want to see elderly people not get the health care that they need? That is part of this equation. And this is serious discussion.

We cannot have it all, not unless we balloon the deficit and go back to where we were. So I applaud my colleague, the gentleman from Oregon (Mr. DEFAZIO), for raising serious questions about how we spend our money in the military.

Ms. GRANGER. Mr. Chairman, I move to strike the requisite number of words.

(Ms. GRANGER asked and was given permission to revise and extend her remarks.)

Ms. GRANGER. Mr. Chairman, I rise today in opposition to the DeFazio amendment.

The F-22 is essential to providing U.S. air superiority in future conflicts. Testing and development is ongoing, and the program continues to meet or exceed design goals for this stage of its development.

Since World War II, not one of our U.S. land forces has been killed by an enemy tactical fighter. And as our recent history clearly demonstrates, U.S. and NATO policy places an ever greater reliance on U.S. air superiority as a means to reduce casualties and project U.S. power.

Unfortunately, I respectfully submit that the information that my colleagues are being provided by the opposition is inaccurate and misleading. Here are the facts:

F-22 flight testing is proceeding extremely well and avionics development is well ahead of schedule, a first for a major aircraft development program.

□ 1715

The F-22 is technically sound, and the contractor is controlling costs and remaining under the congressionally mandated cost cap.

It has been said the F-22 will cost three times as much as an F-15. This is incorrect. Adjusted for fiscal year 2000 dollars, the flyaway cost of an F-22 is \$83.6 million. An F-15 is approximately \$70 million. Approaching the end of the production run, an F-22 will cost only \$61 million. No fighter program in history will have flown as many flight test hours by the time the decision is made to proceed to low-rate production. This is the slowest ramp-up rate in the history of tactical aviation. No fighter in aviation history will have produced fewer fighters in low-rate initial production. The fact is reducing these production numbers will cause massive inefficiencies, will distress small second- and third-tier suppliers and will cause a breach in the congressionally mandated production cost cap, having little impact on the reduction of any technical risks.

I urge my colleagues to oppose the DeFazio amendment.

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

Mr. Chairman, I guess much of the world knows that last year our subcommittee went about what many thought to be impossible, that is, we came together in a forum that was entirely nonpartisan, beginning to attempt to address the question of future tactical fighter capability for the country. At question was the reality that we had three aircraft lines moving forward in terms of research and development. We had potential production costs that were almost endless. Yet our objective out there by 2020 and 2050 was to make sure that America had the best possible tactical aircraft available for our men and women who defend freedom in the world.

As we raised this question about the F-22, our point was to say this appears to be an aircraft that can meet our needs in the decades ahead. But, indeed, if we commit to that line before we know that it really works, we could commit ourselves to a procurement line that is horrendously expensive; and we could find ourselves on a pathway not similar to that which was the B-2 not so long ago.

So the committee dared to ask, should we insist upon testing, actual flight testing of this aircraft before we went forward with that long-term procurement? The committee made some very difficult choices and began a debate in the Pentagon that was a very, very healthy debate. As of this moment, the Congress in this bill has provided for the advance procurement funding that was our agreement last year. The gentleman from Pennsylvania (Mr. MURTHA) and I agreed in the process that if the testing that we required, that pattern was followed, that we in turn would commit to the fund-

ing of 10 production aircraft. That agreement that we are going forward with here today is a reflection of both, I think I can speak for the gentleman from Pennsylvania (Mr. MURTHA) and myself, that we are keeping our word in terms of that commitment.

Let me assure my colleagues that under our bill, none of the funds provided for the 10 aircraft in fiscal year 2001 may be obligated until these tough testing requirements are fully satisfied. It is absolutely necessary that we follow this pathway because if we are going to make the expenditure to fully buy out this aircraft as it is now planned, it is a very, very big expenditure indeed. With that, let me suggest as of this moment, the F-22 is doing very, very well; but it has some very tough testing ahead of it. We look to that with great interest and will continue to ask the kinds of professional questions that is our oversight responsibility.

Mr. STEARNS. Mr. Chairman, I rise in opposition to this amendment.

American air superiority has reigned for over 40 years allowing our ground forces to conduct operations unmolested by enemy air attacks. To continue that protection, the United States needs a next-generation fighter to maintain our technological edge in combat. Air dominance does not mean we have more fighters than the enemy. It means, we have the fighters, the training, and the technology to overcome any hostile threat.

Russian built Mig 29s and Su 27s can provide the enemy rough parity in the air, and in some instances, may be able to outperform current U.S. fighters. In addition, our fighters will face increasingly advanced and lethal air defense systems.

In fact, Mr. Chairman, the cost of losing our air superiority in the future will vastly outweigh the cost of producing the aircraft to maintain it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 514, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The Clerk will read.

The Clerk read as follows:

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, \$2,893,529,000, to remain available for obligation until September 30, 2003.

## 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, \$638,808,000, to remain available for obligation until September 30, 2003.

## 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 173 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$230,000; 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, \$7,778,997,000, to remain available for obligation until September 30, 2003.

## 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 115 passenger motor vehicles for replacement only; the purchase of 10 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, \$2,303,136,000, to remain available for obligation until September 30, 2003.

## AMENDMENT OFFERED BY MR. TIERNEY

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

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

Page 31, line 7, insert after the dollar amount the following: "(reduced by \$74,530,000)".

Page 35, lines 10 and 11, insert after each dollar amount the following: "(increased by \$29,000,000)".

Mr. TIERNEY. Mr. Chairman, I seek to amend the bill by removing funding for procurement of the National Missile Defense and increasing funding for the military's TRICARE senior pharmacy program, prescription drugs for senior retirees. The Department indi-

cates the program is seriously underfunded despite Congress' expressed desire to fund it. This is not the time for us to be spending money on actual procurement. Already we have substantial appropriations for research and development of NMD. This amendment would not affect those funds. Research and development would continue.

But to start down the path of spending on procurement is premature and inappropriate. Any decision to embark on such a plan should only come after serious, informed national debate about the effect of such a decision on a multiple of important national interests. Foremost should be a determination if we really desire to alter our historic reliance first on the theory of mutually assured destruction now, coupled with serious and somewhat successful efforts at nuclear nonproliferation. Are we fully prepared to face the likely consequences of that decision without first considering its wisdom?

Here are some of the other considerations that should be fully deliberated, debated, and determined before we leave the R&D phase and start procurement: Are we overreacting to the threat that has been identified? Have we adequately considered that the costs and development together with the United States withdrawal from the ABM treaty might be more dangerous than any potential rogue state threat?

Our largest nuclear arsenal threat is in Russia which fears that the National Missile Defense is a precursor to a larger system directed at them. Withdrawal from the ABM would essentially end the strategic arms reduction process which ought to be our real goal. Russia would feel forced to design its force to assure penetration of future National Missile Defense by retaining its MIRV land-based ICBMs, already banned under START II. China could be expected to accelerate its strategic modernization program, since even the first phase limited NMD could defend against Chinese missiles and survive a preemptive strike. If China accelerated, what would we expect India and then Pakistan to do? Acting so precipitously to violate the ABM or to lead to withdrawal from it would be a serious blow to United States credibility as the leader in efforts to control nuclear weapons and to strengthen the nuclear nonproliferation regime.

Our allies and our friends as well as our potential allies and friends see NMD as unnecessary and provocative. We should proceed only with caution. Have we fully analyzed and accepted the cost of building the National Missile Defense? The first phase is estimated to cost \$20 to \$30 billion. All three phases in the current plan will probably cost two times that much. History shows that far less demanding high technology systems have gone well beyond original predictions, so we can expect the numbers to double. Commencing procurement before we have a true demonstration of readiness will encourage and whet the appetite of

the true NMD believers, and they will press for a more comprehensive system a la Star Wars, costing some \$100 to \$200 billion.

Have we truly satisfied ourselves that the proposed system is sufficiently analyzed and demonstrated to be ready? Is it unworkable? Before turning the arms policy of this country inside out, this topic warrants a discussion about whether the system will actually work and whether or not it is now at a stage where there is reasonable assurance that it will, in fact, work. The development and testing of NMD are simply not mature enough for the United States to make a confident deployment decision this year. We should not be directing our resources for procurement until that level of confidence is obtained. The key problem will be to get the defense to work against an enemy who is trying to foil the system, and any attacker can do so with technology much simpler than that needed for the defense system itself.

We have all seen the papers from experts clearly depicting at least three of the many countermeasures that could defeat any such system. The Pentagon has divided the missile problem into two parts, getting the system to work without realistic countermeasures and getting the system to work with realistic countermeasures. It is our job to insist that we not commit procurement funds year after year until we are technically ready to meet both parts of that equation. This summer's tests are not the answer. They lack realistic countermeasures. Starting to commit funds for procurement now is, as one expert says, like deciding to build a bridge to the Moon. Instead of assessing feasibility of the full project before moving forward, we are deciding instead to start building the on-ramps because that is the part we actually know how to do.

Air Force Lieutenant General Ron Kadish, commander of the Pentagon's Ballistic Missile Defense Organization admits the lack of operational tests for the complex system of radars, interceptor missiles, and high-speed computers is anomalous for the Defense Department.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. TIERNEY) has expired.

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

Mr. TIERNEY. He said that it would be sometime in the 2004 time frame before all elements of the missile defense system could be tested together and then we can make a decision on whether to fully put it on full alert. He said that we are going to be working on simulations and hypothetical data.

So when do we begin to learn? As Ernest Fitzgerald, Air Force financial analyst used to tell us, there are only two phases of a weapons program: too early to tell and too late to stop.

Mr. Chairman, this is the time for us to stop on the procurement and proceed with the R&D. We have other needs. One of those is the TRICARE senior pharmacy program while the R&D continues.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment. As the gentleman knows, this is long, long lead money. This is money the President requested. The President will make a decision this fall. I predict his decision will probably be to put it off until the next President. But the point is this is not the time to cut out that money. If the President makes a decision, whichever way the test goes we will have ample opportunity when we are in conference to eliminate this money. But this is money that has to be spent early on in order to continue the program, in order to allow the orderly decision by the President this fall in order to decide one way or the other. The money, though, will not be spent until sometime way into the end of next year. This is premature to make this cut. I oppose the amendment.

Mr. KUCINICH. Mr. Chairman, I rise in support of the Tierney amendment. I think it is a wise amendment because the idea of limiting money for procurement on a system that we already have preliminary information about cannot possibly work is a service to the taxpayers, and I certainly want to support such an amendment.

There are many who say right now in the scientific community that the system simply cannot work, that it is a waste of taxpayers' dollars. Now, let us say that there is a warhead coming in from this system. Right now as it is being developed, and that as it is coming in, the missile is launched to intercept it, and the way we hope it works is that, in an ideal world, the missile touches the warhead and destroys it. That is what this is all about. However, what has actually happened according to the New York Times, a test was taken and the warhead simulation goes up, the missile intercept goes at it; but what happens is it actually missed the warhead and hits a decoy. Now, if it hits a decoy, what happens to the warhead? The warhead continues on towards its target and good-bye whatever city it is headed towards.

The problem according to the technology that is being discussed right now, which is why the Tierney amendment on procurement is so good, is that the technology does not exist to tell the difference between a warhead or a decoy. So the missiles will go up, and the chances are they are not going to do the job of intercepting.

Now, there is a further complication to this and that is that on the one time that a test was said to be successful, there are creditable reports which again have been reported publicly by the New York Times which suggest that so-called successful test actually was achieved through refiguring the test results and in effect jimmying the test results, tricking them up, if you

will, fraudulently putting the test results together and then passing that off as a successful test. That, by the way, has been communicated to the White House.

□ 1730

We ought to be concerned about whether or not a system works or whether it can work.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague, the gentleman from Ohio (Mr. KUCINICH), for yielding. I think, as the gentleman knows, it is just possible that reporters even of an esteemed newspaper like the New York Times do not have access to all of the material that might be available that is pertinent to this discussion. I think the gentleman further knows that every Member of the House does have the opportunity to go to the intelligence room, to read the material that is there, that is a clear evaluation of that which has been suggested by a number of sources, some of which are very, very poorly developed sources.

I would urge my colleague to take advantage of both your responsibility, but also your opportunity to go to the intelligence room and read that material for literally the protection of America's involvement, and so I would appreciate my colleague considering that.

Mr. KUCINICH. Mr. Chairman, I reclaim my time and I respect the gentleman's suggestions. As a matter of fact, I have been following this for 15 years. And the United States taxpayers have paid \$60 billion over that 15 years, and we do not have a system that works.

Now, think about that. Mr. and Mrs. American Taxpayer has paid over \$60 billion. Here, it is warheads up, missile comes up, shoo, \$60 billion. How far can this keep going before it becomes a farce? I think we are already at that point. That is why I support the amendment of the gentleman from Massachusetts (Mr. TIERNEY).

Mr. Chairman, I followed this for 15 years. This is not Buck Rogers, folks. This is real tax dollars going for a system that does not work, and now there is claims of fraud on the only test that was said to have worked. I think that the gentleman from Massachusetts (Mr. TIERNEY) raises a good point about cutting procurement. I think that the issue of destabilization of our relations with China and Russia ought to be of concern. I think that we could conclude that national security is being diminished here; that it would diminish global stability; that it is technologically unproven; that the threat is exaggerated; and that it would undermine arms agreement.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word and hopefully the program.

Mr. Chairman, I, like many Members here, have become a student of the

eminent gentleman from Pennsylvania, (Mr. MURTHA), the ranking Democrat and once a future chairman I hope of this subcommittee; and he always does a wonderful job. And I am particularly impressed because he has managed to classify all amendments that would cut defense spending into two categories: some are premature and others come too late.

The gentleman from Pennsylvania (Mr. MURTHA) has in my time here successfully managed to consign every amendment to either too soon or too late. We never quite hit the moment. Indeed, if there is anything less likely than that ballistic missile system that is going to hit a missile, it is that it will hit the right time, according to the gentleman from Pennsylvania (Mr. MURTHA.)

I do not think either is very likely. They could not comment that failure in both cases is very expensive. If we do not meet the gentleman's timetable, there goes a few billion. If we do not hit the missile, there goes a few more billion, sometimes in the same billion.

Now one of the arguments for not adopting this amendment to move the spending is that the money it seeks to spend will not be spent. The fact that money will not be spent until very late in the year and maybe never because a new President will come in and make a decision, it is hardly a reason to do it.

We have paid a lot of lip service to TRICARE. Indeed, any veteran who has lip problems is probably in great shape, any Member of the military, because we have done a lot for the lip area; but we have not done a lot for some of the other health areas. Previously, I did not get a chance to respond, the gentleman from Indiana said, well, you know, we are under a tough situation now, because the bear, the Soviet Union, has been replaced by the vipers. Well, I challenge that history.

If we listen to that statement, there is an assertion that we used to have the Soviet Union, and then when it disappeared, a new threat came up, North Korea, Libya, Iran, Iraq. It is not my impression that any of those countries sprang into being in 1991.

We used to have the bear and the vipers, to use that metaphor. Now we know longer have the bear; we have the vipers. And as I look at this, I think the business of many of my colleagues in many of the defense spending a very profitable business has had their vision clouded. They cannot adjust to the fact that the Cold War is over; and the fact is that, yes, there are countries out there run by people who are unstable, who are evil, who wish us harm; but their capacity to do us harm is much less.

Now, let us take the situation which we are told we confront here that North Korea might decide to launch a missile against us. My own view is that the people who run North Korea are immoral, but not totally suicidal; for any nation as weakly armed as any of the vipers to attack the United States

consciously is to expect total devastation.

We are not talking here about mutually assured destruction; that was the U.S. and the Soviet Union. We are talking now about very poor countries, none of which could do more than provoke great retaliation against the United States.

I want us to have the capacity to continue to deter that, but spending ultimately hundreds of billions of dollars on a technologically very unlikely scheme to try to prevent North Korea from attacking America when there are a number of other ways in which we can prevent North Korea from attacking America is a mistake.

We are told the next President is going to decide it. Let us then deal with it at that point. But I will tell my colleagues what will help because premature and too late will come forward. Now, we will be told, as we have been, that it is premature to strike the money. By the time that the next President gets around to it, we will be told it is too late, because we will have already spent the money and after all you do not want to spend the money for no good purpose, unless you are in the Pentagon, which you will do occasionally.

We have a tight budget. We have unmet needs in this country. Let's say this, I may differ from some of my colleagues, if someone wanted to give me this ballistic missile defense system for free, I would accept it. The Chinese would not like it, some others will not like it, but I will accept it. Paying, however, tens of billions of dollars at a time when we are denying ourselves so many important necessary programs domestically makes no sense. It makes no sense, in particular, to begin to commit now to a vast amount of money to deter North Korea from attacking the United States; that is what we are talking about.

We are talking about deterring North Korea from attacking the United States. I believe we have far superior, more cost-effective methods of preventing North Korea from attacking the United States. Committing ourselves to this ballistic missile defense system, and that is what we will be doing, the rhetoric now will be this is very tentative, but tentative will become a decision already made when we attach it later.

By the way, it is only when we are dealing with the defense budget that we can talk about spending a few hundred million or a couple of billion tentatively. Tentativeness of the Pentagon is, of course, the entire budget of many important programs.

I commend my colleague, the gentleman from Massachusetts (Mr. TIERNEY). It is a very thoughtful amendment. My colleagues say we are not getting really ready to make a decision; let us put it into health care where we need it, and let us once try to hit the mean between premature and too late.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment, but I do want to say to the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Massachusetts (Mr. TIERNEY) that I think this is a much closer call on the viability of this program.

General Kadish, who is the person who runs this office, says very clearly that this is a high-risk proposition. And we have not done enough testing yet to really make a deployment decision.

The gentleman from South Carolina (Mr. SPRATT) and I have been looking into this in great detail. And, frankly, I am a bit concerned about the time schedule here for a decision. Apparently, we are going to have an additional test sometime this summer; and after that, the President in August is going to make a decision about whether we go forward with deployment, or as the gentleman from Pennsylvania (Mr. MURTHA) has suggested, he may decide that we do not have enough information and that the criteria that was laid out last year in the bill that talks about costs, risk and what this means to all of our allies and what does it mean to the Russians.

I mean, there is a real question here, I believe, about, you know, how much this is going to add to our defense, and whether it is going to set off a chain reaction with the Chinese wanting to increase their weapons, then India, Pakistan. This has got tremendous ramifications that need to be considered.

Frankly, the President was trying to work out an agreement with Mr. Putin in his recent trip to the Soviet Union, and he was unsuccessful in getting a limited amendment to the ABM agreement so that we could do our hundred interceptors, but not abrogate the treaty. Now, the problem is we have got money in the military construction bill to start on the X ban radar site in Alaska.

In order to start, if we are going to abrogate the treaty or whatever we are going to do with the treaty, we have to notify the Russians in November of this year that we are going to do something that goes outside the agreement. Now, some people have suggested maybe there is a way to finesse that, and that really starting this construction is not really an abrogation, but this gets into very legalistic determinations.

So I think the thing to do here is that we should make a point, all of us, with this administration, just as we said on the F-22, Mr. Chairman, that we need more testing. We need to look at the question of can this thing handle the decoys and can it handle these other threats that are presented.

I must say, I have always been a strong believer in our triad, our strategic deterrent; and although I am rarely persuaded by the gentleman from Massachusetts (Mr. FRANK) on

these matters, I do believe there is a strong case that anybody would be acting suicidally and insanely to try to launch one or two weapons at the United States.

I do believe my own judgment is deterrence will continue to work for a reasonable period of time into the future. It is going to take us at least 5 years before we have this system anyway, so let us do it right. Let us get the testing; let us make sure we have got this thing done. We have already spent \$60 billion. We are going to spend a lot more; probably we are going to do this. So let us take the time to do it right.

I am still going to stay with the committee on this particular amendment, but I did want to say this today because I think the gentleman has a very thoughtful amendment and has approached this in a very constructive way.

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

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, first of all, I want to thank the gentleman for his comments, and I thank the gentleman for all time that we spent discussing this and expressing his views. The concern I have, obviously, is the fact that we seem once again when it comes to a military procurement to be spending the money to start building something before all of the appropriate testing is done and before we know that we are realistically going to be able to perform the act.

I think too often we have had insufficient and unrealistic testing, and as the GAO has said, along with overstated performance claims and overstated cost reports. And I think this procurement since it is not anticipated as the gentleman from Pennsylvania (Mr. MURTHA) said to be really spent this fiscal year or at least not until the very end of it, why not take this opportunity to not start down this path where we are putting the cart before the horse, put the money where it is really needed in the TRICARE, where we know that is an expense we are going to have, and allow the research and development to get us to that point, if it ever does, where we can say that now both ends, both the idea of getting the missile up to work without deception and one that works with deception in place, that would be the time to move forward. Otherwise, I think we are recreating a scenario that we saw with Star Wars since 1984, \$50 billion-plus later, we find ourselves still without anything tangible for it.

Mr. DICKS. Mr. Chairman, reclaiming my time, I do agree with the gentleman from Massachusetts (Mr. TIERNEY) that this is a high-risk venture. Even the proponents of it recognize that, but I think we need to keep moving this thing. I think what we need to see does the next test work and can the President do anything diplomatically. If not, I hope, frankly,

that he pushes this off until the next Presidency. I think it would be much better for the next President to make this decision.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

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

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

Mr. DICKS. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, is it correct that there are no plans to test the capability of this system to deal with decoys even scheduled until the year 2005, as has been reported in the press?

Mr. DICKS. No, no, they have tested it already against decoys. They used a balloon. I hope this is not classified. Is this classified?

MR. LEWIS of California. Be careful.

Mr. DICKS. Okay. I cannot get into any classified information.

Mr. DOGGETT. I do not want to get into anything classified.

Mr. DICKS. I strike those words. We have tested it against some decoys.

Mr. DOGGETT. Not the major tests?

Mr. DICKS. It is not against a high-up?

Mr. DOGGETT. The major test is scheduled for 2005 according to published reports in the press within the last month.

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

Mr. DICKS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I suggest to the gentleman from Washington (Mr. DICKS) that we not get into this.

□ 1745

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

Mr. Chairman, I rise in support of the amendment. I do not understand how anybody can object to meeting a real need with health care and not putting up money for beginning procurement of a system that is not yet known, it is not a known quantity; it has not had, as far as we know, any successful test.

Now, it is true they claim to have had a successful test, but an employee of the contractor filed suit saying, in fact, they had faked the tests and the data. An expert on this sort of missile technology, Ted Postal at MIT, obtained the data, analyzed it, and wrote a letter and said, in fact, she was right, they had faked up the data, it did not work, it could not discriminate among decoys. This is all in the public realm. The first response of the Pentagon and the White House was that Mr. Postal was absolutely wrong, he was working with the wrong data set, his analysis was bad, and they would prove him wrong. But before they proved him wrong, they classified his critique and they now are not trying to prove him wrong, so I guess his critique was right.

In fact, the data was faked out by the contractor and, in fact, the system does not work; after \$60 billion, it still does not work, a couple more billion this year, and now let us move to procurement. Let us vitiate the only viable arms control we have ever had in terms of the agreements we have reached with the former Soviet Union and vitiate the ABM Treaty and start a new arms race with China and what is left of the Soviet Union, Russia and whoever else can produce these things.

Mr. Chairman, this is madness. This is madness. It is almost as mad as the thought that the dictator of North Korea is going to build a missile, if he could, that could possibly wobble its way over to the United States and hit us with one missile, and then if he had that thing, he would shoot it, which would be detected 30 seconds after launch, and the retaliation would turn his country into glass. I do not think he is going to shoot that missile.

There are other ways that a dictator or terrorist can threaten our security, and it is not with a missile that can be detected. And, if they were not going to use a missile, then it would be someone who is a little more advanced who would shoot underneath the system. It cannot work against cruise missiles which can carry nuclear warheads; it cannot work against depressed submarine-launched missiles, depressed trajectory missiles. Everyone admits that. No one is saying they are trying to design a system to do that, so we already know. They can use countermeasures, they can bring in ICBMs. If they do not want to use ICBMs, they can use a much cheaper cruise missile, they can use a much cheaper submarine missile, they can go under it, but I do not even think that is a real threat.

Mr. Chairman, I am on the Subcommittee on Coast Guard and Maritime Transportation. We have a real threat. Today, anybody can steam a tramp steamer under a bizarre foreign flag, Libya or some other country that does not exist that has a phoney registry, into any port in this Nation without being checked. Well, that might present a real threat to the security of this country, and I am not going to go on very much more about that, but that is something we ought to be thinking about.

We are not dealing with the real threats here. We are dealing with a program that was cynically designed to put expenditures in three-quarters of the congressional districts of this country to provide some profits to some defense contractors and some employment to some scientists that cannot ever successfully defend our Nation.

Mr. Chairman, it is time to stop wasting the money. If we want to go ahead and continue to waste the money on testing, do not lock us into procurement, do not vitiate the ABM Treaty, and do not lock us into procurement on a system that has yet to have a successful, honest test.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to congratulate the distinguished chairman and ranking member for their leadership on this issue and my colleagues on both sides of the aisle for working in a bipartisan manner.

Let us get some facts straight, first of all. The gentleman raised a point about the need to deal with weapons of mass destruction. Let us make the case and let us put the facts where they are, if the gentleman will listen to me. We are spending \$11 billion this year, \$11 billion on weapons of mass destruction and the consequence management to deal with those threats, \$11 billion. To say that we are not doing anything is poppy cock.

The second point the gentleman said is that there is no need to defend against missiles. Well, let us face the facts, I say to my colleagues. The weapon of choice today is a missile. When Saddam Hussein wanted to reign terror on the Jewish folks in Israel, he did not choose a truck bomb, he did not choose to put a ship up in the harbor, he fired the Scud missiles that he got from North Korea and Russia into Israel; and we could not defend against it. When those two dozen young Americans, half of them from my friend's district came back home in body bags 9 years ago because they were killed in the largest loss of life in the last 10 years, it was not because of a truck bomb, it was because Saddam Hussein chose to try to neutralize America by firing a Scud missile that we could not defend against, into a barracks, while young men and women from our friend's district, half of them, from Greensburg, Pennsylvania, were massacred.

Mr. Chairman, this amendment is a disastrous amendment. We cannot deploy a missile defense system next year. That is all rhetoric, and all of our colleagues who attended the 150 classified briefings and closed hearings know that over the past 6 years. We cannot deploy under the President's planning system until 2005.

But, Mr. Chairman, there are certain things we have to do now to be ready to make that decision. The money that is in this bill for national missile defense is for radar, it is for preparing a site, it is for integration of systems. We cannot wait until the very end to do those things.

So if we pass this amendment, we kill the program. Let us be honest about it. We all want successful intercepts. My colleague said we have not had some successful intercepts. Well, let me just again correct the RECORD and let me point out what, in fact, we have done since 1999 in March. We have had six successful intercepts. We had, using hit-to-kill technology, one with our NND program, two with THAAD, our Army program, and three with PAC 3. In fact, the Israelis have had similar successful intercepts with the ARROW program.

Mr. Chairman, we are making progress. Have we solved all of the problems? No. But it is a challenge that the scientists who are dealing with these issues feel that we can meet.

The gentleman says it is a pork barrel program. I do not have any missile defense contractors in my district. I do not have any. I do not have any favorite programs. I am willing to let the administration decide what is the best option. Some of my colleagues want sea based, some want land based, and some want space based. I am willing to let the administration make those decisions. This amendment ruins all of those options.

We have worked hard in a bipartisan way to get to where we are today. Democrats and Republicans have joined together for what is best for this country. This Sunday, I will leave for Russia, for Moscow with Secretary Cohen at his invitation. I am going to go to Moscow and miss votes because I think it is important, as I did before our bill came up last March, to brief the Russians on why we are doing what we are doing. We are not trying to back Russia into a corner, and the gentleman knows that. We have a concerted effort to work with the Russians. And when I go to Moscow with Secretary Cohen on Monday and Tuesday and Wednesday, I will sit there with the members of the Duma, with General Sergeyev, the Minister of Defense in Russia and we will sit there with the Minister of Foreign Affairs from Russia. And we will tell them that the threat is not Russia, but the threat is from the rogue states of Iran, Iraq, Syria, Libya and North Korea.

When the North Koreans test launched the Taepo Dong I 3-stage missile on August the 31st of 1998 over Japan's territory, the CIA acknowledged that that missile can now hit the U.S.; and we have no defense against that. If this amendment is passed, we will not be able to keep a time frame in place to move toward a 2005 deployment date. This is a wrecking amendment.

Mr. Chairman, I urge my colleagues on both sides of the aisle, my good Democrat friends like my colleague and friend, the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from Washington (Mr. DICKS), the gentleman from South Carolina (Mr. SPRATT), all of those who have come together on this program; the gentleman from Virginia (Mr. PICKETT), the gentleman from Virginia (Mr. SISISKY), the gentleman from Texas (Mr. REYES), all of them; the gentleman from Hawaii (Mr. ABERCROMBIE), all of my colleagues who have worked hard, to continue to support the program that my gentleman's President wants from his party, and I acknowledge that he is our leader, and that is a program to move forward to a deployment date in the year 2005. Passing this amendment stops that process. Passing this amendment does severe damage.

My friend would say well, we want to make sure the program works. Well, we do too, and that is why in the last bill we punished the Lockheed Corporation because they were not successfully testing a THAAD program. We put in \$10 million hits every time they were unsuccessful.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WELDON) has expired.

(By unanimous consent, Mr. WELDON of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. WELDON of Pennsylvania. Mr. Chairman, when we had a problem with the THAAD program, the Members of Congress in both committees, the Committee on Appropriations and the authorization committee, from both sides came together and they said, we do not want to fund programs that do not work; we do not want companies making big bucks and not being held accountable. So what did we do?

My friend and my leader up there, the gentleman from South Carolina (Mr. SPENCE), working with the gentleman from Missouri (Mr. SKELTON), with the gentleman from California (Mr. LEWIS), and working with the gentleman from Pennsylvania (Mr. MURTHA), told the Lockheed Martin Company, if you do not get your act together and straighten out the quality control issues in the THAAD program, we are going to punish you. We have put language in the defense bill that said, every unsuccessful intercept would cost them \$10 million out of their corporate pockets, out of their profits, and that allowed then Lockheed to get their program together and their act together and the THAAD program has now had three successful intercepts in a row.

So when my colleague points out that we all want successful tests, he is right. I would just urge our colleagues on both sides of the aisle to overwhelmingly reject this amendment, support the request of President Clinton, support the request of Secretary Cohen, and allow this program to move to the next step. If we do that together, in the end, we will have a viable program that will provide the protection for America that will prevent similar situations like we had 9 years ago when those Americans came home in body bags because we could not defend a low-class missile from hitting and killing them while they were asleep in their barracks.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Tierney amendment and thank him for introducing it and engaging in this debate.

Today, we are debating a defense bill that includes billions of dollars for a national missile defense system that is profoundly flawed. Now, I had the privilege to work with my predecessor, Congressman Ron Dellums for many years, and I remember and many of us remember his vigilance, his dedication

and his careful analysis and profound arguments against star wars. Well, here we are again.

In the 1980s, critics of star wars rightly argued that it would cost billions, restart the nuclear arms race and ultimately not work. National missile defense is star wars with a new name, and all of the old problems. This program will cost billions of dollars at a time when we have failed to solve deep and far-reaching social problems here at home. We will be putting billions of dollars into an unproven military system when we have some 275,000 homeless veterans living on the streets of our cities and 44 million uninsured Americans with no health care.

This year's appropriation will be followed by billions more if we go down this road. We will be putting billions of dollars into a system in the name of national defense that will actually create greater international instability and accelerate nuclear proliferation. National missile defense, or Star Wars II, undermines the antiballistic missile treaty with Russia and, in all likelihood, it will probably convince the Chinese to expand their nuclear arsenal. National missile defense escalates the international arms race and escalates and accelerates nuclear proliferation, and it will not protect us from the most likely nuclear threat. In all probability, a nuclear assault will not come as an ICBM but as a suitcase bomb that Star Wars systems will never see and will never shoot down.

Finally, we will be putting billions of dollars into a system that expert after expert has told us will not work, even against attacks from ICBMs.

□ 1800

For example, the Union of Concerned Scientists and the American Physical Society have both pointed out that in addition to moral questions, in addition to geopolitical questions, in addition to economic questions, national missile defense systems will not work. These physicists tell us that MMD can be fooled by countermeasures that can be produced by any country that is capable of building a nuclear bomb in the first place.

Understand, I am not opposed to ensuring our national security. What I am opposed to is this national missile defense system, Star Wars II. Nor am I alone in making this distinction. The United States has failed to respond to the new realities of the post-Cold War.

Let me give a quote which I recently discovered: "It is as if President Bill Clinton's military was structured to go to war with President Ronald Reagan's, rather than that of Iraq or North Korea."

This quote comes from an organization, Business Leaders for Sensible Priorities, a group that includes retired brigadier generals, rear admirals, and some of the Nation's foremost businessmen and women. It is leading the way in calling for sensible, rational, and necessary budget cuts.

This organization was commissioned by President Ronald Reagan's Assistant Secretary of Defense to analyze today's military budget. In their report, a Cold War Budget Without a Cold War, they convincingly argued that the proposed ballistic missile spending and the defense budget as a whole are excessive and out of sync with actual security needs.

The 20th century was really stamped and we are still dealing with the imprint, I would say, of the Cold War. But it is our responsibility really to forge safer and sounder and saner policies in the 21st century. National missile defense is really not the way to do that. Rather, we should do what this amendment does. We should ensure that there are adequate funds to ensure that our retirees, for example, have access to medicines and to pharmaceuticals which they so deserve.

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

Mr. Chairman, I rise in support of this amendment and in opposition to the fantasy that is properly called "the Star Wars Missile Defense System." I commend the gentleman from Massachusetts for his courage in advancing this amendment.

It is not too early for the Congress to debate this important issue. Indeed, it is quickly becoming too late to have a meaningful debate about a national missile defense system. The United States has already spent over \$100 billion dollars, on Star Wars. Now we are told that for a mere \$60 billion more, according to the Republican Congressional Budget Office, we can have a "limited missile defense system."

Of course, the many advocates of Star Wars, who say that a mere \$60 billion system would be too limited, recommend spending two or three times that amount. They mistakenly search for absolute security by absolutely draining the taxpayer for a very questionable venture.

Without the amendment of the gentleman from Massachusetts (Mr. TIERNEY), this debate is limited to choosing between bad and worse, between an ultra expensive program and a larger, more outlandishly and even more expensive program.

There are multiple problems with Star Wars.

First, Star Wars does not work. The supporters are really saying, "do not let good science get in the way of good politics;" "Deploy first and then see if it works later."

Hitting a bullet with a bullet is a significant, technical challenge. The advocates of this plan promise that it will shield the entire country when, in fact, it cannot dependably destroy even one incoming missile. Nor can this system adequately detect the difference between missiles and decoys.

The second problem with Star Wars is that it does not adequately deal with what is a very real threat from rogue nations and terrorist groups. An enemy

that wants to detonate a weapon of mass destruction does not need to develop an intercontinental missile system. They can rely on a smart bomb, which can little more than a suitcase and a fanatic. A human being with a nuclear or biological weapon can do great damage. But this defense at \$60, \$120, perhaps \$200 billion offers absolutely no ability to defend against that kind of threat.

The third and perhaps most important problem is that Star Wars is counterproductive. It actually jeopardizes our security.

In Asia, Star Wars even the possibility of deployment is already encouraging the Chinese, to produce even more missiles and to plan for MIRVing existing missiles with multiple warheads. A much larger Chinese nuclear force will be the natural result of the deployment of even a so-called "limited" system.

As China expands its nuclear capability, India will feel threatened. As India expands its nuclear capability, Pakistan will feel threatened. In short, Star Wars will create the very reality, the very threat that it seeks to avoid.

In Europe, we send forth a message of division. All of our major allies for whom this "limited" deployment offers absolutely no protection are left to fend for themselves. That is one of the reasons that they have consistently objected to even a limited, ill-advised Star Wars system.

With the foolish decision that was made in this Capitol last year to reject the Comprehensive Test Ban Treaty, and the refusal to ratify other arms control agreements, a decision to deploy now sends a Cold War message to Russia when we should be seizing an historic opportunity to dramatically reduce the number of nuclear weapons on this planet.

Deploying Star Wars, whether on a limited, complete, or in between basis, will fuel a world arms race that will make this Earth a much more dangerous place for all of our families. It substitutes political arrogance for good sense and good science. In short, Star Wars means that American families will pay more taxes for much less security. I urge adoption of the amendment.

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

Mr. Chairman, we are at a very, very critical time in America's history. There is little doubt that in the past, as Ronald Reagan raised the question of a strategic defense initiative and a thing dubbed, by some, Star Wars, that one of the fall-outs of all of that discussion is that media across the country would make a mockery of the suggestion that we might be challenged by way of a missile threat.

Over time, the public came to the point of believing that we actually had a missile defense system. They actually, in sizeable percentages, think we have this in place. The reality is that

these are very hard things that we are about. The business of hitting a missile with a missile or a bullet with a bullet is very difficult stuff.

But we have technology moving forward that offers huge potential in terms of America's capability to defend itself from an errant missile attack, from a rogue Nation reacting in a fashion that would make no sense. Nonetheless, this President, William Jefferson Clinton, has asked us to put in this budget a dollar amount for long lead procurement, for development, laying the foundation for us to have the sensors and other equipment in place to measure whether this kind of defense system actually has potential to protect our people. He is not doing that lightly.

At the same time, the President has just finished a personal round of discussions with Mr. Putin. We all know that President Clinton is a very persuasive fellow, especially when he is one on one, and as of this moment, Mr. Putin is reconsidering the role of a shield in terms of Russia's interests as well as our interests. They are not rigid on this matter, and in no small part because I believe this President is very persuasive.

All of the experts that I have had the privilege of spending a lot of time with in recent years suggest to me that perhaps America has no near peer in the world for maybe as long as 10 years. I believe that that is likely the case. Over time there is a chance that China may come online and that India indeed might develop a competitive spirit in Asia.

Laying the foundation for that, Mr. Chairman, it seems to me there lies the strongest argument for this \$288.5 billion bill, is to set the stage for America to be ready to defend our country if we need to long-term.

Our actual purpose is not that. Our purpose is to set the stage that causes those leaders in Asia to know that America is so good and so able to defend herself that there must be other avenues to making it to a successful path in this shrinking world. What we hope is that the future leaders of China and India, indeed, will look around and say, wait a minute, why should we waste our resources following that pathway when the marketplace itself will work? Indeed, what we are about here is seeking to provide leadership for peace.

We talked about costs a while ago. Some of the costs that were discussed would suggest that we should not put a lot of money in R&D to make sure we are the best of the best in the future. The F-22, for example, will cost in just a short time ahead some \$61 billion as we go out to make sure this tactical fighter system will work. Peace and building for peace is not cheap, Mr. Chairman.

This bill reflects the only real reason to have a national government; that is, to make sure that we are prepared to

fight if we need to, but most importantly, to pursue those pathways to peace.

I must conclude my remarks by suggesting to all my colleagues that peace indeed is very, very expensive, and the most serious of our responsibilities as a national government. But we cannot begin to calculate the cost of war, Mr. Chairman. What America's leadership is about is to lay a foundation that will almost guarantee that leaders of common sense in the future will not want to follow a pathway that follows confrontation and war.

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

Mr. Chairman, I rise in support of the Tierney amendment. The national missile defense as proposed would not be effective. We have heard that over and over again today. It would be costly to deploy and easily circumvented.

The proposed missile defense system probably would not work as designed, and wishing so will not overcome the physics. I speak with some background in the area. It could be confused with decoys. It could be bypassed with suitcase bombs and pick-up trucks and sea-launched missiles.

It would be not just billions of dollars down the drain. It is not just a diversion of precious resources that could be used for TRICARE or other such things. But we are told that this is going to provide a defense for us. No, it is worse than a waste. Simple strategic analysis tells us that a provocative yet permeable defense system is destabilizing and actually leads to reduced security.

In fact, the more effective the system turned out to be, the worse an idea it would be, because of the increase in instability and the damage done to our efforts to reduce weapons around the world.

Mr. Chairman, this is a weapons system in search of a cooperative enemy. Sure, it is a shield. We have heard about shields of the knights of yore. But where do the knights use those shields? Not around the house. They use them in battle. They use them in battle because they can thrust and parry from behind that shield.

We say, no, no, this is just a defensive shield. Those other countries do not need to be concerned what we are doing behind our shield. Well, only a cooperative enemy would believe us. Only a cooperative enemy would not try to use technically easily accessible decoys to defeat the system.

Therefore, I think we should defeat the Star Wars, Star Wars II, Star Wars Lite, Star Wars again program and use those resources for other, more humanitarian, much saner uses, and in the process, increase our security.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, is the gentleman aware that Russia, which he has alluded to, has an

operational ABM system, which he said is not necessary, and they have upgraded it three times? Is the gentleman aware of that?

Mr. HOLT. I am aware of the 1968 ABM treaty.

Mr. WELDON of Pennsylvania. I am not talking about treaty, but an ABM system that protects 75 percent of the Russian people surrounding Moscow, upgraded three times. Is the gentleman aware of that?

Mr. HOLT. I am aware that there is a system. It does not protect 75 percent of the Russian people.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would ask the gentleman, has the gentleman ever come to one of our 145 briefings on the issue? I have not seen him at one.

Mr. HOLT. I have had classified briefings on the subject.

Mr. WELDON of Pennsylvania. Personal briefings. I thank the gentleman.

Mr. HOLT. I do know something about the subject having studied and taught physics over many years.

In the vacuum above the Earth's atmosphere, it is almost trivial to set up decoys that would spoof such a system.

Mr. WELDON of Pennsylvania. Is the gentleman aware that we had a test occur October 2, 1999, where we launched an interceptor from Kwajalein that carried a 120-pound EXOatmospheric kill vehicle that intercepted a reentry vehicle and distinguished it from a decoy, distinguished it from a decoy successfully at 16,000 miles per hour 140 miles above the Pacific Ocean?

Is the gentleman aware of the test?

Mr. HOLT. I believe, if I am not mistaken, that was the test where the intercept vehicle tracked the decoy for a while.

Mr. WELDON of Pennsylvania. The thing is, it successfully distinguished the decoy from the reentry vehicle, hit it, and knocked it out, which is exactly the challenge we are pursuing. The gentleman just said we cannot do that. We have done it. If the gentleman would contact his own administration, he would find the facts.

□ 1815

Mr. HOLT. Mr. Chairman, I am aware of that test. I do not find it convincing and I certainly do not find the many failures that preceded and followed that convincing.

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

Mr. HOLT. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, the point just is there was a statement made earlier that passing of this amendment would kill the program. I think that is a bit of an exaggeration on that. I cannot imagine for a second that if this amendment passed, that next year we would not see these numbers back in here and another attempt to put it in.

This amendment, according to the gentleman from Pennsylvania (Mr.

MURTHA), this money may not be spent this fiscal year and likely will not be spent this year. So surely that is not going to kill it.

Mr. Chairman, we ought to talk about what this is. It is an amendment to reduce the procurement money to keep the R&D. And clearly, the research shows that it cannot work.

Mr. MARKEY. Mr. Chairman, the amendment offered by Representative TIERNEY and myself is quite simple. It would strike \$74.5 million from the "Defense-Wide Procurement" funds in this defense appropriations act and return \$29 million to the Defense Health Program. The only program that it would reduce is the National Missile Defense System.

Sixteen years ago we started this debate on a national missile defense system. Back then we had fanciful names for the components of the proposed missile defense system. We had "brilliant pebbles" to blind our senses with the wonders of our technological imagination. Of course, you had to have rocks in your head to believe it. This system was so imaginative we even named it "Star Wars". This umbrella of hydrogen-bomb-pumped lasers and kinetic kill vehicles was supposed to protect us against a full-scale Soviet nuclear missile attack.

Well, Mr. Chairman, there was a reason the name was based on Hollywood—the system was—and is—pure fiction. With time—and lots of money spent—only the names have changed. Today we are talking about procuring hardware for upgrades to early warning radars and X-band radars. Hardly the exotic names of the past. But the system is no less fanciful, just less effective.

No longer are we trying to protect against thousands of warheads. Now we hope to shoot down just ten or twenty. It seems the more money we spend, the less we plan to hit. With \$60 billion in past research and development and another \$60 billion in planned investment, we may be able to protect our country against 30 missiles.

Even after all this investment the technology still has a long way to go. In the simple tests we conducted, the system has not performed well. In one test the interceptor failed to hit the dummy target. In the other test, there was a hit, but only because the interceptor found the decoy, not the warhead. So today we're talking about procuring equipment for a system that still doesn't work, that has cost \$60 billion and will cost at least another \$30 billion. Most importantly, the Administration hasn't even made the decision to go forward with this latest summer rerun of "Star Wars".

Now there is one thing this system will definitely do. You see we are being asked to procure parts for a national missile defense system that might defend our country against a ballistic missile attack from a nation such as North Korea or Iran but will promote nuclear proliferation in Russia, China and other non-nuclear states eyeing the advisability of jumping the nuclear fence. In this case, it will be the vertical proliferation that characterized the arms build-up of the 80s.

Russia, we know, opposes any unilateral deployment of a National Missile Defense system that would violate the Anti-Ballistic Missile Treaty. If we go ahead and deploy unilaterally, the Russians have promised to withdraw from the arms control agreements that finally put a ceiling on the rising nuclear arms skyscrapers and started to take them down floor by floor.

Eliminating this system of treaties would have severe consequences for the safety and security of the United States. It could re-ignite the arms build-up that we have worked so hard to stop.

The opposition of China to a missile defense system could be an even bigger problem. Only two weeks ago this body voted to grant permanent normal trade relations with China, to increase and improve their economy. Are we going to spark a new arms spiral to make sure that their new economy is consumed by new weapons?

China has indicated that they will likely respond to a National Missile Defense system with an increase in missiles. On May 12, in the Washington Times, Sha Zukang, director of arms control and disarmament at the Chinese Foreign Ministry indicated, "The proposed U.S. National Missile Defense could neutralize China's . . . arsenal and already has prompted Russia and China to begin discussions on ways to overcome it."

How does this supposed "defense" system increase our security, if it leads to an offensive response from nations with proven nuclear ballistic missile systems? Remember, the greatest threat to U.S. security is still the mammoth nuclear arsenals in Russia and China. These are real rockets capable of real destruction not the maybe missiles of North Korea.

The American people understand this. In a recent poll conducted by the Pew Research Center for the People and The Press and the Pew Charitable Trust, when asked how they felt about missile defense if it jeopardizes arms reduction talks with Russia, 55% of respondents opposed missile defense and only 35% support it. The people have spoken, now it is time for this Congress to listen.

I urge members to support this amendment and halt the initial procurement for the national missile defense system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

#### 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), \$3,000,000 only for microwave power tubes and to remain available until expended.

#### 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, \$6,025,057,000, to remain available for obligation until September 30, 2002.

##### 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, \$9,222,927,000, to remain available for obligation until September 30, 2002: *Provided*, That funds appropriated in

this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operation Forces.

##### 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, \$13,760,689,000, to remain available for obligation until September 30, 2002: *Provided*, That none of the funds in this Act may be used to develop an ejection seat for the Joint Strike Fighter other than those developed under the Joint Ejection Seat Program.

##### 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, \$10,918,997,000, to remain available for obligation until September 30, 2002.

##### AMENDMENT NO. 8 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. 8 offered by Mr. KUCINICH: Page 33, line 5, insert "(reduced by \$174,024,000)" after the dollar amount.

Page 35, lines 10 and 11, insert "(increased by \$174,024,000)" after the dollar amount.

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

The CHAIRMAN. The gentleman from California (Mr. LEWIS) reserves a point of order.

Mr. KUCINICH. Mr. Chairman, my amendment would reduce spending for research, development and testing for the National Missile Defense System by 10 percent, about the same amount of the increase made by the committee for the Ballistic Missile Defense Organization over the budget request. It would increase the budget for the Defense Health Program by the same amount.

This bill includes a provision for \$1.8 billion for a boondoggle called the National Missile Defense System. First, the system is a fraud on the taxpayer and a danger to arms reduction.

Second, the technology is not feasible, not testable, and therefore not reliable.

Third, it does not protect against real threats.

Fourth, it will destabilize our relations with our allies worldwide and will spark a new and expanded arms race.

Fifth, it violates years of work towards disarmament and nonproliferation.

And sixth, its sole purpose seems to be to line the pockets of military contractors.

Let me deal with a few of the many reasons why this whole idea is wrong. As many of my colleagues know, the

National Missile Defense System depends on the system's ability to discriminate between the target warhead of an incoming missile and decoys. But according to the New York Times, the system failed those tests.

Quote from the Times: "The Pentagon hailed the first intercept try as a success, but later conceded that the interceptor had initially drifted off course and picked out a decoy balloon rather than a warhead." That is because according to the Times, the system cannot tell the difference between warheads and decoys.

Experiments with the National Defense System have revealed that the system is "inherently unable to make the distinction," and that is between the target warhead and decoys. The New York Times characterized the MIT scientists as saying that the signals from the "mock warheads and decoys fluctuated in a varied and totally unpredictable way, revealing no feature that could be used to distinguish one object from the other." Indeed, The New York Times reported that "the test showed that warheads and decoys are so similar that sensors might never be able to tell them apart."

So in other words, Mr. Chairman, the National Missile Defense does not work and cannot work because it inherently cannot tell the difference between warheads and decoys.

While the National Missile Defense is a technological failure and a fraud, it could potentially succeed in setting the stage for a worldwide arms race and dismantle past arms treaties. The NMD violates the central principle of the ABM Treaty, which is a ban on the deployment of strategic missile defenses. It will undermine the Nuclear Nonproliferation Treaty. It will negate the Anti-Ballistic Missile Treaty.

It will frustrate SALT II and SALT III. It will lead directly to proliferation by the nuclear nations. It will lead toward transitions toward nuclear arms for the nonnuclear nations. It will make the world less safe. It will lead to impoverishment of people of many nations as budgets are refashioned for nuclear arms expenditures.

That the United States would be willing to risk a showdown with Russia or China and the rest of the world over the unlikely possibility that North Korea may one day have a missile which can touch the continental United States argues for talks with North Korea, not the beginning of a new worldwide arms race.

President Clinton has recently returned from Russia and Europe in an effort to convince our allies that a U.S. Star Wars system is in their best interest, but many say this is simply not true. Many officials in the intelligence and scientific community have said otherwise. According to an article in the L.A. Times, high-ranking intelligence officials are set to offer a report that states deploying a Star Wars system could result in destabilizing events worldwide. I think this is significant, when the President's advisors

and the intelligence community are saying that it could result in instability and insecurity worldwide.

The Times indicates that the report is expected to state, and I agree, that such a deployment may result in a buildup of nuclear missiles worldwide and the spread of missile technology.

Mr. Chairman, we spent over \$60 billion as a Nation on this failed system since 1985. Why spend another \$60 billion? This system does not work. Here we are 15 years later, a scientist conducting a review says he could prove it does not work. Worst, claims have been made that the tests were fraudulently interpreted, which means that not only is there a question of fraud on the taxpayers, but a fraud on our national defense.

Scientists have sent letters to the White House regarding the fraud. The New York Times has printed articles about claims of fraud. After the articles were published, the Department of Defense slapped a "classified" label on the letter, so I cannot read that letter. I cannot read about the claims of fraud to this Congress, even though the claims have already been reported on by national newspapers of record, even though documented claims of fraud have been made by reputable scientists on a matter currently before this House.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

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

Mr. KUCINICH. Mr. Chairman, on a matter currently before this House where we are ready to appropriate nearly \$2 billion for an antimissile system which does not work. We have a classification label slapped onto this to cover up what? Fraud?

Not only has the system already cost \$60 billion. At this very moment, this House and the taxpayers are going to fork over another \$2 billion now and another \$58 million later?

The American taxpayers and this Congress have a right to know about claims of fraud, about claims of a tricked-up test result, about whether those tests have been rigged to defraud the American taxpayer. The House has a right to know. The taxpayers have a right to know. Why the secrecy about claims of fraud on the taxpayer?

Mr. Chairman, if my colleagues are for this antimissile system, it is their obligation to find out if it works and if there is fraud.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California (Mr. LEWIS) insist on his point of order?

Mr. LEWIS of California. I do, Mr. Chairman. I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act, as amended.

The CHAIRMAN. Does the gentleman from Ohio (Mr. KUCINICH) wish to be heard on the point of order?

Mr. KUCINICH. Mr. Chairman, I do.

The CHAIRMAN. The gentleman may proceed.

Mr. KUCINICH. Mr. Chairman, I would like to respond. This amendment is merely perfecting the number on an unauthorized account by increasing it. This is within the rule, because it merely perfects a number. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill and prohibiting reappropriations in a general appropriations bill. Therefore, an appropriations bill put in breach by the rule is allowed to remain.

Mr. Chairman, I will read that again. An appropriations bill put in breach by the rule is allowed to remain, so amendments that increase are permitted.

Clause 2(f) of rule XXI states that when we are reaching ahead to increase a program, the CBO must determine budget authority and outlay neutrality. This amendment has been scored by the CBO and has the CBO-determined budget authority and outlay neutrality. This amendment is within the rules of this House. I have the CBO table for the record.

On the note of that according to CBO, if one looks at the entire effect of this amendment, it is outlay neutral. In the end, there is no outlay effect. But for each individual year, there may be an outlay effect.

I would ask a question of the Parliamentarian, and that is if an amendment has an effect on outlays per year but does not change the overall end effect of the bill, is it outlay neutral?

The CHAIRMAN. The Chair will not entertain the question to the Parliamentarian. The gentleman may continue discussing the point of order.

Mr. KUCINICH. Mr. Chairman, I would state then my insistence that this amendment is in order. That if the Parliamentarian had reviewed it, or did review it, he would see that the amendment has an effect on outlays per year, but does not change the overall end effect of the bill. It is outlay neutral.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The gentleman from California makes a point of order under section 302(f) of the Budget Act which constrains budget authority.

The amendment provides no net new budget authority. That it may not be neutral on outlays is of no moment under section 302(f) of the Budget Act. The point of order is overruled.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word. I am not going to take the full 5 minutes, but this is another amendment that is in my opinion a mischievous amendment.

Mr. Chairman, we have had 145, 150 classified hearings, open hearings, and briefings. The gentleman from Ohio mentioned that there were some secrets. I have never seen the gentleman,

my good friend and colleague, at any briefing in 150 of them over 6 years. Not one on missile defense. I have chaired them all. I have not seen him at one.

Now, that does not mean he is not a good Member, because he is a friend of mine. But if he wants to have access to classified information, he can have all the classified information he wants. If he wants a letter that is classified, we will get it for him. If he wants to have a classified briefing, as we did on the House floor last year, he can get it. All of that information is available.

Mr. Chairman, in the committee, Members of both parties have attended. All of those briefings were attended by Members of both parties. It was not like the Republicans only did a briefing without the minority. The minority has been in the lead on some of these investigations.

To say that somehow that we are trying to keep something secret, or that one scientist out of perhaps a couple hundred thousand has the answer, I think is a little shortsighted and naive.

In terms of what this amendment would do, the gentleman takes the money out of the research accounts. We have already cut the research accounts in the military budget by 25 percent over the past 8 years. There has been a 25 percent reduction. I want to remind my colleague, the bulk of the money that we have cut in terms of R&D goes to universities. The 6.1, 6.2, and 6.3 account lines of the Defense budget are all R&D in the science and technology account lines. They go to all of our universities. They go to Harvard, and they go for basic research in basic technology areas, in the composites area, in physics.

The other thing I would say to the gentleman from Ohio, my colleague and my friend, is that he mentioned the research on missile defense. I would cite at least six examples that I have in front of me that I jotted down off the top of my head of technology that is used for medical purposes that would not have been developed except it was spun off from technology being used to develop missile defense capabilities.

One of those technologies developed through an SBIR program allows us now to understand the problems of nearsightedness. Using technology that was developed for our missile defense system now helps people be treated that have nearsightedness problems. There are many breakthroughs that have occurred from the spin-offs of these technologies that would be cut by this, besides the original intent of this, which is to allow us to fully fund a robust R&D program.

□ 1830

I agree with the gentleman. We do not want to waste money. I do not want to waste money. He understands, and he and I both know that. I do not want to do anything to create a provocation with the Russians. My friend and colleague knows that. We went to

Vienna together. We sat across the table from the Russian leadership for 2 days.

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

Mr. WELDON of Pennsylvania. I am happy to yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I would like to state my affection for the gentleman from Pennsylvania (Mr. WELDON), my respect for his sagacity, his knowledge of these issues. I think this is an important debate. I think that those of us who, for the last 15 years, have been watching this who perhaps have not had the opportunity to attend any of the gentleman's meetings can still develop a point of view based on information that we receive independently that can achieve a level of debate which this House is entering into.

Of course my main point is what we know right now. We have a lot of information that suggests there is serious questions as to whether the system works or not which is even before we get into the feasibility of it on a national defense basis.

But I want to reiterate my great respect for the gentleman from Pennsylvania (Mr. WELDON), and my appreciation for his commitment to the defense of our country.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would just say in closing, I will invite the gentleman from Ohio (Mr. KUCINICH) to attend any session he wants. I will arrange for a full-scale briefing with every leader in this program in his office at a classified level to answer any question the gentleman has.

Ms. MCKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support real steps to protect the American public from nuclear holocaust such as the de-alerting of nuclear weapons, the START process, the Cooperative Threat Reduction Program. And the most significant obstacle to meaningful nuclear arms control right now is the National Missile Defense program, the sequel to President Reagan's Star Wars fantasy.

The administration has told us that the decision on whether to deploy Star Wars II will be based on four criteria: the technical progress of the system, the cost, an assessment of the threat, and the impact of deployment on existing treaties, and arms control efforts. I believe in each of these areas, the evidence clearly leads to a decision to reject deployment.

With respect to the impact of deployment on arms control, the proposed missile defense clearly violates the ABM treaty which is the foundation of real arms control efforts, including the START reductions. Deployment will also violate the spirit, if not the letter of the Non-Proliferation Treaty, particularly Article VI.

Even our closest allies in Europe have voiced opposition to deployment.

A February 15 article in the International Herald Tribune reported that "European governments without exception oppose the U.S. anti-missile project."

With respect to the real or perceived threat, the threat of a limited missile attack from a rogue state is overstated. The CIA's own analysis is revealing. They reported that "U.S. territory is probably more likely to be attacked with weapons of mass destruction by nonmissile delivery means than by missiles, primarily because nonmissile delivery means are less costly and more reliable and accurate."

The last point is very important because Star Wars II advocates must ignore reality and assume two things. First, that the threat of massive retaliation by the United States is no longer a valid deterrent. Second, that a country with the advanced technical capability to build a weapon of mass destruction and the missile technology to deliver it will not be able to figure out how to sneak a bomb into the United States on a boat.

With respect to the cost, since President Reagan announced his strategic defense initiative, we have spent more than \$60 billion on researching technical means of hitting a bullet with a bullet. The current estimate for deployment is another \$60 billion, bringing the total cost to the program at least \$120 billion.

While such a staggering sum is undoubtedly of considerable interest to the weapons industry, it is also, in the final sense, a theft from programs designed to meet human needs. In fact, if we decide to pursue this program, in the end, it will cost every American family \$1,760.56. This is welfare for some of the wealthiest corporations in the country paid for by working Americans.

With respect to technological assessment, the most recent independent analysis, a study conducted by the Union of Concerned Scientists and MIT found that the hit-to-kill technology of NMD can be easily fooled by countermeasures using existing technology.

An independent panel headed by retired Air Force General Larry Welch said that the deployment decision should not be made until 2003, after testing how the various components of the system work together. The panel characterized Congress' push for early deployment as a rush to failure.

I believe the jury is regarding each of these criteria. To date, proven arms control efforts have eliminated thousands of Russian nuclear weapons aimed at American cities, saving the taxpayers billions of dollars. Conversely, despite the billions wasted on development, NMD has not eliminated a single missile, and it never really will.

Mr. Chairman, there are active and robust government and nongovernment programs in place that are doing more to reduce the threats from rogue states or terrorists right now than Star Wars

ever will. They include efforts by USAID, USIA, the State Department, National Endowment for Democracy, the Asia Foundation. U.S. NGOs, including the Carter Center, universities, unions, faith-based organizations, research and policy institutions are among the most active in the world in promoting democracy and goodwill.

Ultimately the security of America is not served by a neo-isolationist fortress America type of foreign policy. If we truly seek to promote democracy and enhance the security of all Americans, we should divert some of the billions that we waste on programs like this and instead invest it on agencies and organizations that are capable of doing the job.

I urge a yes vote on the Kucinich amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words, and I rise to support this amendment.

Sooner or later, this Congress will come to grips on what really defines our national security and realize that it is not billions and billions of dollars to build a national defense system that will not work. A national defense system or Star Wars II will create greater instability and accelerate nuclear proliferation.

As I mentioned earlier, the Union of Concerned Scientists and the American Physical Society have both pointed out that, in addition to economic questions, in addition to geo-political questions, and in addition to moral questions, it just will not work.

Our national security needs really should be defined by how our budget priorities guarantee the security of our children and our families. Two hundred seventy-five thousand homeless veterans do not go to bed at night secure. Forty-four million Americans with no health insurance do not go to bed at night secure. Children who have no future because we have not invested in their education do not go to bed at night secure.

During the 1970s and 1980s and 1990s, we listened to my predecessor Congressman Ron Dellums set forth a clear analysis and profound arguments in opposition to an escalating military budget and to Star Wars and to raise our awareness to the fact that a strong and secure America is not based upon how many missiles we build but rather upon how secure Americans are from within our own borders.

It was true then. It is true now. Spending billions and billions of dollars on a national missile defense system that will not work takes us in the wrong direction.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment of the gentleman from Ohio (Mr. KUCINICH) to the defense bill. Like my colleague, I have grave concerns about this bill's funding commitment for ballistic missile defense programs.

But before I tell my colleagues what my reservations are, I have to make an observance. This observance is that we could take the investment we make in the ballistic missile defense program, and that alone would be a great down payment in waging peace. We do not even talk about that on this floor.

What if we invested an equal amount of time debating how we can get to peace, we the United States and the rest of the global community? That would be a real investment, Mr. Chairman. That would be an investment in our national security.

Now, about this anti-missile system program. Let us face it, this program is not anti-missile. It is anti-woman, anti-children, and anti-family. It takes valuable resources from urgent civilian needs that also affect national security.

Instead of investing in a national missile defense program, we should be spending our scarce financial resources in our real domestic needs, like our children's education, our seniors and their health care, our families and their security, and a debate on waging peace.

Our current nuclear arsenal costs about \$35 billion annually. It is approximately 13 times the budget for the National Cancer Institute. It is also 120 times the amount spent annually on domestic violence, on battered women's shelters, and on runaway youths.

Mr. Chairman, if the past is prologue, prior poor management and oversight of nuclear weapons programs have cost hundreds of billions of dollars that contributed little or nothing to defense and deterrence. I wonder what the American tax payers are going to get from this investment.

Since 1940, the United States has spent \$5.8 trillion on nuclear weapons programs, more than any single program except Social Security. The U.S. has already spent more than \$100 billion on missile defenses with very little to show, if anything. So why would we continue to throw good money after bad?

For example, the U.S. spent over \$21 billion on the safeguard anti-ballistic missile system that was ultimately cancelled because high operational costs eclipsed the limited defense benefits. We also wasted \$12.5 billion on the development of the B-1A bomber that was cancelled, and \$12.5 billion for four B-1A bomber planes, two of which crashed.

Also, the nuclear aircraft propulsion program cost taxpayers \$7 billion, only to be cancelled due to poor management, technical problems, and the lack of a clear mission. Finally, the Midgetman, small ICBM, cost taxpayers over \$5.5 billion, only to be cancelled due to a lack of need and the end of the Cold War.

Considering this poor track record, it is outrageous that funding for ballistic missile defense programs is still being debated. Even more so considering several Pentagon officials studying the

NMD proposal have expressed reservation that it is unnecessary and it would be ineffective.

The last reason for my concern, Mr. Chairman, about the national missile defense program is its grave implications for current arms control agreements. In order for this administration to proceed with a national missile defense, the anti-ballistic missile treaty may have to be modified.

For the past several decades, this treaty has been the cornerstone of efforts to contain, reduce, and abolish nuclear weapons. We should all be concerned about funding a program that requires any thought of abandoning our prior commitments to nuclear disarmament agreements.

Mr. Chairman, I have come to the well of this House to comment on our misplaced priorities as far as nuclear weapons programs are concerned. I commend the gentleman from Ohio (Mr. KUCINICH) for offering this amendment that will free up funds in unneeded nuclear weapons funding.

I urge my colleagues to support this amendment.

□ 1845

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

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; policy and guidance for the Department's overall test and evaluation functions; test and evaluation infrastructure investment and oversight; specialized assessment capabilities; and administrative expenses in connection therewith, \$242,560,000, to remain available for obligation until September 30, 2002.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$916,276,000: *Provided*, That during fiscal year 2001, 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), \$400,658,000, 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, \$12,143,029,000, of which \$11,525,143,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2002; of which \$290,006,000, to remain available for obligation until September 30, 2003, shall be for Procurement; of which \$327,880,000, to remain available for obligation until September 30, 2002, shall be for Research, development, test and evaluation, and of which \$10,000,000 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, \$927,100,000, of which \$607,200,000 shall be for Operation and maintenance to remain available until September 30, 2002, \$105,700,000 shall be for Procurement to remain available until September 30, 2003, and \$214,200,000 shall be for Research, development, test and evaluation to remain available until September 30, 2002: *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, \$812,200,000: *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, \$147,545,000, of which \$144,245,000 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 \$3,300,000 to remain available until September 30, 2003, 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 proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$216,000,000.

## INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$224,181,000, of which \$22,577,000 for the Advanced Research and Development Committee shall remain available until September 30, 2002: *Provided*, That of the funds appropriated under this heading, \$33,100,000 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, 2003, and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2002.

## PAYMENT TO KAHŌ'OLAWĒ 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, \$6,950,000, 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 diplo-

matic 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 \$2,000,000,000 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 multiyear procurement contracts as follows:

M2A3 Bradley fighting vehicle; DDG-51 destroyer; and UH-60/CH-60 aircraft.

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 on 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 2001, 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 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 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 2002.

(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. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(d) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than 3 years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than 19 noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) 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 se-

verely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(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 2002 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 contractors participating in the test program established by section 854 of Public Law 101-189 (15 U.S.C. 637 note) shall be eligible for the program established by 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. (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 2001 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 2001, not more than 6,227 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 1,009 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 2002 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. 8032. 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. 8033. 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 Sub-

committee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8034. 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. 8035. (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 2001. 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. 8036. 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. 8037. 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. 8038. 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. 8039. 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. 8040. 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 2001 and 2002, and the specific expenditures to be made using funds transferred from this account during fiscal year 2001.

SEC. 8041. 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. 8042. 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.

SEC. 8043. (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 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 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 2002 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. 8044. 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, 2002: *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.

SEC. 8045. 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. 8046. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$8,000,000 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. 8047. 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. 8048. 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. 8049. (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. 8050. 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 indus-

trial 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. 8051. (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. 8052. Funds appropriated by this Act and in Public Law 105-277, or made available by the transfer of funds in this Act and in Public Law 105-277 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 2001 until the enactment of the Intelligence Authorization Act for Fiscal Year 2001.

SEC. 8053. 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. 8054. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

"Aircraft Procurement, Army, 2000/2002", \$7,000,000;

"Missile Procurement, Army, 2000/2002", \$6,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002", \$7,000,000;

"Procurement of Ammunition, Army, 2000/2002", \$5,000,000;

"Other Procurement, Army, 2000/2002", \$16,000,000;

"Aircraft Procurement, Air Force, 2000/2002", \$32,700,000;

"Missile Procurement, Air Force, 2000/2002", \$5,500,000;

"Other Procurement, Air Force, 2000/2002", \$6,400,000;

"Research, Development, Test and Evaluation, Army, 2000/2001", \$19,000,000;

"Research, Development, Test and Evaluation, Air Force, 2000/2001", \$42,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2000/2001", \$33,900,000;

*Provided*, That these reductions shall be applied proportionally to each budget activity,

activity group and subactivity group and each program, project and activity within each appropriation account: *Provided further*, That the following additional amounts are hereby rescinded as of the date of enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

“Shipbuilding and Conversion, Navy, 1998/2002”, SSN-21 attack submarine program, \$74,000,000;

“Other Procurement, Army, 1999/2001”, \$3,000,000;

“Weapons Procurement, Navy, 1999/2001”, \$22,000,000;

“Aircraft Procurement, Air Force, 1999/2001”, \$12,300,000;

“Missile Procurement, Air Force, 1999/2001”, \$20,000,000;

“Other Procurement, Air Force, 1999/2001”, \$8,000,000;

“Missile Procurement, Army, 2000/2002”, \$150,000,000;

“Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002”, \$60,000,000;

“Other Procurement, Army, 2000/2002”, \$29,000,000;

“Aircraft Procurement, Navy, 2000/2002”, \$6,500,000;

“Missile Procurement, Air Force, 2000/2002”, \$6,192,000;

“Other Procurement, Air Force, 2000/2002”, \$20,000,000;

“Research, Development, Test and Evaluation, Army, 2000/2001”, \$52,000,000;

“Research, Development, Test and Evaluation, Air Force, 2000/2001”, \$30,000,000; and

“Reserve Mobilization Income Insurance Fund”, \$17,000,000.

SEC. 8055. 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. 8056. 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. 8057. 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. 8058. 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. 8059. 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, 2000 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8060. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed \$1,222,000,000.

SEC. 8061. (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. 8062. 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. 8063. 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.

SEC. 8064. 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. 8065. 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 commit-

tees 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. 8066. 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. 8067. 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. 8068. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8069. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

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.

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 shall not be financed as part of a loan guaranteed by the United States; *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 II 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 \$10,000,000 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. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2001, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2002 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2001.

SEC. 8079. 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. 8080. 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. 8081. (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. 8082. 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. 8083. 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. 8084. 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. 8085. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$800,000,000 to reflect working capital fund cash balance and rate stabilization adjustments, to be distributed as follows:

"Operation and Maintenance, Army", \$40,794,000;

"Operation and Maintenance, Navy", \$271,856,000;

"Operation and Maintenance, Marine Corps", \$5,006,000;

"Operation and Maintenance, Air Force", \$294,209,000;

"Operation and Maintenance, Defense-Wide", \$10,864,000;

"Operation and Maintenance, Navy Reserve", \$31,669,000;

"Operation and Maintenance, Marine Corps Reserve", \$563,000;

“Operation and Maintenance, Air Force Reserve”, \$43,974,000;

“Operation and Maintenance, Army National Guard”, \$15,572,000; and

“Operation and Maintenance, Air National Guard”, \$85,493,000.

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.

(d) Section 8093(d) of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1253), is amended by inserting “design, manufacture, or” after “obligated or expended for”.

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 of these funds, \$300,000 shall be made available to establish and operate a distance learning program: *Provided further*, 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 two 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 provi-

sion of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2000, 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. TRAINING AND OTHER PROGRAMS. (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. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$537,600,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

“Military Personnel, Army”, \$114,600,000;  
“Military Personnel, Navy”, \$36,900,000;  
“Military Personnel, Marine Corps”, \$9,700,000;  
“Military Personnel, Air Force”, \$83,600,000;  
“Operation and Maintenance, Army”, \$177,500,000;  
“Operation and Maintenance, Navy”, \$31,600,000;  
“Operation and Maintenance, Marine Corps”, \$1,600,000;  
“Operation and Maintenance, Air Force”, \$53,500,000;  
“Operation and Maintenance, Defense-Wide”, \$15,300,000; and  
“Defense Health Program”, \$13,300,000.

SEC. 8093. 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 ADC(X) 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. 8094. Of the funds made available in this Act, not less than \$65,200,000 shall be available to maintain an attrition reserve force of 23 B-52 aircraft, of which \$3,200,000 shall be available from “Military Personnel, Air Force”, \$36,900,000 shall be available from “Operation and Maintenance, Air Force”, and \$25,100,000 shall be available from “Aircraft Procurement, Air Force”: *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 23 attrition reserve aircraft, during fiscal year 2001: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2002 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8095. 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. 8096. 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. 8097. 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. 8098. During the current fiscal year—

(1) refunds attributable to the use of the Government travel card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received; and

(2) refunds attributable to the use of the Government Purchase Card by military personnel and civilian employees of the Department of Defense may be credited to accounts of the Department of Defense that are current when the refunds are received and that are available for the same purposes as the accounts originally charged.

SEC. 8099. (a) REGISTERING 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 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. An information technology system shall be considered a mission critical or mission essential information technology system as defined by the Secretary of Defense.

(b) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer 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). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) Architecture Framework.

(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. 8100. 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. 8101. None of the funds provided in this Act may be used to transfer to any non-

governmental entity ammunition held by the Department of Defense that has a center-fire 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. 8102. 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. 8103. 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. 8104. In addition to the amounts provided elsewhere in this Act, the amount of \$5,000,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available, notwithstanding any other provision of law, only for a grant to the High Desert Partnership in Academic Excellence Foundation, Inc., for the purpose of developing, implementing, and evaluating a standards and performance based academic model at schools administered by the Department of Defense Education Activity.

SEC. 8105. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking

Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under paragraph (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8106. During the current fiscal year, the Secretary of Defense shall fully identify any health care contract liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs during the budget year of execution: *Provided*, That the Secretary of Defense shall provide a report to the congressional defense committees which fully details the extent of such health care contract liabilities, requests for equitable adjustment and claims for unanticipated healthcare contract costs not later than March 1, 2001: *Provided further*, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department's planning, programming and budgeting process: *Provided further*, That nothing in this section should be construed as congressional direction to liquidate or pay any claims that otherwise would not have been adjudicated in favor of the claimant.

SEC. 8107. 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. 8108. 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. 8109. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$463,400,000 to reflect stabilization of the balance available in the "Foreign Currency Fluctuation, Defense" account, to be distributed as follows:

"Military Personnel, Army", \$40,200,000;  
 "Military Personnel, Navy", \$70,200,000;  
 "Military Personnel, Marine Corps", \$27,700,000;  
 "Military Personnel, Air Force", \$92,700,000;  
 "Operation and Maintenance, Army", \$137,300,000;  
 "Operation and Maintenance, Navy", \$34,800,000;  
 "Operation and Maintenance, Marine Corps", \$4,400,000;  
 "Operation and Maintenance, Air Force", \$35,500,000;  
 "Operation and Maintenance, Defense-Wide", \$11,500,000; and  
 "Defense Health Program", \$9,100,000.

SEC. 8110. None of the funds provided in title III of this Act may be obligated for F-16 aircraft modifications until the Secretary of the Air Force submits a report to the congressional defense committees detailing a plan to assign, no later than the first quarter of fiscal year 2002, F-16 Block 40 aircraft, or

later model F-16 aircraft, to Air National Guard units which were deployed to Operation Desert Storm.

SEC. 8111. (a) REPORT TO THE CONGRESSIONAL DEFENSE COMMITTEES.—Not later than May 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on work-related illnesses in the Department of Defense workforce, including the workforce of Department contractors and vendors, resulting from exposure to beryllium or beryllium alloys.

(b) PROCEDURE, METHODOLOGY, AND TIME PERIODS.—To the maximum extent practicable, the Secretary shall use the same procedures, methodology, and time periods in carrying out the work required to prepare the report under subsection (a) as those used by the Department of Energy to determine work-related illnesses in the Department of Energy workforce associated with exposure to beryllium or beryllium alloys. To the extent that different procedures, methodology, and time periods are used, the Secretary shall explain in the report why those different procedures, methodology, or time periods were used, why they were appropriate, and how they differ from those used by the Department of Energy.

(c) REPORT ELEMENTS.—The report shall include the following:

(1) A description of the precautions used by the Department of Defense and its contractors and vendors to protect their current employees from beryllium-related disease.

(2) Identification of elements of the Department of Defense and of contractors and vendors to the Department of Defense that use or have used beryllium or beryllium alloys in production of products for the Department of Defense.

(3) The number of employees (or, if an actual number is not available, an estimate of the number of employees) employed by each of the Department of Defense elements identified under paragraph (2) that are or were exposed during the course of their Defense-related employment to beryllium, beryllium dust, or beryllium fumes.

(4) A characterization of the amount, frequency, and duration of exposure for employees identified under paragraph (3).

(5) Identification of the actual number of instances of acute beryllium disease, chronic beryllium disease, or beryllium sensitization that have been documented to date among employees of the Department of Defense and its contractors and vendors.

(6) The estimated cost if the Department of Defense were to provide workers' compensation benefits comparable to benefits provided under the Federal Employees Compensation Act to employees, including former employees, of Government organizations, contractors, and vendors who have contracted beryllium-related diseases.

(7) The Secretary's recommendations on whether compensation for work-related illnesses in the Department of Defense workforce, including contractors and vendors, is justified or recommended.

(8) Legislative proposals, if any, to implement the Secretary's recommendations under paragraph (7).

SEC. 8112. Of the amounts made available in title II of this Act for "Operation and Maintenance, Army", \$1,900,000 shall be available only for the purpose of making a grant to the San Bernardino County Airports Department for the installation of a perimeter security fence for that portion of the Barstow-Daggett Airport, California, which is used as a heliport for the National Training Center, Fort Irwin, California, and for installation of other security improvements at that airport.

SEC. 8113. The Secretary of Defense may during the current fiscal year and hereafter

carry out the activities and exercise the authorities provided under the demonstration program authorized by section 9148 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1941).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8114. Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Army" in title IV of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) for the Grizzly minefield breacher program, \$15,000,000 is hereby transferred to "Procurement of Weapons and Tracked Combat Vehicles, Army", in title III of the Department of Defense Appropriations Act, 2000, and shall be available only for the Wolverine heavy assault bridge program: *Provided*, That funds transferred pursuant to this section 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 not later than 60 days after the enactment of this Act, the Department of the Army shall, from within funds available under the heading "Procurement of Weapons and Tracked Combat Vehicles, Army", in the Department of Defense Appropriations Act, 2000, obligate \$97,000,000 for procurement of the Wolverine heavy assault bridge program.

SEC. 8115. (a) (1) None of the funds described in paragraph (2) that are provided in title III of this Act for the Department of the Army to procure a second brigade set of Interim Armored Vehicles (also referred to as the Family of Medium Armored Vehicles) and other equipment to support the fielding of a second new interim brigade combat team (hereinafter in this section referred to as a "medium brigade") may be obligated or expended until the Secretary of Defense submits to the congressional defense committees, after February 1, 2001, a certification of the following:

(A) That the fiscal year 2002 budget of the Department of Defense submitted as part of the budget of the President for fiscal year 2002 (including any amendment or supplement to such budget) fully funds the fiscal year 2002 procurement costs, development costs, and initial year operation and maintenance costs associated with the procurement and fielding of two additional new medium brigades (in addition to those for which funds are provided in this Act and previous appropriations Acts).

(B) That the Future Years Defense Plan (FYDP) current at the time of such budget submission includes amounts to fully fund the procurement costs, the development costs, and the operation and maintenance costs associated with the procurement and fielding of at least two additional medium brigades per fiscal year covered by that Future Years Defense Plan.

(C) That the Director of Operational Test and Evaluation of the Department of Defense has approved the Test and Evaluation Master Plan for the Interim Armored Vehicle.

(2) The funding provided in title III of this Act to support the fielding of a second new medium brigade that is subject to the limitation in paragraph (1) is the amount of \$600,000,000 provided under the heading, "Procurement of Weapons and Tracked Combat Vehicles, Army", and the amount of \$200,000,000 provided under the heading "Other Procurement, Army", for procurement of equipment for a second medium brigade, as set forth in the report of the Committee on Appropriations of the House of Representatives accompanying the Department of Defense Appropriations Act for fiscal year 2001.

(b) Not later than 90 days after the date of the source selection for the Interim Armored Vehicle program (also referred to as the

Family of Medium Armored Vehicles program), the Secretary of the Army shall submit to the congressional defense committees a detailed report on that program. The report shall include the following:

(1) The required research and development cost for each variant of the Interim Armored Vehicle to be procured and the total research and development cost for the program.

(2) The major milestones for the development program for the Interim Armored Vehicle program.

(3) The production unit cost of each variant of the Interim Armored Vehicle to be procured.

(4) The total procurement cost of the Interim Armored Vehicle program.

(c) The Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report (in both classified and unclassified versions) on the joint warfighting requirements to be met by the new medium brigades for the Army. The report shall describe any adjustments made to operational plans of the commanders of the unified combatant commands for use of those brigades. The report shall be submitted at the time that the President's budget for fiscal year 2002 is transmitted to Congress.

(d) In this section, any reference to the budget of the President for fiscal year 2002 refers to a budget transmitted to Congress under section 1105 of title 31, United States Code, after January 20, 2001.

SEC. 8116. None of the funds made available in this Act or the Department of Defense Appropriations Act, 2000 (Public Law 106-79) may be used to award a full funding contract for low-rate initial production for the F-22 aircraft program until—

(1) the first flight of an F-22 aircraft incorporating Block 3.0 software has been conducted;

(2) the Secretary of Defense certifies to the congressional defense committees that all Defense Acquisition Board exit criteria for the award of low-rate initial production of the aircraft have been met; and

(3) upon completion of the requirements under (1) and (2) above, the Director of Operational Test and Evaluation submits to the congressional defense committees a report assessing the adequacy of testing to date to measure and predict performance of F-22 avionics systems, stealth characteristics, and weapons delivery systems.

SEC. 8117. (a) The total amount expended by the Department of Defense for the F-22 aircraft program (over all fiscal years of the life of the program) for engineering and manufacturing development and for production may not exceed \$58,028,200,000. The amount provided in the preceding sentence shall be adjusted by the Secretary of the Air Force in the manner provided in section 217(c) of Public Law 105-85 (111 Stat. 1660). This section supersedes any limitation previously provided by law on the amount that may be obligated or expended for engineering and manufacturing development under the F-22 aircraft program and any limitation previously provided by law on the amount that may be obligated or expended for the F-22 production program.

(b) The provisions of subsection (a) apply during the current fiscal year and subsequent fiscal years.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 113, line 25, 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.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 8118. JOINT STRIKE FIGHTER PROGRAM.—(a) REPORTS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Joint Strike Fighter (JSF) aircraft program. The report shall include a detailed description of any change or modification to that program made since the submission of the President's budget for fiscal year 2001, including any such change or modification initiated by the Department of Defense and any such change or modification resulting from congressional action on the fiscal year 2001 budget for the Department of Defense. The report shall also include the following:

(A) The acquisition strategy for the Joint Strike Fighter program, including the estimated total program costs for development and for production, the program development schedule, and the planned production profile.

(B) If applicable, the effect of any revisions to that acquisition strategy on the average unit cost of the Joint Strike Fighter aircraft when compared to the original acquisition strategy for that program.

(C) Results derived to date from the concept demonstration/validation phase of the program, including available data from flight tests of demonstration aircraft.

(D) An assessment of the degree to which the concept demonstration/validation phase has addressed key aircraft and aircraft subsystem performance parameters before a source selection decision is made and the engineering and manufacturing development (EMD) phase of the program is begun.

(E) The strategy of the Department for insertion of technology into the Joint Strike Fighter aircraft, including details regarding when critical subsystems to be incorporated on the aircraft are to be demonstrated in a prototype configuration (either before or in the early stages of Engineering and Manufacturing Development).

(2) Not later than March 30, 2001 (and not earlier than February 1, 2001), the Secretary of Defense shall submit to the congressional defense committees a second report on the acquisition plan for the Joint Strike Fighter aircraft program. That report shall address each of the matters specified in paragraph (1) as of the time of that report, as well as any additional changes to that acquisition plan that have been made as a consequence of the fiscal year 2002 Department of Defense budget (as submitted as part of the budget of the President for fiscal year 2002 transmitted under section 1105 of title 31, United States Code, after January 20, 2001) and the accompanying Future Years Defense Plan (as well as any amendment to the Department of Defense budget submitted before the submission of the report).

(b) ENGINEERING AND MANUFACTURING DEVELOPMENT.—Consistent with funds provided in title IV of this Act, none of the funds provided in this Act may be used to award a contract for engineering and manufacturing development (EMD) of the Joint Strike Fighter aircraft program—

(1) before the later of—

(A) June 1, 2000; and

(B) the date of the submission of each of the reports required by subsection (a); and

(2) until the Secretary of Defense certifies to the congressional defense committees that the Joint Strike Fighter engineering and manufacturing development program is fully funded in the Future-Years Defense Plan for each of the principal Department of

Defense participants in the Joint Strike Fighter program.

AMENDMENT OFFERED BY MR. DEFAZIO

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

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to enter into a contract with an entity that has submitted information to the Secretary of Defense, pursuant to the Federal Acquisition Regulation, that the entity has, on a total of three or more occasions after the date of the enactment of this Act, either been convicted of, or had a civil judgment rendered against it for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

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

The CHAIRMAN. The gentleman reserves a point of order, and the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I would hope the gentleman does not insist on his point of order, because the amendment that is before the House now, which I am offering, would provide for "three strikes and you're out" for defense contractors who are convicted of government procurement related fraud only. They can have other offenses of law against their employees, environmental laws, any other Federal law, but more than three government procurement-related fraud convictions would suspend them from bidding on government contracts.

I have quite a list of firms here, which I am not going to read through in its entirety, obviously; but the list, from 1988 to 1999, of several hundred convictions consists of \$1.125 billion in penalties on firms for both civil and criminal fraud in the area of procurement.

I believe that if we are talking about having the best most effective military we can have, the best weapon systems, the most cost-effective weapon systems, and having money adequate to provide training for our young men and women in uniform, we should do everything we can to squeeze fraud out of the system. Fraud is occurring, regularly occurring. Many would be shocked by the numbers and the names on this list, which is available through the Government Accounting Office.

If the gentleman's point of order prevails, I will have to offer another amendment on this subject which would provide for "one strike and you're out," which is in order and would also be retroactive. My legislation which is before us now would be

"three strikes and you're out," and it is not retroactive. So these hundreds of prior convictions would be forgiven, but the message would be sent to these defense contractors that we will no longer allow them to freely commit fraud in procurement; and if they do, the fourth time they do, they would be barred from further procurement for some period of time. The bill is not specific on the period of time for which they would be barred. There would be discretion available under existing law to the Secretary.

I cannot see how anybody could raise an argument against this. Yes, someone can make a point of order and reduce it down to one strike and make it retroactive, which would of course disbar most of our existing contractors, because many have one, two, three or more convictions for prior fraud; but I would hope that everybody here is concerned about fraud.

I believe this amendment could be crafted in a way that it would not be deleterious to our national defense. I would hope that the committee would accept the amendment and then perhaps rework it in a conference committee. I attempted to offer this amendment during the authorizing process, and I was precluded by the rule in offering a more sophisticated version of this amendment which would have dealt with a number of the questions that I am certain are going to be raised by members of the committee here. I had hoped to be able to do that during the authorizing process. I was not allowed to offer that amendment by the Committee on Rules, though it was submitted on a timely basis to the Committee on Rules.

How can anybody defend continuing fraud? We have limited resources. Some of the fraud jeopardizes the safety of our troops; some of it goes to quality; some of it goes just to ripping off the Federal taxpayers. Either way, we cannot defend it; and we should bring an end to it. So I would suggest strongly that the gentleman withdraw his point of order, accept the amendment, and if they have some problems with some of the details, certainly those details could be provided for in conference with the Senate.

POINT OF ORDER

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

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

The CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. DEFAZIO. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized.

Mr. DEFAZIO. Mr. Chairman, the amendment does not impose any new requirements on

the Secretary of Defense or contracting officers. Therefore, it is not legislating.

According to the Federal Acquisition Regulations, FAR 9.409(a), when the contract value is expected to exceed \$25,000, contractors are required to disclose honestly, they are already required to disclose honestly, the existence of indictments, charges, convictions, or civil judgments against them in the area of procurement.

Further, the contracting officer can come back to the contractor and request specific information on the indictments, charges, convictions, or civil judgments in order to evaluate the business integrity of a contract.

This is all under existing law. My amendment is a limitation amendment that merely states if an entity, if a contractor, which again they are required to do under the FAR, admits to more than three convictions for civil or criminal fraud, then the taxpayer dollars spent by the Pentagon cannot be used to support that contractor because of their criminal behavior.

The amendment lists a number of offenses that would trigger the contract prohibition. These provisions in my amendment were taken directly from the FAR 9.406-2. So, again, there is no new legislating or authorizing going on in this amendment.

I would say that many and most all Members of this House voted for "three strikes you're out" on Federal crimes against persons or the State. I would suggest that it would be appropriate to extend that principle to the very critical area of defense.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The amendment offered by the gentleman from Oregon imposes a new burden on the Secretary of Defense by requiring him to discover the number of times an entity seeking to enter a contract with funds under this act has committed certain violations of law. While current law already imposes a duty on the Secretary to be apprised whether such violations have occurred, it does not require him to keep a tally.

As such, the amendment constitutes legislation in violation of clause 2 of rule XXI and the amendment is not in order. The point of order is sustained.

AMENDMENT OFFERED BY MR. DEFAZIO

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

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. \_\_\_\_ None of the funds made available in this Act may be used to enter into a contract with an entity that has submitted information to the Secretary of Defense, pursuant to the Federal Acquisition Regulation, that the entity has, either been convicted of, or had a civil judgment rendered against it for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

Mr. DEFAZIO (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 Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I had hoped to not be required to offer an amendment which would disbar contractors for committing criminal or civil fraud in procurement from the Federal taxpayers in doing business with the Pentagon, and do that with only one offense. I was willing to give them both the opportunity to amend their ways, that is to say, it would not be retroactive. And, secondly, that it would allow three strikes, the same thing allowed in many criminal cases against persons under Federal law.

What message are we sending here tonight if the committee objects to this amendment? We have had extensive and emotional discussion about the lack of resources for our young men and women in uniform. What message are we sending to them saying the next time a contractor provides a piece of equipment that does not meet specifications and endangers their lives, their mission, that could strand them behind enemy lines.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would just advise the gentleman that I did not reserve a point of order against this wonderful amendment that he is now presenting.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I did not say that the gentleman had. What I said is that the gentleman prevailed on his point of order against the first one, so now I must offer one that goes to one strike, which I admit is very rigorous.

But the point I am making is what message are we sending to defense contractors who have committed fraud, and the list is long and it is ongoing, according to the Government Accounting Office, if we say to them we are not going to crack down on you; keep committing fraud, fraud that endangers the lives of young men and women in the military with substandard equipment, fraud that drains precious tax dollars from the training the gentleman from California so eloquently talked about earlier, fraud that takes resources away from the American people, their tax dollars, and diverts it into the coffers that have not been earned by defense contractors? What message are we sending if we cannot crack down on fraud?

I cannot believe that Members would vote against such an amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. DEFAZIO. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, would this amendment apply to the allegations against the Loral Corporation and Bernard Schwartz and the technology transfer to China?

Mr. DEFAZIO. Reclaiming my time, Mr. Chairman, we have Loral down here on 12/8/89, \$1.5 million, procurement fraud. The gentleman asked about a specific firm, and I was not going to read specific firms, but Loral has one conviction in 1989. I am looking to see if there are subsequent convictions of Loral.

Oh, yes. Loral Electric Systems, DEFective pricing, 10/95, \$1.55 million. Loral only seems to have two convictions. So under my previous amendment, they would not have been barred, and I do not know if there is pending litigation against them, but many other firms would be. Although under the modified amendment, which is in order, they would be barred because they have two convictions.

So I would hope that the gentleman from California (Mr. LEWIS) would reconsider. If he has concerns about barring firms who have only one criminal fraud indictment against them, DEFrauding the American taxpayer, DEFrauding the military and jeopardizing our military security, that then he would go back and reconsider, accept the original amendment, or accept this amendment with the idea of going to 5 or 10 or 15 or 20 strikes, whatever he thinks would be necessary in the conference with the other body.

□ 1900

Personally, I think three strikes with no retroactivity having been put on notice by the \$1.2 billion of fines paid in the past would be adequate.

I would really hate to have to go and put Members on record on this vote. I think it is a very difficult vote for Members to cast. We would hear that this would hurt the defense of the country because most of our defense contractors have committed fraud at least once and been convicted of it. That is true. That is why I wanted to go with three fraud convictions.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all, I want to say to my friend the gentleman from Oregon (Mr. DEFAZIO) that his amendment is strongly opposed by the Defense Department because they already have the ability to deal with these issues.

Let me give my colleagues what they say. This comes over from the comp-troller:

The Department strongly opposes this provision since it would supersede the current suspension and debarment program established in the Federal Acquisition Regulation, FAR; unduly burden the procurement process; and eliminate the Department's flexibility in choosing with whom to do business.

The Department agrees that it should not do business with firms or individuals whose conduct is unethical or unlawful. To this end, the suspension and debarment system now in place protects the Government from dealing with unscrupulous contractors. It allows for individual debarment determinations based on factors, such as poor performance or violation of law, and requires due process so that exceptions, often in the form of settlement agreements, may be made when circumstances warrant.

The Department recommends that the offenses listed continue to be handled through the current FAR suspension and debarment process. Last year over 800 firms and individuals were suspended or debarred by the DOD.

Government-wide there are 5,000 firms and individuals currently suspended or debarred from doing business with the Government. The existing FAR system gives the Department the flexibility to consider mitigating factors and select an appropriate debarment period.

Potential mitigating factors include the fact that a firm is the sole source supplier of a product or service, that the offense was committed several years ago, and that the firm has taken steps to prevent a recurrence or has removed the individual responsible for the improper conduct and educated its workforce on ethics and integrity.

The FAR debarment process is well established and does not impose undue administrative burdens or absolutely prohibit doing business with critical suppliers.

The Department already has the authority to debar individuals and contractors for commission of offenses, such as the ones indicated, as well as for a general lack of business integrity or honesty.

Making debarment statutory adds nothing to the authority DOD already has and removes our ability to tailor the appropriate sanctions to individual cases.

So not only is this not necessary, the amendment of the gentleman would immediately debar almost all of the defense industry. Now, I know that he does not favor the defense industry, but getting rid of all of it at once, I think, would be overkill.

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

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, how many strikes would the gentleman accept?

Mr. DICKS. Mr. Chairman, reclaiming my time, I cannot accept any strikes because the gentleman has not even gotten close to the plate with this amendment. So let us vote it down and move along.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this time to thank the gentleman from California (Chairman LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, for their assistance in including language in this important bill concerning Beryllium illness and compensation and to make it a part of this defense appropriations measure.

The language in the bill requires the Department of Defense to report to

Congress for the first time on the incidence of Beryllium-related diseases amongst Department of Defense current and former employees, contractor employees serving during the Cold War, and vendor employees and to do so by May of next year.

This requirement is a complement to the work already undertaken by the Department of Energy, under the leadership of Secretary Richardson, the difficulty we are having in getting our executive branch to focus on those workers who are ill who have performed work related to Beryllium either in Government-run plants, such as DOE facilities, or plants that were totally 100 percent contract shops for the Department of Defense or their vendors.

The House would have considered the defense authorization bill last month included a sense of Congress resolution stating that Congress and the Federal Government has a responsibility toward people suffering from Chronic Beryllium Disease and other occupational diseases contracted while performing work related to our national security. But, of course, there was no actual compensation or medical benefits even contemplated in that particular measure.

I want to place on the RECORD, Mr. Chairman, the bill that I have introduced, H.R. 3418, that actually would authorize that compensation and medical assistance for people who served in the line of duty to this country who are dying and who are having the Government of the United States turn its back on them year after year.

Let me also state, for the RECORD, that Chronic Beryllium Disease is a horrendous illness. It is often debilitating, and it can be a fatal lung condition for a small percentage of people who worked in this industry, 2 percent. But we believe over 1,200 Americans have contracted this disease mostly by working in defense-related plants and some in energy-related facilities.

What essentially happens is that if they have the Beryllium sensitivity, their lungs begin to crystallize over a period of time and they, essentially, are strangled to death.

One of the people who was so injured was a constituent in my district, Mr. Gaylen Lemke, who first came to see me over 5 years ago to tell me about his experience. He worked in a contract shop that was on contract to the Department of Defense. Without question, he contributed his work and his life to this Nation winning the Cold War; and he suffered a slow and cruel death, as the disease slowly sapped his ability to breathe over the years.

Gaylen Lemke is as much a veteran of this country as anyone who has flown an airplane or served on a submarine, and we owe him and his survivors the kind of treatment and compensation we provide for those who have suffered in the service of our Nation, our paralyzed veterans, our disabled veterans.

I really hope that this Congress will find a way to provide the kind of com-

penetration and medical care so these families, at one of the most difficult times in their lives, do not have to worry about the compensation and medical care for the person who has done so much for the Nation.

I just again want to thank the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Chairman LEWIS) for including the language in this bill that pushes us forward as a country to understand the true costs of freedom.

Mr. Chairman, I include for the RECORD the following time line of events on Beryllium disease and what we, as a country, have done thus far:

#### CHRONIC BERYLLIUM DISEASE BACKGROUND MEMORANDUM

##### *U.S. Beryllium production*

Brush Wellman, Inc. in Elmore, Ohio, is currently the only company in the country that produces beryllium, a strong, light metal. Beryllium is of strategic interest to the United States because of its unique applications in the aeronautic and aerospace fields. It is also an important component in nuclear weapons and nuclear facilities.

A former Brush facility in Luckey, Ohio, was closed in 1958, and it is currently undergoing remediation by the U.S. Army Corps of Engineers.

The Brush manufacturing facility in Elmore employs about 600 people and produces both beryllium and beryllium alloy products.

Brush mines and processes beryllium ore at its facility in Delta, Utah, and has other facilities in Pennsylvania and Arizona.

Until the mid-1990's Brush was primarily a defense dependent industry with the Department of Defense and Department of Energy being as much as 90% of its customer base. Since then, the company has made a major transition toward commercial products, and today those alloy products represent the majority of the company's production. The transition has also resulted in the expansion of the Elmore plant and increased employment there.

##### *Kaptur legislative initiatives relating to beryllium*

*Defense Strategic Metals Classification and Defense Conversion:* Initiatives in several Defense Authorization bills to classify beryllium and related strategic metals as a unique set of defense-related materials requiring special attention and the transition of defense-related production to commercial market applications.

*Medical Research:* Appropriations for scientific and medical research on prevention and treatment of chronic beryllium disease (CBD).

*Victim Compensation:* Compensation for the victims of CBD at both federal (H.R. 3478) and state levels.

##### *Chronic Beryllium Disease*

Chronic Beryllium Disease is a chronic, often debilitating, and sometimes fatal lung condition. A relatively small number, perhaps 10% of the general population are uniquely sensitive to exposures to beryllium. Of these, perhaps 20% (2 percent of the general population) could develop symptoms of CBD if exposed.

Several 9th District constituents, former and current Brush Wellman employees suffer from CBD. Some of them have asked for assistance on a number of issues. The most regular requests are in three areas:

Screening for beryllium sensitivity,

Improved disability benefits for people suffering from CBD,

Additional federal support for scientific research into CBD, and

A tightening of the exposure limits for persons working with beryllium.

#### *Benefits*

There is no special program, federal or state, for persons suffering from CBD, and victims are looking to the federal government for relief as virtually all persons who have contracted CBD, at least since WWII, have either worked for the federal government or for employers contracted to the federal government. They want a special federal compensation program for beryllium workers similar to the Brown Lung program for coal miners.

State Workers Compensation or Occupational Disability laws are woefully inadequate in providing compensation for CBD largely because of the latency period of the disease tends to be longer than the statute of limitations on claims.

#### *Compensation legislation in the 106th Congress, 1st Session*

H.R. 675: Introduced February 10, 1999, by Rep. Paul Kanjorski (D-PA) establishes a federal beryllium disease trust fund to provide a benefit for some former national defense workers who suffer from CBD or for their families if they are deceased:

H.R. 675 establishes the Beryllium Exposure Compensation Trust Fund in the Department of the Treasury.

The trust fund would pay a one time award of \$100,000 to persons who worked in the beryllium industry between 1930 and 1980, were exposed to significant beryllium hazards in the course of that employment, and who developed a condition known to be related to beryllium exposure.

The bill does not make any provision for funding the trust fund. The trust fund if established would be dependent on annual appropriations. That is a problem because it would establish a federal entitlement without a dedicated revenue source. It makes a promise to CBD sufferers without a guarantee that the promise will be fulfilled.

H.R. 675 provides no specific definition of covered diseases.

H.R. 675 is cosponsored by Reps. Brady, Sherrod Brown, Gilchrest, Gutierrez, Holden, Inslee, Tubbs Jones, Klink, Kucinich, Lantos, Manzullo, Pastor, Slaughter, Strickland, Tancredo, Mark Udall, and Tom Udall.

As a solution to the problem of CBD, H.R. 675 is now no longer under active consideration by the House.

H.R. 3418: Introduced by Rep. Kanjorski on November 17, 1999, on behalf of the Clinton Administration. H.R. 3418 reflected the position of the Department of Energy at the time.

H.R. 3418 establishes a federal compensation program for employees of the DOE contractors and vendors who suffer from CBD providing wage replacement benefits and medical coverage.

H.R. 3418 provides the choice of retroactive compensation for victims of CBD contracted before the bills enactment or, at the employee's option, a retroactive lump sum award of \$100,000 to cover previous lost wages and medical expenses.

H.R. 3418 does not provide benefits for contractors or vendors to the Department of Defense.

H.R. 3418 also provides for a pilot project to examine the possible relationship between workplace exposures to radiation, hazardous materials, or both and occupational illness or other adverse health conditions.

H.R. 3418 also provides a compensation program similar to the beryllium compensation program for workers exposed to radiation hazards at the Paducah, Kentucky, gaseous diffusion plant.

H.R. 3418 is cosponsored by Reps. Biggert, Brady, Sherrod Brown, DeFazio, Holden, Kaptur, Klink, Phelps, Slaughter, Thornberry, Mark Udall, Wamp, and Whitfield.

H.R. 3478: Introduced by Rep. Kaptur on November 18, 1999, provides a more comprehensive beryllium compensation bill.

H.R. 3874 authorizes a federal workers' compensation program for beryllium workers employed by the Department of Energy and the Department of Defense, their contractors and vendors who suffer from CBD.

H.R. 3874 provides for a \$200,000 lump sum retroactive payment option.

H.R. 3874 is cosponsored by Reps. Gillmor, Kanjorski, and Hansen.

H.R. 3874 does not address diseases other than those related to beryllium.

S. 1954: Introduced by Senator Jeff Bingaman (D-NM) on November 17, 1999. This bill is essentially identical to Rep. Kanjorski's H.R. 3418.

#### *Compensation legislation in the 106th Congress, 2nd Session*

H.R. 4398: Reps. Strickland and Whitfield also introduced a compensation bill on May 9, 2000.

H.R. 4398 establishes a beryllium compensation program administered by the Department of Labor under contract with the Department of Energy.

H.R. 4398 provides a \$200,000 retroactive payment option with prospective medical benefits.

H.R. 4398 establishes a similar compensation program for Department of Energy nuclear workers.

H.R. 4398 directs the Secretary of Energy to determine if similar compensation benefits should be provided to DOE contractor employees exposed to other toxic materials in the course of their work.

H.R. 4398 does not provide coverage for construction subcontractor employees at vendor plants.

S. 2514: Senators Voinovich and DeWine introduced a beryllium compensation bill, S. 2514, on May 9, 2000, which is essentially the same as the Strickland/Whitfield bill.

H.R. 4205, Defense Authorization Act for Fiscal 2001: Kaptur supported a sense of the Congress amendment on the House floor stating that Congress should act on legislation providing compensation for Department of Energy workers with beryllium disease.

Defense Appropriation Bill for Fiscal 2001: In May 2000, Kaptur secured bill language requiring the Department of Defense to report back to Congress by May 2001, on the impact of beryllium disease on DOD contractors and recommendations for compensation for these employees.

#### *Research*

The federal government had conducted research into the health effects of beryllium in the past, but by the early 1990's federal support for such research had lagged.

In the fiscal 1998 appropriations process, Rep. Kaptur raised the issue of the need for further research on CBD with Dr. Kenneth Olden, Director of the National Institute on Environmental Health Sciences (NIEHS). She suggested areas where additional research might be useful, among them:

The standardization of diagnostic criteria and clinical pathologic diagnostic modalities for CBD; and

Determination of the physical, chemical, and steric properties of beryllium in the work place to determine if the size distribution, the particle number, and/or the particle morphology are critical factors in the production of CBD in the worker.

As a result of this inquiry, Rep. Kaptur requested an increase in the appropriation for the NIEHS to be used for further research into CBD. The appropriation was increased.

On March 18, 1999, almost solely as a result of Rep. Kaptur's efforts, NIEHS, the National Heart, Lung, and Blood Institute, the National Institute of Occupational Safety and Health, and the Department of Energy announced, a major new research initiative to the mechanisms of CBD.

#### *Exposure limits*

CBD support groups have argued that the current work place exposure limits for beryllium are too high and result in an unnecessarily high incidence of CBD among beryllium workers.

The current exposure limit is 2 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), measured as an 8 hour, time weighted average.

Rep. Kaptur officially wrote to Charles Jeffress, Assistant Secretary of Labor for Occupational Safety and Health asking the status of the current review of OSHA's current beryllium exposure standard. Response received July 21, 1999, saying that OSHA is reviewing the exposure standard.

In December 1998, the Department of Energy issued a proposed rule to change the beryllium exposure limits for DOE employees to a bifurcated standard.

The new DOE standard would establish a new short-term exposure limit of  $10 \mu\text{g}/\text{m}^3$  for small-scale, short-duration exposures.

And lower the 8 hour, time weighted exposure limit to  $0.5 \mu\text{g}/\text{m}^3$ .

The public comment period for this proposed new rule ended on March 9, 1999.

On December 8, 1999, the DOE issued a final rule, The Chronic Beryllium Disease Prevention Program for DOE facilities. The new regulation retained the  $2 \mu\text{g}/\text{m}^3$  PEL but instituted a new action level of  $0.5 \mu\text{g}/\text{m}^3$  at which a number of engineering and work practice precautions must be instituted.

#### *Defense conversion and materials research*

In 1994, Rep. Kaptur secured \$2 million in the fiscal 1995 Defense Appropriations bill to aid in the companies' conversion from defense-dependent companies to ones that also produce advanced products for the commercial market. Of this, Brush received a few hundred thousand dollars which helped in the development of copper-beryllium alloy products for the electronics and other high-tech industries Brush Related Defense Projects:

Because beryllium is such a critical national security resource, Rep. Kaptur has acted a number of times behalf to secure our nation's stockpile of strategic metals including beryllium. She has also worked to insure that important national defense research development projects related to beryllium and other aerospace metals are funded.

In May, 1995, Rep. Kaptur requested authorization of \$25 million from Subcommittee on Military Research and Development for the continued development of advanced strategic aerospace metals and other lightweight structural materials as a unique subset of the strategic materials reserve. She also requested a \$20 million appropriation for this same purpose for fiscal 1996.

Aerospace Metals Affordability Consortium: In 1998, Rep. Kaptur secured in the fiscal 1999 Defense Appropriations bill \$5 million to initiate this applied research project to meet the national security need for advances in special aerospace metals and metal alloys for aircraft and space vehicle structures, propulsion, components, and weapon systems. Ohio firms are leading participants. The Consortium is funded through and directed by the Air Force Research Laboratory at Wright Patterson AFB in Dayton. For fiscal 2000 she secured an additional \$5 million for the Consortium, and for fiscal 2001, she secured \$15 million to continue the Consortium's work. Authorizing language for the Aerospace Metals Affordability Consortium

was included in the fiscal 2001 Defense Authorization bill.

National Defense Strategic Metals Stockpile: Because beryllium is an important national security resource, Rep. Kaptur has on different occasions written to the Armed Services Committee and to the Pentagon on strategic stockpile issues.

In May 1997, for instance, she wrote to the Pentagon in the spring of 1997 regarding the potential sale of beryllium and beryllium-copper alloy from the National Defense Stockpile. The DOD responded that such sales were not being contemplated at that time.

*Luckey FUSRAP site*

Brush Beryllium, the predecessor company to Brush Wellman, operated a plant in Luckey, Ohio, as a beryllium production facility under contract with the Department of Energy between 1949 and 1958.

The site has been included in the Formerly Utilized Site Remedial Action Program (FUSRAP) currently under the direction of the Army Corps of Engineers. A preliminary radiological survey at the site showed that several areas contain radiation, primarily from radium, in excess of applicable guidelines. In addition, beryllium concentrations in the soil at the site are well above background levels.

The Corps is presently conducting an assessment of the project's scope. The site is scheduled to be remediated by 2005.

AMENDMENT NO. 11 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 No. 11 offered by Mr. SANDERS:

At the end of title VIII (page 116, after line 22) insert the following new section:

SEC. \_\_\_\_ GRANT TO SUPPORT RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR. (a) GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.—Of the amounts made available in this Act for research, development, test, and evaluation, the Secretary of Defense is authorized to make a grant in the amount of \$1,650,000 to a medical research institution for the purpose of initial construction and equipping of a specialized environmental medical facility at that institution for the conduct of research into the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, and for the conduct of such research, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War. The grant shall be made in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The institution to which the grant is to be made shall be selected through established acquisition procedures.

(b) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (a), an institution must meet each of the following requirements:

(1) Be an academic medical center and be affiliated with, and in close proximity to, a Department of Defense medical and a Department of Veterans Affairs medical center.

(2) Enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical facilities and other relevant Federal personnel

may have access to the facility to carry out research.

(3) Have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to hazardous chemicals and other substances.

(4) Have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to hazardous chemicals and other substances and lead to new therapies.

(c) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each element of the Department of Defense provides to the medical research institution that is awarded the grant under subsection (a) any information possessed by that element on hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure. To the extent available, the information provided shall include unit designations, locations, and times for those instances in which such exposure is alleged to have occurred.

(d) REPORTS TO CONGRESS.—Not later than October 1, 2002, and annually thereafter for the period that research described in subsection (a) is being carried out at the facility constructed with the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results during the year preceding the report of the research and studies carried out under the grant.

Mr. SANDERS. Mr. Chairman, I have an amendment at the desk which in a moment I am going to ask unanimous consent to withdraw.

I have spoken to leading members of the committee and to their staff, and I have received assurance that this very important matter will, in fact, be taken care of later on during the process; and I am happy to accept their assurances. I would, however, like to take just a moment to raise the issue of what this amendment is about.

Mr. Chairman, since 1993, there has been a bipartisan consensus in the House that the establishment of an environmental medical unit and research into multiple chemical sensitivity is one of the most promising areas in terms of understanding and treating Gulf War illness.

In fact, in the fiscal year 1994 Department of Defense appropriations bill, this House approved money to begin construction of that unit. Unfortunately, that funding was greatly reduced in the subsequent conference committee and the Department of Defense chose to ignore the report language supporting the establishment of that project.

In other words, 6 years later, and after all of the suffering and pain associated with Gulf War illness, we still have not been able to build a relatively inexpensive unit that could give us key information about the causes and possible treatment of Gulf War illness. And, frankly, this is unacceptable.

Mr. Chairman, I will be submitting to the committee a letter to the Honor-

able Jesse Brown, who was then Secretary of Defense of Veterans Affairs, dated November 19, 1993. This bipartisan letter, which was signed by Sonny Montgomery, the gentleman from Arizona (Mr. STUMP), Roy Roland, the gentleman from New Jersey (Mr. SMITH) and Frank Tejeda, Democrats and Republicans, asks for that money to build this environmental medical unit.

The question is how many years do we have to wait before this very important project is undertaken?

Mr. Chairman, as I have indicated, this process has dragged on for too many years. Gulf War illness is a tragedy. It affects close to 100,000 Americans. The gentleman from Connecticut (Mr. SHAYS), who is chairman of the relevant subcommittee has done a terrific job. I have worked with him in trying to bring forth witnesses who can give us the information about Gulf War illness.

There is widespread belief that multiple chemical sensitivity is one of the causes of Gulf War illness. This unit will go a long way in allowing us to understand the relationship of multiple chemical sensitivity and Gulf War illness.

I ask for unanimous consent, Mr. Chairman, to withdraw this amendment. And I believe that I have assurances from both the chairman and the ranking member that we are going to proceed on this.

The CHAIRMAN. Does the gentleman from Vermont (Mr. SANDERS) withdraw his amendment?

Mr. SANDERS. Yes, Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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

Mr. Chairman, I just want to take a moment to have the House know that this was the end of the first session in which Dave Killian has provided a leadership role on the other side of the aisle. He is a very able member of the Committee on Appropriations staff and worked with us for many, many years. I want to express our appreciation for his efforts this year, as well to express my appreciation for all of the staff on both sides of the aisle, and in particular Kevin Roper, who is my staff director, but especially to Betsy Phillips, who has been here all day on her birthday.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 2 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was refused.

So the amendment was rejected.

Mr. DICKS. Mr. Chairman, I rise to thank the Chairman for his efforts to address the serious problem of toxic waste remaining on the island of Bermuda and submit, on behalf of myself and the gentleman from New Jersey, Mr. FRELINGHUYSEN, for insertion in the RECORD, two letters to the chairman on this issue, one from the Premier of Bermuda and one from the British Ambassador, as well as a letter the Chairman wrote to the Secretary of the Navy on this topic.

HAMILTON, BERMDA,  
May 29, 2000.

Hon. JERRY LEWIS,

*Chairman, Subcommittee on Defense, House Appropriations Committee, Washington, DC.*

DEAR MR. CHAIRMAN, I have been advised that the House Appropriations Committee is now considering report language that would require the U.S. Department of Defense to work with the Governments of Bermuda and the United Kingdom on a resolution of the Bermuda base lands clean-up issue.

In this connection, the Navy has on several occasions stated that Bermuda agreed to accept the reversion of the former Navy properties in Bermuda in an "as is" condition. I wish to advise you unequivocally that this is not the case. Bermuda has consistently expressed its concern directly to the U.S. Navy about the contaminated condition of the base lands and has never agreed to accept the property in its contaminated state. As Ambassador Meyer reaffirmed during his visit with the Subcommittee recently, the British Embassy has also consistently supported Bermuda's position in this matter.

Immediately following notification that the properties would be returned, Bermuda expended more than \$1.5 million on three separate environmental assessments of the base lands. The assessments showed that leaks from the Navy's storage tanks had created major free product plumes that are threatening Bermuda's groundwater supplies. The assessment also showed that sludge and raw sewage at the bottom of Bassett's Cave and more than 400 tons of friable asbestos are posing significant health risks to Bermuda's population. Bermuda promptly turned over all such studies to the Navy.

On the 14th of December 1994, some eight months before the bases were closed, Bermuda submitted a formal position paper to Captain Tim Bryan, Commanding Officer of the Bermuda Naval Air Station. The paper detailed the environmental problems at the base lands and communicated the view that the U.S. should bear full responsibility for the contamination and environmental problems at the U.S. base lands. In a subsequent position paper dated 17th May 1995, three months before closure, Bermuda formally notified the Navy that it would not accept the U.S. position concerning abandonment of the bases, and that "the U.S. has moral and political obligation for clean-up". The Bermuda notification also stated that "Bermuda has formally advised the U.S. Navy on two occasions that the contamination constitutes an unacceptable imminent risk to citizens, residents and visitors to Bermuda".

You will find attached for ease of reference Bermuda's position papers of 14th December 1994 and 17th May 1995. I hope this information is helpful to you. This matter has now been protracted over nearly five years without a satisfactory resolution. I have attached also two recent articles from Bermuda's newspapers that show just how much this issue continues to be a matter of major concern in Bermuda.

We very much hope that your Committee will initiate a process that can lead to a sat-

isfactory resolution of this matter without further delay. As always, we are very grateful for your continuing interest in this issue.

Yours sincerely,

THE HON. C. EUGENE COX, JP, MP.,  
*Acting Premier.*

BRITISH EMBASSY,

Washington, DC, May 1, 2000.

Hon. JERRY LEWIS,

*House of Representatives,*  
Washington, DC.

DEAR CONGRESSMAN, I understand that the House Appropriations Sub-Committee on Defense, which you chair, will soon be completing consideration of the Defense Department's Appropriations Bill for Fiscal Year 2001, including the issue of the environmental clean-up of the former U.S. military baselands in Bermuda, which closed in 1995. I am writing to confirm that the British Government have always backed Bermuda's claim. This letter sets out why we believe the U.S. has both a moral and legal responsibility to clean up the environmental damage at the sites.

#### EXTENT OF ENVIRONMENTAL DAMAGE

A number of studies by experienced U.S. and Canadian firms have revealed extensive environmental damage at the bases. The main concerns are:

Serious soil and groundwater pollution caused by leaking fuel storage tanks improperly closed when the bases ceased operating;

Bassett's Cave, in which the U.S. Navy disposed of raw sewage and industrial wastes. There is now a layer of sludge two to five feet thick, containing numerous toxic substances;

Asbestos: approximately 70% of the abandoned U.S. buildings contain asbestos, 25% of which is crumbling, and thus particularly hazardous.

I enclose a paper setting out the damage in more detail (Annex A), and a paper challenging (i) the U.S. Navy's assertions that Bermudian claims are exaggerated, and (ii) the extent of the U.S. remedial efforts before departure (Annex B).

#### LEGAL POSITION

The U.S. Government have argued that there is no legal requirement for additional clean-up. We disagree. We believe that the reference in the 1941 Agreement to the "spirit of good neighborliness", as well as its character as a lease, imply a requirement that the lessee, the U.S., would return the leased areas in a good physical condition, in accordance with common law. Moreover, under customary international law, and the "polluter pays" principle to which the U.S. subscribes, States have a general obligation to ensure that their activities do not damage other States' environment.

We do not accept the U.S. Government's view that it is entitled to compensation for the residual value of the facilities which were left behind on closure. The 1941 Agreement makes no provision for this. Nor under common law is a lessor liable to his lessee for improvements voluntarily made by the lessee. In fact, the Bermudians will need to spend a lot of money to turn the abandoned bases into useful assets.

The third enclosed paper (Annex C) sets out in more detail the legal position on environmental damage, and on the separate but related issue of the U.S. obligation to maintain Longbird Bridge.

#### THE CANADIAN PRECEDENT

The bases were established under the 1941 U.S./UK Leased Bases Agreement. This agreement also applied to certain bases in Canada. When these were closed, the U.S. Congress did agree, in October 1998, to compensation, citing the unique and long-

standing national security alliance between the U.S. and Canada, and the fact that the sites were used by the U.S. and Canada for their mutual defense. We believe that the same arguments apply at least as strongly to Bermuda in light of the uniquely close U.S./UK defence relationship. In the Canadian case, Congress also cited the substantial risk which environmental contamination could pose to the health and safety of U.S. citizens also applies in the case of Bermuda, which 463,000 U.S. citizens visited last year and where 4,600 U.S. nationals have homes.

Although we believe that the Canadian case does provide a precedent for Bermuda, we do not believe that clean-up in Bermuda need create a precedent which might be used against the U.S. in relation to bases elsewhere in the world, given the limited territorial scope of the 1941 Leased Bases agreement.

I hope that this information is helpful, and would welcome your views on the best way to advance this issue. I would be happy to brief you and your colleague on the Defence Sub-Committee on Appropriations, to whom I am copying this letter, in more detail if you felt this would be useful. I could accompany my briefing with a short video highlighting the extent of the contamination on the island.

Sincerely,

CHRISTOPHER MEYER.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, May 25, 2000.

Hon. RICHARD J. DANZIG,  
*Secretary of the Navy,*  
Washington, DC.

DEAR SECRETARY DANZIG: On May 4, 2000, the British Ambassador, Sir Christopher Meyer, met with several members of the Defense Appropriations Subcommittee to explain the British Government's strong support for Bermuda and its interest in seeing the Bermuda base cleanup issue resolved promptly.

As we had not yet had an opportunity to discuss this issue with you, the Committee chose not to include any directive language regarding environmental cleanup at Bermuda in the fiscal year 2001 Department of Defense Appropriations bill that we have just reported out of Committee. It is our intention, however, to revisit this issue during conference committee deliberations with the Senate.

I understand from a previous Navy report to the Committee, forwarded on February 11, 1998, that it is the Navy's position that "the United States is under no legal obligation to remediate environmental contamination at its former bases in Bermuda". However, I am concerned that this issue could become a serious irritant between the U.S., the U.K. and Bermuda if it is not resolved soon. I therefore request that you look into this issue to determine what options you have at your disposal and what recommendations you would make to reach a satisfactory resolution of this issue.

Sincerely,

JERRY LEWIS,  
*Chairman, Defense Subcommittee.*

The CHAIRMAN. The Clerk will read the remainder of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Defense Appropriations Act, 2001".

□ 1915

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) 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. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 514, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). As indicated by the bells, the next series of votes will be 5 minutes each.

The vote was taken by electronic device, and there were—yeas 367, nays 58, not voting 9, as follows:

[Roll No. 241]  
YEAS—367

Abercrombie	Chambliss	Gejdenson
Ackerman	Chenoweth-Hage	Gekas
Aderholt	Clay	Gephardt
Allen	Clayton	Gibbons
Andrews	Clement	Gilchrest
Archer	Clyburn	Gillmor
Armey	Coble	Gilman
Baca	Coburn	Gonzalez
Bachus	Collins	Goode
Baird	Combest	Goodlatte
Baker	Condit	Goodling
Baldacci	Cook	Gordon
Ballenger	Cooksey	Goss
Barcia	Costello	Graham
Barr	Cox	Granger
Barrett (NE)	Cramer	Green (TX)
Bartlett	Crane	Green (WI)
Barton	Crowley	Gutknecht
Bass	Cubin	Hall (OH)
Bateman	Cummings	Hall (TX)
Becerra	Cunningham	Hansen
Bentsen	Davis (FL)	Hastings (FL)
Bereuter	Davis (VA)	Hastings (WA)
Berkley	Deal	Hayes
Berman	DeLauro	Hayworth
Berry	DeLay	Hefley
Biggart	DeMint	Herger
Bilbray	Deutsch	Hill (IN)
Bilirakis	Diaz-Balart	Hill (MT)
Bishop	Dickey	Hilleary
Blagojevich	Dicks	Hilliard
Bliley	Dingell	Hinojosa
Blunt	Dixon	Hobson
Boehlert	Dooley	Hoefel
Boehner	Doolittle	Hoekstra
Bonilla	Doyle	Holden
Bonior	Dreier	Holt
Bono	Duncan	Horn
Borski	Dunn	Hostettler
Boswell	Edwards	Hoyer
Boucher	Ehrlich	Hulshof
Boyd	Emerson	Hunter
Brady (PA)	Engel	Hutchinson
Brady (TX)	English	Hyde
Brown (FL)	Etheridge	Inslee
Bryant	Evans	Isakson
Burr	Everett	Jackson-Lee
Burton	Ewing	(TX)
Buyer	Farr	Jefferson
Callahan	Fletcher	Jenkins
Calvert	Foley	John
Camp	Forbes	Johnson (CT)
Canady	Ford	Johnson, E.B.
Cannon	Fossella	Johnson, Sam
Capps	Fowler	Jones (NC)
Cardin	Franks (NJ)	Jones (OH)
Carson	Frelinghuysen	Kanjorski
Castle	Frost	Kaptur
Chabot	Gallegly	Kasich

Kelly	Napolitano	Shows
Kennedy	Neal	Shuster
Kildee	Nethercutt	Simpson
Kilpatrick	Ney	Sisisky
King (NY)	Northup	Skeen
Kingston	Norwood	Skelton
Kleczka	Nussle	Slaughter
Klink	Olver	Smith (NJ)
Knollenberg	Ortiz	Smith (TX)
Kolbe	Ose	Smith (WA)
Kuykendall	Oxley	Snyder
LaFalce	Packard	Souder
LaHood	Pallone	Spence
Lampson	Pascrell	Spratt
Lantos	Pastor	Stabenow
Largent	Pease	Stearns
Larson	Pelosi	Stenholm
Latham	Peterson (PA)	Strickland
LaTourette	Petri	Stump
Lazio	Phelps	Stupak
Leach	Pickering	Sununu
Levin	Pickett	Sweeney
Lewis (CA)	Pitts	Talent
Lewis (GA)	Pombo	Tancredo
Lewis (KY)	Pomeroy	Tanner
Linder	Porter	Tauscher
Lipinski	Portman	Tauzin
LoBiondo	Price (NC)	Taylor (MS)
Lowe	Pryce (OH)	Taylor (NC)
Lucas (KY)	Quinn	Terry
Lucas (OK)	Radanovich	Thomas
Maloney (CT)	Rahall	Thompson (CA)
Maloney (NY)	Regula	Thompson (MS)
Manzullo	Reyes	Thornberry
Martinez	Reynolds	Thune
Mascara	Riley	Thurman
Matsui	Rodriguez	Tiahrt
McCarthy (MO)	Roemer	Toomey
McCarthy (NY)	Rogan	Trafigant
McCollum	Rogers	Turner
McCrery	Rohrabacher	Udall (NM)
McHugh	Ros-Lehtinen	Upton
McIntosh	Rothman	Visclosky
McIntyre	Roukema	Vitter
McKeon	Roybal-Allard	Walden
McNulty	Royce	Walsh
Meehan	Rush	Wamp
Meek (FL)	Ryan (WI)	Waters
Menendez	Ryun (KS)	Watkins
Metcalf	Sabo	Watts (OK)
Mica	Salmon	Weldon (FL)
Millender-	Sanchez	Weldon (PA)
McDonald	Sandlin	Weller
Miller (FL)	Sawyer	Wexler
Miller, Gary	Saxton	Weygand
Mink	Scarborough	Whitfield
Moakley	Schaffer	Wicker
Mollohan	Scott	Wilson
Moore	Sessions	Wolf
Moran (KS)	Shadegg	Woolsey
Moran (VA)	Shaw	Wu
Morella	Sherman	Wynn
Murtha	Sherwood	Young (AK)
Myrick	Shimkus	Young (FL)

NAYS—58

Baldwin	Hinchey	Peterson (MN)
Barrett (WI)	Hooley	Ramstad
Blumenauer	Jackson (IL)	Rangel
Brown (OH)	Kind (WI)	Rivers
Campbell	Kucinich	Sanders
Capuano	Lee	Sanford
Conyers	Lofgren	Schakowsky
Coyne	Luther	Sensenbrenner
Davis (IL)	McDermott	Serrano
DeFazio	McGovern	Shays
DeGette	McKinney	Stark
Delahunt	Meeks (NY)	Tierney
Doggett	Miller, George	Towns
Ehlers	Minge	Udall (CO)
Eshoo	Nadler	Velazquez
Fattah	Oberstar	Watt (NC)
Filner	Obey	Waxman
Frank (MA)	Owens	Weiner
Ganske	Paul	
Gutierrez	Payne	

NOT VOTING—9

Danner	Istook	Smith (MI)
Greenwood	Markley	Vento
Houghton	McInnis	Wise

□ 1936

Messrs. RANGEL, TOWNS and BROWN of Ohio changed their vote from “yea” to “nay.”

Mr. WYNN and Mr. METCALF changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

The motion to reconsider is laid on the table.

Stated for:

Mr. ISTOOK. Mr. Speaker, on rollcall No. 241, I was unavoidably detained. Had I been present, I would have voted “yea.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 8 of rule XX, the Chair will now put the question on the each motion to suspend the rules on which further proceedings were postponed on Tuesday, June 6, in the order in which that motion was entertained.

Votes will be taken in the following order:

- S. 291, by the yeas and nays;
- S. 356, by the yeas and nays;
- H.R. 4435, by the yeas and nays; and
- H.R. 3176, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 291.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 291, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 242]  
YEAS—422

Abercrombie	Berry	Calvert
Ackerman	Biggart	Camp
Aderholt	Bilbray	Campbell
Allen	Bilirakis	Canady
Andrews	Bishop	Cannon
Archer	Blagojevich	Capps
Armey	Bliley	Capuano
Baca	Blumenauer	Cardin
Bachus	Blunt	Carson
Baird	Boehlert	Castle
Baker	Boehner	Chabot
Baldacci	Bonilla	Chambliss
Baldwin	Bonior	Chenoweth-Hage
Ballenger	Bono	Clay
Barcia	Borski	Clayton
Barr	Boswell	Clement
Barrett (NE)	Boucher	Clyburn
Barrett (WI)	Boyd	Coble
Bartlett	Brady (PA)	Coburn
Barton	Brady (TX)	Collins
Bass	Brown (FL)	Combest
Bateman	Brown (OH)	Condit
Becerra	Bryant	Conyers
Bentsen	Burr	Cook
Bereuter	Burton	Cooksey
Berkley	Buyer	Costello
Berman	Callahan	Cox