

Frost	Leach	Rothman
Gallegly	Levin	Roukema
Ganske	Lewis (CA)	Royal-Allard
Gekas	Lewis (KY)	Royce
Gephardt	Linder	Rush
Gibbons	Lipinski	Ryan (WI)
Gilchrest	LoBiondo	Ryun (KS)
Gillmor	Lofgren	Sabo
Gilman	Lowey	Sanchez
Goode	Lucas (KY)	Sanders
Goodlatte	Lucas (OK)	Sandlin
Gordon	Lynch	Sawyer
Goss	Maloney (CT)	Saxton
Graham	Maloney (NY)	Schaffer
Granger	Manzullo	Schiff
Graves	Markey	Schrock
Green (TX)	Mascara	Scott
Green (WI)	Matheson	Sensenbrenner
Greenwood	Matsui	Serrano
Grucci	McCarthy (MO)	Sessions
Gutierrez	McCarthy (NY)	Shadegg
Gutknecht	McCollum	Shaw
Hall (OH)	McCrery	Shays
Hall (TX)	McGovern	Sherman
Hansen	McHugh	Sherwood
Harman	McInnis	Shimkus
Hart	McIntyre	Shows
Hastings (FL)	McKeon	Shuster
Hastings (WA)	McNulty	Simmons
Hayes	Menendez	Simpson
Hayworth	Mica	Skeen
Hefley	Millender-	Skelton
Heger	McDonald	Slaughter
Hill	Miller, Dan	Smith (MI)
Hilleary	Miller, Gary	Smith (TX)
Hilliard	Mink	Smith (WA)
Hinchey	Mollohan	Snyder
Hinojosa	Moore	Solis
Hobson	Moran (KS)	Souder
Hoeffel	Moran (VA)	Spratt
Hoekstra	Morella	Stearns
Honda	Murtha	Stenholm
Hooley	Myrick	Strickland
Horn	Napolitano	Stump
Houghton	Neal	Stupak
Hoyer	Nethercutt	Sununu
Hulshof	Ney	Sweeney
Hunter	Northup	Tancredo
Hyde	Norwood	Tanner
Inslee	Nussle	Tauscher
Isakson	Oberstar	Tauzin
Israel	Obey	Taylor (MS)
Issa	Ortiz	Taylor (NC)
Istook	Osborne	Terry
Jackson-Lee	Ose	Thomas
(TX)	Otter	Thompson (CA)
Jefferson	Oxley	Thompson (MS)
Jenkins	Pascarell	Thornberry
John	Pastor	Thune
Johnson (CT)	Pelosi	Thurman
Johnson (IL)	Pence	Tiahrt
Johnson, E. B.	Peterson (MN)	Tiberi
Johnson, Sam	Peterson (PA)	Toomey
Jones (NC)	Petri	Trafficant
Jones (OH)	Phelps	Turner
Kaptur	Pickering	Udall (CO)
Keller	Pitts	Udall (NM)
Kelly	Platts	Upton
Kennedy (MN)	Pombo	Visclosky
Kennedy (RI)	Portman	Vitter
Kerns	Price (NC)	Walden
Kildee	Pryce (OH)	Walsh
Kilpatrick	Putnam	Wamp
Kind (WI)	Radanovich	Waters
King (NY)	Rahall	Watkins (OK)
Kingston	Ramstad	Watson (CA)
Kirk	Regula	Watt (NC)
Klecza	Rehberg	Watts (OK)
Knollenberg	Reyes	Waxman
Kolbe	Reynolds	Weiner
LaFalce	Riley	Weldon (FL)
LaHood	Rivers	Weldon (PA)
Lampson	Rodriguez	Weller
Langevin	Roemer	Wexler
Lantos	Rogers (KY)	Whitfield
Largent	Rogers (MI)	Wicker
Larsen (WA)	Rohrabacher	Wolf
Latham	Ros-Lehtinen	Wynn
LaTourette	Ross	Young (FL)

NAYS—40

Allen	Delahunt	Kucinich
Baldacci	Filner	Lee
Blumenauer	Forbes	Lewis (GA)
Boyd	Frank	McDermott
Brown (OH)	Holden	McKinney
Conyers	Holt	Meeks (NY)
Davis, Jo Ann	Jackson (IL)	Miller, George
DeFazio	Kanjorski	Miller, Jeff

Nadler	Rangel	Velazquez
Owens	Schakowsky	Wilson
Pallone	Smith (NJ)	Woolsey
Paul	Stark	Wu
Payne	Tierney	
Pomeroy	Towns	

NOT VOTING—11

Cubin	Larson (CT)	Olver
English	Luther	Quinn
Gonzalez	Meehan	Young (AK)
Hostettler	Meek (FL)	

□ 1150

Messrs. BALDACC, McDERMOTT, HOLDEN, KANJORSKI, PALLONE, and DEFAZIO, Mrs. MCKINNEY, Messrs. WU, BOYD, TIERNEY, and OWENS, Ms. VELAZQUEZ, Mr. TOWNS, Ms. WOOLSEY, and Mr. MEEKS of New York changed their vote from “yea” to “nay.”

Mr. WAXMAN and Mr. BISHOP changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, I unfortunately was required to attend a funeral in my Congressional District today and missed rollcall Vote No. 496. Had I been present and voting, I would have voted “aye”.

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on S. 1438 just adopted.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress regarding tuberous sclerosis.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1499. An act to amend the District of Columbia College Access Act of 1999 to permit individuals who graduated from a secondary school prior to 1998 and individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school to participate in the tuition assistance programs under such Act, and for other purposes.

DIRECTING SECRETARY OF THE SENATE TO MAKE TECHNICAL CORRECTION IN ENROLLMENT OF S. 1438, NATIONAL DEFENSE AUTHORIZATION ACT FOR 2002

Mr. STUMP. Mr. Speaker, I ask unanimous consent for the immediate

consideration of the concurrent resolution (H. Con. Res. 288) directing the Secretary of the Senate to make a technical correction in the enrollment of S. 1438.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 288

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, the Secretary of the Senate shall make the following correction:

Strike section 1212 and insert the following:

SEC. 1212. EXTENSION OF AUTHORITY FOR INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS.

(a) ELIGIBILITY OF FRIENDLY FOREIGN COUNTRIES.—Section 2350a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after “(a) AUTHORITY TO ENGAGE IN COOPERATIVE R&D PROJECTS.”; and

(B) by striking “major allies of the United States or NATO organizations” and inserting “countries or organizations referred to in paragraph (2)”; and

(C) by adding at the end the following new paragraph:

“(2) The countries and organizations with which the Secretary may enter into a memorandum of agreement (or other formal agreement) under paragraph (1) are as follows:

“(A) The North Atlantic Treaty Organization.

“(B) A NATO organization.

“(C) A member nation of the North Atlantic Treaty Organization.

“(D) A major non-NATO ally.

“(E) Any other friendly foreign country.”;

(2) in subsection (b)(1)—

(A) by striking “its major non-NATO allies” and inserting “a country or organization referred to in subsection (a)(2)”; and

(B) by striking “(NATO)”; and

(3) in subsection (d)—

(A) in paragraph (1), by striking “the major allies of the United States” and inserting “countries and organizations referred to in subsection (a)(2)”; and

(B) in paragraph (2)—

(i) by striking “major ally of the United States” and inserting “country or organization referred to in subsection (a)(2)”; and

(ii) by striking “that ally’s contribution” and inserting “the contribution of that country or organization”;

(4) in subsection (e)(2)—

(A) in subparagraph (A), by striking “one or more of the major allies of the United States” and inserting “any country or organization referred to in subsection (a)(2)”; and

(B) in subparagraph (B), by striking “major allies of the United States or NATO organizations” and inserting “countries and organizations referred to in subsection (a)(2)”; and

(C) in subparagraph (C), by striking “major allies of the United States” and inserting “countries and organizations referred to in subsection (a)(2)”; and

(D) in subparagraph (D), by striking "major allies of the United States" and inserting "countries and organizations referred to in subsection (a)(2)";

(5) paragraphs (1)(A) and (4)(A) of subsection (g), by striking "major allies of the United States and other friendly foreign countries" and inserting "countries referred to in subsection (a)(2)";

(6) in subsection (h), by striking "major allies of the United States" and inserting "member nations of the North Atlantic Treaty Organization, major non-NATO allies, and other friendly foreign countries"; and

(7) in subsection (i)—

(A) in paragraph (1), by striking "major allies of the United States or NATO organizations" and inserting "countries and organizations referred to in subsection (a)(2)";

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) NOTICE-AND-WAIT REQUIREMENT.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

"(3) If such a memorandum of understanding (or other formal agreement) is with a country referred to in subparagraph (E) of paragraph (2), such memorandum (or agreement) may go into effect only after the Secretary submits to the Committees on Armed Services and on Foreign Relations of the Senate and to the Committees on Armed Services and on International Relations of the House of Representatives a report with respect to the proposed memorandum (or agreement) and a period of 30 days has passed after the report has been submitted."

(c) DELEGATION OF AUTHORITY TO DETERMINE ELIGIBILITY OF PROJECTS.—Subsection (b)(2) of such section is amended by striking "to the Deputy Secretary of Defense" and all that follows through the period at the end and inserting "to the Deputy Secretary of Defense and to one other official of the Department of Defense."

(d) REVISION OF REQUIREMENT FOR ANNUAL REPORT ON ELIGIBLE COUNTRIES.—Subsection (f)(2) of such section is amended to read as follows:

"(2) Not later than January 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and on Foreign Relations of the Senate and to the Committees on Armed Services and on International Relations of the House of Representatives a report specifying—

"(A) the countries that are eligible to participate in a cooperative project agreement under this section; and

"(B) the criteria used to determine the eligibility of such countries."

(e) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2350a. Cooperative research and development agreements: NATO organizations; allied and friendly foreign countries".

(2) The item relating to such section in the table of sections at the beginning of subchapter II of chapter 138 of title 10, United States Code, is amended to read as follows:

"2350a. Cooperative research and development agreements: NATO organizations; allied and friendly foreign countries."

SEC. 1213. COOPERATIVE AGREEMENTS WITH FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS FOR RECIPROCAL USE OF TEST FACILITIES.

(a) AUTHORITY.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350l. Cooperative agreements for reciprocal use of test facilities: foreign countries and international organizations

"(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may enter into a memorandum of understanding (or other formal agreement) with a foreign country or international organization to provide for the testing, on a reciprocal basis, of defense equipment (1) by the United States using test facilities of that country or organization, and (2) by that country or organization using test facilities of the United States.

"(b) PAYMENT OF COSTS.—A memorandum or other agreement under subsection (a) shall provide that, when a party to the agreement uses a test facility of another party to the agreement, the party using the test facility is charged by the party providing the test facility in accordance with the following principles:

"(1) The user party shall be charged the amount equal to the direct costs incurred by the provider party in furnishing test and evaluation services by the providing party's officers, employees, or governmental agencies.

"(2) The user party may also be charged indirect costs relating to the use of the test facility, but only to the extent specified in the memorandum or other agreement.

"(c) DETERMINATION OF INDIRECT COSTS; DELEGATION OF AUTHORITY.—(1) The Secretary of Defense shall determine the appropriateness of the amount of indirect costs charged by the United States pursuant to subsection (b)(2).

(2) The Secretary may delegate the authority under paragraph (1) only to the Deputy Secretary of Defense and to one other official of the Department of Defense.

"(d) RETENTION OF FUNDS COLLECTED BY THE UNITED STATES.—Amounts collected by the United States from a party using a test facility of the United States pursuant to a memorandum or other agreement under this section shall be credited to the appropriation accounts from which the costs incurred by the United States in providing such test facility were paid.

"(e) DEFINITIONS.—In this section:

"(1) The term 'direct cost', with respect to the use of a test facility pursuant to a memorandum or other agreement under subsection (a)—

"(A) means any item of cost that is easily and readily identified to a specific unit of work or output within the test facility where the use occurred, that would not have been incurred if such use had not occurred; and

"(B) may include costs of labor, materials, facilities, utilities, equipment, supplies, and any other resources of the test facility that are consumed or damaged in connection with—

"(i) the use; or

"(ii) the maintenance of the test facility for purposes of the use.

"(2) The term 'indirect cost', with respect to the use of a test facility pursuant to a memorandum or other agreement under subsection (a)—

"(A) means any item of cost that is not easily and readily identified to a specific unit of work or output within the test facility where the use occurred; and

"(B) may include general and administrative expenses for such activities as supporting base operations, manufacturing, supervision, procurement of office supplies, and utilities that are accumulated costs allocated among several users.

"(3) The term 'test facility' means a range or other facility at which testing of defense equipment may be carried out."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter

is amended by adding at the end the following new item:

"2350l. Cooperative agreements for reciprocal use of test facilities: foreign countries and international organizations."

SEC. 1214. SENSE OF CONGRESS ON ALLIED DEFENSE BURDENSARING.

It is the sense of Congress that—

(1) the efforts of the President to increase defense burdensharing by allied and friendly nations deserve strong support; and

(2) host nation support agreements with those nations in which United States military personnel are assigned to permanent duty ashore should be negotiated consistent with section 1221(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 50 U.S.C. 1541(a)(1)), which sets forth a goal of obtaining from any such host nation financial contributions that amount to 75 percent of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation.

Subtitle C—Reports

SEC. 1221. REPORT ON SIGNIFICANT SALES AND TRANSFERS OF MILITARY HARDWARE, EXPERTISE, AND TECHNOLOGY TO THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended by adding at the end the following new subsection:

"(d) REPORT ON SIGNIFICANT SALES AND TRANSFERS TO CHINA.—(1) The report to be submitted under this section not later than March 1, 2002, shall include in a separate section a report describing any significant sale or transfer of military hardware, expertise, and technology to the People's Republic of China. The report shall set forth the history of such sales and transfers since 1995, forecast possible future sales and transfers, and address the implications of those sales and transfers for the security of the United States and its friends and allies in Asia.

"(2) The report shall include analysis and forecasts of the following matters related to military cooperation between selling states and the People's Republic of China:

"(A) The extent in each selling state of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People's Republic of China.

"(B) An itemization of significant sales and transfers of military hardware, expertise, or technology from each selling state to the People's Republic of China that have taken place since 1995, with a particular focus on command, control, communications, and intelligence systems.

"(C) Significant assistance by any selling state to key research and development programs of China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons.

"(D) The extent to which arms sales by any selling state to the People's Republic of China are a source of funds for military research and development or procurement programs in the selling state.

"(3) The report under paragraph (1) shall include, with respect to each area of analysis and forecasts specified in paragraph (2)—

"(A) an assessment of the military effects of such sales or transfers to entities in the People's Republic of China;

"(B) an assessment of the ability of the People's Liberation Army to assimilate such sales or transfers, mass produce new equipment, or develop doctrine for use; and

“(C) the potential threat of developments related to such effects on the security interests of the United States and its friends and allies in Asia.”.

SEC. 1222. REPEAL OF REQUIREMENT FOR REPORTING TO CONGRESS ON MILITARY DEPLOYMENTS TO HAITI.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 788; 50 U.S.C. 1541 note) is repealed.

SEC. 1223. REPORT BY COMPTROLLER GENERAL ON PROVISION OF DEFENSE ARTICLES, SERVICES, AND MILITARY EDUCATION AND TRAINING TO FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

(a) STUDY.—The Comptroller General shall conduct a study of the following:

(1) The benefits derived by each foreign country or international organization from the receipt of defense articles, defense services, or military education and training provided after December 31, 1989, pursuant to the drawdown of such articles, services, or education and training from the stocks of the Department of Defense under section 506, 516, or 552 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j, or 2348a) or any other provision of law.

(2) Any benefits derived by the United States from the provision of defense articles, defense services, and military education and training described in paragraph (1).

(3) The effect on the readiness of the Armed Forces as a result of the provision by the United States of defense articles, defense services, and military education and training described in paragraph (1).

(4) The cost to the Department of Defense with respect to the provision of defense articles, defense services, and military education and training described in paragraph (1).

(b) REPORTS.—(1) Not later than April 15, 2002, the Comptroller General shall submit to Congress an interim report containing the results to that date of the study conducted under subsection (a).

(2) Not later than August 1, 2002, the Comptroller General shall submit to Congress a final report containing the results of the study conducted under subsection (a).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 314 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 314

Resolved, That it shall be in order at any time on the legislative day of Wednesday, December 19, 2001, for the Speaker to entertain motions that the House suspend the rules, provided that the object of any such motion is announced from the floor at least one hour before the motion is offered. The Speaker or his designee shall consult with the minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the cus-

tomary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 314 is a rule providing for the consideration of motions to suspend the rules at any time on the legislative day of Wednesday, December 19, 2001.

The rule further provides that the object of any motion to suspend the rules should be announced from the floor at least 1 hour prior to its consideration, and that the Speaker or his designee will consult with the minority leader or his designee on any suspension considered under the rule.

It is a fair rule, Mr. Speaker. It will allow for the consideration of important legislation. I would urge my colleagues to support this straightforward, hopefully noncontroversial, rule.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under rule XV of the House rules, bills may be considered on the House floor under suspension of the rules only on Mondays and Tuesdays, and this resolution will permit bills to be considered under suspension of the rules on Wednesday, December 19.

This special rule is open-ended. It authorizes the Republican House leadership to bring up any bill under suspensions of the rules. Other special rules considered during this Congress to create new suspension days covered only specific measures.

Mr. Speaker, I am concerned that this rule requires only 1 hour's notice before bringing up a bill under suspension.

Mr. Speaker, as we all know, during the last moments of a session when Members are rushing to wrap up the year's business, it is easy to make mistakes. It is also easy to take shortcuts that undermine the deliberative process and restrict the rights of the minority. Under these circumstances, 1 hour's notice is simply not enough time.

Towards the end of the session in 1999, the House passed an open-ended suspension rule that required at least 2 hours. Near the end of the session in 1998, the House also passed an open-ended suspension rule that required at least 2 hours. I fail to see why this rule should require only 1 hour's notice.

For this reason, I must reluctantly oppose the rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. 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 SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

□ 1200

CONFERENCE REPORT ON H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 315 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 315

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my colleague and friend, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 315 is a standard rule waiving all points of order against the conference report to accompany H.R. 1, the No Child Left Behind Act of 2001. The rule also waives all points of order against its consideration.

Mr. Speaker, today we take an historic leap forward on behalf of our children, parents and teachers across this great Nation. While lately, the attention of Americans has been focused on the war on terror, the Congress has continued to focus its attention on our Nation's most precious resource, our children. This conference report does just that and recognizes that investing in our children today will prepare them for the challenges of tomorrow.

The Committee on Education and the Workforce, assigned the demanding task of reforming our Nation's failing Federal education policy, has reported back a conference report that we all can and should support. I am pleased to