

MILITARY CONSTRUCTION  
APPROPRIATIONS ACT, 2002

The SPEAKER. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole of the State of the Union for the consideration of the bill, H.R. 2904.

□ 0905

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. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Defense Department for the fiscal year ending September 30, 2002, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, September 21, 2001, the bill is considered as having been read the first time.

The gentleman from Ohio (Mr. HOBSON) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

(Mr. HOBSON asked and was given permission to revise and extend his remarks.)

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I present the subcommittee's recommendations, let me take a moment to address the events perpetrated on the United States last week.

America has been hurt by these attacks, but we are far from defeated. We will care for our wounded and mourn for those who have lost their lives. We will repair the physical damage to our institutions and seek out those who are responsible. We will have justice. We will stand together, and we will emerge from this catastrophe stronger than before.

This subcommittee is committed to working with the Defense Department to ensure the necessary resources are available for reconstructing the Pentagon and improving the anti-terrorism and force protection measures of defense facilities at home and abroad.

Let me assure the Members, the funding needed to rebuild the Pentagon will be made available from last week's \$40 billion emergency spending meas-

ure; and it is my understanding that the Department is already moving ahead with the reconstruction effort from the first \$10 billion provided to the President.

Mr. Chairman, I would also like to point out that the portion of the Pentagon which was damaged in the attack on September recently received a thorough renovation. The safety improvements made as part of those renovations, including the Kevlar window protection and the new sprinkler system, have been credited with saving more lives from being lost in the attack.

Although the renovation of the Pentagon was originally funded through the Subcommittee on Defense of the Committee on Appropriations and the Pentagon Renovation Revolving Fund, we fully expect the reconstruction of the destroyed wedge of the building to be funded through the military construction defense-wide appropriation.

For now, the President has encouraged America to go back to work. This includes the Congress, and today we are moving forward with this needed legislation to improve the quality of life for our military personnel.

This legislation also includes numerous infrastructure and security improvements at bases across the country. These are desperately needed by our military forces. Force protection requirements are addressed in every new building or major renovation, and we will continue to work with the Department to ensure these requirements are current and met.

Therefore, it is my pleasure to present to the House the recommendations of the military construction appropriations bill for fiscal year 2002.

I would particularly like to thank the gentleman from Massachusetts (Mr. OLVER), my ranking member, and other members of the subcommittee for their help in producing a bipartisan recommendation.

The bill presented to the House today totals \$10.5 billion. This represents a \$1.56 billion, or 17 percent increase, from last year's appropriation. This appropriation amount is within the 302(b) allocation for both budget authority and outlays.

The recommendations before the House are solid, fully funded priority projects for the services and our troops. The legislation helps meet the needs of our military families and improves our national security infrastructure. It is fiscally responsible,

while supporting the housing, child care and medical needs of our military.

Within the \$10.5 billion, we have been able to address quality of life issues, including \$1.2 billion for troop housing, \$43 million for child development centers, \$199 million for hospital and medical facilities, \$1.1 billion for new family housing units and for improvements to existing units, and \$2.9 billion for operating and maintenance of existing family housing units.

In this bill, there is over \$1.1 billion for overseas construction of family housing. This subcommittee has seen firsthand the conditions that our troops live and work in overseas, and we are appalled by what we have seen. This \$1.1 billion only begins to buy down these requirements, but it will go a long way for the spirit and morale of our servicemen and women stationed overseas.

We have worked closely with the authorizing committee; and I would like to thank the gentleman from New Jersey (Mr. SAXTON) and his staff for their help, particularly Phil Grone, a long-time staff member who is leaving to go down to the Defense Department.

Also this year we have had a new clerk of our committee, Valerie Baldwin. Valerie and her staff have done a great job in her first year as clerk.

I would also like to thank Tom Forhan of the minority staff. Tom has traveled with us as we have gone around. He has been very helpful in making sure that this is a bipartisan bill.

Of course, I have to thank my ranking member. The gentleman from Massachusetts (Mr. OLVER) has been a great Member. He has gone with us all over the world looking at facilities, making sure that the environment is protected, and where we are going for the future. He has done a terrific job in learning this job. This is not an easy job to learn, and he has done a great job at it.

In conclusion, this \$10.5 billion is roughly 3 percent of the total defense budget, but it directly supports the men and women in our Armed Forces. There are critical shortfalls in our defense infrastructure; and we believe this bill begins to address those shortfalls, in increasing productivity, readiness, recruitment and retention, all very vital at this most critical time in our national defense.

Mr. Chairman, I include the following tabular material for the RECORD.

**MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2002 (H.R. 2904)**  
**(Amounts in thousands)**

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Military construction, Army.....	907,878	1,760,541	1,739,334	+ 831,456	-21,207
Foreign currency fluctuation adjustment .....	-635			+ 635	
Rescission.....			-36,400	-36,400	-36,400
Miscellaneous appropriations (P.L. 106-554).....	26,941			-26,941	
Supplemental appropriations (P.L. 107-20) .....	9,144			-9,144	
Total.....	943,328	1,760,541	1,702,934	+ 759,606	-57,607
Military construction, Navy .....	929,113	1,071,408	1,154,248	+ 225,135	+ 82,840
Foreign currency fluctuation adjustment .....	-2,889			+ 2,889	
Rescission.....			-19,588	-19,588	-19,588
Supplemental appropriations (P.L. 107-20) .....	3,187			-3,187	
Total.....	929,411	1,071,408	1,134,660	+ 205,249	+ 63,252
Military construction, Air Force.....	868,294	1,068,250	1,185,220	+ 316,926	+ 116,970
Miscellaneous appropriations (P.L. 106-554).....	11,974			-11,974	
Supplemental appropriations (P.L. 107-20) .....	5,065			-5,065	
Total.....	885,333	1,068,250	1,185,220	+ 299,887	+ 116,970
Military construction, Defense-wide .....	819,954	694,558	863,058	+ 43,104	+ 168,500
Foreign currency fluctuation adjustment .....	-7,115			+ 7,115	
Rescission.....			-10,250	-10,250	-10,250
Supplemental appropriations (P.L. 107-20) .....	-14,376			+ 14,376	
Total.....	798,463	694,558	852,808	+ 54,345	+ 158,250
Total, Active components.....	3,556,535	4,594,757	4,875,622	+ 1,319,087	+ 280,865
Military construction, Army National Guard .....	281,097	267,389	313,348	+ 32,251	+ 45,959
Miscellaneous appropriations (P.L. 106-554).....	4,490			-4,490	
Total.....	285,587	267,389	313,348	+ 27,761	+ 45,959
Military construction, Air National Guard .....	203,381	149,072	198,803	-4,578	+ 49,731
Supplemental appropriations (P.L. 107-20) .....	6,700			-6,700	
Total.....	210,081	149,072	198,803	-11,278	+ 49,731
Military construction, Army Reserve .....	108,499	111,404	167,769	+ 59,270	+ 56,365
Military construction, Naval Reserve .....	64,331	33,641	62,351	-1,980	+ 28,710
Rescission.....	-2,400		-925	+ 1,475	-925
Total.....	61,931	33,641	61,426	-505	+ 27,785
Military construction, Air Force Reserve.....	36,510	53,732	81,882	+ 45,372	+ 28,150
Total, Reserve components.....	702,608	615,238	823,228	+ 120,620	+ 207,990
Total, Military construction .....	4,259,143	5,209,995	5,698,850	+ 1,439,707	+ 488,855
Appropriations .....	(4,261,543)	(5,209,995)	(5,766,013)	(+ 1,504,470)	(+ 556,018)
Rescissions .....	(-2,400)		(-67,163)	(-64,763)	(-67,163)
NATO Security Investment Program.....	171,622	162,600	162,600	-9,022	
Family housing, Army:					
New construction.....	165,459	59,200	61,700	-103,759	+ 2,500
Construction improvements .....	63,450	220,750	220,750	+ 157,300	
Planning and design .....	6,528	11,592	11,592	+ 5,064	
Subtotal, construction .....	235,437	291,542	294,042	+ 58,605	+ 2,500
Operation and maintenance .....	969,566	1,108,991	1,096,431	+ 126,865	-12,560
Foreign currency fluctuation adjustment .....	-19,911			+ 19,911	
Subtotal, operation and maintenance .....	949,655	1,108,991	1,096,431	+ 146,776	-12,560
Supplemental appropriations (P.L. 107-20) .....	26,480			-26,480	
Total, Family housing, Army .....	1,211,572	1,400,533	1,390,473	+ 178,901	-10,060
Family housing, Navy and Marine Corps:					
New construction.....	204,669	114,847	124,847	-79,822	+ 10,000
Construction improvements .....	192,652	183,054	203,434	+ 10,782	+ 20,380
Planning and design .....	19,914	6,499	6,499	-13,415	
Subtotal, construction .....	417,235	304,400	334,780	-82,455	+ 30,380
Operation and maintenance .....	880,696	918,095	910,095	+ 29,399	-8,000
Foreign currency fluctuation adjustment .....	-1,071			+ 1,071	
Subtotal, operation and maintenance .....	879,625	918,095	910,095	+ 30,470	-8,000
Supplemental appropriations (P.L. 107-20) .....	20,300			-20,300	
Total, Family housing, Navy and Marine Corps.....	1,317,160	1,222,495	1,244,875	-72,285	+ 22,380

**MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2002 (H.R. 2904)—Continued**  
**(Amounts in thousands)**

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Family housing, Air Force:</b>					
New construction.....	71,857	140,800	140,800	+ 68,943	.....
Construction improvements.....	173,663	352,879	370,879	+ 197,216	+ 18,000
Planning and design.....	12,732	24,558	24,558	+ 11,826	.....
Foreign currency fluctuation adjustment.....	-6,839	.....	.....	+ 6,839	.....
Subtotal, construction.....	251,413	518,237	536,237	+ 284,824	+ 18,000
Operation and maintenance.....	824,453	869,121	858,121	+ 33,668	-11,000
Foreign currency fluctuation adjustment.....	-5,392	.....	.....	+ 5,392	.....
Subtotal, operation and maintenance.....	819,061	869,121	858,121	+ 39,060	-11,000
Supplemental appropriations (P.L. 107-20).....	13,625	.....	.....	-13,625	.....
Total, Family housing, Air Force.....	1,084,099	1,387,358	1,394,358	+ 310,259	+ 7,000
<b>Family housing, Defense-wide:</b>					
Construction improvements.....	.....	250	250	+ 250	.....
Operation and maintenance.....	44,787	43,762	43,762	-1,025	.....
Total, Family housing, Defense-wide.....	44,787	44,012	44,012	-775	.....
Department of Defense Family Housing Improvement Fund.....	.....	2,000	2,000	+ 2,000	.....
Homeowners assistance fund, Defense.....	.....	10,119	10,119	+ 10,119	.....
(By transfer).....	.....	.....	(7,730)	(+ 7,730)	(+ 7,730)
Total, Family housing.....	3,657,618	4,066,517	4,085,837	+ 428,219	+ 19,320
New construction.....	(441,985)	(314,847)	(327,347)	(-114,638)	(+ 12,500)
Construction improvements.....	(429,765)	(756,933)	(795,313)	(+ 365,548)	(+ 38,380)
Foreign currency fluctuation adjustment.....	(-6,839)	.....	.....	(+ 6,839)	.....
Planning and design.....	(39,174)	(42,649)	(42,649)	(+ 3,475)	.....
General reduction.....	.....	.....	.....	.....	.....
Operation and maintenance.....	(2,779,907)	(2,939,969)	(2,908,409)	(+ 128,502)	(-31,560)
Foreign currency fluctuation adjustment.....	(-26,374)	.....	.....	(+ 26,374)	.....
Family Housing Improvement Fund.....	.....	(2,000)	(2,000)	(+ 2,000)	.....
Homeowners Assistance Fund.....	.....	(10,119)	(10,119)	(+ 10,119)	.....
(By transfer).....	.....	.....	(7,730)	(+ 7,730)	(+ 7,730)
<b>Base realignment and closure accounts:</b>					
Part IV.....	1,022,115	532,200	552,713	-469,402	+ 20,513
Supplemental appropriations (P.L. 107-20).....	9,000	.....	.....	-9,000	.....
Total.....	1,031,115	532,200	552,713	-478,402	+ 20,513
<b>GENERAL PROVISIONS</b>					
General provision (sec. 129).....	-100,000	.....	.....	+ 100,000	.....
Foreign currency account (sec. 132).....	-83,000	.....	.....	+ 83,000	.....
<b>Grand total:</b>					
New budget (obligational) authority.....	8,936,498	9,971,312	10,500,000	+ 1,563,502	+ 528,688
Appropriations.....	(8,938,898)	(9,971,312)	(10,567,163)	(+ 1,628,265)	(+ 595,851)
Rescissions.....	(-2,400)	.....	(-67,163)	(-64,763)	(-67,163)
(By transfer).....	.....	.....	(7,730)	(+ 7,730)	(+ 7,730)

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

□ 0915

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to start out by returning the thanks that the gentleman from Ohio (Mr. HOBSON), the chairman of the subcommittee has already given. I want first to thank the chairman for his cooperation in the production of what is truly a bipartisan bill. I want to thank also the very excellent work that has been done by the staffs, both the majority staff, so ably led by Valerie Baldwin, and our minority staff, Tom Forhan from the minority, and my own personal staff, Suzanne DuMont.

Mr. Chairman, I want to make clear that America will find no difference between the majority and the minority in our support for the men and women who protect America. So I endorse the comments that have been made along those lines by the chairman.

This bill was reported out before the terrible events of last week, but includes help on the course the President of the United States set in America's fight against international terrorism.

Many Members know that many of our problems with military facilities are with those facilities overseas. It is always easier to get the required resources at home. Troops and their families serving at our bases in foreign countries are more easily forgotten. We have railheads that can barely be used to move equipment, vehicle maintenance shops smaller than the vehicles they are supposed to support, and housing so poor that, for the sake of their families, members of the armed services are reluctant to reenlist.

This bill provides \$500 million more than the President requested earlier this year and, obviously, before the events of September 11. The gentleman from Ohio (Mr. HOBSON) and the committee have already added to the President's requested projects that are badly needed in the Middle East, Europe and the Far Pacific.

We have added, for instance, for separate projects a total of more than \$5 million for two special forces training ranges in the Pacific which will be used to train our troops, our ground troops, the Marines and the Army, for urban combat. We have added more than \$5 million for an Air Force facility in Turkey, and there is another \$12 million for replacing the barracks in Korea. Those are some of the kinds of examples of foreign places where the facilities are particularly inadequate. But what we have been able to do within the allocation is just a small step in the right direction.

We have many serious problems with our facilities overseas that affect not only the quality of life for our troops and their families, but our military readiness as well. We all have a responsibility to work together to correct this grim situation.

The report for this bill begins with a declaration of the committee support for our national efforts to recover from and respond to the terrorist attacks. We may have our differences on a few matters, but on this we are standing together. We need this bill to continue our efforts, to give our support to the men and women who are protecting us in the military. I urge the Members to support the bill.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT) for a colloquy.

Mr. TRAFICANT. Mr. Chairman, I would like to first make a brief statement.

America certainly has been a generous Nation. We have literally rebuilt Germany, Japan and Italy after World War II and saved France from collapse. The Marshall Plan and the Truman Plan have saved other countries.

I want to applaud President Bush for challenging both America and the entire free world in one of the great speeches made in our history last night. It is certainly helping to heal America. But there are still some symptoms that exist that must be addressed.

In our great show of patriotism with flags waving all over America, the news has been reported that most of these flags have been made in China. I want to just state that China, as recently as this morning, has announced and pledged support to President Bush and our coalition worldwide. But on Tuesday, September 11, if that date rings a bell, the Chinese Government signed a cooperative agreement with the Taliban government of Afghanistan which, in fact, harbors Osama bin Laden.

I think we have to make sure that nations do not speak out of both sides of their mouths. But my question was, when I first came over, I have added Buy American language to respective bills. After having looked, there were two versions of bills here. I want a clarification.

The Traficant language basically states that any grants awarded under this bill shall be to entities that shall agree to comply with the Buy American Act. In addition, the Traficant language says that any firm or company that is in violation of the Buy American Act shall be ineligible to receive grants or contracts under this bill.

I was under the impression that only one section of that existed, but the staff of the gentleman has basically stated that both provisions are in the bill.

Mr. Chairman, I would like to know if both of those provisions do exist in this particular bill.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, it is my opinion they do, as it is our intent. I am very sensitive to this. I happen to be pursuing a similar Buy American situation in another bill right now, which I plan to talk to the gentleman about at a later time.

Mr. Chairman, I want the gentleman to know I am very sympathetic to that provision.

Mr. TRAFICANT. Mr. Chairman, I would like to offer that Buy American provision with the gentleman. I want to commend the gentleman for the great job he has done; and I also want to commend our ranking member, the gentleman from Massachusetts (Mr. OLVER) for his initiation here.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume. I have no further requests for time, but I would like to do two things before I ask my ranking member if he has any additional speakers.

First of all, I would like to thank Kenny Kraft of my personal staff who has worked on the Hill for over 20 years. He worked on appropriations for many, many years. He has been very helpful to me as we put this bill together, along with the staff of the committee. Kenny has been very loyal to our staff, and I very much appreciate that.

Also, the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, feels very strongly about our military and about the military preparedness of our troops. He had hoped to be here this morning; he wanted to speak on this bill, but he has been requested to be in a conference discussing other bills that are before the Committee on Appropriations; and, therefore, he was not able to be here. But both the gentleman from Florida (Mr. YOUNG) and his wife, Beverly, have traveled extensively and have a very strong feeling for our troops and the quality of life of our troops. I want to thank them for their support. I know that the gentleman, if he were here, would be much more eloquent on this, but he has done a great job for us; and I just want to say that I am sorry he is not here this morning, because I know he wanted to do that.

Mr. Chairman, I have no further requests for time, and I would ask my ranking member if he has any further requests for time.

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

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

Mr. UNDERWOOD. Mr. Chairman, I join my colleagues in support of H.R. 2904, legislation making appropriations for our nation's military construction needs for FY 2002. Passage of this bill will ensure that our military infrastructure is maintained and upgraded to meet our increased national defense demands. Most importantly, this bill will enhance the quality of life for our military personnel and their families by improving the living and working conditions at our military installations.

I am particularly pleased to note that included within this bill is funding for several MILCON projects that will directly support Guam and its strategic role to our national security in the Western Pacific. The military facilities located on Guam will benefit from over \$66 million in new construction and improvements, an amount almost doubling what Guam

received last year. Phase II of the Guam Army Guard Readiness Center and the ground breaking for a Guam Air National Guard training center will go forward as a result of this legislation. These are two very important and desperately needed projects to maintain essential readiness and operational capabilities. Other projects included in the bill are a Forward Operation Location War Reserve Material Storage Facility at Andersen Air Force Base and the modernization of the Navy's Bachelor Enlisted Quarters and Public Works Waterfront Utilities. This bill also contains \$20 million to continue the replacement of Andersen's hydrant fuel system, funding that will equip the base with the largest fuel capacity in the entire Pacific.

The people of Guam welcome this significant boost in military construction activity and appreciate the recognition given our people in uniform, particularly the Guam Army and Air Guards. This bill ultimately bolsters our troops, advances our readiness and strengthens our overall defense capabilities. I commend the Chairman, Mr. HOBSON, and the Ranking Member, Mr. OLVER, for their diligent work in crafting this important legislation and I urge its passage.

Mr. NUSSLE. Mr. Chairman, I rise in favor of H.R. 2904, providing appropriations for military construction.

H.R. 2904 provides \$10.5 billion in budget authority and \$9.2 billion in outlays for fiscal year 2002. It is fully consistent with the concurrent resolution on the budget and complies with the Congressional Budget Act.

The bill provides exactly the amount of new budget authority permitted under the 302(b) allocation for the Subcommittee on Military Construction. Consequently, it complies with section 302(b) of the Budget Act, which stipulates that appropriation bills may not exceed the reporting subcommittee's 302(b) allocation.

The bill exceeds the level requested by the President by \$529 million in budget authority.

The bill does not designate any emergencies. Nor does it provide any advanced appropriations. It does, however, rescind \$67 million in previously appropriated budget authority.

I commend my colleagues for working to produce a bill that is consistent with our national priorities and the budget resolution.

Mr. BUYER. Mr. Chairman, I rise in strong support of the Fiscal Year 2002 Military Construction Appropriations bill.

This bill is good for defense, and it is good for the nation.

Equally important, it is good for the people of Indiana because it continues to recognize their important contributions to this nation's national security, by providing funding for Grissom Air Reserve Base, the Newport Chemical depot, and the Crane Naval Service Warfare Center.

I would like to thank Chairman HOBSON for honoring my requests for funding.

Specifically for the \$66 million for Newport Chemical depot.

This funding comes on the heels of well over \$145 million for Newport over the last four years.

In addition, this bill provides \$13.2 million to finish Phase III of the Grissom Air Reserve Base Services Complex.

Over the last two years, this body has authorized \$22.1 million for phases I and II, as well as an additional \$4.73 million for the con-

struction of a new Marine Corps Reserve Center at Grissom, and a total of \$4.8 million for three Army National Guard Maintenance Shops in Plymouth, Logansport, and Delphi.

Lastly, this bill provides \$9.11 million for a Microwave Engineering Device Facility and \$5.82 million for a Special Warfare Engineering Facility at the Crane Naval Surface Warfare Center.

Mr. Chairman, I want to thank this body on behalf of the hard working people of Indiana for recognizing their contributions to national security, as well as funding the military construction projects that I have requested.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the bill, through page 21, line 13, 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 Ohio?

There was no objection.

The text of the bill through page 21, line 13, is as follows:

H.R. 2904

*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 military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2002, and for other purposes, namely:

**MILITARY CONSTRUCTION, ARMY  
(INCLUDING RESCISSION)**

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,739,334,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed \$163,141,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 106-52, \$36,400,000 is hereby rescinded.

**MILITARY CONSTRUCTION, NAVY  
(INCLUDING RESCISSION)**

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,154,248,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed \$30,972,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*,

That of the funds appropriated for "Military Construction, Navy" under division A of Public Law 106-246, \$19,588,000 is hereby rescinded.

**MILITARY CONSTRUCTION, AIR FORCE**

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,185,220,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed \$83,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

**MILITARY CONSTRUCTION, DEFENSE-WIDE  
(INCLUDING TRANSFER AND RESCISSION OF FUNDS)**

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$863,058,000, to remain available until September 30, 2006: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, 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 further*, That of the amount appropriated, not to exceed \$74,496,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under division B, title III, chapter 3 of Public Law 106-246, \$10,250,000 is hereby rescinded.

**MILITARY CONSTRUCTION, ARMY NATIONAL  
GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$313,348,000, to remain available until September 30, 2006.

**MILITARY CONSTRUCTION, AIR NATIONAL  
GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$198,803,000, to remain available until September 30, 2006.

**MILITARY CONSTRUCTION, ARMY RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$167,769,000, to remain available until September 30, 2006.

**MILITARY CONSTRUCTION, NAVAL RESERVE  
(INCLUDING RESCISSION)**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$62,351,000, to remain available until September 30, 2006: *Provided further*, That of the funds appropriated for "Military Construction, Naval Reserve" under division A of Public Law 106-246, \$925,000 is hereby rescinded.

**MILITARY CONSTRUCTION, AIR FORCE RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$81,882,000, to remain available until September 30, 2006.

**NORTH ATLANTIC TREATY ORGANIZATION  
SECURITY INVESTMENT PROGRAM**

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$162,600,000, to remain available until expended.

**FAMILY HOUSING CONSTRUCTION, ARMY**

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$294,042,000, to remain available until September 30, 2006.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, ARMY**

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$1,096,431,000.

**FAMILY HOUSING CONSTRUCTION, NAVY AND  
MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$334,780,000, to remain available until September 30, 2006.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, NAVY AND MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$910,095,000.

**FAMILY HOUSING CONSTRUCTION, AIR FORCE**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$536,237,000, to remain available until September 30, 2006.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, AIR FORCE**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$858,121,000.

**FAMILY HOUSING, DEFENSE-WIDE**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for construction, \$250,000 to remain available until September 30, 2006; for Operation and Maintenance, \$43,762,000; in all \$44,012,000.

**DEPARTMENT OF DEFENSE FAMILY HOUSING  
IMPROVEMENT FUND**

For the Department of Defense Family Housing Improvement Fund, \$2,000,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

**HOMEOWNERS ASSISTANCE FUND, DEFENSE**

For the Homeowners Assistance Fund established by Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374) \$10,119,000, to remain available until expended.

**BASE REALIGNMENT AND CLOSURE ACCOUNT**

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$552,713,000, to remain available until expended: *Provided*, That not more than \$511,670,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

**GENERAL PROVISIONS**

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

**(TRANSFER OF FUNDS)**

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed

for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. (a) No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for

repair and maintenance of all family housing units, including flag and general officer quarters: *Provided*, That not more than \$25,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures, and all uses of funds pursuant to 10 U.S.C. 2601, for each individual flag and general officer quarters for the prior fiscal year: *Provided further*, That nothing herein precludes the Secretary concerned from using funds pursuant to 10 U.S.C. 2601 or similar authority.

SEC. 128. The Army, Navy, Marine Corps, and Air Force are directed to submit to the appropriate committees of the Congress by July 1, 2002, a Family Housing Master Plan demonstrating how they plan to meet the year 2010 housing goals with traditional construction, operation and maintenance support, as well as privatization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

(TRANSFER OF FUNDS)

SEC. 129. Of the funds made available in this Act, \$4,000,000 appropriated under the heading "Military Construction, Air Force" and \$4,000,000 appropriated under the heading "Military Construction, Defense-wide" shall be available to complete a military construction project for which funds were appropriated in Public Law 107-20 under the heading, "Military Construction, Air Force".

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, 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, and those amendments will be considered as having been read.

Are there any amendments?

If not, the Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 2002".

The CHAIRMAN. If there are no amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. GILLMOR, 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. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, pursuant to the order of the House of today, he reported the bill back to the House.

The SPEAKER pro tempore (Mr. SHIMKUS). 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.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 29, as follows:

[Roll No. 344]

YEAS—401

Abercrombie	Davis, Tom	Hoyer
Ackerman	Deal	Hulshof
Aderholt	DeFazio	Hunter
Akin	DeGette	Hyde
Allen	Delahunt	Inslee
Andrews	DeLauro	Isakson
Armey	DeLay	Israel
Baca	DeMint	Issa
Bachus	Deutsch	Istook
Baird	Diaz-Balart	Jackson (IL)
Baker	Dicks	Jackson-Lee
Baldacci	Doggett	(TX)
Baldwin	Dooley	Jefferson
Ballenger	Doolittle	Jenkins
Barcia	Doyle	John
Barr	Dreier	Johnson (CT)
Barrett	Duncan	Johnson (IL)
Bartlett	Dunn	Johnson, E. B.
Barton	Edwards	Johnson, Sam
Bass	Ehlers	Jones (NC)
Becerra	Emerson	Jones (OH)
Bentsen	English	Kanjorski
Bereuter	Eshoo	Kaptur
Berkley	Etheridge	Keller
Berry	Evans	Kelly
Biggart	Everett	Kennedy (MN)
Bilirakis	Farr	Kennedy (RI)
Bishop	Fattah	Kerns
Blagojevich	Ferguson	Kildee
Blumenauer	Filner	Kilpatrick
Blunt	Flake	Kind (WI)
Boehlert	Fletcher	King (NY)
Boehner	Foley	Kingston
Bonilla	Forbes	Kirk
Bonior	Ford	Klecza
Bono	Fossella	Knollenberg
Borski	Frank	Kolbe
Boswell	Frelinghuysen	Kucinich
Boucher	Frost	LaFalce
Boyd	Gallely	LaHood
Brady (PA)	Ganske	Lampson
Brady (TX)	Gekas	Langevin
Brown (FL)	Gephardt	Lantos
Brown (OH)	Gibbons	Largent
Brown (SC)	Gilchrest	Larsen (WA)
Bryant	Gillmor	Larson (CT)
Burr	Gilman	Latham
Burton	Gonzalez	LaTourette
Buyer	Goode	Leach
Callahan	Goodlatte	Lee
Calvert	Gordon	Levin
Camp	Goss	Lewis (CA)
Cannon	Graham	Lewis (GA)
Cantor	Granger	Lewis (KY)
Capito	Graves	Linder
Capps	Green (TX)	Lipinski
Capuano	Green (WI)	LoBiondo
Cardin	Grucci	Lofgren
Carson (OK)	Gutierrez	Lucas (KY)
Castle	Gutknecht	Lucas (OK)
Chabot	Hall (OH)	Luther
Chambliss	Hall (TX)	Maloney (CT)
Clay	Harman	Maloney (NY)
Clayton	Hart	Manzullo
Clement	Hastings (FL)	Mascara
Clyburn	Hastings (WA)	Matheson
Coble	Hayes	Matsui
Collins	Hayworth	McCarthy (MO)
Combest	Hefley	McCarthy (NY)
Condit	Herger	McCollum
Cooksey	Hill	McDermott
Costello	Hilleary	McGovern
Cox	Hiiliard	McHugh
Coyne	Hinojosa	McInnis
Cramer	Hobson	McIntyre
Crane	Hoefel	McKeon
Crenshaw	Hoekstra	McNulty
Crowley	Holt	Meehan
Cunningham	Honda	Meek (FL)
Davis (CA)	Hooley	Menendez
Davis (FL)	Horn	Mica
Davis (IL)	Hostettler	Miller, Gary
Davis, Jo Ann	Houghton	Miller, George

Mink	Reynolds	Stark
Mollohan	Riley	Stearns
Moore	Rivers	Stenholm
Moran (KS)	Rodriguez	Strickland
Moran (VA)	Roemer	Stump
Morella	Rogers (KY)	Stupak
Murtha	Rogers (MI)	Sununu
Myrick	Rohrabacher	Sweeney
Nadler	Ros-Lehtinen	Tancredo
Napolitano	Ross	Tanner
Neal	Rothman	Tauscher
Nethercutt	Roukema	Tauzin
Ney	Roybal-Allard	Taylor (MS)
Northup	Royce	Taylor (NC)
Norwood	Rush	Terry
Nussle	Ryan (WI)	Thomas
Oberstar	Ryun (KS)	Thompson (CA)
Obey	Sabo	Thompson (MS)
Oliver	Sanchez	Thornberry
Ortiz	Sanders	Thune
Osborne	Sandlin	Thurman
Ose	Sawyer	Tiahrt
Otter	Saxton	Tiberi
Owens	Schakowsky	Tierney
Oxley	Schiff	Toomey
Pallone	Schrock	Trafigant
Pascarell	Scott	Udall (CO)
Pastor	Sensenbrenner	Upton
Payne	Serrano	Velazquez
Pelosi	Sessions	Visclosky
Pence	Shadegg	Vitter
Peterson (MN)	Shaw	Walden
Peterson (PA)	Shays	Walsh
Petri	Sherman	Wamp
Phelps	Sherwood	Watkins (OK)
Pickering	Shimkus	Watson (CA)
Pitts	Shows	Watt (NC)
Platts	Shuster	Waxman
Pombo	Simmons	Weiner
Pomeroy	Simpson	Weldon (PA)
Portman	Skeen	Weller
Pryce (OH)	Skelton	Wexler
Putnam	Slaughter	Whitfield
Quinn	Smith (MI)	Wicker
Radanovich	Smith (NJ)	Wilson
Rahall	Smith (TX)	Wolf
Ramstad	Smith (WA)	Woolsey
Rangel	Snyder	Wu
Regula	Solis	Wynn
Rehberg	Souder	Young (AK)
Reyes	Spratt	Young (FL)

NOT VOTING—29

Berman	Hansen	Miller (FL)
Carson (IN)	Hinchey	Paul
Conyers	Holden	Price (NC)
Cubin	Lowey	Schaffer
Culberson	Markey	Towns
Cummings	McCrery	Turner
Dingell	McKinney	Udall (NM)
Ehrlich	Meeks (NY)	Waters
Engel	Millender	Watts (OK)
Greenwood	McDonald	Weldon (FL)

□ 0957

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CALLAHAN. Mr. Speaker, on rollcall No. 344 I entered the chamber just as the clerk closed the vote because I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. WELDON of Florida. Mr. Speaker, I was unavoidably detained during the vote on H.R. 2904. Had I been present I would have voted "yes" in favor of the bill.

Ms. MCKINNEY. Mr. Speaker, on rollcall No. 344, Military Construction Appropriations Act, had I been present, I would have voted "yea."

Mr. UDALL of New Mexico. Mr. Speaker, on rollcall No. 344, I was unable to record my vote. Had I been present, I would have voted "yea."

Mr. WATTS of Oklahoma. Mr. Speaker; as a result of the tragic events of September 11, 2001, I was involved in an Inter-Faith Alliance Ministry meeting this morning at your request. Due to my participation in this meeting, I was

not present for the vote on H.R. 2904, The Military Construction Appropriations Act for Fiscal Year 2002. Had I been present for this vote, I would have voted "aye."

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1109

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1109.

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

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 58 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1744

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 5 o'clock and 44 minutes p.m.

#### REPORT ON RESOLUTION PRO- VIDING FOR CONSIDERATION OF H.R. 2926, AIR TRANSPORTATION SAFETY AND SYSTEM STA- BILIZATION ACT

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-214) on the resolution (H. Res. 244) providing for consideration of the bill (H.R. 2926) to preserve the continued viability of the United States air transportation system, which was referred to the House Calendar and ordered to be printed.

#### WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

*Resolved*, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of Friday, September 21, 2001, providing for consideration or disposition of a bill to preserve the continued viability of the United States air transportation system.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman