

bill S. 1438, supra; which was ordered to lie on the table.

SA 1660. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, supra.

SA 1661. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1662. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1663. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1664. Mr. WARNER (for Mrs. HUTCHISON (for himself and Mr. LIEBERMAN)) proposed an amendment to the bill S. 1438, supra.

SA 1665. Mr. LEVIN (for Mr. AKAKA) submitted an amendment intended to be proposed by Mr. Levin to the bill S. 1438, supra.

SA 1666. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, supra.

SA 1667. Mr. LEVIN (for Mr. LIEBERMAN (for himself and Mr. SANTORUM)) proposed an amendment to the bill S. 1438, supra.

SA 1668. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1669. Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, supra.

SA 1670. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1671. Mr. DOMENICI (for himself, Mr. REID, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1617.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

Strike section 2841, relating to the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania, and insert the following:

#### **SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.**

(a) **AUTHORITY TO ENTER INTO AGREEMENT.**—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) **DESIGN AND CONSTRUCTION.**—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) **ACCEPTANCE OF FACILITY.**—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) **USE OF CERTAIN GIFTS.**—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of \$250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

**SA 1618.** Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

#### **SEC. 142. LIMITATIONS ON PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT**

(a) **PROCUREMENT THROUGH MANUFACTURERS IN NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.**—Subsection (a) of section 2534 of title 10, United States Code, is amended by adding at the end of the following new paragraph:

“(6) **AMMUNITION AND AMMUNITION PROPELLANT.**—Subject to subsection (j)(5), conventional ammunition and ammunition propellant used therein.”

(b) **ADDITIONAL REQUIREMENTS FOR PROCUREMENT.**—Such section is further amended by adding at the end the following new subsection:

“(j) **ADDITIONAL REQUIREMENTS FOR PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT.**—(1) In addition to the requirement under subsection (a)(6) and subject to paragraph (5), the Secretary of Defense shall procure ammunition or ammunition propellant only from manufacturers, whether privately owned or governmentally-owned, meeting the requirements of paragraph (2).

“(2) A manufacturer of ammunition or ammunition propellant meets the requirements of this paragraph if the manufacturer warrants that any subcontractor which furnishes smokeless nitrocellulose to the manufacturer—

“(A) is a part of the national technology and industrial base; and

“(B) was selected to furnish smokeless nitrocellulose through a competition meeting the requirements of paragraph (3).

“(3) The competition of a manufacturer for the furnishing of smokeless nitrocellulose under paragraph (2)(B) shall—

“(A) be open to all other manufacturers of smokeless nitrocellulose in the national technology and industrial base that manufacture the type of smokeless nitrocellulose that is technically appropriate for use in the product to be made by the manufacturer; and

“(B) provide that the winner of the competition may not furnish to the manufacturer an amount of smokeless nitrocellulose in excess of 1.5 times the aggregate amount of smokeless nitrocellulose to be furnished to the manufacturer by all other participants in the competition.

“(4) This subsection sets forth procurement procedures expressly authorized by statute within the meaning of section 2304(a)(1) of this title.

“(5) The Secretary may waive any requirement under this subsection, with respect to the procurement of ammunition or ammunition propellant if the Secretary determines that the waiver of such requirement is in the national security interests of the United States.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to the procurement of ammunition and ammunition propellant by the Secretary of Defense on or after that date.

**SA 1619.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

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

**SA 1620.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

#### **SEC. 335. ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES.**

(a) **CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.**—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities—

(1) \$30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies; and

(2) \$1,000,000 shall be available only for the purpose of making payments to local educational agencies to assist such agencies in adjusting to reductions in the number of

military dependent students as a result of the closure or realignment of military installations, as provided in section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).

(b) **NOTIFICATION.**—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for assistance or a payment under subsection (a) for fiscal year 2002 of—

- (1) that agency's eligibility for the assistance or payment; and
- (2) the amount of the assistance or payment for which that agency is eligible.

**SA 1621.** Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1066. SENSE OF SENATE ON MOBILIZATION OF NATIONAL GUARD AND RESERVES TO ENHANCE GROUND-BASED SECURITY AT AIRPORTS.**

It is the sense of the Senate that, in light of the terrorist attacks of September 11, 2001, the President, in consultation with the Secretary of Defense, the Secretary of Transportation, and the chief executive officers of the States, should consider mobilizing appropriate elements of the National Guard and Reserves in order to enhance ground-based security at airports for a period of not less than 120 days or until alternative means of providing adequate ground-based security at airports are in place.

**SA 1622.** Mr. BUNNING (for himself, Mr. LOTT, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. BURNS, Mr. HUTCHINSON, Ms. COLLINS, Mr. INHOFE, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CONRAD, Mrs. HUTCHISON, Mr. STEVENS, Mrs. CLINTON, and Mr. DORGAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

Strike title XXIX, relating to defense base closure and realignment.

**SA 1623.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

On page 553, between lines 12 and 13, insert the following:

**SEC. 3159. ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF DEPARTMENT OF ENERGY FACILITIES TO TERRORIST ATTACK.**

(a) **IN GENERAL.**—Part C of title VI of the Department of Energy Organization Act (42

U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

**“ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK**

**“SEC. 663.** (a) The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department facilities to terrorist attack.

“(b) Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include the results of the assessment covered by such report, together with such findings and recommendations as the Secretary considers appropriate.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of that Act is amended by inserting after the item relating to section 662 the following new item:

**“Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.”**

**SA 1624.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

**SEC. \_\_\_\_ CLARIFICATION OF CALCULATION OF ANNUAL INFLATION ADJUSTMENT FOR ECONOMIC ASSISTANCE PAYMENTS FOR THE WASTE ISOLATION PILOT PLANT.**

Section 15(c) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579; 106 Stat. 4791) is amended—

(1) in paragraph (1)—  
(A) in the matter before subparagraph (A), by inserting after “such subsection” the following: “, as adjusted from time to time under this subsection,”; and

(B) in subparagraph (B), by inserting after “decrease” the following: “for such fiscal year”; and

(2) in paragraph (2), by striking “the fiscal year prior to the first fiscal year to which subsection (a) applies” and inserting “the fiscal year preceding such preceding fiscal year”.

**SA 1625.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SMALL BUSINESS PROCUREMENT COMPETITION.**

(a) **DEFINITION OF COVERED CONTRACTS.**—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after “bundled contract” the following: “, the aggregate dollar value of which is anticipated to be less than \$5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be \$5,000,000 or more”;

(2) by striking “In the” and inserting the following:

“(A) **IN GENERAL.**—In the”; and

(3) by adding at the end the following:

“(B) **CONTRACTING GOALS.**—

“(i) **IN GENERAL.**—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

“(ii) **PREPONDERANCE TEST.**—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency.”

(b) **PROPORTIONATE WORK REQUIREMENTS FOR BUNDLED CONTRACTS.**—

(1) **SECTION 8.**—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

“(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

“(II) no other concern will perform a greater proportion of the work on that contract; and

“(III) no other concern that is not a small business concern will perform work on the contract.”

(2) **QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.**—Section 3(p)(5)(A)(i)(III) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(III)) is amended—

(A) in item (bb), by striking “and” at the end;

(B) by redesignating item (cc) as item (dd); and

(C) by inserting after item (bb) the following:

“(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract; and”.

(3) **SECTION 15.**—Section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) notwithstanding subparagraphs (A) and (B), in the case of a bundled contract—

“(i) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

“(ii) no other concern will perform a greater proportion of the work on that contract; and

“(iii) no other concern that is not a small business concern will perform work on the contract.”

(c) **SMALL BUSINESS PROCUREMENT COMPETITION PILOT PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “Administrator” means the Administrator of the Small Business Administration;

(B) the term “Federal agency” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(C) the term “Program” means the Small Business Procurement Competition Program established under paragraph (2);

(D) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(E) the term "small business-only joint ventures" means a team described in section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) comprised of only small business concerns.

(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the "Small Business Procurement Competition Program".

(3) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to fulfill the procurement needs of Federal agencies;

(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns;

(C) to engage in outreach to small business-only joint ventures for Federal agency procurement purposes; and

(D) to engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business-only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) REGULATORY AUTHORITY.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) SMALL BUSINESS ADMINISTRATION DATABASE.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business-only joint ventures, and shall make the database available to each Federal agency and to small business concerns in electronic form to facilitate the formation of small business-only joint ventures.

(7) TERMINATION OF PROGRAM.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) REPORT TO CONGRESS.—Not later than 60 days before the date of termination of the Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business-only joint ventures may participate under the Program.

**SA 1626.** Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

#### SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by \$2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(b) AVAILABILITY.—The amount available under subsection (a) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

**SA 1627.** Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

#### SEC. 306. IMPROVEMENTS IN INSTRUMENTATION AND TARGETS AT ARMY LIVE FIRE TRAINING RANGES.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby increased by \$11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) OFFSET.—The amount authorized to be appropriated by section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by \$11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

**SA 1628.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . PLAN.—The Secretary of the Navy shall, not later than February 1, 2002, submit to Congress a plan to ensure that the embarkation of selected civilian guests does not interfere with the operational readiness and safe operation of Navy vessels. The plan shall include, at a minimum:

Procedures to ensure that guest embarkations are conducted only within the framework of regularly scheduled operations and that underway operations are not conducted solely to accommodate non-official civilian guests.

Guidelines for the maximum number of guests that can be embarked on the various classes of Navy vessels.

Guidelines and procedures for supervising civilians operating or controlling any equipment on Navy vessels.

Guidelines to ensure that proper standard operating procedures are not hindered by activities related to hosting civilians.

Any other guidelines or procedures the Secretary shall consider necessary or appropriate.

Definition. For the purposes of this section, civilian guests are defined as civilians invited to embark on Navy ships solely for the purpose of furthering public awareness of the Navy and its mission. It does not include civilians conducting official business.

**SA 1629.** Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

On page 270, line 9, strike "(A)" and all that follows through "(4)" on line 25.

On page 271, between lines 8 and 9, insert the following:

(C) EVALUATION OF BUNDLING EFFECTS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting ", and whether contract bundling played a role in the failure," after "agency goals"; and

(2) by adding at the end the following:

"(G) The number and dollar value of any bundled contracts awarded to small business concerns, and the number and dollar value of any bundled contracts awarded to concerns that are not small business concerns."

(d) REPORTING REQUIREMENT.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

"(p) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

"(2) PROVISION OF INFORMATION.—The head of each contracting agency shall provide, upon request of the Administrator—

"(A) all market research required under subsection (e)(2); and

"(B) any recommendations for the study required by paragraph (1) of this subsection.

"(3) REPORT.—Not later than 180 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection."

On page 290, between lines 3 and 4, insert the following:

#### SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.—

"(A) IN GENERAL.—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section

13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

“(B) CONCERNS DESCRIBED.—A small business concern is described in this subparagraph if the small business concern—

“(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781); and

“(ii) files reports with the Securities and Exchange Commission as a small business issuer.”

“(C) NON-CITIZENS.—In this paragraph, the term ‘non-citizen’ means:

“(i) an individual that is not a United States citizen; and

“(ii) any other person that is not organized under the laws of any State or the United States.”

**SA 1630.** Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table, as follows:

On page 50, line 16, strike “\$190,255,000” and insert “\$230,255,000”.

**SA 1631.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table, as follows:

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

**SEC. 1217. REPEAL OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN.**

Section 907 of the FREEDOM Support Act (Public Law 102-511; 22 U.S.C. 5812 note) is repealed.

**SA 1632.** Mr. SANTORUM submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table, as follows:

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

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

**SA 1633.** Mr. HAGEL submitted an amendment intended to be proposed by him to 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 De-

partment of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

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

**SEC. 335. DEPARTMENT OF DEFENSE MOST EFFICIENT ORGANIZATION BID-TO-GOAL AND BEST-VALUE PURCHASING PILOT PROGRAM.**

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a pilot program to demonstrate an alternative to the Office of Management Budget Circular A-76 approach for achieving cost-effective performance of Department of Defense commercial activities.

(b) ELIGIBLE ACTIVITIES.—(1) The Secretary shall provide under the pilot program for each of not more than five continuing or recurring commercial activities of the Department of Defense to be performed by an organization of the department that is to be configured as the most efficient organization for the performance of that activity.

(2) A commercial activity may be covered by the pilot program if, at the time that the activity is designated for performance under the pilot program—

(A) the commercial activity is an activity of a defense agency or a military department that is being performed by employees of the United States numbering not less than 150 employees and not more than 750 full-time employees or the equivalent number of full-time and part-time employees; and

(B) the head of the agency concerned has not issued to the public (in either draft or final form) a request for proposals for a contract for the performance of the activity by a commercial source as an action initiated under Office of Management and Budget Circular A-76 to determine whether to convert the activity to contractor performance.

(c) PROJECTS.—The Secretary shall consider whether to carry out the pilot program in several projects, as follows:

“(1) One project that involves a group of 600 to 750 employees.

“(2) Four projects, each of which involves 150 to 599 employees.

“(3) At least one project undertaken within the Defense Logistics Agency, Defense Finance and Accounting Service, or any other defense agency not performing base operations.

(d) PERFORMANCE-BASED CHARTER.—(1) The performance of a commercial activity under the pilot program shall be covered by a performance-based memorandum of understanding that is entered into by the head of the agency concerned and the subordinate of that official who is the head of the organization designated to perform the activity.

(2) The head of the agency concerned shall set forth the performance standards that are applicable to the performance of a commercial activity under the pilot program in the memorandum of understanding for that activity. The performance standards shall include the following:

(A) Achievement of the following cost and performance objectives:

(i) The total amount of the cost savings estimated, as of the beginning of the pilot program, to be achievable by use of the most efficient organization.

(ii) A total cost of performance for the period covered by the memorandum that does not exceed the amount equal to 110 percent of the estimated total cost of private sector performance of the activity for that period.

(B) Achievement of the performance improvements projected, as of the beginning of the pilot program, to be achievable by use of the most efficient organization.

(C) Any other performance standards determined appropriate by the head of the agency.

(D) Rigorous use of technology-based solutions, performance measurements, and quality of service standards that will be subject to past and future performance.

(3) Each memorandum of understanding under the pilot program shall, to the maximum extent practicable, be consistent with contracts used to procure the same performance from a commercial source and shall clearly define performance goals, standards, rewards, and penalties.

(4) Each memorandum of understanding shall be in effect for five years, except that the head of the agency concerned may terminate the memorandum of understanding earlier on the basis of a failure to achieve a performance standard provided in the memorandum during the five-year period.

(5)(A) After the first year of the performance of a memorandum of understanding under the pilot program, the head of the agency concerned shall take the actions described in subparagraph (B) if the head of the agency determines, through quarterly reviews, that the most efficient organization has failed to achieve a performance standard that is determined critical and a cause for default.

(B) The actions to be taken by the head of an agency with respect to a memorandum of understanding under subparagraph (A) are as follows:

(i) Termination of the memorandum of understanding.

(ii) Initiation of a best value source selection process that excludes participation by a public employee team and provides for competitive selection of a source of performance on the basis of performance standards comparable to those that were used as bid-to-goal targets, including the specific cost targets.

(e) DETERMINATION OF MOST EFFICIENT ORGANIZATION.—(1) The Secretary of Defense shall ensure that, for the purposes of the pilot program under this section, the most efficient organization for the performance of a Department of Defense commercial activity by employees of the United States is determined by using world class methods for benchmarking and related activity-type costing methods.

(2) Before initiating the determination of the most efficient organization for performing a Department of Defense commercial activity pursuant to a memorandum of understanding under the pilot program, the head of the agency concerned shall—

(A) define the scope of the services that comprise the performance of the activity;

(B) provide for an entity independent of the Department of Defense to estimate, for the 5-year period to be covered by the memorandum of understanding, the costs that would be incurred for the continued performance of the activity by employees of the United States without a conversion to performance by the most efficient organization;

(C) estimate the cost to the United States of private sector performance of the activity for that 5-year period; and

(D) determine appropriate cost and other performance objectives for the performance of the activity under the pilot program on the basis of comparable performance, innovation, and costs, which may not exceed 110 percent of potential costs of performance by a private sector source.

(f) MANAGEMENT PLAN.—The head of the agency concerned shall prescribe or approve a management plan for the performance of a commercial activity under the pilot program. The management plan shall include the following:

(1) A description of the most efficient organization for the performance of the activity.

(2) A plan for achieving the objectives determined appropriate for the performance of the activity under subsection (e)(2)(D).

(3) For any case in which a reduction in the workforce is necessary to achieve the most efficient organization for performing the activity, provisions for attrition to be used as the principal means for achieving the necessary reduction.

(g) **MORATORIUM ON APPLICABILITY OF OMB CIRCULAR A-76.**—During the period that a memorandum of understanding is in effect for a Department of Defense commercial activity under subsection (d), no action may be initiated under Office of Management and Budget Circular A-76 regarding the acquisition of performance of that commercial activity.

(h) **QUARTERLY REPORT TO HEAD OF AGENCY.**—Promptly after the end of each quarter of a year, the head of an organization performing a Department of Defense commercial activity under the pilot program shall submit a report on the performance of that activity during that quarter to the head of the agency concerned. The report shall include an assessment of the performance in terms of the performance standards provided in the memorandum of understanding applicable to the activity under subsection (d).

(i) **REPORT TO CONGRESS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the implementation of the pilot program under this section.

(j) **DEFINITIONS.**—In this section:

(1) The term “Department of Defense commercial activity” means an activity covered by the Department of Defense commercial activities program pursuant to Department of Defense Directive 4100.15 or any successor Department of Defense Directive.

(2) The term “head of the agency concerned” means—

(A) the head of a Defense Agency, with respect to a Department of Defense commercial activity carried out by that official; and

(B) the Secretary of a military department, with respect to a Department of Defense commercial activity carried out by that official.

(3) The term “Defense Agency” has the meaning given the term in section 101(a)(11) of title 10, United States Code.

**SA 1634.** Mrs. HUTCHISON (for herself, Mr. INOUE, Mr. STEVENS, Mr. DEWINE, Mr. BENNETT, Mr. HATCH, Mr. CRAIG, Ms. MIKULSKI, Mr. SARBANES, Mr. VOINOVICH, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

On page 418, in the table before line 1, insert after the item relating to Fort Stewart/Hunter Army Air Field Georgia, the following new item:

Hawaii .....	Kahuku .....	\$900,000
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On page 418, in the table before line 1, strike “\$5,800,000” in the amount column of the item relating to Fort Meade, Maryland, and insert “\$11,200,000”.

On page 418, in the table before line 1, strike the amount identified as the total in the amount column and insert “\$1,264,300,000”.

On page 420, line 21, strike “\$3,068,303,000” and insert “\$3,074,603,000”.

On page 420, line 24, strike “\$1,027,300,000” and insert “\$1,033,600,000”.

On page 434, in the table after line 3, strike “\$24,850,000” in the amount column of the item relating to Wright-Patterson Air Force Base, Ohio, and insert “\$28,250,000”.

On page 434, in the table after line 3, insert before the item relating to Lackland Air Force Base, Texas, the following new item:

Texas .....	Dyess Air Force Base .....	\$16,800,000
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On page 434, in the table after line 3, strike “\$14,000,000” in the amount column of the item relating to Hill Air Force Base, Utah, and insert “\$22,000,000”.

On page 434, in the table after line 3, strike the amount identified as the total in the amount column and insert “\$839,570,000”.

On page 436, in the table after line 5, insert after the item relating to Hickam Air Force Base, Hawaii, the following new item:

Idaho .....	Mountain Home	118 Units .....	\$10,000,000
	Air Force Base.		

On page 436, in the table after line 5, strike the amount identified as the total in the amount column and insert “\$150,800,000”.

On page 437, line 10, strike “\$2,579,791,000” and insert “\$2,617,991,000”.

On page 437, line 14, strike “\$816,070,000” and insert “\$844,270,000”.

On page 438, line 7, strike “\$542,381,000” and insert “\$552,381,000”.

**SA 1635.** Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

Insert at the appropriate place in the bill the following new item:

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source; *Provided*, That a sale pursuant to this section shall conform to the requirements of 10 U.S.C. section 2563 (c) and (d); and *Provided further*, That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

**SA 1636.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

**SEC. 1066. FORCE PROTECTION OF PERSONNEL AT UNITED STATES MILITARY INSTALLATIONS.**

(a) **REPEAL OF LIMITATION ON CONTRACTING FOR SECURITY-GUARD SERVICES.**—(1) Section

2465(a) of title 10, United States Code, is amended by striking “or security-guard”.

(2) The heading of section 2465 of such title is amended by striking “or security-guard”.

(3) The item relating to such section at the beginning of chapter 146 of such title is amended to read as follows:

“2465. Prohibition on contracts for performance of firefighting functions.”.

**SA 1637.** Ms. COLLINS (for herself, Ms. LANDRIEU, and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

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

(a) **CLARIFICATION OF COVERED BENEFICIARIES.**—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-184) is amended by striking “covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard,” and inserting “covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code.”.

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

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

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

“(1) the Secretary—

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

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

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

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

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

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

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

(1) by striking “take effect on October 1, 2001” and inserting “be effective beginning on the date that is two years after the date

of the enactment of the National Defense Authorization Act for Fiscal Year 2002"; and

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

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

**SA 1638.** Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 1438 submitted by Mr. FEINGOLD and intended to be proposed to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place in title XXVIII, insert the following:

**SEC. \_\_\_\_ . TREATMENT OF FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.**

Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) **TREATMENT OF FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR SERVICES.**—The Secretary concerned may include in a contract for utility services from a utility system conveyed under subsection (a) terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.”.

**SA 1639.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

Strike sections 3172 through 3178 and insert the following:

**SEC. 3172. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby

diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) **PURPOSES.**—The purposes of this subtitle are—

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure of the site;

(2) to create a process for public input on refuge management before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

**SEC. 3173. DEFINITIONS.**

In this subtitle:

(1) **CLEANUP AND CLOSURE.**—The term “cleanup and closure” means the response actions and decommissioning activities being carried out at Rocky Flats by the Department of Energy under the 1996 Rocky Flats Cleanup Agreement, the closure plans and baselines, and any other relevant documents or requirements.

(2) **COALITION.**—The term “Coalition” means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

- (A) the city of Arvada, Colorado;
- (B) the city of Boulder, Colorado;
- (C) the city of Broomfield, Colorado;
- (D) the city of Westminster, Colorado;
- (E) the town of Superior, Colorado;
- (F) Boulder County, Colorado; and
- (G) Jefferson County, Colorado.

(3) **HAZARDOUS SUBSTANCE.**—The term “hazardous substance” means—

- (A) any hazardous substance, pollutant, or contaminant regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and
- (B) any—

(i) petroleum (including any petroleum product or derivative);

(ii) unexploded ordnance;

(iii) military munition or weapon; or

(iv) nuclear or radioactive material;

not otherwise regulated as a hazardous substance under any law in effect on the date of enactment of this Act.

(4) **POLLUTANT OR CONTAMINANT.**—The term “pollutant or contaminant” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(5) **REFUGE.**—The term “refuge” means the Rocky Flats National Wildlife Refuge established under section 3177.

(6) **RESPONSE ACTION.**—The term “response action” has the meaning given the term “response” in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) or any similar requirement under State law.

(7) **RFCA.**—The term “RFCA” means the Rocky Flats Cleanup Agreement, an inter-

governmental agreement, dated July 19, 1996, among—

- (A) the Department of Energy;
- (B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) **ROCKY FLATS.**—

(A) **IN GENERAL.**—The term “Rocky Flats” means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map entitled “Rocky Flats Environmental Technology Site”, dated July 15, 1998, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) **EXCLUSIONS.**—The term “Rocky Flats” does not include—

(i) land and facilities of the Department of Energy's National Wind Technology Center; or

(ii) any land and facilities not within the boundaries depicted on the map identified in subparagraph (A).

(9) **ROCKY FLATS TRUSTEES.**—The term “Rocky Flats Trustees” means the Federal and State of Colorado entities that have been identified as trustees for Rocky Flats under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(10) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

**SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.**

(a) **FEDERAL OWNERSHIP.**—Except as expressly provided in this subtitle or any Act enacted after the date of enactment of this Act, all right, title, and interest of the United States, held on or acquired after the date of enactment of this Act, to land or interest therein, including minerals, within the boundaries of Rocky Flats shall be retained by the United States.

(b) **LINDSAY RANCH.**—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3173(8), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) **PROHIBITION ON ANNEXATION.**—Neither the Secretary nor the Secretary of the Interior shall not allow the annexation of land within the refuge by any unit of local government.

(d) **PROHIBITION ON THROUGH ROADS.**—Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) **TRANSPORTATION RIGHT-OF-WAY.**—

(1) **IN GENERAL.**—

(A) **AVAILABILITY OF LAND.**—On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) **BOUNDARIES.**—Land made available under this paragraph may not extend more than 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of enactment of this Act.

(C) **EASEMENT OR SALE.**—Land may be made available under this paragraph by easement or sale to 1 or more appropriate entities.

(D) **COMPLIANCE WITH APPLICABLE LAW.**—Any action under this paragraph shall be taken in compliance with applicable law.

(2) **CONDITIONS.**—An application for land under this subsection may be submitted by any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—



(A) the transportation project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge; and

(B) the transportation project is included in the regional transportation plan of the metropolitan planning organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

**SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.**

(a) IN GENERAL.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft memorandum of understanding under which—

(i) the Secretary shall provide for the subsequent transfer of administrative jurisdiction over Rocky Flats to the Secretary of the Interior; and

(ii) the Secretary of the Interior shall manage natural resources at Rocky Flats until the date on which the transfer becomes effective.

(B) REQUIRED ELEMENTS.—

(1) IN GENERAL.—Subject to clause (ii), the memorandum of understanding shall—

(I) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out the proposed transfer of land;

(II) for the period ending on the date of the transfer—

(aa) provide for the division of responsibilities between the Secretary and the Secretary of the Interior; and

(bb) provide for the management of the land proposed to be transferred by the Secretary of the Interior as a national wildlife refuge, for the purposes provided under section 3177(d)(2);

(III) provide for the annual transfer of funds from the Secretary to the Secretary of the Interior for the management of the land proposed to be transferred; and

(IV) subject to subsection (b)(1), identify the land proposed to be transferred to the Secretary of the Interior.

(ii) NO REDUCTION IN FUNDS.—The memorandum of understanding and the subsequent transfer shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

(C) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(2) EXCLUSIONS.—The transfer under paragraph (1) shall not include the transfer of any property or facility over which the Secretary retains jurisdiction, authority, and control under subsection (b)(1).

(3) CONDITION.—The transfer under paragraph (1) shall occur—

(A) not earlier than the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Secretary of the Interior that the cleanup and closure and all response actions at Rocky Flats have been completed, except for the operation and maintenance associated with those actions; but

(B) not later than 30 business days after that date.

(4) COST; IMPROVEMENTS.—The transfer—

(A) shall be completed without cost to the Secretary of the Interior; and

(B) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for refuge management purposes.

(b) PROPERTY AND FACILITIES EXCLUDED FROM TRANSFERS.—

(1) IN GENERAL.—The Secretary shall retain jurisdiction, authority, and control over all real property and facilities at Rocky Flats that are to be used for—

(A) any necessary and appropriate long-term operation and maintenance facility to intercept, treat, or control a radionuclide or any other hazardous substance, pollutant, or contaminant; and

(B) any other purpose relating to a response action or any other action that is required to be carried out at Rocky Flats.

(2) CONSULTATION.—

(A) IDENTIFICATION OF PROPERTY.—

(i) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the State of Colorado on the identification of all property to be retained under this subsection to ensure the continuing effectiveness of response actions.

(ii) AMENDMENT TO MEMORANDUM OF UNDERSTANDING.—

(I) IN GENERAL.—After the consultation, the Secretary and the Secretary of the Interior shall by mutual consent amend the memorandum of understanding required under subsection (a) to specifically identify the land for transfer and provide for determination of the exact acreage and legal description of the property to be transferred by a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(II) COUNCIL ON ENVIRONMENTAL QUALITY.—In the event the Secretary and the Secretary of the Interior cannot agree on any element of the land to be retained or transferred, the Secretary or the Secretary of the Interior may refer the issue to the Council on Environmental Quality, which shall decide the issue within 45 days of such referral, and the Secretary and the Secretary of the Interior shall then amend the memorandum of understanding required under subsection (a) in conformity with the decision of the Council on Environmental Quality.

(B) MANAGEMENT OF PROPERTY.—

(i) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior on the management of the retained property to minimize any conflict between the management of property transferred to the Secretary of the Interior and property retained by the Secretary for response actions.

(ii) CONFLICT.—In the case of any such conflict, implementation and maintenance of the response action shall take priority.

(3) ACCESS.—As a condition of the transfer under subsection (a), the Secretary shall be provided such easements and access as are reasonably required to carry out any obligation or address any liability.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this subtitle subject to—

(A) any response action or institutional control at Rocky Flats carried out by or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.

(2) CONFLICT.—In the case of any conflict between the management of Rocky Flats by the Secretary of the Interior and the conduct of any response action or other action described in subparagraph (A) or (B) of paragraph (1), the response action or other action shall take priority.

(3) CONTINUING ACTIONS.—Except as provided in paragraph (1), nothing in this subsection affects any response action or other

action initiated at Rocky Flats on or before the date of the transfer under subsection (a).

(d) LIABILITY.—

(1) IN GENERAL.—The Secretary shall retain any obligation or other liability for land transferred under subsection (a) under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) any other applicable law.

(2) RESPONSE ACTIONS.—

(A) IN GENERAL.—The Secretary shall be liable for the cost of any necessary response actions, including any costs or claims asserted against the Secretary, for any release, or substantial threat of release, of a hazardous substance, if the release, or substantial threat of release, is—

(i) located on or emanating from land—

(I) identified for transfer by this section; or

(II) subsequently transferred under this section;

(ii) (I) known at the time of transfer; or

(II) subsequently discovered; and

(iii) attributable to—

(I) management of the land by the Secretary; or

(II) the use, management, storage, release, treatment, or disposal of a hazardous substance on the land by the Secretary.

(B) RECOVERY FROM THIRD PARTY.—Nothing in this paragraph precludes the Secretary, on behalf of the United States, from bringing a cost recovery, contribution, or other action against a third party that the Secretary reasonably believes may have contributed to the release, or substantial threat of release, of a hazardous substance.

**SEC. 3176. CONTINUATION OF ENVIRONMENTAL CLEANUP AND CLOSURE.**

(a) ONGOING CLEANUP AND CLOSURE.—

(1) IN GENERAL.—The Secretary shall—

(A) carry out to completion cleanup and closure at Rocky Flats; and

(B) conduct any necessary operation and maintenance of response actions.

(2) NO RESTRICTION ON USE OF NEW TECHNOLOGIES.—Nothing in this subtitle, and no action taken under this subtitle, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

(b) RULES OF CONSTRUCTION.—

(1) NO RELIEF FROM OBLIGATIONS UNDER OTHER LAW.—

(A) IN GENERAL.—Nothing in this subtitle, and no action taken under this subtitle, relieves the Secretary, the Administrator of the Environmental Protection Agency, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any applicable Federal or State law.

(B) NO EFFECT ON RFCA.—Nothing in this subtitle impairs or alters any provision of the RFCA.

(2) REQUIRED CLEANUP LEVELS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this subtitle affects the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(B) NO EFFECT FROM ESTABLISHMENT AS NATIONAL WILDLIFE REFUGE.—

(i) IN GENERAL.—The requirements of this subtitle for establishment and management of Rocky Flats as a national wildlife refuge shall not reduce the level of cleanup and closure.

(ii) CLEANUP LEVELS.—The Secretary shall conduct cleanup and closure of Rocky Flats to the levels established for soil, water, and other media, following a thorough review, by the parties to the RFCA and the public (including the United States Fish and Wildlife Service and other interested government agencies), of the appropriateness of the interim levels in the RFCA.

(3) NO EFFECT ON OBLIGATIONS FOR MEASURES TO CONTROL CONTAMINATION.—Nothing in this subtitle, and no action taken under this subtitle, affects any long-term obligation of the United States, acting through the Secretary, relating to funding, construction, monitoring, or operation and maintenance of—

(A) any necessary intercept or treatment facility; or

(B) any other measure to control contamination.

(C) PAYMENT OF RESPONSE ACTION COSTS.—Nothing in this subtitle affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(d) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior to ensure that the response action is carried out in a manner that—

(1) does not impair the attainment of the goals of the response action; but

(2) minimizes, to the maximum extent practicable, adverse effects of the response action on the refuge.

#### SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(a) ESTABLISHMENT.—Not later than 30 days after the transfer of jurisdiction under section 3175(a), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the "Rocky Flats National Wildlife Refuge".

(b) COMPOSITION.—The refuge shall consist of the real property subject to the transfer of administrative jurisdiction under section 3175(a)(1).

(c) NOTICE.—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

##### (d) ADMINISTRATION AND PURPOSES.—

(1) IN GENERAL.—The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) REFUGE PURPOSES.—At the conclusion of the transfer under section 3175(a)(3), the refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)); and

(D) providing opportunities for compatible, wildlife-dependent environmental scientific research.

(3) MANAGEMENT.—In managing the refuge, the Secretary shall ensure that wildlife-dependent recreation and environmental education and interpretation are the priority public uses of the refuge.

#### SEC. 3178. COMPREHENSIVE CONSERVATION PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in developing a comprehensive conservation plan in accordance with section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior, in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Rocky Flats Trustees, shall establish a comprehensive planning process that involves the public and local communities.

(b) OTHER PARTICIPANTS.—In addition to the entities specified in subsection (a), the comprehensive planning process shall include the opportunity for direct involvement of entities not members of the Coalition as of the date of enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) DISSOLUTION OF COALITION.—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive planning process under this section—

(1) the comprehensive planning process under this section shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in the comprehensive planning process.

(d) CONTENTS.—In addition to the requirements under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive conservation plan required by this section shall address and make recommendations on the following:

(1) The identification of any land described in section 3174(e) that could be made available for transportation purposes.

(2) The potential for leasing any land in Rocky Flats for the National Renewable Energy Laboratory to carry out projects relating to the National Wind Technology Center.

(3) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure, refuge, or other purposes.

(4) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(5) Any other issues relating to Rocky Flats.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Armed Services of the Senate and the Committee on Resources of the House of Representatives—

(1) the comprehensive conservation plan prepared under this section; and

(2) a report that—

(A) outlines the public involvement in the comprehensive planning process; and

(B) to the extent that any input or recommendation from the comprehensive planning process is not accepted, clearly states the reasons why the input or recommendation is not accepted.

**SA 1640.** Mr. HUTCHINSON (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

#### SEC. 306. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS, ARKANSAS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$1,800,000.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by

section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), \$1,800,000 shall be available for the Clara Barton Center for Domestic Preparedness, Arkansas.

(c) OFFSET.—The amount authorized to be appropriated by section 301(17) for operation and maintenance for environmental restoration Defense-wide is hereby reduced by \$1,800,000.

**SA 1641.** Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, and Mr. HOLINGS) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

#### SEC. 3135. UNITED STATES PARTICIPATION IN UNITED STATES AND RUSSIA PLUTONIUM DISPOSITION PROGRAMS.

(a) LIMITATION ON MODIFICATION OF UNITED STATES PARTICIPATION IN PROGRAMS.—No modification may be made in United States participation in the current United States and Russia plutonium disposition programs until the date of the submittal to the congressional defense committees of a report setting forth a comprehensive United States strategy for activities under such programs as so modified.

(b) PLUTONIUM DISPOSITION PROGRAMS.—For purposes of this section, the current United States and Russia plutonium disposition programs are the following:

(1) The United States Plutonium Disposition Program identified in the January 1997 Record of Decision setting forth the intention of the Department of Energy to pursue a hybrid plutonium disposition strategy that includes irradiation of mixed oxide fuel (MOX) and immobilization, and the January 2000 Record of Decision of the Surplus Plutonium Disposition Final Environmental Impact Statement identifying the Savannah River Site, South Carolina, for plutonium disposition activities.

(2) The United States-Russian Agreement on the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, signed in September 2000 by the Government of the United States and the Government of Russia.

(c) SCOPE OF MODIFICATIONS.—Any modification of United States participation in a current United States or Russia plutonium disposition program shall provide for the disposition of not less than 34 tons of Russian weapons-grade plutonium on a schedule which completes disposition of such plutonium not later than 2026, the date envisioned in the Agreement referred to in subsection (b)(2).

(d) ELEMENTS OF REPORT ACCOMPANYING MODIFICATION.—If any modification is proposed to United States participation in a current United States or Russia plutonium disposition program, the report under subsection (a)—

(1) shall assess any impact of such modification on other elements of the environmental management strategy of the Department of Energy for the closure or cleanup of current and former sites in the United States nuclear weapons complex;

(2) shall specify the costs of such modification, including any costs to be incurred in



long-term storage of weapons-grade plutonium or for research and development for proposed alternative disposition strategies; and

(3) shall describe the extent of interaction in development of such modification with, and concurrence in such modification from—

(A) States directly impacted by the plutonium disposition program;

(B) nations participating in current programs, or proposing to participate in future programs, for the disposition of Russian weapons-grade plutonium, including the willingness of such nations to offset the costs specified under paragraph (2); and

(C) the Russian Federation.

(e) **ANNUAL REPORT ON FUNDING FOR FISSILE MATERIALS DISPOSITION ACTIVITIES.**—The Secretary of Energy shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report setting forth the extent to which amounts requested for the Department for such fiscal year for fissile material disposition activities will enable the Department to meet commitments for such activities in such fiscal year.

(f) **LIMITATION ON ALTERNATIVE USE OF CERTAIN FUNDS FOR DISPOSITION OF PLUTONIUM.**—The amount made available by chapter 2 of title I of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-560) for expenditures in the Russian Federation to implement a United States/Russian accord for disposition of excess weapons plutonium shall be available only for that purpose until the submittal to the congressional defense committees of the report referred to in subsection (a).

**SA 1642.** Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle C—Coordination of Nonproliferation Programs and Assistance**

**SEC. 1231. SHORT TITLE.**

This title may be cited as the “Nonproliferation Programs and Assistance Coordination Act of 2001”.

**SEC. 1232. FINDINGS.**

Congress makes the following findings:

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states.

(2) Although these efforts are in the United States national security interest, the effectiveness of these efforts suffers from a lack of coordination within and among United States Government agencies.

(3) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation

initiatives and proposals for unemployed Russian weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states.

(4) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union require the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on nonproliferation efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

**SEC. 1233. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**

(a) **ESTABLISHMENT.**—There is established within the executive branch of the Government an interagency committee known as the “Committee on Nonproliferation Assistance to the Independent States of the Former Soviet Union” (in this title referred to as the “Committee”).

(b) **MEMBERSHIP.**—(1) The Committee shall be composed of 6 members, as follows:

(A) A representative of the Department of State designated by the Secretary of State.

(B) A representative of the Department of Energy designated by the Secretary of Energy.

(C) A representative of the Department of Defense designated by the Secretary of Defense.

(D) A representative of the Department of Commerce designated by the Secretary of Commerce.

(E) A representative of the Assistant to the President for National Security Affairs designated by the Assistant to the President.

(F) A representative of the Director of Central Intelligence.

(2) The Secretary of a department named in subparagraph (A), (B), (C), or (D) of paragraph (1) shall designate as the department’s representative an official of that department who is not below the level of an Assistant Secretary of the department.

(b) **CHAIR.**—The representative of the Assistant to the President for National Security Affairs shall serve as Chair of the Committee. The Chair may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

**SEC. 1234. DUTIES OF COMMITTEE.**

(a) **IN GENERAL.**—The Committee shall have primary continuing responsibility within the executive branch of the Government for—

(1) monitoring United States nonproliferation efforts in the independent states of the former Soviet Union;

(2) coordinating the implementation of United States policy with respect to such efforts; and

(3) recommending to the President, through the National Security Council—

(A) integrated national policies for countering the threats posed by weapons of mass destruction; and

(B) options for integrating the budgets of departments and agencies of the Federal Government for programs and activities to counter such threats.

(b) **DUTIES SPECIFIED.**—In carrying out the responsibilities described in subsection (a), the Committee shall—

(1) arrange for the preparation of analyses on the issues and problems relating to co-

ordination within and among United States departments and agencies on nonproliferation efforts of the independent states of the former Soviet Union;

(2) arrange for the preparation of analyses on the issues and problems relating to coordination between the United States public and private sectors on nonproliferation efforts in the independent states of the former Soviet Union, including coordination between public and private spending on nonproliferation programs of the independent states of the former Soviet Union and coordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(3) provide guidance on arrangements that will coordinate, de-conflict, and maximize the utility of United States public spending on nonproliferation programs of the independent states of the former Soviet Union to ensure efficiency and further United States national security interests;

(4) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union to voluntarily report these efforts to the Committee;

(5) arrange for the preparation of analyses on the issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts in the independent states of the former Soviet Union; and

(6) consider, and make recommendations to the President and Congress with respect to, proposals for new legislation or regulations relating to United States nonproliferation efforts in the independent states of the former Soviet Union as may be necessary.

**SEC. 1235. COMPREHENSIVE PROGRAM FOR NONPROLIFERATION PROGRAMS AND ACTIVITIES.**

(a) **PROGRAM REQUIRED.**—The President shall, acting through the Committee, develop a comprehensive program for the Federal Government for carrying out nonproliferation programs and activities.

(b) **PROGRAM ELEMENTS.**—The program under subsection (a) shall include plans and proposals as follows:

(1) Plans for countering the proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies of the Federal Government.

(3) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(4) Proposals for establishing in the United States appropriate legal controls and authorities relating to the export of nuclear, radiological, biological, and chemical weapons and related materials and technologies.

(5) Proposals for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(6) Proposals for building the confidence of the United States and Russia in each other’s controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(7) Plans for reducing United States and Russian stockpiles of excess plutonium, which plans shall take into account an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(8) Plans for studying the merits and costs of establishing a global network of means for

detecting and responding to terrorism or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) **REPORT.**—(1) At the same time the President submits to Congress the budget for fiscal year 2003 pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under this section.

(2) The report shall include the following:

(A) The specific plans and proposals for the program under subsection (b).

(B) Estimates of the funds necessary, by agency or department, for carrying out such plans and proposals in fiscal year 2003 and five succeeding fiscal years.

(3) The report shall be in an unclassified form, but may contain a classified annex.

#### SEC. 1236. ADMINISTRATIVE SUPPORT.

All departments and agencies of the Federal Government shall provide, to the extent permitted by law, such information and assistance as may be requested by the Committee or the Secretary of State in carrying out their functions and activities under this title.

#### SEC. 1237. CONFIDENTIALITY OF INFORMATION.

Information which has been submitted to the Committee or received by the Committee in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the Committee only for the purpose of carrying out the functions and activities set forth in this title.

#### SEC. 1238. STATUTORY CONSTRUCTION.

Nothing in this title—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing department or agency of the Federal Government over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the Committee shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

#### SEC. 1239. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this title the term “independent states of the former Soviet Union” has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

**SA 1643.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

#### SEC. 718. ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(a)”;

(2) by striking “who is on active duty” and inserting “described in paragraph (2)”;

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

“(2) Members of the uniformed services referred to in paragraph (1) are as follows:

“(A) A member of a uniformed service on active duty.

“(B) A member of a reserve component of a uniformed service who has been commissioned as an officer if—

“(i) the member has requested orders to active duty for the member's initial period of active duty following the commissioning of the member as an officer;

“(ii) the request for orders has been approved;

“(iii) the orders are to be issued but have not been issued; and

“(iv) does not have health care insurance and is not covered by any other health benefits plan.”.

**SA 1644.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

On page 317, after line 23, add the following:

#### SEC. 908. EVALUATION OF STRUCTURE AND LOCATION OF ARMY ENVIRONMENTAL POLICY INSTITUTE.

(a) **EVALUATION REQUIRED.**—The Secretary of the Army, acting through the Assistant Secretary of the Army for Installations and Environment, shall carry out a thorough evaluation of the current structure and location of the Army Environmental Policy Institute for purposes of determining whether the structure and location of the Institute provide for the most efficient and effective fulfillment of the charter of the Institute.

(b) **MATTERS TO BE EVALUATED.**—In carrying out the evaluation, the Secretary shall evaluate—

(1) the performance of the Army Environmental Policy Institute in light of its charter;

(2) the current structure and location of the Institute in light of its charter; and

(3) various alternative structures (including funding mechanisms) and locations for the Institute as a means of enhancing the efficient and effective operation of the Institute.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the evaluation carried out under this section. The report shall include the results of the evaluation and such recommendations as the Secretary considers appropriate.

**SA 1645.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

#### SEC. 1066. CRITICAL INFRASTRUCTURES PROTECTION.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Information revolution has transformed the conduct of business and the oper-

ations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.

(4) This national effort requires extensive modeling and analytic capabilities for purposes of evaluating appropriate mechanisms to ensure the stability of these complex and interdependent systems, and to underpin policy recommendations, so as to achieve the continuous viability and adequate protection of the critical infrastructure of the nation.

(b) **POLICY OF UNITED STATES.**—It is the policy of the United States—

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, essential human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(3) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

(c) **SUPPORT OF CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BY NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.**—(1) The National Infrastructure Simulation and Analysis Center (NISAC) shall provide support for the activities of the President's Critical Infrastructure Protection and Continuity Board under Executive Order \_\_\_\_.

(2) The support provided for the Board under paragraph (1) shall include the following:

(A) Modeling, simulation, and analysis of the systems comprising critical infrastructures, including cyber infrastructure, telecommunications infrastructure, and physical infrastructure, in order to enhance understanding of the large-scale complexity of such systems and to facilitate modification of such systems to mitigate the threats to such systems and to critical infrastructures generally.

(B) Acquisition from State and local governments and the private sector of data necessary to create and maintain models of such systems and of critical infrastructures generally.

(C) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide education and training to members of the Board, and other policymakers, on matters relating to—

(i) the analysis conducted under that subparagraph;

(ii) the implications of unintended or unintentional disturbances to critical infrastructures; and

(iii) responses to incidents or crises involving critical infrastructures, including the continuity of government and private sector activities through and after such incidents or crises.

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to members of the

Board and other policymakers, and to departments and agencies of the Federal Government and private sector persons and entities upon request, regarding means of enhancing the stability of, and preserving, critical infrastructures.

(3) Modeling, simulation, and analysis provided under this subsection to the Board shall be provided, in particular, to the Infrastructure Interdependencies committee of the Board under section 9(c)(8) of the Executive Order referred to in paragraph (1).

(d) ACTIVITIES OF PRESIDENT'S CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BOARD.—The Board shall provide to the Center appropriate information on the critical infrastructure requirements of each Federal agency for purposes of facilitating the provision of support by the Center for the Board under subsection (c).

(e) CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term "critical infrastructure" means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on national security, national economic security, national public health or safety, or any combination of those matters.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized for the Department of Defense for fiscal year 2002, \$20,000,000 for the Defense Threat Reduction Agency for activities of the National Infrastructure Simulation and Analysis Center under subsection (c) in that fiscal year.

(2) The amount available under paragraph (1) for the National Infrastructure Simulation and Analysis Center is in addition to any other amounts made available by this Act for the National Infrastructure Simulation and Analysis Center.

**SA 1646.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

**SEC. 215. ADDITIONAL FUNDING FOR ADVANCED RELAY MIRROR SYSTEM DEMONSTRATION.**

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Advanced Relay Mirror System (ARMS) demonstration (PE603605F) is hereby increased by \$9,200,000.

(2) The amount available under paragraph (1) for the Advanced Relay Mirror System demonstration is in addition to any other amounts available under this Act for the Advanced Relay Mirror System demonstration.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for MILSATCOM (PE603430F) is hereby decreased by \$9,200,000.

**SA 1647.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe per-

sonnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 215. ADDITIONAL FUNDING FOR SATELLITE SIMULATION TOOLKIT.**

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Satellite Simulation Toolkit (PE602601F) is hereby increased by \$5,000,000.

(2) The amount available under paragraph (1) for the Satellite Simulation Toolkit is in addition to any other amounts available under this Act for the Satellite Simulation Toolkit.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for MILSATCOM (PE603430F) is hereby decreased by \$5,000,000.

**SA 1648.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

**SEC. 215. ADDITIONAL FUNDING FOR COOPERATIVE ENERGETICS INITIATIVE.**

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army for the Cooperative Energetics Initiative (PE602624A) is hereby increased by \$10,000,000.

(2) The amount available under paragraph (1) for the Cooperative Energetics Initiative is in addition to any other amounts available under this Act for the Cooperative Energetics Initiative.

(b) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army for Landmine Warfare/Barrier Engineering Development (PE604808A) is hereby decreased by \$10,000,000.

**SA 1649.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

**SEC. 215. ADDITIONAL FUNDING FOR UPGRADES TO THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY.**

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Theater Aerospace Command and Control Simulation Facility (TACCSF) (PE207605F) is hereby increased by \$7,250,000.

(2) The amount available under paragraph (1) for the Theater Aerospace Command and Control Simulation Facility is in addition to any other amounts available under this Act for the Theater Aerospace Command and Control Simulation Facility.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for Joint Expeditionary Force (PE207028) is hereby decreased by \$7,250,000.

**SA 1650.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

**SEC. 215. ADDITIONAL FUNDING FOR ADVANCED TACTICAL LASER.**

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy for the Advanced Tactical Laser (ATL) (PE603851D8Z) is hereby increased by \$35,000,000.

(2) The amount available under paragraph (1) for the Advanced Tactical Laser is in addition to any other amounts available under this Act for the Advanced Tactical Laser.

(b) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by \$35,000,000, with the amount of the decrease to be allocated as follows:

(1) \$20,000,000 shall be allocated to amounts available for Deployable Joint Command and Control (PE603237N).

(2) \$15,000,000 shall be allocated to amounts available for Shipboard System Component Development (PE603513N).

**SA 1651.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . RADIATION EXPOSURE COMPENSATION TRUST FUND APPROPRIATIONS.**

(1) IN GENERAL.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Radiation Exposure Compensation Trust Fund for the purpose of making payments to eligible beneficiaries under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(2) LIMITATION.—Amounts appropriated pursuant to paragraph (1) may not exceed—

(A) in fiscal year 2002, \$172,000,000;

(B) in fiscal year 2003, \$143,000,000;

(C) in fiscal year 2004, \$107,000,000;

(D) in fiscal year 2005, \$65,000,000;

(E) in fiscal year 2006, \$47,000,000;  
 (F) in fiscal year 2007, \$29,000,000;  
 (G) in fiscal year 2008, \$29,000,000;  
 (H) in fiscal year 2009, \$23,000,000;  
 (I) in fiscal year 2010, \$23,000,000; and  
 (J) in fiscal year 2011, \$17,000,000.

**SA 1652.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

**SEC. 652. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) **REPEAL.**—Section 1451(c) of title 10, United States Code, is amended by striking paragraph (2).

(b) **PROHIBITION OF RETROACTIVE BENEFITS.**—No benefits may be paid to any person for any period before the effective date specified in subsection (c) by reason of the amendment made by the subsection (a).

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

**SA 1653.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the appropriate place in Division C, Title XXXI, Subtitle A, insert a new section as follows:

“SEC. 31 . For weapons activities, an additional \$338,944,000 is authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration.”

On page 416, line 22, strike “\$1,018,394,000” and replace with “\$1,357,338,000”.

**SA 1654.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

In title II, insert the following:

**SEC. [SC001.673]. FUNDS FOR THE FAMILY OF SYSTEMS SIMULATOR, THE LOW COST INTERCEPTOR, AND ARMY MULTI-MODE TOP ATTACK SIMULATOR.**

(a) **INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RDT&E, ARMY.**—The amount authorized to be appropriated by section 201(1) is hereby increased by \$14,600,000.

(b) **AVAILABILITY OF FUNDS.**—Of the amount authorized to be appropriated by section 201(1), \$10,000,000 may be available for the Army Space and Missile Defense Command, and \$4,600,000 for the Army Threat Simulator Management Office, Redstone Arsenal.

(1) For the Family of Systems Simulator, \$5,000,000.

(2) For the Low Cost Interceptor, \$5,000,000.

(3) For the Army Multi-Mode TOP Attack Simulator, \$4,600,000.

**SA 1655.** Mr. DOMENICI (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the appropriate place in Division C, Title XXXI, Subtitle A, insert a new section as follows:

“SEC. 31 . For weapons activities, an additional \$338,944,000 is authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration.”

On page 416, line 22, strike “\$1,018,394,000” and replace with “\$1,357,338,000”.

**SA 1656.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table as follows:

On page 600, after line 6, add the following:

**TITLE XXXV—COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION**

**SEC. 3501. SHORT TITLE.**

This title may be cited as the “Commercial Reusable In-Space Transportation Act of 2001”.

**SEC. 3502. FINDINGS.**

Congress makes the following findings:

(1) It is in the national interest to encourage the utilization of cost-effective, in-space transportation systems, which would be developed and operated by the private sector on commercial basis.

(2) The use of reusable in-space transportation systems will enhance performance levels of in-space operations, enhance efficient and safe disposal of satellites at the end of their useful lives, and increase the capability and reliability of existing ground-to-space launch vehicles.

(3) Commercial reusable in-space transportation systems will enhance the economic well-being and national security of the United States by reducing space operations costs for commercial and national space pro-

grams and by adding new space capabilities to space operations.

(4) Commercial reusable in-space transportation systems will provide new cost-effective space capabilities (including orbital transfers from low altitude orbits to high altitude orbits and return, the correction of erroneous satellite orbits, and the recovery, refurbishment, and refueling of satellites) and the provision of upper stage functions to increase ground-to-orbit launch vehicle payloads to geostationary and other high energy orbits.

(5) Commercial reusable in-space transportation systems can enhance and enable the space exploration of the United States by providing lower cost trajectory injection from earth orbit, transit trajectory control, and planet arrival deceleration to support potential National Aeronautics and Space Administration missions to Mars, Pluto, and other planets.

(6) Satellites stranded in erroneous earth orbit due to deficiencies in their launch represent substantial economic loss to the United States, estimated at as much as \$3,000,000,000 to \$4,000,000,000 in a recent 12-month period, and present substantial concerns for the current backlog of national space assets valued at \$20,000,000,000.

(7) Commercial reusable in-space transportation systems can provide new options for alternative planning approaches and risk management to enhance the mission assurance of national space assets.

(8) Commercial reusable in-space transportation systems developed by the private sector can provide in-space transportation services to the National Aeronautics and Space Administration, the Department of Defense, the National Reconnaissance Office, and other agencies without the need for the United States to bear the cost of development of such systems.

(9) The availability of limited direct loans and loan guarantees, with the cost of credit risk to the United States paid by the private-sector, is an effective means by which the United States can help qualifying private-sector companies secure otherwise unattainable private financing for the development of commercial reusable in-space transportation systems, while at the same time minimizing Government commitment and involvement in the development of such systems.

**SEC. 3503. LOANS AND LOAN GUARANTEES FOR DEVELOPMENT OF COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION.**

(a) **AUTHORITY TO MAKE LOANS AND LOAN GUARANTEES.**—The Administrator may make loans, and may guarantee loans made, to eligible United States commercial providers for purposes of developing commercial reusable in-space transportation systems.

(b) **ELIGIBLE UNITED STATES COMMERCIAL PROVIDERS.**—The Administrator shall prescribe requirements for the eligibility of United States commercial providers for loans, and loan guarantees, under this section. Such requirements shall ensure that eligible providers are financially capable of undertaking a loan made or guaranteed under this section.

(c) **FEEs.**—

(1) **CREDIT SUBSIDY.**—

(A) **COLLECTION REQUIRED.**—The Administrator shall collect from each United States commercial provider receiving a loan or loan guarantee under this section an amount equal to the amount, as determined by the Administrator, to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of the loan or loan guarantee, as the case may be.

(B) **PERIODIC DISBURSEMENTS.**—In the case of a loan or loan guarantee in which proceeds

of the loan are disbursed over time, the Administrator shall collect the amount required under this paragraph on a pro rata basis, as determined by the Administrator, at the time of each disbursement.

(2) ADMINISTRATIVE FEE.—

(A) COLLECTION REQUIRED.—The Administrator shall collect from each United States commercial provider receiving a loan or loan guarantee under this section an amount equal to 0.5 percent of the proceeds of the loan concerned.

(B) AVAILABILITY.—Amounts collected by the Administrator under this paragraph shall be available to the Administrator for purposes of carrying out this section.

(3) PAYMENT OF AMOUNTS.—Amounts paid by a United States commercial provider under this subsection shall be derived from amounts other than the proceeds of the loan for which such amounts are paid.

(d) INTEREST RATE.—The interest rate on a loan made or guaranteed under this section may not be less than an interest rate determined by the Administrator based on a benchmark interest rate on marketable Treasury securities with a similar maturity to the loan.

(e) OTHER TERMS AND CONDITIONS.—

(1) AMORTIZATION PERIOD.—A loan made or guaranteed under this section shall be amortized over the shorter, as determined by the Administrator, of—

(A) 20 years; or

(B) the useful life of the physical asset to be financed by the loan.

(2) PROHIBITION ON SUBORDINATION.—A loan made or guaranteed under this section may not be subordinated to another debt contracted by the United States commercial provider concerned, or to any other claims against such provider.

(3) RESTRICTION ON INCOME.—A loan made or guaranteed under this section may not—

(A) provide income which is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

(B) in the case of a loan guaranteed under this section, provide significant collateral or security, as determined by the Administrator, for other obligations the income from which is so excluded.

(4) TREATMENT OF GUARANTEE.—The guarantee of a loan under this section shall be conclusive evidence of the following:

(A) That the guarantee has been properly obtained.

(B) That the loan qualifies for the guarantee.

(C) That, but for fraud or material misrepresentation by the holder of the loan, the guarantee is valid, legal, and enforceable.

(5) OTHER TERMS AND CONDITIONS.—The Administrator may establish any other terms and conditions for a loan made under this section, or for the guarantee of a loan under this section, as the Administrator considers appropriate to protect the financial interests of the United States.

(f) ENFORCEMENT OF RIGHTS.—

(1) IN GENERAL.—The Attorney General may take any action the Attorney General considers appropriate to enforce any right accruing to the United States under a loan or loan guarantee under this section.

(2) FORBEARANCE.—The Attorney General may, with the approval of the parties concerned, forebear from enforcing any right of the United States under a loan made or guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to the United States.

(3) UTILIZATION OF PROPERTY.—Notwithstanding any other provision of law and subject to the terms of a loan made or guaranteed under this section, upon the default of a

United States commercial provider under the loan, the Administrator may, at the election of the Administrator—

(A) assume control of the physical asset financed by the loan; and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated \$1,500,000,000 for the making of loans under this section and for the administration of loans and loan guarantees under this section.

**SEC. 3504. DEFINITIONS.**

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

(2) COMMERCIAL PROVIDER.—The term “commercial provider” means any person or entity providing commercial reusable in-orbit space transportation services, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(3) IN-SPACE TRANSPORTATION SERVICES.—The term “in-space transportation services” means operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle.

(4) IN-SPACE TRANSPORTATION SYSTEM.—The term “in-space transportation system” means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services.

(5) IN-SPACE TRANSPORTATION VEHICLE.—The term “in-space transportation vehicle” means a vehicle designed—

(A) to be based and operated in space;

(B) to transport various payloads or objects from one orbit to another orbit; and

(C) to be reusable and refueled in space.

(6) UNITED STATES COMMERCIAL PROVIDER.—The term “United States commercial provider” means any commercial provider organized under the laws of the United States that is more than 50 percent owned by United States nationals.

**SA 1657.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

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

**SEC. 1217. LIMITED AUTHORITY TO PROVIDE ASSISTANCE TO PAKISTAN AND INDIA.**

If the President determines that it is in the national interests of the United States to do so, the President is authorized to provide assistance to Pakistan and India under the Arms Export Control Act, the Foreign Assistance Act of 1961, the Export-Import Bank Act of 1945, or any Act without regard to any grounds for prohibiting or restricting such assistance under those Acts that arose prior to September 11, 2001.

**SA 1658.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize ap-

propriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII add the following:

**SEC. 1217. ALLIED DEFENSE BURDENSARING.**

It is the sense of the Senate that—

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

(2) the efforts by the Secretary of Defense and the Secretary of the State to negotiate host nation support agreements that increase the amounts of the financial contributions made for common defense by allied and friendly nations should be aggressively prospected; and

(3) host nation support agreements should be negotiated consistent with section 1221 of the National Defense Authorization Act for Fiscal Year 1998, which set forth the goals of obtaining from host nations contributions to pay 75 percent of the nonpersonnel costs incurred by the United States Government for stationing military personnel in those nations.

**SA 1659.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

**SEC. 301(5). AUTHORIZATION OF ADDITIONAL FUNDS.**

AUTHORIZATION.—\$3,000,000 is authorized for appropriations in section 301(5), for the replacement or refurbishment of air handlers and related control systems at Keesler AFB Medical Center.

**SA 1660.** Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

Strike section 2842, relating to a limitation on availability of funds for renovation of the Pentagon Reservation, and insert the following:

**SEC. 2842. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.**

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806) is repealed.

**SA 1661.** Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of

Defense, for military constructions, 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; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1009. AUTHORIZATION OF 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.**

(a) **AUTHORIZATION.**—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) are hereby adjusted by the amounts of appropriations made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(b) **QUARTERLY REPORT.**—(1) Promptly after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of funds made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(2) The first report under paragraph (1) shall be submitted not later than January 2, 2002.

(c) **PROPOSED ALLOCATION AND PLAN.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 15 days after the date on which the Director of the Office of Management and Budget submits to the Committees on Appropriations of the Senate and House of Representatives the proposed allocation and plan required by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, a proposed allocation and plan for the use of the funds made available to the Department of Defense pursuant to that Act.

**SA 1662.** Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

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

**SEC. 1217. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.**

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

“(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit composed of members of the United States Armed Forces.

“(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President

determines that such action enhances or supports the national security interests of the United States.”.

**SA 1663.** Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

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

**SEC. 1217. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.**

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

“(n) exercise the authority provided in subsection (c), upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be.”.

**SA 1664.** Mr. WARNER (for Mrs. HUTCHISON (for herself and Mr. LIEBERMAN)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

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

**SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE ON ACTIVE DUTY.**

(a) **SURVIVING SPOUSE ANNUITY.**—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) **SURVIVING SPOUSE ANNUITY.**—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

“(A) a member who dies while on active duty after—

“(i) becoming eligible to receive retired pay;

“(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

“(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

“(B) a member not described in subparagraph (A) who dies in line of duty while on active duty.”.

(b) **COMPUTATION OF SURVIVOR ANNUITY.**—Section 1451(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “based upon his years of active service when he died.” and inserting “based upon the following:”; and

(B) by adding at the end the following new clauses:

“(i) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the retired pay base computed for the member

under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

“(ii) In the case of an annuity payable under section 1448(d)(1)(A) of this title by reason of the death of a member not in line of duty, the member's years of active service when he died.

“(iii) In the case of an annuity under section 1448(f) of this title, the member's years of active service when he died.”; and

(2) in subparagraph (B)(i), by striking “if the member or former member” and all that follows and inserting “as described in subparagraph (A).”.

(c) **CONFORMING AMENDMENTS.**—(1) The heading for subsection (d) of section 1448 of such title is amended by striking “RETIREMENT-ELIGIBLE”.

(2) Subsection (d)(3) of such section is amended by striking “1448(d)(1)(B) or 1448(d)(1)(C)” and inserting “clause (ii) or (iii) of section 1448(d)(1)(A).”.

(d) **EXTENSION AND INCREASE OF OBJECTIVES FOR RECEIPTS FROM DISPOSALS OF CERTAIN STOCKPILE MATERIALS AUTHORIZED FOR SEVERAL FISCAL YEARS BEGINNING WITH FISCAL YEAR 1999.**—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2262; 50 U.S.C. 98d note) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking “\$720,000,000” and inserting “\$760,000,000”; and

(B) by striking the period at the end and inserting “; and”; and

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

“(5) \$770,000,000 by the end of fiscal year 2011.”.

(e) **EFFECTIVE DATE AND APPLICABILITY.**—This section and the amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

**SA 1665.** Mr. LEVIN (for Mr. AKAKA) submitted an amendment intended to be proposed by Mr. LEVIN to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

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

**SEC. 2844. CONSTRUCTION OF PARKING GARAGE AT FORT DERUSSY, HAWAII.**

(a) **AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION.**—The Secretary of the Army may authorize the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentality of the Department of Defense (in this section referred to as the “Fund”), to enter into an agreement with a governmental, quasi-governmental, or commercial entity for the construction of a parking garage at Fort DeRussy, Hawaii.

(b) **FORM OF AGREEMENT.**—The agreement under subsection (a) may take the form of a non-appropriated fund contract, conditional gift, or other agreement determined by the Fund to be appropriate for purposes of construction of the parking garage.

(c) **USE OF PARKING GARAGE BY PUBLIC.**—The agreement under subsection (a) may permit the use by the general public of the parking garage constructed under the agreement if the Fund determines that use of the



parking garage by the general public will be advantageous to the Fund.

(d) **TREATMENT OF REVENUES OF FUND PARKING GARAGES AT FORT DERUSSY.**—Notwithstanding any other provision of law, amounts received by the Fund by reason of operation of parking garages at Fort DeRussy, including the parking garage constructed under the agreement under subsection (a), shall be treated as non-appropriated funds, and shall accrue to the benefit of the Fund or its component funds, including the Armed Forces Recreation Center—Hawaii (Hale Koa Hotel).

**SA 1666.** Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

Strike section 2841, relating to the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania, and insert the following:

**SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.**

(a) **AUTHORITY TO ENTER INTO AGREEMENT.**—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) **DESIGN AND CONSTRUCTION.**—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) **ACCEPTANCE OF FACILITY.**—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) **USE OF CERTAIN GIFTS.**—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of \$250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary ex-

pense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

**SA 1667.** Mr. LEVIN (for Mr. LIEBERMAN (for himself and Mr. SANTORUM)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subtitle C of title XI, add the following:

**SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.**

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (109 Stat. 783; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) **EXPENSES OF GOVERNMENT PERSONNEL.**—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.”.

**SA 1668.** Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

Strike section 303 and insert the following:

**SEC. 303. ARMED FORCES RETIREMENT HOME.**

(a) **AMOUNT FOR FISCAL YEAR 2002.**—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of \$71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

(b) **AMOUNTS PREVIOUSLY AUTHORIZED.**—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, an amount of \$22,400,000 shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

**SA 1669.** Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military

activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1027. COMPTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF NATIONAL GUARD DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT NETWORKS AND RELATED PUBLIC AND PRIVATE NETWORKS.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project (DTTP) and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, and networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies.

(b) **PURPOSES.**—The purposes of the study under subsection (a) are as follows:

(1) To identify existing capabilities, and future requirements, for transmission of voice, data, and video for purposes of operational support of disaster response, homeland defense, command and control of premobilization forces, training of military personnel, training of first responders, and shared use of the networks of the Distributive Training Technology Project by government and members of the networks.

(2) To identify appropriate connections between the networks of the Distributive Training Technology Project and networks of the Federal Emergency Management Agency, State emergency management agencies, and other Federal and State agencies having disaster response functions.

(3) To identify requirements for connectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a) in the event of a significant disruption of providers of public services.

(4) To identify means of protecting the networks of the Distributive Training Technology Project from outside intrusion, including an assessment of the manner in which so protecting the networks facilitates the mission of the National Guard and homeland defense.

(5) To identify impediments to interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(6) To identify means of improving interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(c) **PARTICULAR MATTERS.**—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, national security concerns impede interconnectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a).

(2) Whether, and to what extent, limitations on the technological capabilities of the Department of Defense impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(3) Whether, and to what extent, other concerns or limitations impede

interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(4) Whether, and to what extent, any national security, technological, or other concerns justify limitations on interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) Potential improvements in National Guard or other Department technologies in order to improve interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a). The report shall describe the results of the study, and include any recommendations that the Comptroller General considers appropriate in light of the study.

**SA 1670.** Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

On page 346, line 20, insert after "professional" the following: "or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander".

**SA 1671.** Mr. DOMENICI (for himself, Mr. REID, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; which was ordered to lie on the table; as follows:

At the appropriate place in Division C, Title XXXI, Subtitle A, insert a new section as follows:

"SEC. 31 . For weapons activities, an additional \$338,944,000 is authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration."

On page 399, line 22, strike "\$1,018,394,000" and replace with "1,357,338,000".

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, September 24, 2001, at 3:30 p.m., to hold a nomination hearing.

Nominees: Ms. Charlotte Beers, of Texas, to be Under Secretary of State for Public Diplomacy; Mrs. Patricia de

Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs); Mr. John Wolf, of Maryland, to be an Assistant Secretary of State (Non-proliferation); the Honorable Kevin Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador; the Honorable Kenneth Brill, of Maryland, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador; Mr. Michael Malinowski, of the District of Columbia, to be Ambassador to the Kingdom of Nepal.

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

##### SPECIAL COMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, September 24, 2001, from 12 p.m.-3:30 p.m., in Dirksen 192 for the purpose of conducting a hearing: Re long-term care.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, September 24, 2001, at 3 p.m., to hold an open hearing: Re counter-terrorism.

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

#### PRIVILEGES OF THE FLOOR

Mr. INHOFE. I ask unanimous consent that a military fellow, Dave Teal, be given privileges of the floor during this debate.

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

Mr. LEVIN. I ask unanimous consent that a member of Senator Jeffords' staff, Jonathan Farnham, be given floor privileges during consideration of this bill.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that Virginia Renee Simpson, a congressional fellow in my office, be permitted floor privileges throughout the debate on the national defense authorization bill.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Kimberly Connor of Senator Bond's staff, as well as LCDR Dell Bull, during consideration of S. 1438.

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

Ms. COLLINS. Mr. President, at the request of Senator DOMENICI, I ask unanimous consent that Pete Lyons, a fellow in Senator DOMENICI's office, be granted floor privileges for the duration of the consideration of this bill.

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

#### MEASURE INDEFINITELY POSTPONED—S. 643

Mr. LEVIN. Mr. President, I ask unanimous consent that Calendar No. 148, S. 643, be indefinitely postponed.

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

#### ORDERS FOR TUESDAY, SEPTEMBER 25, 2001

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Tuesday, September 25. I further ask consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of the Department of Defense Authorization Act; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

#### PROGRAM

Mr. LEVIN. On Tuesday the Senate will convene at 9:30 a.m. and resume consideration of the DOD authorization bill, with 15 minutes of closing debate on the Bunning base closure amendment. A rollcall vote on a motion to table the Bunning amendment will occur at approximately 9:45 a.m. Additional rollcall votes are expected as the Senate works to complete action on the DOD authorization bill on Tuesday.

The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:14 p.m., adjourned until Tuesday, September 25, at 9:30 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate September 24, 2001:

##### DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.  
THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.