

Mr. LEVIN. Madam President, do I have any time remaining?

The PRESIDING OFFICER. There is no time remaining.

Mr. LEVIN. I ask unanimous consent for an additional 2 minutes.

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

Mr. LEVIN. Madam President, if the Senator from Texas wants to offer an amendment to modify the Davis-Bacon law to accomplish what he talked about, he ought to offer it. Nobody offered it in committee, but the Senator from Texas is free to offer it.

What troubles me is we have a bill which is of critical significance to the Armed Forces of the United States. We have pay increases in the bill. We have housing allowances. What the Senator from Texas is saying is, unless he gets his way on this issue, he is not going to allow that bill to go forward. It seems to me that is wrong, and that is the problem. That is what has caused this particular situation.

That is the only reason the Senator from Virginia obviously offered the amendment and moved to table it, to see whether or not there is support for the position of the Senator from Texas. If the Senator from Texas prevails on his position, fine. If he does not prevail on his position, this bill is too important, has too much in it that matters to the security of this country, to be held up by one Senator who insists he is going to get his way even if the majority of the Senate disagrees with him. That is what the issue is. It seems to me that is the overriding issue.

Back to competition, if the Senator from Texas believes there should be an amendment that would modify Davis-Bacon, I would urge him to offer that. Let us debate it. Let us vote it, but let us not hold up the Defense bill as his position would.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I ask unanimous consent that the request of the Defense Department that they have the right to engage in competitive bidding on contracts of less than a million dollars be accepted.

Mr. LEVIN. I object. I have said very clearly that the Senator should offer the amendment if he wants to do so. Send the amendment to the desk. Let's debate that amendment. Win or lose, modify Davis-Bacon if he wishes. Send an amendment to the desk. We will debate it. But what I object to is holding up the Defense bill on this ground. We do not do this by unanimous consent.

Mr. GRAMM. Not to keep dragging this dead cat back across the table, but I am not asking for any special privilege. I wanted to offer my own amendment, which someone else offered. The Senator can deal with his bill as he chooses. I have been a private in the Army, but I believe I am a private in the right. I want this issue to be heard, and I want to debate it. I don't understand why that is somehow unreasonable.

When people want to pass special interest legislation, they can cloak themselves in the righteousness of the moment. I do not understand why it is even in this bill. I think, quite frankly, people ought to be embarrassed that it is in this bill.

In any case, I am not asking for any special privilege whatsoever. I want to exercise my right as 1 of 100 Senators. That is all I am doing.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 12:34 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to ordered by the Presiding Officer (Mr. NELSON of Nebraska).

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. For the interest of all Senators, we will stand in recess immediately following this vote in order to accommodate Senators who wish to attend the briefing that will be held in room 407 this afternoon. That briefing will be to hear the Secretary of State give an update on the current circumstances.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2002

Mr. DASCHLE. I ask unanimous consent the Senate proceed to the consideration of H.J. Res. 65, a continuing resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 65) making continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be read three times, passed, and the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 65) was considered read the third time and passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Virginia, Mr. WARNER, No. 1674.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. WARNER. We have no objection. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Delaware (Mr. CARPER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—74

Akaka	Domenici	Lugar
Allard	Dorgan	Mikulski
Allen	Edwards	Miller
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bingaman	Frist	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Bunning	Hagel	Rockefeller
Burns	Harkin	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kyl	Thomas
Craig	Landrieu	Torricelli
Crapo	Leahy	Warner
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden
Dodd	Lincoln	

NAYS—24

Bond	Graham	McConnell
Brownback	Gramm	Murkowski
Byrd	Hatch	Roberts
Chafee	Hutchison	Santorum
DeWine	Jeffords	Stevens
Durbin	Kohl	Thompson
Ensign	Lott	Thurmond
Fitzgerald	McCain	Voinovich

NOT VOTING—2

Biden Carper

The motion was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. JOHNSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 2:48 p.m., recessed subject to the call of the Chair and reassembled at 4:06 p.m., when called to order by the Presiding Officer (Mr. MILLER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand the amendment of the Senator from New Mexico has now been cleared on both sides. We welcome that news. He has been working hard on this

amendment for a number of years to provide some equity to some people who have had severe losses. I have always commended him on his efforts and supported him. I think we have worked it out within the budget constraints of the bill.

Perhaps the Senator from Oklahoma would agree that his amendment will be temporarily laid aside so the Senator from New Mexico could offer an amendment.

Mr. WARNER. Mr. President, I join the chairman. We have known of the years and years of work and the foundation laid by our colleague from New Mexico. He provided for it in the budget amendment long before the current situation developed. We support it.

AMENDMENT NO. 1672

Mr. DOMENICI. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BINGAMAN, Mr. DASCHLE, and Mr. ALLARD, proposes an amendment numbered 1672.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide permanent appropriations with fiscal year limits to the Radiation Exposure Compensation Trust Fund to make payments under the Radiation Exposure Compensation Act)

At the appropriate place, insert the following:

SEC. . RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

“(e) APPROPRIATION.—

“(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 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.

“(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.”

Mr. DOMENICI. Mr. President, we are going to do something that is very fair that will eliminate a serious problem that is out there among a few thousand Americans, some of whom have walked into meetings with the U.S. Government carrying an IOU. The IOU is that the Federal Government owes them the money they were supposed to receive months ago, because either the person there or one of their

spouses have died or is seriously ill with an ailment that is charged and relates directly to having been in the uranium mining activity for years and years in the early days of the nuclear weapons program.

What happened was, we put money in a trust fund and we made this an entitlement, but it was not funded. The trust fund was a given amount of money. They adjudicated these claims. We did it so they could do them quickly; they didn't have to spend a lot of money on lawyers.

The Government ruled quickly, even though in some cases, with some of them listening in the Four Corners area, they did go through an awful lot of trouble to get their claim. But then, the insult: they produced their claim and said, where is the money? The U.S. Department of Justice said, oops, sorry, we don't have any. These people are walking around, some of them almost in a daze, because they cannot believe that their Federal Government they read about every day, spending hundreds of billions of dollars, huge amounts for defense, huge amounts for other things, is telling them for a claim that is theirs, that has been adjudicated, that says the U.S. Government of America owes Jimmy Jones \$100,000, there is no money. And this is what they bring to our meetings.

We do not take very long in agreeing with them. We try to give them the history, the fact it has to be funded. Every time we sought funding for one reason or another, we received just enough for a month or two. This claim got mixed up in jurisdictional problems as to which committee ought to fund it.

I say to the Senate, when we were working on the budget resolution, we allocated in that budget to the Armed Services Committee the money that was necessary to keep this program going for a substantial period of time. We said, even though it is allocated to the defense part of our budget, this amount of money should be used for the claimants I am talking about under the Radiation Exposure Compensation Fund.

Under this bill, there is \$172 million in the defense account that has not been used because it is for these claimants. A little bit of it was used in the process of producing this bill. I do not choose to argue about that. That is all right with me. I just want this amendment adopted so nobody uses the rest of the money that is in this bill for these people.

For anybody who is interested, we are about to do something for a lot of Americans, principally in the Four Corners area, some in the Dakotas. Those claimants ought to know the best we can do is to put it on this bill. This bill has a long way to go, but the Senator from New Mexico does not know where else to put it that will get it into their hands any sooner.

We will be watching and observing, and if for some reason this authoriza-

tion bill cannot get through the process—through the House to the President and signed—we will try to find another way. We did not succeed totally. We do not make this a completely mandatory program.

We are taking jurisdiction away from no one. If this bill is in the Judiciary Committee, they will retain jurisdiction. We are going to pay for it out of an allocation that went to this committee's work on defense, and we are just about to say that this money will now go to whom it was intended: those people to whom the Government is clearly indebted and owes money.

I offered this amendment that will make funding for the Radiation Exposure Compensation Fund mandatory.

From the 1940s through 1971, uranium miners, Federal employees, who participated in above-ground nuclear tests, and downwinders from the Nevada Test Site were exposed to dangerous levels of radiation. As a result of this exposure, these individuals contracted debilitating and too often deadly radiation-related cancers and other diseases.

In 1990, Congress recognized their contribution by passing the Radiation Exposure Compensation Act to ensure that these individuals and their families were indemnified for their sacrifice and suffering. However, the RECA Trust Fund ran out of money in May, 2000. Consequently, for over a year most eligible claimants received nothing more than a five-line IOU from the Justice Department explaining that no payments will be made until Congress provides the necessary funds. Some of these claimants died while awaiting their payments. This is simply unconscionable.

Fortunately, we were able to secure the necessary funds in this year's supplemental to pay the IOUs and all claims approved by September 30, 2001. Nonetheless, many claims will be filed and approved over the coming years, and it is time we make all payments to this fund mandatory so that these people who have suffered so greatly for our Nation's security are not again short-changed by the political complexities of the annual congressional appropriations process. If we do not adopt this amendment, more of these men will die holding nothing but a Government IOU.

In a time when our Nation is at war, it is imperative that we do not forget those citizens who have contributed so much to the strength and security of our Nation. After all, these folks helped build our nuclear arsenal, the nuclear arsenal that is responsible, at least in part, for ending the cold war and leading to America's place as the world's only superpower.

Moreover, it is important that we show those who are now being called on to protect our Nation that the Senate cannot and will not forget their efforts and sacrifice. By turning our backs on some of yesterday's heroes we will be sending the wrong message to the heroes of today.

This is the appropriate time to raise this issue because we assumed this spending in the Senate budget resolution and the funding was allocated to the Armed Services Committee for this purpose. It is important to note that under this amendment, these mandatory payments are capped at the amounts allocated to the Armed Services Committee and will not exceed \$172 million in any one year.

Those who helped protect our Nation's security through their work on our nuclear programs must be compensated for the enormous price they paid. Anything less is unacceptable.

Mr. President, there were a lot of Senators involved. If they want to be a cosponsor, we will be glad to ask they be made original cosponsors. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our good friend from New Mexico. He and Senator BINGAMAN and others have fought hard and long for equity in this area. We intended to do it for some time, but it has always been subject to appropriation.

The Senator from New Mexico made sure that in the budget resolution there was an allocation that would make this possible on this bill. He has done his homework, as he always does. It is very gratifying.

I know the people he represents, plus a lot of other people for whom justice will finally be done. I commend him for his work and support on the amendment.

Mr. BINGAMAN. Mr. President, I am an original cosponsor of this amendment by Senator DOMENICI and strongly supportive of it because it takes important steps to fully fund the Radiation Exposure Compensation Act, or RECA.

RECA was originally enacted as a means of compensating thousands of individuals who suffered from exposure to radiation as a result of the Federal Government's nuclear testing program and Federal uranium mining activities. While the Government can never fully compensate for the loss of a life or the reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended in 1990 to the victims of the radiation tragedies. This amendment is critical to ensure that the Federal Government finally lives up to that commitment of providing a compassionate program of compensation to these workers and their families.

Unfortunately, for years the Federal Government's commitment to RECA has been half-hearted. The fund has been consistently shortchanged, so much so that the Justice Department was until recently shamefully issuing IOU's to sick and dying workers. This amendment will assure uranium millers, miners and ore transporters that the Federal Government values the service they gave to our country and is committed to ensuring they receive

compassionate compensation for that service.

The amendment provides \$655 million over 10 years to workers and their families that are eligible through RECA. This goes a long way toward the Federal Government fully living up to its promise when we passed RECA 11 years ago. Unfortunately, the Congressional Budget Office estimates that we need \$812 million over the same period. So, while I urge the Congress to recognize we are making important and critical strides to fully funding this commitment, we remain around \$150 million short and we must all work to ensure that the program is fully funded throughout the 10-year period. We must never reach a point of issuing IOU's rather than actual financial assistance to these workers and their families again.

I would also like to thank Chairman LEVIN and Senator WARNER for their hard work on this issue. They have, from the beginning, recognized the importance and fairness involved in passage of this amendment and I am appreciative of their help and support.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1672) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the senior Senator from Michigan. I yield the floor.

Mr. DASCHLE. Mr. President, I am delighted that the Senate has adopted an amendment I cosponsored with Senator DOMENICI to provide \$665 million over the next 10 years to fund the Radiation Exposure Compensation Act.

Hundreds of former uranium workers in South Dakota and thousands across the Nation have developed cancer and other life-threatening diseases as a result of their work producing uranium on behalf of the U.S. Government. Although the Federal Government knew this work put the health of these men and women at risk, it failed to take appropriate steps to warn or protect them.

The Radiation Exposure Compensation Act is designed to compensate these individuals, or their surviving family. Although Congress has already committed to the compensation, adequate funding has never been available to fund this program. In fact, the Federal Government at times has been sending IOUs to eligible beneficiaries because Congress has not been providing enough money to pay these claims.

The amendment just adopted by the Senate takes a significant step toward addressing this problem. It provides \$665 million over the next 10 years to pay these claims. While this amount is not sufficient to cover all those ex-

pected to apply for benefits, it will cover the vast majority of claims. I plan to work with my colleagues to ensure that any remaining funds that prove to be necessary are provided.

I want to express my thanks to Senator DOMENICI for his work on this issue, and to Senators BINGAMAN, REID and HATCH for their consistent efforts to support uranium workers.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Congressional Budget Office is required to prepare a cost estimate for spending legislation reported by committees. The cost estimate for the bill reported by the committee, S. 1416, was not finished at the time the report on this bill was filed. The CBO cost estimate is now available. I ask unanimous consent that the Congressional Budget Office cost estimate for the Defense authorization bill reported by our Committee on Armed Services be printed in the RECORD.

Because the four sections removed from S. 1416 should not affect the funding levels in the bill, this CBO cost estimate will also apply to S. 1438 which we are presently considering.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 19, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1416, the National Defense Authorization Act for Fiscal Year 2002.

The CBO staff contact is Kent Christensen, who can be reached at 226-2840. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

S. 1416—National Defense Authorization Act for
Fiscal Year 2002

Summary: S. 1416 would authorize appropriations totaling \$343 billion for fiscal year 2002 for the military functions of the Department of Defense (DoD) and the Department of Energy and certain other defense-related programs. It also would prescribe personnel strengths for each active duty and selected reserve component of the U.S. armed forces. CBO estimates that appropriation of the authorized amounts for 2002 would result in additional outlays of \$338 billion over the 2002–2006 period.

The bill also contains provisions that would raise the costs of discretionary defense programs over the 2003–2006 period. CBO estimates that those provisions would require appropriations of \$10 billion over those four years.

The bill contains provisions that would reduce direct spending, primarily through revised payment rates for some services offered under the Tricare for Life program and certain asset sales. We estimate that the direct spending savings resulting from provisions of S. 1416 would total \$209 million over the 2002–2006 period and \$86 million over the 2002–2011 period. Those totals include estimated net receipts from asset sales of \$144

million over the next five years and \$120 million over 10 years. Because it would affect direct spending, the bill would be subject to pay-as-you-go procedures.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that subtitle F (Uniformed Services Overseas Voting) of title V is excluded because the provision

would enforce an individual's constitutional right to vote. The bill contains one private-sector mandate; however, the costs of that mandate would not exceed the threshold as specified in UMRA (\$113 million in 2001, adjusted annually for inflation).

The remaining provisions of the bill either contain no mandates or are excluded, as specified in UMRA, because they would be necessary for national security. The bill also would affect DoD's Tricare long-term care

program by increasing costs in state Medicaid programs by about \$1 million in 2002 and over \$2 million in 2003. Such costs would not result from mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1416 is shown in Table 1. Most of the costs of this legislation fall within budget function 050 (national defense).

TABLE 1.—BUDGETARY IMPACT OF S. 1416, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

(By fiscal year, in millions of dollars)

	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Defense Programs:						
Budget Authority ¹	316,051	0	0	0	0	0
Estimated Outlays	301,602	107,667	36,099	13,839	6,256	3,308
Proposed Changes:						
Estimated Authorization Level	0	342,647	0	0	0	0
Estimated Outlays	0	226,562	76,529	23,636	8,254	3,008
Spending Under S. 1416 for Defense Programs:						
Estimated Authorization Level ¹	316,051	342,647	0	0	0	0
Estimated Outlays	301,602	334,229	112,628	37,475	14,510	6,316
DIRECT SPENDING (EXCLUDING ASSET SALES)						
Estimated Budget Authority	0	32	-200	61	25	17
Estimated Outlays	0	32	-200	61	25	17
ASSET SALES²						
Estimated Budget Authority	0	-40	-114	-16	-5	31
Estimated Outlays	0	-40	-114	-16	-5	31

¹ The 2001 level is the amount appropriated for programs authorized by the bill.

² Asset sale receipts are a credit against direct spending.

Note.—This table excludes estimated authorizations of appropriations for years after 2002. (Those additional authorizations are shown in Table 3.)

Basis of Estimate

Spending Subject to Appropriation

The bill would authorize appropriations totaling \$343 billion in 2002 (see Table 2). Most of those costs would fall within budget function 050 (national defense). S. 1416 also would authorize appropriations of \$71 million for the Armed Forces Retirement Home (function 600—income security) and \$17 million for the Naval Petroleum Reserves (function 270—energy).

Title XIII would make \$15.2 billion of the authorizations in the bill contingent upon either a procedural action taken by the Chairman of the Committee on the Budget in the Senate or a procedural waiver agreed to by three-fifths of the members of the Senate. The estimate assumes that one of these ac-

tions would occur and that \$343 billion will be appropriated near the start of fiscal year 2002. Outlays are estimated based on historical spending patterns.

The bill also contains provisions that would affect various costs, mostly for personnel, that would be covered by the fiscal year 2002 authorization and by authorizations in future years. Table 3 contains estimates of those amounts. In addition to the costs covered by the authorizations in the bill for 2002, these provisions would raise estimated costs by \$10 billion over the 2003–2006 period. The following sections describe the provisions identified in Table 3 and provide information about CBO's cost estimates for those provisions.

Multiyear Procurement. In most cases, purchases of weapon systems are authorized annually, and as a result, DoD negotiates a separate contract for each annual purchase. In a small number of cases, the law permits multiyear procurement; that is, it allows DoD to enter into a contract to buy specified annual quantities of a system for up to five years. In those cases, DoD can negotiate lower prices because its commitment to purchase the weapons gives the contractor an incentive to find more economical ways to manufacture the weapon, including cost-saving investments. Funding would continue to be provided on an annual basis for these multiyear contracts, but potential termination costs would be covered by an initial appropriation.

TABLE 2. SPECIFIC AUTHORIZATIONS IN S. 1416

(By fiscal year, in millions of dollars)

Category	2002	2003	2004	2005	2006
Military Personnel:					
Authorization Level	82,342	0	0	0	0
Estimated Outlays	77,105	4,611	165	82	0
Operation and Maintenance:					
Authorization Level	125,702	0	0	0	0
Estimated Outlays	94,195	24,527	4,092	1,703	506
Procurement:					
Authorization Level	62,217	0	0	0	0
Estimated Outlays	16,037	22,489	13,471	5,112	2,011
Research, Development, Test, and Evaluation:					
Authorization Level	46,616	0	0	0	0
Estimated Outlays	25,286	17,229	3,019	662	191
Military Construction and Family Housing:					
Authorization Level	10,478	0	0	0	0
Estimated Outlays	2,712	4,027	2,312	785	338
Atomic Energy Defense Activities:					
Authorization Level	14,285	0	0	0	0
Estimated Outlays	9,669	3,849	767	0	0
Other Accounts:					
Authorization Level	2,512	0	0	0	0
Estimated Outlays	1,778	431	166	74	20
Unspecified Reductions (DoD):					
Authorization Level	-1,630	0	0	0	0
Estimated Outlays	-617	-582	-236	-104	-38
General Transfer Authority:					
Authorization Level	0	0	0	0	0
Estimated Outlays	280	-60	-120	-60	-20
Total:					
Authorization Level ¹	342,522	0	0	0	0
Estimated Outlays	226,445	76,521	23,636	8,254	3,008

¹ These specific authorizations comprise nearly all of the proposed changes shown in Table 1; they do not include estimated authorizations of \$83 million for the Coast Guard Reserve, and \$42 million for payments to WWII slave laborers, which are shown in Table 3.

TABLE 3.—ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN S. 1416

[By fiscal year, in millions of dollars]

Category	2002	2003	2004	2005	2006
MULTIYEAR PROCUREMENT					
F/A-18E/F Engines	-10	-10	-10	-10	-10
C-17 Aircraft	0	-117	-293	-272	-252
FORCE STRUCTURE					
DoD Military Endstrengths	262	542	560	576	594
Coast Guard Reserve Endstrengths	83	0	0	0	0
Grade Structure	20	41	47	53	55
COMPENSATION AND BENEFITS (DOD)					
Military Pay Raises	1,026	1,420	1,490	1,558	1,624
Expiring Bonuses and Allowances	564	457	257	171	114
Housing Allowances	230	712	407	84	0
Travel and Transportation Allowances	84	88	93	99	104
Increase Incentive Pay and Bonuses	49	71	75	81	87
New Bonuses	38	24	21	21	22
Subsistence Allowances	6	15	8	3	0
Uniform Allowances	4	4	4	4	4
Commissary Benefits for Reservists	3	3	3	4	4
Education and Training	22	26	30	35	41
DEFENSE HEALTH PROGRAM					
Payment Rates	-144	-90	0	0	0
Long-Term Care Rules	-44	0	0	0	0
Travel Reimbursements	5	5	5	5	5
OTHER PROVISIONS					
Strategic Forces	-20	-70	-140	-200	-220
Voluntary Separation and Early Retirement Incentives	0	145	6	0	0
Payments to World War II Slave Laborers	42	37	31	4	4
Purchase Alternative Fuel Vehicles for DoD	0	0	0	23	21
TOTAL ESTIMATED AUTHORIZATIONS					
Estimated Authorization Level	2,220	3,303	2,594	2,239	2,197

Note.—For every item in this table except the authorization for the Coast Guard reserve and for payments to WWII slave laborers, the 2002 levels are included in the amounts specifically authorized to be appropriated in the bill. Those amounts are shown in Table 2. Amounts shown in this table for 2003 through 2006 are not included in Table 1.

Section 122 would authorize DoD to enter into a multiyear contract to buy engines for F/A-18E/F aircraft starting in 2002. The Navy currently purchases the aircraft from Boeing under a multiyear contract covering the 2000-2004 period, while the engines are purchased separately from General Electric under annual contracts. Each engine costs about \$4 million today. According to the Navy, it plans to purchase 48 aircraft a year over the next five years starting in 2002. CBO estimates that the savings from buying F/A-18E/F engines under a multi-year contract would total about \$50 million over the 2002-2006 period, or about 3 percent of total engine costs. This estimate assumes that the Navy would buy 96 engines a year (two engines for every aircraft purchased) over the five-year period and that there would be no up-front investment required to implement the multiyear contract.

Section 131 would authorize DoD to enter into a new multiyear procurement contract to buy up to 60 additional C-17 aircraft. Under the current multiyear contract, the Air Force will buy 15 aircraft in 2002 and another 8 aircraft in 2003. Assuming that the Air Force would proceed with follow-on procurement of up to 60 additional aircraft, CBO estimates that savings from buying 60 additional C-17s under a multiyear contract arrangement would total \$934 million or an average of about \$250 million a year over the 2003-2006 period. Funding requirements would total just under \$8.3 billion instead of the almost \$9.2 billion needed under annual contracts. This estimate assumes that the Air Force would purchase the 60 additional aircraft starting in 2003 at a rate of 15 a year.

Force Structure. The bill contains various sections that affect endstrength and personnel grade structure.

Endstrengths. The bill would authorize active and reserve endstrengths for 2002. The authorized endstrengths for active-duty personnel and personnel in the selected reserve would total about 1,387,000 and 865,000, respectively. Of those selected reservists, about 67,000 would serve on active duty in support of the reserves. The bill would specifically authorize appropriations of \$82.4 billion for the costs of military pay and allowances in 2002. Of that amount, discretionary authorizations for military pay and allow-

ances would total \$82.3 billion, while \$0.1 billion would be provided to cover mandatory costs. The authorized endstrength represents a net increase of 3,152 servicemembers that would boost costs for salaries and other expenses by \$262 million in the first year and about \$600 million annually in subsequent years, compared to the authorized strengths for 2001.

The bill also would authorize an endstrength of 8,000 in 2002 for the Coast Guard Reserve. This authorization would cost about \$83 million and would fall under budget function 400 (transportation).

Grade Structure. Sections 402, 415, and 502 would increase the number of servicemembers in certain grades. Under section 402, the number of servicemembers in pay grade E-8 in the Navy would increase. Section 415 would change the grade structure of active-duty personnel in support of the reserves. Section 502 would reduce the time-in-grade required for promotion to captain in the Army, Air Force, and Marine Corps, and lieutenant in the Navy when service staffing needs require. These changes would not increase the overall endstrength, but would result in more promotions to these ranks. CBO estimates these provisions would cost \$20 million in 2002, rising to \$55 million by 2006.

Compensation and Benefits. S. 1416 contains several provisions that would affect military compensation and benefits.

Military Pay Raises. Section 601 would raise basic pay by 5 percent across-the-board and authorize additional targeted pay raises, ranging from 1 percent to 10 percent, for individuals with specific ranks and years of service at a total cost of about \$3.1 billion in 2002. Because the pay raises would be above those projected under current law, CBO estimates that the incremental costs associated with the larger pay raise would be about \$1 billion in 2002 and total \$7.1 billion over the 2002-2006 period.

Expiring Bonuses and Allowances. Several sections would extend DoD's authority to pay certain bonuses and allowances to current personnel. Under current law, most of these authorities are scheduled to expire in December 2001, or three months into fiscal year 2002. The bill would extend these authorities through December 2002. CBO esti-

mates that the costs of these extensions would be as follows:

Payment of reenlistment bonuses for active-duty personnel would cost \$327 million in 2002 and \$174 million in 2003; enlistment bonuses for active-duty personnel would cost \$91 million in 2002 and \$140 million in 2003.

Various bonuses for the Selected and Ready Reserve would cost \$64 million in 2002 and \$73 million in 2003.

Special payments for aviators and nuclear-qualified personnel would cost \$52 million in 2002 and \$55 million in 2003.

Retention bonuses for officers and enlisted members with critical skills would cost \$23 million in 2002 and \$13 million in 2003.

Authorities to make special payments to nurse officer candidates, registered nurses, and nurse anesthetists would cost \$7 million in 2002 and \$2 million in 2003.

Most of these changes would result in additional, smaller costs in subsequent years because payments are made in installments.

Housing Allowances. Section 605 would limit the out-of-pocket cost of housing for servicemembers receiving basic allowance for housing (BAH) within the United States. Currently, DoD pays members BAH rates which cover about 85 percent of the cost of adequate housing in the United States. DoD plans to reduce the average out-of-pocket housing expense for members by increasing BAH by about 4 percent annually, until BAH covers the full cost of adequate housing by 2005, adjusting the rate each January. Section 605 would accelerate DoD's plan by limiting out-of-pocket costs to 7.5 percent in 2002 and eliminating average out-of-pocket costs in 2003, adjusting the rates on January 1, 2002, and October 1, 2002, respectively. CBO estimates that accelerating the increase in BAH would cost \$230 million in 2002 and \$1.4 billion over the 2002-2006 period.

Travel and Transportation Allowances. Sections 631 through 634 would affect travel and transportation allowances by expanding eligibility or increasing benefits. CBO estimates that the cost of these changes would be as follows:

Expanding eligibility to receive the basic allowance for housing (BAH) to junior enlisted members in grades E-3 and below who are on leave or traveling between permanent duty stations would cost \$34 million in 2002 and \$182 million over the 2002-2006 period.

Expanding eligibility for temporary subsistence allowance to officers would cost \$6 million in 2002 and \$30 million over the 2002–2006 period.

Authorizing dislocation allowances (DLA) for married servicemembers without dependents where the spouse is a member of the military, would cost \$4 million in 2002. Expanding eligibility to receive DLA to members with dependents moving to their first duty station would cost \$34 million in 2002. Authorizing a \$500 allowance to compensate members who must move for government convenience (e.g., because of housing privatization or renovation) would cost \$6 million in 2002. CBO estimates that these three provisions would cost \$256 million over the 2002–2006 period.

In total, these provisions affecting travel and transportation allowances would cost \$84 million in 2002 and \$468 million over the 2002–2006 period.

Increases in Incentive Pay and Bonuses. Sections 537, 616, and 617 would expand eligibility for bonuses and increase pay for personnel with special skills. Section 537 would expand the population eligible to receive stipends under the Health Professional Stipend Program to include medical and dental school students. Assuming the number of participants would increase gradually, at about 5 percent a year, CBO estimates that implementing section 537 would cost less than \$500,000 in 2002 and \$7 million over the 2002–2006 period.

Section 616 would raise the maximum pay rates for servicemembers performing submarine duty. CBO estimates this pay increase, effective October 1, 2002, would have no cost in 2002, cost \$21 million in 2003, and cost \$111 million over the 2003–2006 period.

Under section 617, certain officers and enlisted servicemembers would become eligible to receive career sea pay, regardless of their rank, time-in-service, or time-at-sea. CBO estimates section 617 would cost \$49 million in 2002 and \$245 million over the 2002–2006 period. Together, these increases in incentive pay and bonuses would cost \$49 million in 2002 and \$363 million over the 2002–2006 period.

New Bonuses. Sections 619 and 661 would authorize new bonuses for commissioned officers and enlisted members with critical skills. Section 619 would authorize a new officer accession bonus for officers with critical skills. The bonus, limited to \$20,000, could be paid in a lump sum or installments. This authority would expire on December 31, 2002. Based on information from DoD, CBO expects that the Air Force and the Navy would use this authority starting in 2002, and that the provision would cost \$18 million in 2002 and \$22 million over the 2002–2006 period.

Under section 661, the Secretary of Defense could purchase United States savings bonds for certain officers and enlisted members with critical skills, who agree to extend their period of service for a minimum of six years. The face value of the bonds would range from \$5,000 to \$30,000, depending on the members' years of service and prior receipt of this benefit. Based on DoD's use of similar bonuses, CBO estimates that section 661 would cost \$20 million in 2002 and \$104 million over the 2002–2006 period.

Together, CBO estimates these new bonuses would cost \$38 million in 2002 and \$126 million over the 2002–2006 period.

Subsistence Allowances. Section 604 would extend the current authority to provide an additional subsistence payment when rations-in-kind are not available. DoD plans to prescribe this incremental subsistence allowance until payments may be fully offset by the annual increases in basic allowance for subsistence (BAS). CBO estimates that under DoD's plan, additional subsistence payments

would end in 2005. This section also would delay the termination of BAS transition authority by three months, making termination effective on January 1, 2002, and saving an estimated \$15 million in 2002. CBO estimates the combined effects of implementing these provisions would cost \$6 million in 2002 and \$32 million over the 2002–2006 period.

Uniform Allowances. Section 607 would loosen restrictions on eligibility of officers to receive an additional \$200 clothing allowance by doubling the cap on the dollar amount a member may receive in an initial clothing allowance over the prior two years. Under current law, officers are ineligible to receive the additional allowance if they have received more than \$200 in an initial clothing allowance during the past two years. Raising the cap would increase the number of officers eligible for the additional \$200 allowance. CBO estimates that implementing this provision would cost \$4 million in 2002 and \$20 million over the 2002–2006 period.

Commissary Benefits. Section 662 would allow new members of the ready reserve to use the commissary benefit up to 24 times a year. CBO estimates that implementing this section would cost about \$3 million in 2002 and \$17 million over the 2002–2006 time period. Currently, new reservists do not automatically qualify for commissary benefits, since they have not had sufficient time to accumulate the necessary annual training points. Under this section, new reservists would be allowed to visit the commissary two times a month until they meet the eligibility requirements which CBO estimates to be about six months. Based on data from DoD, CBO estimates that up to 70,000 reservists would become eligible for this benefit each year. Allowing up to 70,000 more customers to shop at commissaries would increase the administrative costs associated with the commissary system, which are paid out of appropriated funds and are estimated by CBO to be about \$8 per reservist per month.

Education and Training. Several sections of the bill would affect education and training by expanding eligibility. CBO estimates that the cost of these changes would be as follows:

Section 532 would remove the cap on the number of Junior Reserve Officers' Training Corps (JROTC) units. DoD plans to have 3,185 units in 2002, less than the current cap of 3,500 units. Based on recent growth rates, CBO expects the number of units would exceed 3,500 in 2005. CBO estimates implementing section 532 would increase JROTC costs by \$2 million in 2005, rising to \$5 million in 2006.

Section 536 would increase the number of international students authorized to be admitted to the service academies and would eliminate the restrictions on full tuition waivers. CBO estimates that this section would cost \$17 million over the 2002–2006 period. Removing the restrictions on tuition waivers would allow about 70 additional international students to receive full tuition assistance each year. This figure includes students admitted because of the higher number of international slots made available under this section, as well as slots that are currently receiving only partial tuition assistance. The current cost of tuition for an international student is about \$62,000 a year, and the annual cost of implementing this section would be about \$4 million.

Section 539 would provide DoD with the authority to allow certain military personnel the option to transfer up to 18 months of their entitlement to Montgomery GI Bill (MGIB) educational assistance to any combination of spouse and children. To be eligible for this benefit, servicemembers would

have to have a critical skill or specialty, to have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, the service would be required to deposit an amount equal to the net present value of the transferred MGIB benefit into the Defense Education Trust Fund when a servicemember was granted this benefit.

Under current law, participants in MGIB who serve at least three years on active duty are entitled to receive \$650 a month if they are full-time students. CBO estimates that the value of 18 months of MGIB benefit would be \$11,700 in 2002. In estimating the net present value of transferring a portion of an individual's MGIB benefit, CBO assumes that one-third of the benefit transfers would be to spouses and two-thirds would be to children, that spouses would begin using the benefit after two years and children after 16 years, and that 75 percent of the amount available for transfer would be transferred and used. Using these assumptions, CBO estimates that the cost to DoD of the transferred benefit would be an average of \$6,640 per person in 2002 and, because of the automatic cost-of-living increases in the MGIB benefit, the cost of the transferred benefit would increase to \$7,365 in 2006.

CBO expects that DoD would use the authority in 2002 to enhance retention in those areas where the maximum authorized retention bonuses are currently being paid and that the benefit would be offered to a larger population in subsequent years. Based on information from DoD, about 20,300 servicemembers, with six or more years of service, will receive a selective re-enlistment bonus in 2002. Under section 539, CBO assumes that about 3,000 of those would receive the MGIB transfer benefit, and that this number would increase to 4,400 by 2006. Thus, CBO estimates implementing this provision would cost \$20 million in 2002, and about \$130 million over the 2002–2006 period. (There would also be direct spending costs of about \$91 million over the 2004–2011 period for outlays from the Defense Education Trust Fund as the transferred MGIB benefit is used. CBO's estimate of those outlays is discussed below under the heading of "Direct Spending.")

CBO notes that, because this section offers a benefit to the families of servicemembers, it is possible that the demand for equal treatment across families might cause the services to offer this benefit more widely than CBO has estimated. If this benefit were offered to the entire eligible population by 2011, CBO estimates the cost could be more than \$200 million over the 2002–2006 period.

Defense Health Program. Title VII contains several provisions that would affect DoD health care and benefits. Tricare is the name of DoD's health care program and the spending under Tricare for beneficiaries under age 65 is subject to appropriation. Spending under Tricare for beneficiaries age 65 and over, often called Tricare for Life (TFL), is subject to appropriation in 2002, but beginning in 2003 this spending will be paid out of a trust fund and will not be subject to appropriation.

Payment Rates. Under current law, DoD has the regulatory authority to set maximum allowable rates for medical services to limit how much the Tricare program pays to health care providers. Although DoD has set maximum rates for many services, it has not yet set rates for hospital outpatient diagnostic services, including clinical lab work and radiation services, and long-term care services such as skilled nursing and home health care services. As a result, Tricare currently pays 75 percent of billed charges for these services. DoD has started the regulatory process to establish maximum rates

for the services listed here and estimates it will take upwards of two years to implement the changes by regulation.

Section 713 would require DoD to implement these rates by October 1, 2001. Under this provision, DoD would be able to lower its costs for both hospital outpatient and long-term care services over the 2002–2003 period before the regulations would have been implemented. These savings would affect spending subject to appropriation as well as direct spending for retirees of the other uniformed services in 2002 and 2003 and the TFL trust fund that starts operation in 2003. CBO estimates that the total savings in spending subject to appropriation for hospital outpatient and long-term care services would be about \$230 million over the 2002–2003 period, assuming appropriations are reduced by the estimated amounts. Section 713 would affect two different programs: Tricare (under 65) and Tricare for Life. Those two effects are discussed below.

By lowering payment rates for hospital outpatient diagnostic services, DoD would be able to reduce spending on its beneficiaries under age 65. (This portion of the provision would not affect beneficiaries age 65 and over because Medicare is first payer for these services and TFL would only be responsible for the Medicare deductible and copayments.) Using data from DoD, CBO estimates that making payment rates for hospital outpatient diagnostic services equivalent to Medicare rates would lower Tricare spending for these services by about 30 percent. CBO estimates that lowering the payment rates for hospital outpatient services would save about \$150 million over the 2002–2003 period, assuming appropriations are reduced by the estimated amounts.

Under section 713, DoD also would lower the rates paid for skilled nursing and home health care. This change would primarily affect the TFL program since beneficiaries under age 65 do not use much long-term care (DoD spent only \$10 million on long-term care for those under 65 in 2000). Savings arise because Tricare's skilled nursing benefit has no time limit while Medicare's benefit expires after 100 days. The change in payment rates would have no impact on Tricare for the first 100 days because Tricare would only be liable for the deductibles and copayments charged under Medicare. However, this provision would lower the amount that Tricare would pay for those beneficiaries who need more than 100 days of skilled nursing care. Additionally, Tricare would reduce its costs for providing skilled nursing and home health care to those beneficiaries who use these services without a prior hospital stay and are thus not Medicare-eligible.

CBO estimates the savings to Tricare would initially be low because the Tricare for Life program does not actually begin operation until the start of fiscal year 2002 and CBO expects that it will take about a year before all beneficiaries take full advantage of the program. CBO estimates that lowering payment rates for skilled nursing and home health care would save DoD about \$80 million in 2002, assuming appropriations are reduced by the estimated amounts. (There also would be direct spending savings of about \$7 million over the 2002–2003 period for the other uniformed services, and about \$215 million in 2003 for DoD when the trust fund begins operation. CBO's estimates of those savings are discussed below under the heading of "Direct Spending.")

Long-term Care Rules. Tricare does not currently require a hospital stay prior to using long-term care services such as skilled nursing and home health care. Requiring prior hospitalizations would reduce the number of beneficiaries who use long-term care. DoD has stated the regulatory process to re-

quire such prior hospitalizations and expects to complete the process by the start of fiscal year 2004.

Section 703 would require DoD to structure the Tricare long-term care program to resemble Medicare, which requires prior hospitalization before being eligible for skilled nursing and home health care. Under section 703, DoD would be required to implement this provision on October 1, 2001. Requiring prior hospitalization under Tricare's long-term care program would reduce the benefit for those beneficiaries who would otherwise have used long-term care and would save DoD the cost of providing this care over the 2002–2003 period before DoD's new long-term care rules would have gone into effect under DoD's plan. CBO estimates that some of those beneficiaries would likely be able to get a prior hospitalization before seeking care. In those instances, Medicare would become the first payer while a few beneficiaries would end up using Medicaid. Thus the savings to DoD would be partially offset by increased costs to both Medicare and Medicaid (discussed below).

Using data from DoD and the Agency for Healthcare Research and Quality, CBO estimates that about 3,500 beneficiaries, who would have used skilled nursing without a hospital stay, would be affected by these new rules along with about 24,000 beneficiaries who would have used home health care. CBO estimates that some of those beneficiaries would pay for the long-term care through Medicare or Medicaid, while others would pay the costs themselves, use other insurance, or do without the long-term care. For those beneficiaries who would be covered by Medicare, DoD would not save the full cost because Tricare would be liable for all deductibles and copayments. Taking this information into account, CBO estimates that, under section 703, Tricare spending would be reduced by about \$40 million in 2002, assuming appropriations are reduced by the estimated amounts. (There would also be direct spending savings of about \$120 million for both the trust fund and the other uniformed services in 2003 and Medicare and Medicaid costs in both 2002 and 2003.)

Travel Reimbursement. Under current law, if the military health care system refers an active-duty servicemember to a new doctor or hospital greater than 100 miles from the member's home or duty station, the servicemember is reimbursed for the costs of traveling to the new doctor or hospital. Section 712 would require the Secretary of Defense to also reimburse reasonable travel expenses for a parent, guardian, or responsible family member when the covered beneficiary is a minor. Based on data provided by the department, CBO estimates that this provision would apply about 10,000 times each year and expects that reimbursements would average about \$500 per occurrence, although those costs would rise with inflation. CBO estimates that implementing this provision would cost about \$5 million a year, assuming appropriation of the necessary amounts.

Strategic Forces. Section 1011 would repeal section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), to allow DoD to initiate actions to retire or dismantle the Peacekeeper intercontinental ballistic missile force. CBO estimates that implementing this provision would yield net savings of \$650 million over the 2002–2006 period. Those savings would come from eliminating the cost to operate the missiles starting immediately in 2002, eventually saving about \$200 million a year. These savings would be partially offset by the costs of removing the missiles and warheads from the

silos and the costs of monitoring the silos. CBO assumes that the retirement process would take about three years and that the missiles would be completely retired by the end of 2004. CBO estimates missile retirement costs would total about \$100 million over the 2002–2004 period.

Voluntary Separation and Early Retirement Incentives. S. 1416 contains several provisions that would allow DoD and the Department of Energy (DOE) to offer voluntary separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates implementing these provisions would cost \$145 million in 2003 and \$6 million in 2004.

Section 1113 would provide DoD with the authority to offer its civilian employees early retirement annuities as well as separation incentive payments of up to \$25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be provided only during fiscal year 2003 and would be limited to 4,000 employees. Assuming that 4,000 DoD employees would participate in the buyout program, CBO estimates that the buyout payments would cost \$100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRDF) for every employee who takes a buyout. The payments would equal 15 percent of the final basic pay of each employee and come out of the agency's appropriated funds. CBO estimates these payments would cost \$29 million in 2003. (CBO estimates that enacting this section also would increase direct spending for federal retirement and retiree health care benefits by a total of \$46 million over the 2003–2011 period. CBO's estimate of those outlays is discussed below under the heading of "Direct Spending.")

Section 3153 would provide the Department of Energy with authority to offer payments of up to \$25,000 to employees who voluntarily retire or resign in calendar year 2003. Current buyout authority for DOE is scheduled to expire on December 31, 2002. CBO assumes that about 600 DOE employees would participate in the buyout program in calendar year 2003. CBO estimates that the cost of the buyout payments would total \$11 million in 2003 and \$4 million in 2004. Like DoD, DOE also would be required to make a payment to the CSRDF for every employee who takes a buyout payment. CBO estimates these payments would cost \$5 million in 2003 and \$2 million in 2004. (CBO estimates that enacting this provision also would increase direct spending for federal retirement and retiree health care benefits by \$16 million over the 2003–2011 period. CBO's estimate of those outlays is discussed below under the heading of "Direct Spending.")

Payment to World War II Slave Laborers. Section 1064 would authorize the Secretary of Veterans Affairs (VA) to pay a gratuity of \$20,000 to certain veterans and civilians who were held as prisoners of war (POWs) or prisoners of Japan during World War II and sent to Japan to perform slave labor. Section 1064 also would authorize VA to pay this gratuity to a surviving spouse if the claimant is deceased. During the war, thousands of American POWs and civilians who were employees of the United States (either directly or through contractors) were forced to provide slave labor for Japanese corporations. While the precise number of people who might qualify for this gratuity is not known because many Japanese documents are still unavailable for examination, at least one historian has estimated that as many as 25,000 Americans were forced to perform slave labor for about 40 different Japanese companies, and thus would qualify for this gratuity.

Based on historical and actuarial data about the veteran and civilian populations, CBO estimates that about 6,000 claims would be made for the \$20,000 payment resulting in a cost of about \$118 million over the 2002–2006 period. (CBO assumes that surviving spouses who have subsequently remarried would not be eligible for this benefit, a standard VA policy. Should this rule not apply for this benefit, CBO estimates that an additional 2,000 claims would be made and costs would increase to \$161 million over the 2002–2006 period.)

Purchase of Alternative Fuel Vehicles for DoD. Section 317 would increase the number of alternative-fuel light duty trucks purchased for DoD use above the levels set forth in the Energy Policy Act of 1992. CBO estimates that implementing this section would cost about \$23 million in fiscal year 2005 and \$44 million over the 2005–2006 period.

Based on data from the General Services Administration (GSA), CBO estimates that about 11,500 light duty trucks are purchased annually for DoD use. CBO also estimates that to meet the levels specified in section 317, GSA would need to purchase about 7,700 alternative-fuel light duty trucks for DoD in 2005 and every year thereafter. These vehicles would be purchased in lieu of conventional gas or diesel vehicles and do not include vehicles purchased to satisfy the terms of the Energy Policy Act. Based on data provided by GSA, CBO estimates that in 2005 the average alternative-fuel light duty truck would cost about \$3,000 more than a conventionally powered vehicle. When this cost differential is multiplied by the 7,700 trucks estimated to be purchased under this section, CBO estimates that the net annual cost to the department would be about \$24 million a year. This cost would be partially offset by savings in DoD's fuel purchases. CBO estimates fuel savings would average about \$2 million a year over the 2005–2006 period or about \$300 per vehicle per year.

Emergency Response Equipment. Section 1063 would allow DoD to give state and local governments equipment needed for responding to emergencies involving weapons of mass destruction. Only states and local governments in possession of this equipment

prior to enactment of this bill would be eligible for this transfer. CBO estimates that this provision would have no budgetary impact because giving equipment to a state or local government would not result in additional spending or cause the federal government to forgo receipts, nor would it affect DoD's authority under current law to lend equipment to other governments. It is possible, however, that giving this equipment away now could lead to DoD experiencing shortages in equipment later, but CBO projects that any future spending would occur after 2011.

Reduction in Authorizations of Appropriations for DoD Management Efficiencies. Section 1002 would authorize a \$1.6 billion reduction to the amounts authorized for procurement, research and development, and operation and maintenance in the bill to reflect savings that should be achieved through implementation of the provisions in title VIII and other management efficiencies. Specifically, section 802 would set savings goals for the procurement of services (other than construction) within DoD. Section 802 specifies savings goals beginning in fiscal year 2002 (3 percent) that increase annually until 2011 when DoD would be expected to achieve a 10 percent cost savings in the procurement of services. CBO has no basis for estimating the extent to which those savings targets could be achieved. CBO notes that the department has undertaken similar savings initiatives in the past and that there is little evidence that these initiatives produced the savings levels that were promised. If the total of the authorization amounts in the bill are appropriated in 2002 and the savings goals for next year are not achieved, then the department would need to reduce funding elsewhere in its budget to achieve the \$1.6 billion reduction called for by section 1002.

Direct Spending

The bill contains provisions that would reduce direct spending, primarily through revision to payments rates for certain defense health care program services and certain asset sales from the National Defense Stockpile. The bill also contains a few provisions with direct spending costs. On balance, CBO estimates that enacting S. 1416 would result in net savings in direct spending totaling

\$209 million over the 2002–2006 period (see Table 4).

Medical Care Trust Fund. Sections 703 and 713 would change the way DoD administers long-term care and the way it pays for that care under the Tricare for Life program. DoD has the regulatory authority to make the changes that are directed in these sections but thinks it will take upwards of two years to implement the changes by regulation. Both sections would require that the changes take effect on October 1, 2001. Accordingly, DoD would save money over the roughly two-year period before the regulations would have been implemented. The Tricare for Life program will begin on October 1, 2001, but the trust fund will not begin operation until one year later, so only the savings to DoD in fiscal year 2003 would be considered direct spending savings. There also would be some minor savings in 2002 for retirees of the other uniformed services.

Payment Rates. Under current regulations, the Tricare for Life program will pay all deductibles and copayments associated with Medicare's skilled nursing benefit and will pay for skilled nursing care in excess of the Medicare benefit (100 days). Additionally, Tricare will pay for skilled nursing and home health care even if the beneficiary does not have a prior hospital admission. (Tricare will pay 75 percent of billed charges, with no maximum charge, until the beneficiary has paid \$3,000 in out-of-pocket costs and then will pay 100 percent of billed charges after that point.) Section 713 would require DoD to set maximum allowable charges for skilled nursing and home health care, which would lower its cost of providing long-term care. CBO estimates that implementing new charges based on Medicare rates would lower what DoD pays for skilled nursing and home health care by about 30 percent. Under section 713, CBO estimates that direct spending from the trust fund for DoD retirees would decline by about \$215 million in 2003. (The discretionary savings for 2002 are discussed earlier in the "Spending Subject to Appropriation" section under the heading of "Defense Health Program.")

TABLE 4.—ESTIMATED DIRECT SPENDING FROM HEALTH CARE AND OTHER PROVISIONS IN S. 1416, AS REPORTED

[By fiscal year, outlays in millions of dollars]

	2002	2003	2004	2005	2006
CHANGES IN DIRECT SPENDING (EXCLUDING ASSET SALES)					
Medical Care Trust Fund:					
Payment Rates	-2	-220	0	0	0
Long-Term Care Rates	21	-47	0	0	0
Voluntary Separation and Early Retirement Incentives (DoD)	0	44	35	3	-6
Voluntary Separation and Early Retirement Incentives (DOE)	0	6	7	2	(1)
Improvements to Energy Employees Compensation Program	11	14	14	13	13
Transferability of MGB Education Benefits	0	0	2	5	8
Armed Forces Retirement Home Fees	2	2	2	2	2
Land Conveyance of Navy Property in Maine	0	1	1	0	0
Subtotal	32	-200	61	25	17
ASSET SALES²					
National Defense Stockpile—New Sales	-2	-2	-2	-2	-2
National Defense Stockpile—Accelerated Cobalt Sales	-20	-30	-14	-3	33
Authority to Transfer Naval Vessels	-18	-82	0	0	0
Subtotal	-40	-114	-16	-5	31
TOTAL CHANGES IN DIRECT SPENDING					
Estimated Outlays	-8	-314	45	20	48

¹ Less than \$500,000.

² Asset sale receipts are a credit against direct spending.

The Tricare for Life program also covers retired members of the Coast Guard and retired uniformed members of the Public Health Service and the National Oceanic and Atmospheric Administration. Health care spending for these retirees is considered direct spending. Under section 713, CBO estimates that the other uniformed services

would save about \$2 million in 2002 and \$5 million in 2003.

Long-Term Care Rules. Under current law, Medicare will not pay for skilled nursing and home health care unless the beneficiary has been hospitalized before receiving that care. Tricare, on the other hand, will pay for long-term care without a prior hospitalization. For those cases, Tricare becomes the pri-

mary insurance because Medicare will not pay. Section 703 would require DoD to structure its long-term care benefit to resemble Medicare's, which requires prior hospitalization. Implementing this provision would lower DoD's costs because fewer beneficiaries would be eligible for skilled nursing and home health care. CBO estimates that under section 703, direct spending from the

trust fund would decline by about \$120 million in 2003. CBO also estimates that, under section 703, the other uniformed services would save less than \$500,000 in 2002 and about \$1 million in 2003. (There would also be discretionary savings of about \$40 million, as discussed earlier.)

The Tricare for Life program would be able to lower costs by shifting many of those costs to their beneficiaries and other government programs, primarily Medicare. CBO estimates that about 50 percent of individuals who would have used long-term care without a prior hospital stay would be able to qualify under the Medicare rules (about 1,600 for skilled nursing and about 12,000 for home health care). CBO further estimates that the average cost of skilled nursing is about \$250 a day, and for home health care about \$2,300 for 60 days of care, which is the Medicare benefit. Accordingly, CBO estimates that under section 703 direct spending for Medicare benefits would increase by \$20 million in 2002 and \$70 million in 2003. In addition, a few beneficiaries would eventually become eligible for Medicaid, which also provides long-term care benefits. CBO estimates that Medicaid costs under section 703 would be \$1 million in 2002 and \$3 million in 2003.

Voluntary Separation and Early Retirement Incentives. S. 1416 contains several provisions that would allow the DoD and DOE to offer voluntary separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates enacting these provisions would increase direct spending for federal retirement and retiree health care benefits by \$50 million in 2003 and \$62 million over the 2003–2011 period.

Section 1113 would provide DoD with authority to offer its civilian employees early retirement annuities as well as separation incentive payments of up to \$25,000 for employees who voluntarily retire or resign in fiscal year 2003. The authority under this section is provided only during fiscal year 2003 and is limited to 4,000 employees. CBO estimates that enacting section 1113 would increase direct spending for federal retirement and retiree health care benefits by \$44 million in 2003 and \$46 million over the 2003–2011 period.

Section 3153 would provide DOE with authority to offer payments of up to \$25,000 to employees who voluntarily retire or resign in calendar year 2003. Current buyout authority for DOE is scheduled to expire on December 31, 2002. CBO estimates enacting section 3153 would increase direct spending for federal retirement and retiree health care benefits by \$6 million in 2003 and \$16 million during the 2003–2011 period.

DoD Retirement Spending. CBO assumes that 4,000 DoD employees would participate in the buyout program in 2003. CBO further assumes most workers who take a buyout would begin collecting federal retirement benefits an average of two years earlier than they would under current law. Inducing some employees to retire earlier initially would result in additional retirement benefits being paid from the Civil Service Retirement and Disability Fund. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. Under section 1113, CBO estimates direct spending for retirement benefits would increase by \$38 million in 2003 and \$34 million over the 2003–2011 period. (The discretionary costs for 2003 associated with the buyout payments were discussed earlier in the "Spending Subject to Appropriation" section under the heading of "Voluntary Separation and Early Retirement Incentives.")

DoD Retiree Health Care Spending. Enacting section 1113 also would increase direct

spending on federal benefits for retiree health care because many employees who accept the buyouts would continue to be eligible for coverage under the Federal Employee Health Benefits (FEHB) program. The government's share of the premium for these retirees—unlike current employees—is mandatory spending. Because many of those accepting the buyouts would convert from being an employee to being a retiree earlier than under current law, mandatory spending for FEHB premiums would increase. CBO estimates these additional FEHB benefits would increase direct spending by \$6 million in 2003 and \$12 million over the 2003–2011 period.

DOE Retirement Spending. CBO assumes that about 600 DOE employees would participate in the buyout program in calendar year 2003 and that most workers who take a buyout would begin collecting federal retirement benefits an average of two years earlier than they would under current law. Inducing some employees to retire earlier initially would result in additional retirement benefits being paid from the CSRDF. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. Under section 3153, CBO estimates direct spending for retirement benefits would increase by \$6 million in 2003 and \$15 million over the 2003–2011 period.

DOE Retiree Health Care Spending. Section 1113 also would increase direct spending on federal retiree health benefits because many employees who accept the buyouts would continue to be eligible for coverage under the FEHB program. CBO estimates these additional FEHB benefits would increase direct spending by less than \$500,000 in 2003 and by \$1 million in 2004.

Energy Employees Compensation. Section 3151 would make technical changes to the Energy Employees Occupational Illness Compensation Program (EEOICP) created by Public Law 106–398, which enacted the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. CBO estimates that enacting this provision would increase direct spending for EEOICP by \$11 million in 2002, \$65 million over the 2002–2006 period, and \$108 million over the 2002–2011 period.

Section 3151 would establish more relaxed criteria for determining whether a claimant suffers from chronic silicosis. Specifically, this section would reduce the required pneumoconiosis classification of a claimant to a more lenient category. CBO estimates that relaxing this criteria would allow about 550 new claimants, who were not previously eligible, to receive compensation from EEOICP.

Under current law, successful claimants are entitled to a one-time, lump sum payment of \$150,000. CBO estimates that relaxing the criteria for chronic silicosis would increase direct spending for EEOICP by about \$55 million over the 2002–2006 period, and \$83 million over the 2002–2009 period. CBO assumes these payments would be spread evenly throughout the 2002–2009 period because screening programs are still ongoing and will need several years to identify all potential claimants.

Additionally, under current law, once a claim is approved EEOICP becomes the primary payer for all medical bills related to a claimant's condition. CBO estimates that the average annual cost for treatment of chronic silicosis is about \$4,000. After considering mortality rates associated with this disease, CBO estimates that medical costs paid under EEOICP would increase direct spending by about \$1 million in 2002, \$5 million over the 2002–2006 period, and \$21 million over the 2002–2011 period.

Section 3151 also would make other changes to EEOICP. The age requirement for

those claimants afflicted with leukemia attributable to occupational exposure to radiation would be lowered to include those whose initial exposure occurred before age 21. CBO estimates that lowering the age requirement would create a negligible number of additional claims. Section 3151 would also clarify the rules for making payments to survivors of former energy workers. Currently, widows or children can claim the entire \$150,000 payment in the event that the former employees are deceased. Grandparents, grandchildren, and siblings can claim the payment if they can prove dependency on the deceased employee. Section 3151 would allow these other relatives to make such claims without proving dependency. CBO estimates that only about 2.5 percent of all survivors would be someone other than a widow or child, generating about 25 additional claims. CBO estimates that the relaxed restrictions on survivors would increase direct spending for EEOICP by less than \$500,000 in 2002, and \$4 million over the 2002–2006 period. CBO expects that almost all these additional claims would be paid in the 2002–2006 period.

Transfer of Entitlement to MGIB Education Assistance. Section 539 would provide DoD with the authority to allow certain military personnel to transfer up to 18 months of their entitlement to MGIB educational assistance to any combination of spouse and children. To be eligible, servicemembers would have to have a critical skill or speciality, to have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, an amount equal to the net present value of the transferability option would be deposited into the Defense Education Trust Fund when a service member was granted this benefit, and would be paid to the Secretary of Veterans Affairs as the benefit was used. The monies deposited into the trust fund are subject to appropriation and were discussed earlier under the heading of "Spending Subject to Appropriation."

CBO expects that DoD would use the authority in 2002 to enhance retention in those areas where the maximum authorized retention bonuses are currently being paid and that the benefit would be offered to a larger population in subsequent years. Based on information from DoD, about 20,300 servicemembers, with six or more years of service, will receive a selective re-enlistment bonus in 2002. Under section 539, CBO assumes that about 3,000 of those would receive the MGIB transferability benefit, and that this number would increase to 7,100 by 2011. CBO also assumes that two-thirds of the transfers would be used by children. Since most selective re-enlistment bonuses go to servicemembers with 10 or fewer years of service, few of their children would be of an age to use post-secondary education benefits over the next 10 years. CBO's estimate of mandatory outlays for this benefit, therefore, focuses on the use of the remaining one-third of the transfers that would go to spouses.

CBO expects the spouses would, on average, begin training two years after the transferability option was granted, and that they would train, on a part-time basis, over a period of several years. Based on these assumptions, CBO estimates that about 700 spouses would receive an average annual benefit of \$2,400 in 2004 and that, by 2011, almost 840 spouses would receive an annual MGIB benefit of about \$2,800. Thus, CBO estimates that enacting this provision would increase direct spending for MGIB education benefits by \$2 million in 2004, \$15 million over the 2004–2006 period, and \$91 million over the 2004–2011 period.

Changes to Armed Forces Retirement Home Fee Structure. Section 1045 would authorize changes to the fees levied on residents of the Armed Forces Retirement Home. These fees are deposited into the Armed Forces Retirement Home Trust Fund, which pays the operating and maintenance costs of the U.S. Soldiers' and Airmen's Home in Washington, D.C., and the U.S. Naval Home in Gulfport, Mississippi. The legislation would change the percentage of monthly income charged to residents of the two homes and alter the monthly caps on resident fees. Section 1045 would also authorize the Chief Operating Officer of the Armed Forces Retirement Home, in consultation with the Secretary of Defense, to make additional changes in the resident fees in accordance with the financial needs of the Retirement Home. However, Armed Forces Retirement Home staff have indicated that no significant changes in the fee structure, other than those indicated by the bill, are anticipated in the near future.

Information provided by the Armed Forces Retirement Home indicates this provision would reduce fees for more than 1,200 residents, almost 80 percent of all residents. CBO estimates the affected residents would see their fees reduced by an average of about 15 percent in 2002. Therefore, CBO estimates that section 1045 would reduce offsetting receipts (a credit against direct spending) by \$2 million in 2002 and a total of \$20 million over the 2002-2011 period.

Land Conveyances. Title XXVIII would authorize a variety of property transactions involving both large and small parcels of land.

Enacting this bill would result in direct spending by authorizing a conveyance that would reduce offsetting receipts collected by the federal government. Under section 2823, the Navy would be authorized to convey 485 acres of property to the state of Maine or other governmental jurisdictions. Under current law, however, the Navy will declare that property excess to its needs and transfer it to the General Services Administration for disposal. Under normal procedures, GSA sells property not needed by other federal agencies or by nonfederal entities in need of property for public-use purposes such as parks or educational facilities. Information from GSA indicates that portions of the land will likely be sold under current law after the entire parcel is screened for other uses in 2002. As a result, CBO estimates that the conveyance in the bill would result in forgone receipts totaling about \$1 million in 2003 and \$1 million in 2004.

CBO estimates that other conveyances would not significantly affect offsetting receipts because according to DoD some of the properties have values of less than \$500,000 while others are not likely to be transferred to GSA for disposal.

Concurrent Receipt. Upon passage of qualifying, offsetting legislation, section 651 would allow total or partial concurrent payment of retirement annuities together with veterans' disability compensation to retirees from the military, the Coast Guard, the Public Health Service, and the National Oceanic and Atmospheric Administration who have service-connected disabilities. The provision also would discontinue special compensation for certain uniformed service retirees who are severely disabled.

Under current law, disabled veterans who are retired from the uniformed services cannot receive both full retirement annuities and disability compensation from the Department of Veterans Affairs. Because of this prohibition on concurrent receipt, such veterans forgo a portion of their retirement annuity equal to the nontaxable veterans' benefit.

Section 651 would become effective only upon passage of legislation that would fully

offset its costs in each of the first 10 fiscal years after passage of the offsetting legislation. If qualifying, offsetting legislation were enacted in 2001, CBO estimates that implementing this section in 2002 would increase direct spending for retirement payments and veterans' disability compensation by about \$3 billion in 2002, \$17 billion over the 2002-2006 period, and \$41 billion over the 2002-2011 period. Because those effects are contingent upon subsequent legislation, they are not included in Table 4.

In addition, the military retirement system is financed in part by an annual payment from appropriated funds to the military retirement trust fund, based on an estimate of the system's accruing liabilities. If section 651 were implemented, the yearly contribution to the military retirement trust fund (an outlay in budget function 050) would increase to reflect the added liability from the expected increase in annuities to future retirees. CBO estimates that implementing this provision would increase such payments by about \$1 billion in 2002, and \$6 billion over the 2002-2006 period, assuming appropriation of the necessary amounts.

Other Provisions. The following provisions would have an insignificant budgetary impact on direct spending:

Section 314 would extend a pilot program for the sale of air pollution emission reduction incentives. DoD would be allowed to spend all receipts less than \$500,000 on environmental programs. Any receipts above \$500,000 would go to the Treasury.

Section 505 would allow officers whose mandatory retirement has been deferred for medical reasons to further postpone their retirement for up to 30 days.

Section 515 would allow disability retirement for reservists whose disability was incurred or aggravated while remaining overnight before inactive-duty training, or between successive periods of such training. Currently, reservists are only covered during overnight stays for such periods if they are outside reasonable commuting distance of their residences.

Section 552 would require the military to review the records of certain Jewish American war veterans to determine if any of these veterans should be awarded the Medal of Honor. A \$600 a month pension is available to living Medal of Honor recipients. Based on similar reviews in the past, CBO estimates that a small number of awards would be presented (many posthumously), resulting in an increase in direct spending of less than \$500,000 a year.

Section 586 would allow DoD to accept voluntary legal services as a way to provide legal help to DoD beneficiaries. Although the service is voluntary, in the event of a legal malpractice suit the government would be liable for any claims against the legal volunteer. Payment of those claims is considered direct spending, but CBO estimates that this provision would cost less than \$500,000 each year.

Section 1111 would provide federal retirement credit to certain former employees of Nonappropriated Fund Instrumentalities (NAFI). Under current law, most workers who transfer from NAFI employment to regular federal employment may transfer any NAFI retirement service credits earned as NAFI employees to the appropriate federal retirement program. However, under certain circumstances, some former NAFI employees have not been permitted to transfer NAFI retirement credits to their federal service. Section 1111 would permit many of these employees to use NAFI credits that otherwise would not have been credited to their federal service in order to qualify for retirement annuities under the Civil Service Retirement System or the Federal Employees' Retirement System.

Although workers would be able to use these credits in order to qualify for federal retirement benefits earlier than they would have otherwise, the provision mandates that annuities be actuarially reduced. The actuarial reduction would be calculated in such a way that the present value of a retiree's benefits would be actuarially equivalent to the value of the annuity that would have been provided without the NAFI service credit. Information provided by the Department of Defense and Office of Personal Management indicates that only between 5 and 15 employees would claim NAFI service credit under this provision in any given year. Therefore, CBO estimates that Section 1111 would increase direct spending for federal retirement benefits by less than \$500,000 a year.

Section 1112 would provide greater pension portability for certain civilian employees who have been employed by a NAFI employer and then become federal workers. The provision would eliminate the requirement that workers who move between a NAFI employer and the civil service must be fully vested in order to transfer any accrued service credits from one retirement system to another. According to the Department of Defense, relatively few workers would be affected by this provision; thus, CBO estimates that Section 1112 would increase direct spending by less than \$500,000 per year.

Section 2804 would expand DoD's ability to substitute in-kind payments for cash from the lease of its property. The provision would raise direct spending because it would lower the amount of cash that DoD receives and deposits in the Treasury as offsetting receipts. CBO estimates that the loss of offsetting receipts would total less than \$500,000 annually.

Asset Sales

The bill would authorize various asset sales totaling \$144 million over the 2002-2006 period.

National Defense Stockpile. Section 3301 would authorize DoD to sell certain materials contained in the National Defense Stockpile that are obsolete or excess to stockpile requirements. CBO estimates that DoD would be able to sell the materials authorized for disposal and achieve receipts totaling about \$2 million in 2002, \$10 million over the 2002-2006 period, and \$20 million over the 2002-2011 period.

Section 3302 would amend previous authorization bills allowing managers of the stockpile to achieve near-term sales in excess of the established interim targets. Because actual sales have already exceeded those targets and because the bill would not increase total program targets, CBO estimates that enacting this provision would have no net budgetary impact.

Section 3303 would accelerate by one year the disposal of cobalt that was previously authorized for sale in the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85). The 1998 bill authorized the sale of all remaining cobalt starting in 2003. The sales of cobalt authorized for disposal under earlier bills are projected to be completed this year. This bill would allow all remaining cobalt to be sold starting in 2002, thus avoiding a one-year gap in sales. CBO estimates that DoD would be able to expedite that disposal without impacting current market prices, resulting in more receipts from asset sales over the next five years, but no net budgetary impact over the 2002-2011 period.

Naval Vessels. Section 1216 would authorize the transfer of 13 naval vessels to foreign countries. It would authorize the sale of six vessels; the other seven would be given away. Information from DoD indicates that the

asking price for the six ships would be approximately \$175 million. There is significant uncertainty as to whether all six vessels would be sold and what the sale price might be. Reflecting this uncertainty, CBO estimates that receipts from these sales

would total \$18 million in 2002 and \$82 million in 2003.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts.

The net changes in direct spending that are subject to pay-as-you-go procedures are shown in Table 5. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

TABLE 5. ESTIMATED IMPACT OF S. 1416 ON DIRECT SPENDING AND RECEIPTS

	By fiscal year, in millions of dollars—										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays	0	-8	-314	45	20	48	51	19	21	15	17
Changes in receipts						Not applicable					

Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that subtitle F (Uniformed Services Overseas Voting) of title V is excluded because the provision would enforce an individual's constitutional right to vote.

Section 1062 of the bill would prohibit possession of significant former military equipment that has not been demilitarized and require the Secretary of Defense to notify the Attorney General of any known cases of persons holding such equipment. The Attorney General would be given the authority to require holders of such equipment either to ensure that the equipment is demilitarized or returned to DoD for demilitarization. In either case, those requirements would be considered mandates. If the equipment is not returned to DoD for demilitarization, the recipient must bear the costs of demilitarizing the equipment. However, the instances in which this provision would be used are expected to be small; in most cases DoD demilitarizes equipment prior to transferring ownership. Consequently, the costs of this mandate would be minimal.

The remaining provisions of the bill either contain no mandates or are excluded, as specified in UMRA, because they would be necessary for national security. The bill also would affect DoD's Tricare long-term care program by increasing costs in state Medicaid programs by about \$1 million in 2002 and over \$2 million in 2003. Such costs would not result from mandates as defined by UMRA.

Previous CBO estimates: On August 22, 2001, CBO transmitted a cost estimate for H.R. 2586, the National Defense Authorization Act for Fiscal year 2002, as ordered reported by the House Committee on Armed Services on August 1, 2001. The House bill also would authorize approximately \$343 billion in defense funding for fiscal year 2002. Both H.R. 2586 and S. 1416 would reduce direct spending over the 2002-2006 period, but the Senate bill contains less such savings.

On May 22, 2001, CBO prepared cost estimates for S. 170 and H.R. 303, identical bills titled the Retired Pay Restoration Act of 2001. S. 170 and H.R. 303 would provide identical benefits to those specified in Section 651 of S. 1416. If section 651 is implemented by October 1, 2001, the costs would be identical to those estimated for S. 170 and H.R. 303. As noted above, however, the provisions of section 651 cannot be implemented until additional legislation is enacted (to offset the section's costs). S. 170 and H.R. 303 do not contain such a contingency requirement.

Estimate prepared by: Federal Costs: Military Construction and Other Defense: Kent Christensen (226-2840); Military and Civilian Personnel: Dawn Regan (226-2840); Civilian Retirement: Geoffrey Gerhardt (226-2820); Stockpile Sales and Strategic Forces: Raymond Hall (226-2840); Military Retirement: Sarah Jennings (226-2840); Health Programs: Sam Papenfuss (226-2840); Multiyear Procure-

ment: Raymond Hall (226-2840); Naval Petroleum Reserves: Lisa Cash Driskill (226-2860); Operations and Maintenance: Matthew A. Schmit (226-2840). Impact on State, Local, and Tribal Governments: Elyse Goldman (225-3220). Impact on the Private Sector: R. William Thomas (226-2900).

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. LEVIN. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1595

Mr. INHOFE. Mr. President, I have amendment No. 1595 before the Senate. I am very distressed right now over some things that are happening. I have an amendment before the Senate that will change our relationship with and the understanding many people have concerning the island of Vieques. The island of Vieques has been a live range for us for over 50 years. It has had a very successful record. There has only been one civilian killed during that time period. Contrast that with a range in the State of Oklahoma. In the State of Oklahoma we have had a live range much longer than that, and we have lost eight civilians during that period of time—because of purely political reasons and in a lust for the votes and a mistaken notion that if you vote to close a range as a result of people who are protesting, breaking the law, people who are former terrorists, such as Mrs. Lebron, who led a bunch of terrorists into the House of Representatives many years ago and opened fire, wounding five of our Members of the House of Representatives, and others now protesting, trespassing on property that we own, property owned by the U.S. Navy, where we train our troops for their deployments from the east coast to the Persian Gulf.

When we deploy battle groups to the Persian Gulf, those troops are going to see combat. The chances are better than 50-50 they will see combat. They have relied on this live-fire training for a long time. It has always been there. It is the only place we can do that type of training. We have had all kinds of committees to find another place that is just as good, but they cannot do it.

The reason they cannot find a new range is because there has to be unified training: a battle group of aircraft carriers and the F-14s, F-18s, using live munitions, bombing, and at the same time our Navy using live munitions, and at the same time our Marine expe-

ditionary units going in under that live fire.

For those of us in this room—and I do not know how many besides the two I am looking at have actually been in the service—there is a huge difference between inert and live ammunition. I can remember when I was in basic training. It is easy to crawl under that barbed wire when it is not real bullets, but when it is real ammunition, that is different. That is exactly what we have to have to train these people who are going off to the Persian Gulf.

We have been unable to do it because of these protests. This is the first time in the history of America we have allowed a bunch of illegal protesters to change our policy. They will not be successful, but if they were successful, think about our other ranges. I have talked to the chiefs of every service. The Air Force is in desperate need of ranges right now.

I have talked to people in Lawton, OK. There are 100,000 people who live right next to a live range, and a few of them said: All you have to do is protest and they close the range?

There is a clear right and wrong. I have 2½ years of my life in this issue. I have been around the world. I have looked at every possible area where we could have an alternative training source. Some people say let us send the F-18s over there and let them go to England or some place and drop their loads. Let us train over here with live fire and let us let the marines train over in this area, and I was suggesting at least that notion to some of the Navy pilots that were on one of the—this is probably over a year ago—on one of the aircraft carriers on which they were supposed to be training, and he said, well, wait a minute, that is like having the very best football players you can have anywhere in the world; you have the best quarterback, the best halfback, the best defense but they never scrimmage together. So what happens on the day of the opening game? They lose it. They have to train together.

Now, people say you get the same training with inert. You do not get the same training with inert, but when we allowed that bunch of illegal trespassers to take us out of live fire and put us in inert, we lost five American lives. Did we lose these lives because of that? Yes, we did. They had to go over and they were trying to carry out an exercise in Kuwait. It did not work,

and six people died, five of whom were Americans.

I have the investigation. It shows clearly those individuals who were unable to have live fire training—they had inert training on Vieques but not live fire training. There is a huge difference. Talk to anyone in the Navy who has to handle those live missiles. When they are deploying them, when they are handling live ordnance, it is a big difference from inert. Anyway, we have already lost that many, and I am hoping we will be able to resolve this problem.

Senator CORZINE is going to offer an amendment if I bring up my amendment. It is a second-degree amendment, and that amendment would have the effect of killing what I am trying to do. That would make it so we would not have a range to practice at or to train on on these deployments from the east coast. I have had to think long and hard about this as to whether or not it is better not to have an amendment at all and resolve this problem in conference, or whether we go ahead and succumb to the second-degree amendment.

I say to Senator CORZINE, I think the votes are there to pass his amendment. If we did that, we would be closing the range and at the same time we would be giving that responsibility to the President on a year-by-year basis. If one stops and thinks about the 200-and-some ranges we have, if the President had to go through and debate this every year as to whether or not to allow that range to stay open as a live range, he would not have time to do anything else. That would not work.

Secondly, that puts politics right back in it. My amendment is a good amendment. It said call off the referendum. We should never have had a referendum. Then it says we will use the range we own—and at this very time we are in the middle of war—to train our troops until such time as both the CNO of the Navy and the commandant of the Marine Corps certify we do not need it. Those are military people. They are not political people.

I have this gnawing feeling that the way this is worded I would lose that amendment, and rather than have the Corzine language in there, we are far better off not to have any language at all.

I regrettably say I think we will end up in the same situation as we would be if we passed this amendment, or if we did not pass it or if we just left it like it is in conference.

As we speak, in Puerto Rico they are considering a resolution. That resolution says we, Puerto Ricans, as proud American citizens with the same responsibilities as our brethren in the continental United States, have the obligation of contributing to this fight, allowing and supporting military training and exercises in the island municipality of Vieques.

This may not pass. It is being debated right now. But certainly there is

a very large number of people saying—and that number is much larger today after September 11 than it was before—we are American citizens first. We have to train our people and we have to train them with quality training so they do not lose their lives when they get over to the Persian Gulf.

That is my situation. That is the dilemma that we have right now.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. INHOFE. I will be glad to yield.

Mr. WARNER. Mr. President, frankly, there is no Senator in this Chamber, on either side of the aisle, who has worked more conscientiously on this extremely complex issue than our distinguished colleague from Oklahoma, Mr. INHOFE.

I had indicated to him I felt his amendment was one that certainly merited my support, and my support remains. I wonder if we laid his amendment aside, perhaps in further consultations we could come up with some affirmation of a position that fostered, No. 1, the current obvious willingness among responsible people in Puerto Rico to recognize the extenuating circumstances in which our American servicemen are now preparing to embark, as we speak, for various points worldwide in response to an issue taken by a very courageous and bold President of the United States.

I wonder if we could lay it aside, enabling the Senator from Oklahoma to counsel with our colleague from New Jersey in the hopes that perhaps he could reach a position again that would foster the strengthening of this opportunity to continue the use of this base as the Puerto Ricans at the present time are doing.

Mr. INHOFE. I appreciate that counsel, and I think it is very wise counsel. If I could count the votes, and I knew I could defeat the Corzine amendment and have mine, I would do it, but I think we would be in far worse shape if we had that language.

For that reason, I am down to two choices: one to go ahead and withdraw my amendment, and the other to lay it aside so we can talk to see if something can happen. I think I will choose the latter and ask at this time to lay aside amendment No. 1595 for a period of time.

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

Mr. WARNER. Mr. President, the chairman of the committee and I will confer on what matter we next have at hand.

Mr. LEVIN. I wonder if we have any cleared amendments we can take up?

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1677

Mr. LEVIN. On behalf of Senators CLELAND and HUTCHINSON, I offer an amendment which would give the Secretary of Defense direct hiring authority for certain health care professionals, and I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, for himself, and Mr. HUTCHINSON, proposes an amendment numbered 1677.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize the Secretary of Defense to exempt certain health care professionals from examination for appointment in the competitive civil service)

On page 377, between lines 3 and 4, insert the following:

SEC. 1124. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.

(a) AUTHORITY TO EXEMPT.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination

“(a) AUTHORITY TO EXEMPT.—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303, 3321, and 3328 of such title) an individual who has a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

“(b) COVERED HEALTH-CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

“(1) Physician.

“(2) Dentist.

“(3) Podiatrist.

“(4) Optometrist.

“(5) Pharmacist.

“(6) Nurse.

“(7) Physician assistant.

“(8) Audiologist.

“(9) Expanded-function dental auxiliary.

“(10) Dental hygienist.

“(c) PREFERENCES IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.”.

Mr. WARNER. We both urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1677) was agreed to.

Mr. LEVIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1678

Mr. WARNER. On behalf of Senators COLLINS and LANDRIEU, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Ms. COLLINS, Ms. LANDRIEU, and Mr. AL-LARD, proposes an amendment numbered 1678.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize waivers of a prohibition of requirement for a nonavailability of health care statement or a preauthorization of health care, and to make other modifications regarding the prohibition)

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.

MEDICAL TECHNOLOGY

Ms. COLLINS. Mr. President, I rise today to bring to the attention of our distinguished chairman of the Senate Armed Services Committee an issue that we must consider as potential military action is taken to address our national crisis. There are many aspects to consider in taking care of our soldiers, sailors, airmen and Marines who are sent into harm’s way. However, there is an immediate and critical area that may not seem like a high priority in these times of deployment and mobilization of our armed forces, an area that in times of war becomes absolutely necessary in preserving their well-being. I am speaking of medical technology and research as it concerns the battlefield.

I have recently been made aware of two efforts that could dramatically improve the current medical challenges involved in blood and tissue preservation. These programs would aim to develop stable blood products, organs, and wound-repairing tissues that could enhance human survivability under conditions of trauma, shock, anoxia and other extreme conditions that are common in combat.

Mr. LEVIN. The Senator from Maine is quite correct in her observation and assessment that medical treatment is a part of war that sometimes may be taken for granted, and that the medical care of our service men and women is an area of defense that should not be overlooked. Particularly in the area of military combat casualty care, the Department must consider any initiative that could have benefits for saving the lives of men and women whose service to our nation puts them at risk of severe injury.

Ms. COLLINS. I have recently been briefed on these two medical research efforts and would like to offer a couple of comments on their potential impact in combat casualty care. They are research initiatives by our research laboratories and universities across the country, which could provide a unique capability to develop new tissue products that are vitally important for the military. Recent U.S. military actions have resulted in stationing troops in harsh climates, from Kuwait to Bosnia to Saudi Arabia. Future locations and missions will require new capabilities in combat casualty care, and these capabilities would include stable blood products, organs, and wound repairing tissues that will enhance human survivability under conditions of trauma, shock, anoxia and other extreme condi-

tions, including extreme environment. These projects aim to develop tissue with a long shelf life that are necessary for combat casualty care. Additionally, the research would serve as a large-scale source of murine models for the scientific community to utilize mouse genetics in understanding how the products of multiple genes interact to develop and maintain entire physiological systems. I would strongly urge the Department to investigate research that would permit the long-term storage of blood cells and tissues in deployed environments.

Mr. LEVIN. I thank the distinguished Senator from Maine for highlighting the critical nature of this research, and for voicing her support for investments in the well-being of a most precious national asset—our men and women in uniform, who will fight and risk their lives for each of us.

Mr. WARNER. Mr. President, this authorizes the Secretary of Defense to waive the prohibition against requiring statements of nonavailability to authorized health care services other than mental health services of beneficiaries receiving care under TRICARE standard. It is my understanding this amendment is cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1678) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1679

Mr. LEVIN. Mr. President, on behalf of Senator FEINGOLD, I offer an amendment which requires the Under Secretary of Defense to provide a report on certain matters pertaining to the V-22 Osprey Program before the aircraft is returned to flying status, and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FEINGOLD, proposes an amendment numbered 1679.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require a report on the V-22 Osprey aircraft before a decision to resume flight testing)

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

SEC. —. REPORT ON V-22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.

Not later than 30 days before the planned date to resume flight testing of the V-22 Osprey aircraft, the Under Secretary of Defense

for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V-22 Osprey Aircraft, including—

(A) a description and analysis of any deficiencies in the hydraulics system and flight control software of the V-22 Osprey aircraft; and

(B) a description and assessment of the actions taken to redress such deficiencies.

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommendations of the Panel to Review the V-22 Program.

(3) An assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

Mr. LEVIN. This amendment has been cleared by the other side.

Mr. WARNER. Mr. President, if we can hold.

Mr. LEVIN. I ask unanimous consent this amendment be temporarily laid aside.

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

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I see colleagues coming to the Chamber. I will not be lengthy. I surmise we may be debating an amendment. But until we do, let me just take this time to present kind of a bit of an overview—I see the Senator from Virginia.

Mr. WARNER. Mr. President, perhaps we can just go into morning business for a period of time.

Mr. WELLSTONE. That is fine. I appreciate that.

I ask unanimous consent that we go into morning business for 10 minutes so that I may speak.

Mr. WARNER. I reserve the right to object.

Can we stipulate some time period?

Mr. WELLSTONE. I say to my colleague, 10 minutes.

Mr. WARNER. No objection.

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

(The remarks of Mr. WELLSTONE are printed in today's RECORD under "Morning Business.")

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, I have talked to the managers of the bill about two amendments I intend to offer. I would like to comment about these matters now and will be glad to get into a greater discussion about them later. I believe that these amendments address issues that are extremely important and directly relate to our fighting men and women and those service members who have disabled children.

First, I want to thank the committee, especially Senators LEVIN and WARNER, for taking the first step toward ensuring that disabled families of our active-duty military have greater access to the health care they deserve. The first amendment I intend to offer is another step toward achieving that goal.

Early last year, a young man in the U.S. Air Force, SGT Faye, drove over 12 hours with his wife and disabled 4-year-old daughter to testify how important it was to make Medicaid more accessible. Why? The military health care system does not provide for his daughter's needs, and Medicaid does.

Unfortunately, in order to continue her eligibility for Medicaid, this service member could not accept a promotion to the next rank. No member of the Armed Forces who risks their life for our country should ever be put in a position of having to decide between health care for a disabled child and doing their job for our country, nor should these families have to rely on Medicaid to find health care that works.

My amendment corrects the injustices these families have suffered by giving these families in TRICARE what they effectively receive in Medicaid. It allows disabled dependents to receive the health care that is necessary to maintain their function and prevent further deterioration of their disability, provides community-based services so disabled dependents can stay at home with their families and live in their communities rather than being institutionalized. This is no different from what Medicaid provides. The amendment includes respite care and hearing aids which can help a disabled person stay or become independent. It includes more flexible mental health services, and also gives the physician the final decision regarding what health care services are necessary.

These guarantees are effectively what are in existence under the Medicaid program. But what harmed SGT Faye was that in order to be able to get these kinds of services for his 4-year-old child, he had to decline his promotion to the next rank a promotion that would have raised his family's income above the Medicaid threshold. SGT Faye had outstanding recommendations and the Air Force wanted to promote him, but he couldn't accept it because it meant giving up the health care his daughter needed.

Right now, the President is activating many servicemen and women

who face these very same circumstances. We clearly know that these servicemen and women should not have to worry about finding adequate health care for their children, especially when their children have a disability. Half of all the members of the Armed Forces are married, more than half have children, and many of those children are under 10 years of age. As in any population, a number of those children are special needs children and require the services I have outlined.

This amendment ensures that servicemen and women don't have to go to Medicaid to get the health care their children need.

We know how far we have come, over many decades, to guarantee that disabled people have the health care and independence they need to be participating members of their communities. Our military families with disabled dependents should not be denied that opportunity. These improvements to TRICARE are some of the most significant steps we can take in this Congress. They offer a new and better life to large numbers of military families. I commend Senator CLELAND, who did a great deal of work in this area and provided great leadership in the development of a number of different programs to reach out to children with special needs.

This amendment gives servicemen and women and their disabled family members the health care they need.

My other amendment also addresses the needs of our military families, but from a different angle. It relates to the needs of the families of servicemen and women who will be impacted by the call up of the National Guard and Reserves components. As we examine the immediate and long-term needs of our military, we cannot forget the families, especially the children, whose daily lives and routines are disrupted by their parents' commitments to preserving America's freedoms. Husbands and wives, parents and children, will be separated more frequently and for longer periods during the coming months and years. These separations will be filled with uncertainty about the safety of their loved ones, and the families will be profoundly affected.

Today, over half of the active-duty members are married, almost half have children. There are 2 million family members of active-duty personnel and 900,000 family members of those in the Reserve. There are nearly half a million children under the age of 6 of active-duty members, and a majority need some type of child care.

Families of reservists will also be affected because they often lack the support provided by military installations. Reserve members are located in more than 4,400 communities nationwide. More than half of them live at least 75 miles from a military installation. Support is especially critical to provide needed assistance to these geographically isolated families.

This amendment uses the lessons learned from Desert Storm and Bosnia

to authorize additional wartime support for military families. Included are provisions for child care and youth programs and family support programs, such as parent education, to help families cope with the stress of deployments. It also provides assistance for Reserve families geographically separated from military installations, as well as support for security for DOD schools and children's facilities in areas of high risk for terrorist attacks.

We have a number of children attending schools that are off base that come to mind immediately. In Turkey, children of U.S. service members ride in buses through areas which could put these children at risk should there be any deterioration in the security conditions we are facing throughout the world. This amendment would also provide additional resources for protecting these children in overseas schools.

Many husbands and wives share child care responsibilities. When a service member deploys, the burden is left to one spouse, and in some cases a guardian. The need for child care is greater. If a spouse works irregular hours, such as nights or weekends, the challenge is even more difficult. In many instances, the base operating hours are extended and longer shifts are required. Additional operating funds are needed for the non-traditional care in centers and family child care homes.

Guard and Reserve families do not typically live close to the military bases where they can obtain military child care. We should do all we can to offer these families the same assistance with child care that we are offering active-duty personnel on their bases. We can do so through a cooperative agreement with The National Resource and Referral networks. Modeled on a project called "AmeriCorps Care" established by the National Service Corporation. Child care assistance can be provided on the same sliding fee scale available to military families on base. This step will prevent financial hardships for many young reservists called to active duty.

With parents not available, youth, especially young teens, are stranded, with no place to go after school or no way to get to after school activities. Families not located close to installations find child care problems after school. Youth are often left home alone after school. During Desert Storm, to help give parents peace of mind that children were engaged in positive after school activities, transportation and activities were provided free to over 17,500 Guard and Reserve families through a partnership between DOD and the Boys and Girls Clubs of America. The youths participated in after school programs, sports and recreational activities, and received help with homework. We ought to be prepared to provide those kinds of services to these Guard and Reserve families. This is what was done during the Persian Gulf War. It worked well then and was good for the morale of the Reserve

and the Guard who were serving overseas.

My amendment doesn't reinvent the wheel. We had many of these programs in place before. We simply need to reauthorize them for today's deployments.

During Desert Storm, additional aid funds were provided to civilian community schools when large units were deployed. We also learned during Desert Storm that there is a need for counselors for family support activities. This amendment authorizes the additional funds for counselors.

There are serious school security issues on our overseas bases, including safety on school buses in foreign countries. Approximately 40 percent of military families living overseas live off their bases. Their children are bused to schools, either on the base, or, in many cases, to schools in unprotected foreign communities that are potential targets for terrorist attacks. We also need to fund bus safety personnel and equipment for school buses to ensure the personnel are adequately trained to identify risk.

Military families face an extended period of anxiety and sacrifice for our Nation. It is our responsibility to ensure they have the support they need in the face of this extreme danger and sacrifice.

I urge the Senate, when we have the opportunity, to support my amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

AMENDMENT NO. 1679

Mr. WARNER. Mr. President, parliamentary inquiry, I believe the Feingold amendment is the pending amendment.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. At this time I indicate we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1679.

The amendment (No. 1679) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1683

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment which would authorize an additional \$1 million for the Air Force for research, development, test and evaluation for the Agile Combat Support, Integrated Medical Information Technology System Initiative, offset

by a reduction of \$1 million in the bill from Navy RDT&E funds provided for Modular Helmet Development. I believe this amendment has been cleared on the other side.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 1683.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add \$1,000,000 for the Air Force for research, development, test, and evaluation for the Agile Combat Support, Integrated Medical Information Technology System Initiative (PE 604617), and to offset the increase by reducing by \$1,000,000 the amount provided for the Navy for research, development, and test and evaluation for Modular Helmet Development (PE 604264N); Aircrew Systems Development)

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

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

Mr. LEVIN. We have no objection to the amendment.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1683) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1684

Mr. LEVIN. Mr. President, I send an amendment to the desk which I offer on behalf of Senator MIKULSKI.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. MIKULSKI, proposes an amendment numbered 1684.

Mr. LEVIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to provide for an insensitive munitions program)

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

SEC. 833. INSENSITIVE MUNITIONS PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2404 the following new section 2405:

"§ 2405. Insensitive munitions program

"(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and

fielding when subjected to unplanned stimuli.

“(b) **CONTENT OF PROGRAM.**—The program shall include safety criteria, safety procedures, and requirements to conform to those criteria and procedures.

“(c) **REPORTING REQUIREMENT.**—At the same time that the budget for a fiscal year is submitted to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following matters:

“(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding fiscal year in which the report is submitted, together with a discussion of the justifications for the waivers.

“(2) Identification of the funding proposed for the program in that budget, together with an explanation of the proposed funding.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2404 the following new item:

“2405. Inensitive munitions program.”.

Mr. LEVIN. Mr. President, this amendment would require the Department of Defense to have a program to address the accidental detonation of munitions and to report on this program along with the budget request. I believe this amendment has been cleared.

Mr. WARNER. Mr. President, the chairman is correct. It is cleared.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1684) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1685

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I offer amendment which would provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension. I understand this amendment has been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HUTCHINSON, proposes an amendment numbered 1685.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension)

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

SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) **ENTITLEMENT.**—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105-

103 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) **AMOUNT.**—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

Mr. LEVIN. We have no objection to this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1685) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1686

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator KENNEDY. I ask the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 1686.

Mr. LEVIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

SEC. . LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (g) of 10 U.S.C. 2667 (section 1061, National Defense Authorization Act, 1998, P.L. 105-85) is amended by adding a new paragraph at the end as follows:

(3) The requirements of paragraph (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if—

(A) use of the ship is restricted to federally supported research programs and non-federal uses under specific conditions with approval by the Secretary of the Navy;

(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.

Mr. LEVIN. Mr. President, this amendment would allow the Navy to renew long-term leases to oceanographic research vessels without re-competing the award of those leases. I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the chairman is correct.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1686) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1687

Mr. WARNER. Mr. President, on behalf of Senator VOINOVICH, I offer an amendment that would authorize Federal agencies to pay for employee credentials, including professional accreditation, licenses, and certification for civilian employees. This amendment, I understand, has been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. VOINOVICH, proposes an amendment numbered 1687.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize agencies to use appropriated or other available funds to pay the cost of credentials and related examinations for Federal employees)

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

SEC. 1124. PROFESSIONAL CREDENTIALS.

(a) **IN GENERAL.**—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

“§ 5758. Expenses for credentials

“(a) An agency may use appropriated or other available funds to pay for—

“(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and professional certifications; and

“(2) examinations to obtain such credentials.

“(b) No authority under subsection (a) may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

“5758. Expenses for credentials.”.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1687) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BOND. Mr. President, I rise today not to offer an amendment but, first, to express my thanks and appreciation to the managers of the bill for responding to a concern that I raised. I have spoken with Chairman LEVIN, and his staff, Senator WARNER, and his staff, as well as Chairman INOUE and Senator STEVENS, and the Defense Department about the concern I have over our industrial base for the production of tactical fighters.

It seems to me that the tragedy of September 11 brings with it the realization that we are in a long contest with terrorists. We are in a long, drawn out contest that may require us to provide all kinds of responses. The tactical aircraft we are planning to build in the future is just one of the tactical aircraft that we might have to provide in years beyond.

So it is my concern that when the competition for the joint strike fighter—the JSF—is over, that if one of the two contestants—Boeing and Lockheed Martin are competing—is selected, if there is not production and an active role for the second one, we would be left with only one major producer of tactical aircraft.

It is for that reason I have raised the concern that, either before or after the contract is let, the Defense Department and both contractors must be willing to agree that production will go on in both facilities.

Boeing and Lockheed Martin are this country's sole remaining tactical aircraft manufacturers. Whoever wins the contract will have a long-term foothold in tactical aircraft manufacturing due to the very large number of aircraft expected to be built for both here at home and the overseas market.

If nothing else happens, whoever loses out of the jet fighter business, in about 10 years, when our current production of F-22s, F-16s, and FA-18s will have reached the end of their production runs, there will be nothing left for them to do. That would leave us with just one military house capable of providing the full line of services necessary to build whatever aircraft will follow. And the JSF, while it is the state of the art now, will not be the state of the art 10, 20, 30 years from now.

The competitiveness exhibited by Boeing and Lockheed Martin in the JSF competition has been good for the U.S. and for our military forces. Without it, we would not now be looking at two sets of prototypes that, by all independent accounts, meet and exceed the criteria set by the Department of Defense.

My concern is what happens on the next complex tactical aircraft program

we build. I am a big fan of Boeing; I am a big fan of Lockheed Martin—the two finest producers in the world. One of them happens to be located in my State; one of them happens to be located in the President's State. Both companies have excellent design and manufacturing teams. And without them we would not now be fielding the best military aircraft in the world. But I am an even bigger fan of having them both in the business of making tactical aircraft with concomitant design, engineering, manufacturing, and support services.

With only one domestic military tactical aircraft producer, we would seriously cripple our ability to field state-of-the-art tactical aircraft in the future, as any serious competition would be eliminated. And as is the case in so many other areas, competition is essential to the health of our tactical aircraft industry.

We do not have to look far to see examples of how we can ensure a robust split production program. The two primary competitors for JSF—Lockheed Martin and Boeing—currently share production of the F-22 Raptor. Boeing has a one-third share and Lockheed Martin a two-thirds share of the program. Supporting split production would ensure a minimum of two primary contractors in the tactical fighter industrial base.

An issue associated with split production is second sourcing. That has been productive, and it has been a prudent working theory in the years past. It still is practiced effectively in many areas.

During the defense buildup period, the Department of Defense and Congress worked diligently to increase the amount of competition in the development of major defense systems. In the defense aerospace industry, during those years, there were five primary companies capable of developing and producing fighter weapons systems.

The benefits of competition were well understood in commerce at large but difficult to establish in the military. So emphasis in some programs shifted to second sourcing. The production piece of weapons systems programs was divided in two. A single design was produced. The Government financed creation of both production lines. The firms competed for the largest share of the production run each year, but both remained in production.

This worked to keep costs under control for large volume purchases because each firm saw the potential for decent earnings by investing in cost reduction programs to remain competitive. If one producer let its costs get out of control, well, then, the purchaser—the Department of Defense—could go to the more efficient producer.

The same logic was successful in setting up second sourcing for propulsion systems for the joint strike fighter. And my question is, If the logic is compelling enough to institutionalize competitive competition in second

sourcing for engine competition, why wouldn't the same logic work for the prime aircraft manufacturing companies, especially since there are only two left in the industry?

The second sourcing expands the mobilization base as well as producing an increased surge capability. And it encourages higher product quality and reliability at a competitive cost. And that helps the Government in contract negotiations.

One other example I would cite is the joint cruise missile project, second sourcing of the Tomahawk missile in 1982. Every review of that effort demonstrated abundant cost savings to the Government, and a steady production of missiles which have been used for years by our Armed Forces.

The success of the program resulted from at least two factors: One, the cost for entry for a second source was low, given the large projected production run, and, two, the annual production quantities were large enough to absorb direct and indirect manufacturing costs.

The Tomahawk experience is directly applicable to the current JSF Program because we have a large projected number of aircraft deliveries spread over many years, for both the armed services—all branches—and those of our allies, and gives us an opportunity to retain the benefits of second sourcing.

It worked for engines, and it worked for prime aircraft developers and manufacturers, while preserving the domestic industrial base. However, second sourcing alone does not ensure the sustainment of full design and development capability.

I think it would also be unwise for the country to have only one company capable of designing an appropriate fighter aircraft. I hope, as we move forward, we will continue to utilize the design and development capacity of both of the manufacturers.

Despite the fact that there may be some additional costs for having two production lines—some say costs may be a half billion to a billion dollars—when you are really talking about a couple of hundred billion dollars, a multiyear program, it seems to me the protection of the search capacity, production protection of a second major source, and the protection of competition are well worth the price. That is why I have been arguing that we must maintain two tactical aircraft providers.

We cannot prevent the pendulum from swinging radically in the opposite direction without maintaining split production. The recent terrorist attack teaches us that if we skimp on defense, we will pay for it. Maintaining a strong defensive posture is not done on the cheap, unless we are willing to expose our national security and homeland security.

For this reason, I have discussed at length with my colleagues, with the

managers of this bill, with the chairman and ranking member of the Appropriations Committee, as well as the Department of Defense, the need to continue to keep two tactical aircraft fighters in production. Based on the discussions I have had and the understanding that has been developed, I believe now that we are in a position where we will not see one company alone winning the competition and taking over the entire tactical aircraft production in the United States. I think that would be a significant mistake for the Nation, and it would not serve our military well because we would not ensure that competition to provide not only this airplane and the most economical and highest quality product available but future design and manufacture of aircraft to follow on.

So while we had discussed the possibility of offering an amendment, I believe the position is well understood. And from the conversations I have had, I believe there will be efficient steps taken to ensure that we do maintain two tactical aircraft producers. If we don't move down that path, then I will be back on the appropriate measure, whether it is on an authorization or an appropriations bill, to ensure that we do have two strong tactical aircraft manufacturers in this country.

Mr. President, I thank the managers and the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, at this time, I withdraw my amendment No. 1595 from consideration.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I express my gratitude, and I understand the differences of opinion we have regarding this issue. I think we now have an opportunity to have a good discussion on this issue in conference committee. In that vein, I ask unanimous consent to have printed in the RECORD the amendment I would have proposed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Strike all after the first word and insert in lieu thereof the following:

SEC. 1066. CLOSURE OF VIEQUES NOVEL TRAINING RANGE.

(a) Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended by adding at the end the following new subsection:

“(e) NATIONAL EMERGENCY.—

“(1) EXTENSION OF DEADLINE.—The President may extend the May 1, 2003 deadline for the termination of operations on the island of Vieques established in Subsection (b)(1) for a period of one year (and may renew such extension on an annual basis), provided that—

“(A) The President has declared a national emergency, and such declaration remains in effect; and

“(B) The President determines that, in light of such national emergency, the ac-

tions required by subsections (b), (c) and (d) would be inconsistent with the national security interest of the United States.

“(2) EFFECT OF EXTENSION.—An extension of the deadline pursuant to paragraph (1) shall suspend the requirements of subsections (b), (c) and (d) for the duration of the extension.”

(b) Subsection (a) of Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed and subsections (b) through (e) are redesignated as subsections (a) through (d) respectively.

(c) Section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed.

Mr. CORZINE. Mr. President, before I discuss the provisions of this amendment, let me make something clear. I am very sensitive—painfully and personally so—of the human tragedy and national emergency created by the cowardly attacks of the terrorists on our nation on September 11. Just as much as my colleagues, I stand united with our President, our military personnel, and the people of America in accepting, as President Bush put it, our “mission and moment” to end this scourge of terrorism.

But just as so many of America's leaders have implored the nation to be measured and thoughtful in our actions in the wake of this tragedy, and just as President Bush has asked that Americans go on about their lives, so too should the workings of America's democracy. That's why I believe it would be a mistake to approve the amendment by the Senator from Oklahoma, which represents a significant change in direction from the policies formulated by both Presidents Bush and Clinton, while frankly undermining the President's authority as commander in chief. Why should the Chief of Naval Operations, and the commandant of the Marine Corps, be given the authority to make decisions that go well beyond military considerations? In my view, full access given the extended public debate and deep concerns, surrounding this Vieques facility this decision rightfully rests, as it did before September 11, with the President of the United States.

Mr. President, I believe, in the long run, we should respect the views of the people of Puerto Rico and Vieques. Their voice has been clear on this issue, certainly before the current circumstances. Just a few months ago, more than 70 percent of those living in Vieques voted to suspend operations and there was a broad element of support for that view throughout Puerto Rico's leadership and public.

At the same time, I understand and am sympathetic to the concerns of many of my colleagues about the need for combined Navy and Marine amphibious training in this time of national emergency. But, as Presidents Clinton and Bush both have said, in the long-term, we should respect the will of the people. And, in my view, while there is justification for changing the timing of implementation of current policies given the current circumstances, we should return to agreed upon policy as

soon as practical. Any exceptions to the agreed upon policy should be at the judgment of the president of the United States—our commander in chief.

And that, Mr. President, is exactly what this amendment does. It would provide for the termination of operations on Vieques by May 1, 2003, subject to the national security judgment of the President. In fact, my amendment would codify the policy already established by President Bush. However, in an effort to give the President necessary flexibility in these extraordinary times, the amendment would allow the President to continue operations on Vieques for one-year periods in times of national emergency beyond the May 1, 2003 deadline, if the President determines, in light of the emergency, that the termination of operations would be inconsistent with national security interests.

I also would note, that my amendment eliminates the requirement for a second referendum required by last year's DOD authorization. Finally Mr. President this is a compromise endorsed by the Resident Commissioner of Puerto Rico, Congressman ANIBAL ACEVEDO VILÁ and supported by the National Puerto Rican coalition. After all, there already has been a referendum with the results showing that 70 percent of Vieques residents favor closure.

Mr. President, I think that's a reasonable compromise that makes commonsense. And I hope it can win the support of my colleagues.

Mr. President, I've heard some people say that the Navy bombings in Vieques are merely a political issue. But to the 9,000 residents of Vieques who live immediately adjacent to the field of fire and have suffered with constant and severe noise, and whose environment and health have been threatened by related pollutants, the bombing of Vieques is a humanitarian issue. And to all the people of Puerto Rico, it's an issue about respect and democracy.

I have personally visited Vieques and seen the disastrous impact that constant bombing has had on the island's natural resources and environment, on its resident's health and on its economy. The people of Puerto Rico are Americans. They raise our flag. They have fought valiantly in our wars. Many hundreds—maybe as many as 800—died on September 11th in the World Trade Center tragedy. Puerto Ricans deserve to be treated justly.

Both President Clinton and President Bush have recognized this reality in formulating their responses to this difficult issue.

Mr. President, like all Americans, I believe that the people of Puerto Rico have shown throughout history that they are willing to make sacrifices if asked to protect America. But we shouldn't use the current circumstances to justify continued bombing over some indeterminate period. We should and must find an alternative training site and more on as soon as possible.

So, in summary, Mr. President, this amendment recognizes our current military needs and provides the President flexibility to deal with America's war on terrorism. But, over time, this action would respect the will of the people of Puerto Rico, and end the Vieques debate on the bombings.

I hope my colleagues will support this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. DASCHLE. Madam President, in consultation with our colleagues on both sides of the aisle, I feel the need to propound another unanimous consent request. I know there have been requests made throughout this debate regarding the list of finite amendments.

I ask unanimous consent that the list that I will send to the desk at a later time tonight be the only first-degree amendments remaining in order to S. 1438, the Department of Defense authorization bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all the amendments, the bill be read the third time and the Senate vote on passage of the bill with no intervening action or debate.

Mr. WARNER. Madam President, reserving the right to object, most readily, I say to our leader that I have to object. There are still Members on our side with concerns.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Madam President, will the leader yield.

Mr. DASCHLE. Madam President, I am happy to yield to the Senator from Michigan.

Mr. LEVIN. Madam President, if the majority leader will yield for one moment, this bill has provisions in it which we need to pass. There is a special pay provision in it for short war-time specialties, for instance. We have special provisions which will allow us to hold onto enlisted members in high priority units who otherwise might leave the military. We have special reenlistment and enlistment bonuses in this bill. We have a targeted pay raise of 4½ percent for everybody. And we have targeted pay raises of between 5 and 10 percent for special categories.

This is a vital bill for the success of our military.

The problems we have now are no longer related to the jurisdiction of this committee. We think we have resolved the last problem, or we are close to resolving the last problem that relates to the jurisdiction of this committee. Everybody else is willing to

have their amendments placed on this list so we have a finite list. We are not trying to preclude anybody from offering amendments of any kind. It is just a list of their amendments and a finite list.

I thank the majority leader for his patience. I thank Senator REID for his extraordinary effort to get us to where we are. I express disappointment that we can't get that finite list so we can proceed to complete this important bill, but to report to him and to our colleagues that the problem we think we have now is not related to the jurisdiction of the Armed Services Committee, and that is too bad.

Mr. DASCHLE. Madam President, if I could just add to what the distinguished Senator from Michigan has said, and let me repeat also the compliment of our two managers. I think they have done an admirable job. They have shown remarkable patience with all of their colleagues. But I don't know of a bill that deserves more urgency than this one. I don't know of a bill that ought to be the source of unity as we look at the array of challenges that our country is currently facing.

This afternoon, we were given one of the finest briefings that I have heard in recent years by the Secretary of State and the Secretary of Defense. They did an outstanding job in laying out the challenges that we have to face, not only in the short term but in the longer term. At the very least, it seems to me, the Senate ought to respond to the tremendous challenges we face by providing the support that we can to this administration at a time of need.

I must say that I know we have worked off the earlier objections. And now, as the Senator from Michigan said, we have objections tonight that I am told have nothing to do with the Defense bill but have to do with the schedule on other issues. I am willing to work with my colleagues. No one wants to pass an energy bill more than I do. We know we have to do that. That has to be an important part of the Senate's agenda. I am willing to enter into a colloquy with Senators who have concerns about how high a priority that is. But, for heaven's sake, let us not hold up one of the most urgent bills before the Senate tonight.

I must say, I will tell my colleagues, that we may be left with no other option than to pull this bill and go straight to Defense appropriations when that bill is ready. We can resolve this on Defense appropriations. I don't want to have to do that, but I will do that if there is no other choice. Tomorrow we are going to go to the military construction bill.

This is our last opportunity tonight until sometime later.

There are so many other urgent pieces of work that have to be done. We have an airport security bill that we all have talked about that we know is important. That has to be brought up, hopefully next week.

We can't continue to deliberate, object, delay, and confound the two managers here as we try to address this important question. We have a window. If we lose this window, we are going to have to look for another window under the appropriations process.

I put my colleagues on notice. We will either work this out this way or we will work it out another way. But these laborious objections are very troubling to me and ought to be troubling to all of our colleagues.

I will work with our managers.

I appreciate as well the distinguished assistant majority leader for his efforts tonight.

If I sound frustrated, I am. I will be patient. But patience wears thin. We have a lot of work to do.

I yield the floor.

Mr. REID. Madam President, before the leader leaves the floor, I am a member of the Committee on Appropriations. We are not an authorizing committee. We should not have to do the Defense authorization bill because the hard work that these two managers and the committee members have put in will be for naught.

Yesterday, I had to make some phone calls. Eighty-three National Guardsmen who have been called to active duty out of Ely and Las Vegas. These are MP's—military policemen. We had 100 out of Reno call the same day. They are military intelligence. They are leaving as I am speaking.

There are provisions in this bill to help them and their families. At Nellis Air Force Base, we have 10,000 military personnel, and at Fallon we have 7,000.

How can I go back to Nevada and face these people? This bill is going to go down as a result of something that has nothing to do with this bill.

The leader talked about these two managers. They have worked so hard. They have worked so hard. They are two veteran legislators. They are two of the best we have. They have done everything they can to move this legislation.

Ninety-eight percent of the Senate wants to move this bill. It is too bad that 2 percent decided they don't want this bill to move anyplace. It is too bad for the country. It is too bad for the military personnel in Nevada and all over this country, and for those serving outside the United States' continental limits. It is just too bad.

If the leader is frustrated—and I know he is because he has been on this all day—I can't imagine how these two managers feel who have spent months working on this legislation. And they are being told, well, you can have the appropriators do it. That is what it is coming to. It is a sad day in the history of the Senate and this country.

Mr. DASCHLE. Madam President, in light of our circumstances, I reluctantly concluded that there will be no more votes tonight. There is so much work we could do. Clearly, we are not at a point where we can move any further on the bill. If Members wish to express themselves, they are welcome to

do that. But there will be no more votes tonight.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BIDEN. Madam President, the fiscal year 2002 National Defense Authorization Act that was reported out of the Committee on Armed Services was a good bill. In particular, it included important provisions regarding missile defense.

It required prior Congressional approval of any activities during the next fiscal year that are barred by the ABM Treaty. This provision assured Congress its proper role in any decision to walk away from a cornerstone of strategic stability which has served the United States well for the past 30 years.

It strengthened transparency and Congressional oversight over the Administration's missile defense programs. If the Congress is to authorize billions of dollars for national missile defense, we deserve a clear blueprint for how the administration will spend that money.

And it reallocated \$1.3 billion from missile defense to other pressing defense priorities.

As a result of the managers' amendment adopted last week, the first two provisions were dropped. The third one was altered to permit the President to spend the \$1.3 billion on missile defense or on counter-terrorism.

As every other Member, I understand the need to forge a unity of purpose in fighting the difficult war which lies ahead. That is why I did not prevent action on the managers' amendment last week. Let the record show, however, that I strongly disagree with the decision to delete those very sensible provisions.

The prior approval provision did nothing to prohibit the President from withdrawing the United States from an international treaty. Nor did it prohibit the Department of Defense from undertaking any activity in violation of the ABM Treaty. Rather, it simply enabled the Congress to exercise its rightful power of the purse to approve or disapprove the use of funds for any DoD activity barred by a major U.S. treaty.

I believe that the President has the constitutional authority to withdraw from a treaty in the face of congressional silence. I also believe, however, that Congress must exercise its appropriate responsibility. That is why it was also a mistake, in my view, to delete the missile defense transparency provisions in this bill.

Finally, in my view, there is no question how marginal dollars must be

spent. The tragic and unconscionable attacks of September 11, 2001, have thrust upon us a war that we absolutely must win, not only for our own sake, but for all civilized nations. The wisdom of any element of defense spending must be evaluated in that light.

As President Bush has made clear, this war will be complex. The battle to dry up terrorist funding will be as crucial as any military offensive. Both battles may hinge on the support we receive from other countries.

President Bush has done a wonderful job of turning world reaction into positive and specific support for an effective campaign against international terrorism and those who aid and abet it. That is precisely what is needed.

Today, that international support is broad and strong, at least in words. It extends from NATO to Russia, Pakistan, and even North Korea. We must maintain and strengthen that international coalition, however, in the months, and years, to come.

Russia may very well play a crucial role in any military action against Osama bin Laden or those who aid him in Afghanistan. By virtue of both geography and its involvement in the region, Russia can do much to aid or hinder our operations. Already, some of its military leaders are cautioning against military action that we may find essential to the defeat of terrorism.

What will happen, if the President chooses this time to walk away from the Anti-Ballistic Missile Treaty in the face of Russian objections? Russia's official stance is that anti-terrorism is a separate issue, and that cooperation will continue. But I fear that both military and public opinion in Russia could shift substantially against cooperation with the United States.

Neither can we take our European allies for granted. Their governments overwhelmingly oppose any unilateral abandonment of the ABM Treaty. Even Prime Minister Tony Blair, the leader of our staunchest ally, warned that Great Britain's support was not a "blank check."

Alliance cohesion requires our willingness, too, to cooperate with other nations in pursuit of a common aim. Our leadership role in the battle against terrorism is clear today, but will be maintained in this conflict only by convincing others of both our wisdom and our care to take their concerns into account. That is why precipitate actions to deploy a missile defense, such as our unilateral withdrawal from the ABM Treaty, could undermine our vital war efforts.

A defense against ICBM's will have little impact on international terrorism. Terrorists are not likely to develop or acquire such weapons and the complex launch facilities that they require. Rather, terrorists are likely to seek to attack the United States through infiltration, smuggling in a nuclear weapon in a ship into a city's

harbor or carrying lethal pathogens in a backpack.

A national missile defense would do nothing to defend against these more likely threats. Indeed, too much investment in it now could drain needed resources from the war effort, not just in money, but also in technical manpower and production capability.

Let me give some examples of how \$1.3 billion could be used to further the war on terrorism: The greatest threat of a nuclear weapons attack on the United States is from a weapon smuggled into the United States. Terrorists cannot build such a weapon, but they could hope to buy one. According to the bipartisan Baker-Cutler task force report issued earlier this year, Russia has tens of thousands of nuclear weapons, sensitive nuclear materials and components. Some are secure, but others are not. Some nuclear facilities don't even have barbed wire fences to keep out potential terrorists. The task force called for spending \$30 billion over the next 8 to 10 years, to address what it called "the most urgent unmet national security threat to the United States today."

Biological terrorism is a real threat to both our military personnel and our civilian population. It is a challenge we can sensibly face, but only if we invest in the necessary preparation today. For instance, the Department of Defense should produce or acquire the necessary vaccines and antibiotics to protect our armed forces against a range of pathogens. It should assist civilian agencies in procuring and stockpiling similar medicines for emergency use. According to Dr. Fred Iklé, who testified at a Foreign Relations Committee hearing earlier this month, \$300 to \$500 million will be needed just to ramp up our vaccine stockpile. This is a common-sense response to an otherwise frightening threat.

The Department of Defense should also test and procure inexpensive biohazard masks that could save lives both in the event of a terrorist attack and through everyday use in military hospitals. By conducting the necessary testing and creating an initial market for such masks, the Defense Department will pave the way for use of these masks in our civilian health care system.

A more immediate step to help our armed forces would be to improve the security of our domestic military bases and installations. Many of them lack the basic anti-terrorism protections that our overseas bases have.

Another war-related need is to speed up the Large Aircraft Infra-Red Counter-Measures program that gives our military transport aircraft increased protection against surface-to-air missiles. We gave Afghan groups hundreds of Stinger missiles in the 1980's, and scores of them could be in the Taliban's inventory today. We owe it to our fighting men and women to give them maximum protection as they move into combat or potentially hostile staging areas.

Winning the war on terrorism, a war that we face here and now, is infinitely more important than pouring concrete in Alaska or an extra \$1.3 billion into combating the least likely of threats.

We can take the time to perfect our technology and to reach understandings with Russia and China that will minimize the side-effects of missile defense. But we have precious little time to do what is essential: to win the war against terrorism, to dry up the supply of Russian materials or technology, or to prepare our military, our intelligence community, our health care system, and our first responders to deal with a chemical or biological weapons attack by the terrorists of tomorrow.

In the fury of the moment, Congress will let the President have the final say on the use of these funds. So be it. It will be up to the President to take the sensible course.

In the midst of a war, let us not be diverted by the least likely threat. Let us turn our attention, our energies, and our resources to winning the war that is upon us, and to building our defenses against terrorism of all sorts.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

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

THE RESPONSE TO TERRORISM

Mr. WELLSTONE. Madam President, I would like to, in 10 minutes, cover three topics. First, I want to talk a little bit about September 11 and now. And I want to just say, in an ironic way—not bitterly ironic—the days I have had in Minnesota have maybe been some of the better days I have had because—and I am not putting words in anybody's mouth; and I do not do damage to the truth; I have too much respect for people, even when we disagree—most of the people with whom I have spoken back in Minnesota have said a couple things.

First of all, they have said we need to do a better job of defending ourselves. Who can disagree with that? Second of all, they have said—they have not been jingoistic; and they have not said we need to bomb now—we need to do this the right away. Many of them have expressed concern that we not let terrorists define our morality and that we should take every step possible to minimize the loss of life of innocent civilians in Afghanistan, or any other country, starting with innocent children. I am proud of people in Minnesota for saying that.

People in Minnesota have also said they understand this is not going to be one military action. They know this is going to be a long struggle. They know we are going to need a lot of coopera-

tion from a lot of other countries. They think it should be international.

Above and beyond the way people come together to support each other, I am so impressed with the way I think people are really thinking deeply about this and want us to stay consistent with our own values as a nation. I just want to say that. That is my view.

I find myself kind of on two ends of the continuum. I had a discussion with some friends who were telling me that I should speak out more about the underlying conditions and causes of this violence, this hatred and violence. I told them there is a divide between us because I cannot do that because there are no conditions or explanations or justification for the mass murder of innocent people. I do not even like to talk about war because I do not think warriors murder people. Warriors are not involved in the slaughter of innocent people; criminals are.

A second point, which now gets closer to the defense authorization bill: On economic recovery, we have to really focus on economic security. I believe, and will always believe, we should have included assistance for employees in the package we passed last Friday.

I say to the Senator from Massachusetts, when I went home to Minnesota, I heard about that. People were not bitterly angry, but they said: How could that happen to us and our families who are out of work? That has to be a priority, along with safety, to get help to employees.

I would argue, maybe it is a sequence; you can't do everything at one time. It is easier to give a speech than to actually do it. But above and beyond help for employees and employment benefits and making sure people can afford health care needs and making sure there is job training and dislocated worker funding and, I would argue, having to deal with some child care expenses, I want to say one other thing. The truth is, I think we have to also think about an economic recovery package. And that should include, I say to my colleague from New Jersey, a workforce recovery package because not only are we going to need to extend the lifeline to people by way of helping them—when people are flat on their back, Government helps them; that is what Government is for—it is also true that that is part of an economic stimulus because you do not want to have a lot of people—people who work in hotels and restaurants and small businesspeople, all of whom now are really hurting—you do not want to have a whole lot of people shut down and not able to consume at all.

So we need to think about this package in broader terms as well. Finally, on the defense authorization bill, if I had my own way, there are at least a couple of provisions I wish were in it. One of them Senator LEVIN worked so hard on, and other colleagues support it. It made it clear that if President Bush requested funding for missile defense tests that violated the ABM

Treaty, he would need congressional approval to spend those funds. I wanted that language in this bill in the worst way. If I had time, I would argue over and over again, but I don't want to impose my own agenda on what our country is facing right now. But we need to reorder some of our priorities, and clearly more of the money—some of the money in this bill that I don't think we need for certain items I would put into homeland defense and helping families with economic security.

I think there are a lot of threats our country is faced with that come way before a rogue nation sending missiles our way by suitcase, by boat, by plane, chemical, biological—there are lots of other threats with a much higher priority. I wish we hadn't dropped that language. I understand that the majority leader and Senator LEVIN and others made a commitment that we will come back to that language and that provision.

I believe missile defense doesn't make the world more secure; it makes it less secure for our children, grandchildren, and for all God's children. I could argue that for the next 5 hours. I don't have 5 hours.

I congratulate Senators on both sides of the aisle for the way in which we have worked together. We probably need each other as never before. There will be some sharp disagreement on policy issues—some of the issues that deal with education and health care, prescription drugs, you name it. Frankly, I am sure there will be questions many of us have as we go forward. But for right now, I want to just dissent on missile defense and say to my colleagues we need to get back to that debate. I think we are going to have to see more of an emphasis on priorities, including some of the money from some weapons systems that are not necessary to what we are talking about now by way of our own national security and homeland defense.

I say to Senator LEVIN and others, I appreciate the additional support for the armed services, especially when they are about to go into harm's way. I want to say to every Senator that we did not do well for too many people in this package for the industry, which was necessary. I don't think the companies and CEOs were crying wolf, but we didn't help the employees, and the economic security of these working families has to be the next step, along with safety. That has to happen soon.

Finally, I believe we are going to have to have a broader workforce recovery bill as part of economic recovery legislation, as a part of how we deal with this recession in hard economic times, because there are a lot of other people who are really hurting right now. The Government should be there to help people when they are flat on their backs through no fault of their own. That is going to be a big part of our work as well.