

beyond Kabul. The restoration of democracy and of rights for women in Afghanistan depends on maintaining security, reestablishing democracy, and creating a functional central government that can provide services and oversee reconstruction to that country that needs reconstruction.

Without an expansion of the International Security Assistance Force and without adequate resources for reconstruction, Afghanistan will again descend into chaos—not “could” or “might,” but “will.” The United States cannot again abandon the Afghan people, especially Afghan women who have suffered so much. We cannot allow terrorism, al-Qaida, the Taliban, and human rights violators to thrive again in Afghanistan.

As I reflect back as I stated when I started my remarks today to reading this book of these people who are so strong and had such a great tradition and see what has happened to them, it is sad.

I urge President Bush, Secretary Rumsfeld, and Secretary Powell to provide full U.S. support for the expansion of an international peace force in Afghanistan. To do less is to indicate that we do not care about Afghanistan and to underscore that we do not care what is happening to the women of Afghanistan as we speak.

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. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 3938

Mr. LEVIN. Mr. President, I offer an amendment on behalf of Senator WARNER and myself that would authorize the Department of Defense to cancel longstanding debit and credit transactions that cannot be cleared from the Department's books because they have been misrecorded in the wrong appropriation. I believe this amendment has been cleared.

Mr. WARNER. Mr. President, it has been cleared on our side, also.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3938.

The amendment is as follows:

(Purpose: To authorize clearance of certain transactions recorded in Treasury suspense accounts and cancellation of certain check issuance discrepancies in Treasury records, all of which relate to financial transactions of the Department of Defense)

On page 217, between lines 13 and 14, insert the following:

SEC. 1010. CLEARANCE OF CERTAIN TRANSACTIONS RECORDED IN TREASURY SUSPENSE ACCOUNTS AND RESOLUTION OF CERTAIN CHECK ISSUANCE DISCREPANCIES.

(a) CLEARING OF SUSPENSE ACCOUNTS.—(1) In the case of any transaction that was entered into by or on behalf of the Department of Defense before March 1, 2001, that is recorded in the Department of Treasury Budget Clearing Account (Suspense) designated as account F3875, the Unavailable Check Cancellations and Overpayments (Suspense) designated as account F3880, or an Undistributed Intergovernmental Payments account designated as account F3885, and for which no appropriation for the Department of Defense has been identified—

(A) any undistributed collection credited to such account in such case shall be deposited to the miscellaneous receipts of the Treasury; and

(B) subject to paragraph (2), any undistributed disbursement recorded in such account in such case shall be canceled.

(2) An undistributed disbursement may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(b) RESOLUTION OF CHECK ISSUANCE DISCREPANCIES.—(1) In the case of any check drawn on the Treasury that was issued by or on behalf of the Department of Defense before October 31, 1998, for which the Secretary of the Treasury has reported to the Department of Defense a discrepancy between the amount paid and the amount of the check as transmitted to the Department of Treasury, and for which no specific appropriation for the Department of Defense can be identified as being associated with the check, the discrepancy shall be canceled, subject to paragraph (2).

(2) A discrepancy may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(c) CONSULTATION.—The Secretary of Defense shall consult the Secretary of the Treasury in the exercise of the authority granted by subsections (a) and (b).

(d) DURATION OF AUTHORITY.—(1) A particular undistributed disbursement may not be canceled under subsection (a) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that undistributed disbursement.

(2) A particular discrepancy may not be canceled under subsection (b) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that discrepancy.

(3) No authority may be exercised under this section after the date that is two years after the date of the enactment of this Act.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 3938) 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. 3939

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator WARNER. It will establish a pilot program allowing the Secretary of Defense to authorize the Defense Logistics Agency to provide logistics support and services for weapons systems contractors when it is in the best interest of the Government. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3939.

The amendment is as follows:

(Purpose: To authorize the Secretary to provide logistics support and logistics services to weapon system contractors)

On page 90, between lines 19 and 20, insert the following:

SEC. 346. LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available, in accordance with this section and the regulations prescribed under subsection (e), logistics support and logistics services to a contractor in support of the performance by the contractor of a contract for the construction, modification, or maintenance of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any logistics support and logistics services that is to be provided under this section to a contractor in support of the performance of a contract shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The logistics support and logistics services that may be provided under this section in support of the performance of a contract described in subsection (a) are the distribution, disposal, and cataloging of materiel and repair parts necessary for the performance of that contract.

(d) LIMITATIONS.—(1) The number of contracts described in subsection (a) for which the Secretary makes logistics support and logistics services available under the authority of this section may not exceed five contracts. The total amount of the estimated costs of all such contracts for which logistics support and logistics services are made available under this section may not exceed \$100,000,000.

(2) No contract entered into by the Director of the Defense Logistics Agency under subsection (b) may be for a period in excess of five years, including periods for which the contract is extended under options to extend the contract.

(e) REGULATIONS.—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that logistics support and logistics services are provided under this section only

when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the authority under this section to be used only for providing logistics support and logistics services in support of the performance of a contract that is entered into using competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(2) A requirement for the solicitation of offers for a contract described in subsection (a), for which logistics support and logistics services are to be made available under this section, to include—

(A) a statement that the logistics support and logistics services are to be made available under the authority of this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the logistics support and logistics services that are to be made available to the contractor.

(3) A requirement for the rates charged a contractor for logistics support and logistics services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(4) A requirement to credit to the General Fund of the Treasury amounts received by the Department of Defense from a contractor for the cost of logistics support and logistics services provided to the contractor by the Department of Defense under this section but not paid for out of funds available to the Department of Defense.

(5) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(6) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of logistics support and logistics services provided to the contractor under this section.

(f) **RELATIONSHIP TO TREATY OBLIGATIONS.**—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

(g) **TERMINATION OF AUTHORITY.**—(1) The authority provided in this section shall expire on September 30, 2007, subject to paragraph (2).

(2) The expiration of the authority under this section does not terminate—

(A) any contract that was entered into by the Director of the Defense Logistics Agency under subsection (b) before the expiration of the authority or any obligation to provide logistics support and logistics services under that contract; or

(B) any authority—

(i) to enter into a contract described in subsection (a) for which a solicitation of offers was issued in accordance with the regulations prescribed pursuant to subsection (e)(2) before the date of the expiration of the authority; or

(ii) to provide logistics support and logistics services to the contractor with respect to that contract in accordance with this section.

Mr. WARNER. Mr. President, this is an administration proposal, and there is concurrence on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3939) was agreed to.

Mr. LEVIN. 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. 3940

Mr. LEVIN. Mr. President, on behalf of Senator WARNER and myself, I send an amendment to the desk which will transfer funding for the Compass Call aircraft between two lines within the aircraft procurement Air Force account. This is a technical correction that the Air Force has asked we make in the budget request.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3940.

The amendment is as follows:

(Purpose: To provide for the amount for the Compass Call program of the Air Force to be available within classified projects)

On page 23, between lines 12 and 13, insert the following:

SEC. 135. COMPASS CALL PROGRAM.

Of the amount authorized to be appropriated by section 103(1), \$12,700,000 shall be available for the Compass Call program within classified projects and not within the Defense Airborne Reconnaissance Program.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3040) was agreed to.

Mr. LEVIN. 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. 3941

(Purpose: To reallocate \$5,000,000 of the authorization of appropriations for Other Procurement, Navy, for the integrated bridge system to items less than \$5,000,000 from the Aegis support equipment)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration, and I ask the clerk to read the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 3941:

On page 17, strike line 14, and insert the following:

SEC. 121. INTEGRATED BRIDGE SYSTEM.

(a) **AMOUNT FOR PROGRAM.**—Of the amount authorized to be appropriated by section 102(a)(4), \$5,000,000 shall be available for the procurement of the integrated bridge system in items less than \$5,000,000.

(b) **OFFSETTING REDUCTION.**—Of the total amount authorized to be appropriated by

section 102(a)(4), the amount available for the integrated bridge system in Aegis support equipment is hereby reduced by \$5,000,000.

Mr. WARNER. Mr. President, this is a technical amendment to correct the procurement line associated with the integrated bridge system in the other procurement and Navy funding account. My understanding is it is cleared on the other side.

Mr. LEVIN. The amendment has been cleared, and we support it.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3941) 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. 3942

Mr. LEVIN. Mr. President, I send an amendment on behalf of Senator CLELAND to the desk. This amendment would strike section 344 of our bill which added logistics support functions, acquisition logistics, supply management, system engineering, maintenance, and modification management to the core functions the Secretary of Defense must consider when making determinations about what capabilities should be retained by Government workers in Government-owned/Government-operated facilities. I understand the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3942.

The amendment is as follows:

(Purpose: To strike section 344, relating to clarification of core logistics capabilities)

Strike section 344.

Mr. WARNER. Mr. President, this amendment has been cleared on this side. I ask unanimous consent that a letter relevant to this amendment be printed in the RECORD.

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

THE UNDER SECRETARY OF DEFENSE,

Washington, DC, June 14, 2002.

Hon. SAXBY CHAMBLISS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CHAMBLISS: I am writing regarding the "clarification of required core logistics capabilities" provisions of section 335 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as passed by the House, and section 344 of the National Defense Authorization Act for Fiscal Year 2003, as reported by the Senate Armed Services Committee on May 15, 2002. These provisions would expand the definition of core logistics functions from maintenance and repair to include acquisition, supply, systems engineering, and modification management.

The Department understands that the objective intended by these provisions is to maintain the full range of logistics capabilities necessary to support current and future essential weapon systems and equipment over their entire life cycle. Clearly, the Department has, and plans to retain, a sufficient cadre of logistics specialties to meet this objective. Specifically, we will retain sufficient supply, maintenance and repair, and logistics program management capabilities to sustain our essential equipment over its entire life cycle with the appropriate mix of government personnel, contractor personnel, and public-private partnerships. The specific identification of these skills will be documented through the ongoing Department of Defense core competency review, through implementation of the Future Logistics Enterprise (FLE) initiative, and with supporting policies. I will report to the committee once the requirement for these skills is appropriately documented.

We also understand that there is concern that the Air Force has not yet completed a long-term depot strategy. The Air Force will submit its long-term depot strategy to the Congress in September 2002.

Thank you for considering our views in this matter.

Sincerely,

E.C. ALDRIDGE, JR.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3942) was agreed to.

Mr. LEVIN. 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. 3943

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator COLLINS of Maine which is a technical amendment to correct the Navy research development funding line associated with the laser welding and cutting program. My understanding is this amendment has been cleared on the other side.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Ms. COLLINS, proposes an amendment numbered 3943.

The amendment is as follows:

(Purpose: To reallocate \$6,000,000 of the authorization of appropriations for RDT&E, Navy, for laser welding and cutting demonstration to force protection applied research (PE 0602123N) from surface ship and submarine HM&E advanced research (PE 0603508N)

On page 26, after line 22, insert the following:

SEC. 214. LASER WELDING AND CUTTING DEMONSTRATION.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, \$6,000,000 shall be available for the laser welding and cutting demonstration in force protection applied research (PE 0602123N).

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test,

and evaluation for the Navy, the amount available for laser welding and cutting demonstration in surface ship and submarine HM&E advanced technology (PE 0603508N) is hereby reduced by \$6,000,000.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3943) 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. 3944

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU. This amendment would delete a requirement in the bill that any waiver or deviation from a test and evaluation master plan be approved by the director of operational test and evaluation. I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 3944.

The amendment is as follows:

(Purpose: To make various amendments to the subtitle on improved management of Department of Defense test and evaluation facilities)

On page 37, beginning on line 14, strike "Under Secretary of Defense for Acquisition, Technology, and Logistics" and insert "Director of Operational Test and Evaluation".

On page 41, line 14, strike "Chapter 643" and insert "Chapter 645".

On page 46, line 20, insert "the Under Secretary of Defense for Personnel and Readiness and" after "consult with".

Strike section 236 and insert the following:

SEC. 236. COMPLIANCE WITH TESTING REQUIREMENTS.

(a) ANNUAL OT&E REPORT.—Subsection (g) of section 139 of title 10, United States Code, is amended by inserting after the fourth sentence the following: "The report for a fiscal year shall also include an assessment of the waivers of and deviations from requirements in test and evaluation master plans and other testing requirements that occurred during the fiscal year, any concerns raised by the waivers or deviations, and the actions that have been taken or are planned to be taken to address the concerns."

(b) REORGANIZATION OF PROVISION.—Subsection (g) of such section, as amended by subsection (a), is further amended—

(1) by inserting "(1)" after "(g)";

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the matter consisting of the fourth and fifth sentences as paragraph (4);

(5) by designating the sixth sentence as paragraph (5); and

(6) by realigning paragraphs (2), (3), (4), and (5), as so designated, two ems from the left margin.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3944) was agreed to.

Mr. LEVIN. 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. 3945

Mr. WARNER. Mr. President, on behalf of Senators GRASSLEY, HARKIN, and others I offer an amendment which extends the authority of the Secretary of the Army to integrate commercial activity and manufacturing arsenals until the year 2004. My understanding is the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRASSLEY, for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, and Mrs. LINCOLN, proposes an amendment numbered 3945.

The amendment is as follows:

(Purpose: To extend the Arsenal support program initiative)

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

SEC. 346. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-65) is amended by striking "and 2002" and inserting "through 2004".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "2002" and inserting "2004"; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: "Not later than July 1, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary's views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b)."

Mr. GRASSLEY. Mr. President, I am offering an amendment to reauthorize the Arsenal Support Program Initiative, ASPI, for 2 more years. This program has been successful but the need continues.

Both the Rock Island Arsenal and the Watervliet Arsenal are now suffering from underutilization. Both are currently at under 30 percent of their capacity. This underutilization has greatly affected overhead rates at both arsenals, making it increasingly difficult to compete with private industry. At the same time, the base of skilled arsenal workers has steadily eroded.

I strongly believe that an organic industrial base must be maintained if we are to be prepared to meet future, unanticipated national security needs. Arsenals provide a valuable rapid manufacturing capability for specialized

and unique defense manufacturing needs. The decline in skilled arsenal workers is therefore particularly troubling in light of the new threats our forces will face in the war on terrorism.

The ASPI addresses the problem of underutilization of arsenals by encouraging private industry to utilize the arsenals. This provides a way to help keep the arsenal industrial base warm, while helping to save taxpayer dollars by supplementing arsenal overhead costs. The ASPI has already helped initiate many beneficial relationships with private industry. For instance, the Rock Island Arsenal currently has a contract with the Quad City Labor Management Partnership, which provides training to Rock Island Arsenal personnel in return for the use of administrative space. Another company, TDF Corp., is currently a tenant at the Rock Island Arsenal and the Arsenal is in discussions with a cellular telephone company and others. The Watervliet Arsenal is currently in the process of executing contracts with three different private manufacturers and is exploring other possibilities. Pine Bluff Arsenal has also taken advantage of contracts with the private sector to provide additional revenue.

The Arsenal Support Program Initiative opens up new opportunities for savings at our arsenals as well as making them more self-sufficient. This program is a win-win situation for the Army, the arsenals and industry, and I urge my colleagues to allow this program to continue.

Mr. HARKIN. Mr. President, I am pleased to be offering with Senator GRASSLEY and with our colleagues from Illinois, New York, and Arkansas, a bipartisan amendment of importance to Rock Island Arsenal. This amendment is needed for the continuation of the Arsenal Support Program Initiative, or ASPI.

In 1992 we passed the ARMS initiative to help the ammunition plants, including the Iowa Army Ammunition Plant, bring in commercial tenants that would pay part of the cost of these large plants. The initiative has been very successful and has saved taxpayers money. ASPI brings a similar program to the Rock Island, Watervliet, and Pine Bluff arsenals. Rock Island and the other arsenals have extraordinary workforce, space, and equipment that are underutilized in peacetime operations but are needed for wartime surge capabilities as well as smaller critical emergencies. The costs of the underutilized space and equipment must be paid for directly by taxpayers, or charged as overhead to work at the arsenals, causing high prices to military customers and, in an unfortunate spiral, decreasing utilization of the arsenals. ASPI is intended to help bring in commercial firms to use the available workforce, buildings, and equipment and help pay for their costs.

ASPI was first passed in the fiscal year 01 Defense Authorization bill as a

two-year pilot program. It was funded for the first time last year with \$7.5 million in the fiscal year 02 Defense Appropriations bill. This has not given enough time to get the program fully underway. Thus this amendment would extend the program for two additional years, through 2004. It also would update reporting requirements to help Congress evaluate the program.

The arsenals have never been more important to our military capabilities and have never faced more difficult times. Rock Island Arsenal has a highly skilled and dedicated workforce, impressive manufacturing capabilities, and a great history of service, but is not being used enough. I am pleased that this bill has funding for the unutilized capacity, but even better, this amendment should reduce the need for such funds in the future. I have every hope that ASPI will be as successful as the ARMS initiative, and will help Rock Island Arsenal thrive in its mission to protect the national security. I am pleased that Chairman LEVIN has agreed to accept this amendment, and as it is identical to a provision in the House bill, I hope it will soon be enacted into law.

Mr. WARNER. Mr. President, I believe this has been cleared on the other side, and I urge its adoption.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3945) 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. 3946

Mr. LEVIN. Mr. President, on behalf of Senators CLELAND and HUTCHINSON, I send an amendment to the desk which extends the term of the multiyear procurement of C-130J variants to 6 program years. I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND and Mr. HUTCHINSON, proposes an amendment numbered 3946.

The amendment is as follows:

(Purpose: To authorize a 6-year period for a multiyear contract for the procurement of C-130J aircraft and variants)

On page 17, line 23, insert before the period the following: “, and except that, notwithstanding subsection (k) of such section, such a contract may be for a period of six program years”.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3946) was agreed to.

Mr. LEVIN. 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. 3947

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, a technical amendment to clarify the rate paid to dependents using transferred benefits while the military sponsor is on active duty. I believe the amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3947.

The amendment is as follows:

(Purpose: To clarify the rate of educational assistance under the Montgomery GI Bill for dependents transferred entitlement by members of the Armed Forces with critical skills)

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

SEC. 655. RATE OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL OF DEPENDENTS TRANSFERRED ENTITLEMENT BY MEMBERS OF THE ARMED FORCES WITH CRITICAL SKILLS.

(a) CLARIFICATION.—Section 3020(h) of title 38, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “paragraphs (4) and (5)” and inserting “paragraphs (5) and (6)”; and

(B) by striking “and at the same rate”;

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

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

“(3)(A) Subject to subparagraph (B), the monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 3015 and 3022 of this title to the individual making the transfer.

“(B) The monthly rate of assistance payable to a dependent under subparagraph (A) shall be subject to the provisions of section 3032 of this title, except that the provisions of subsection (a)(1) of that section shall not apply even if the individual making the transfer to the dependent under this section is on active duty during all or any part of enrollment period of the dependent in which such entitlement is used.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), to which such amendments relate.

Mr. WARNER. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3947) was agreed to.

Mr. LEVIN. 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. 3948

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, which would repeal a 10-percent limitation on authority to grant officers in grades below brigadier general and rear admiral (lower half) a

waiver of the required sequence of joint professional military education and joint duty assignment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3948.

The amendment is as follows:

(Purpose: To repeal a limitation on authority to grant officers in grades of colonel (or captain, in the case of the Navy) and below a waiver of the required sequence of joint professional military education and joint duty assignment)

On page 100, between lines 3 and 4, insert the following:

SEC. 503. REPEAL OF LIMITATION ON AUTHORITY TO GRANT CERTAIN OFFICERS A WAIVER OF REQUIRED SEQUENCE FOR JOINT PROFESSIONAL MILITARY EDUCATION AND JOINT DUTY ASSIGNMENT.

Section 661(c)(3)(D) of title 10, United States Code, is amended by striking "In the case of officers in grades below brigadier general" and all that follows through "selected for the joint specialty during that fiscal year."

Mr. WARNER. Mr. President, this amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3948) was agreed to.

Mr. LEVIN. 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. 3949

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, which would extend for 1 year the authority of the Secretary of Defense to contract with physicians to provide new-recruit physicals at military entrance processing stations.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3949.

The amendment is as follows:

(Purpose: To extend temporary authority for entering into personal services contracts for the performance of health care responsibilities for the Armed Forces at locations other than military medical treatment facilities)

On page 154, after line 20, add the following:

SEC. 708. EXTENSION OF TEMPORARY AUTHORITY FOR ENTERING INTO PERSONAL SERVICES CONTRACTS FOR THE PERFORMANCE OF HEALTH CARE RESPONSIBILITIES FOR THE ARMED FORCES AT LOCATIONS OTHER THAN MILITARY MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3949) was agreed to.

Mr. LEVIN. 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. 3950

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, which would extend the temporary authority for recall of retired aviators to active duty to September 30, 2008.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3950.

The amendment is as follows:

(Purpose: To extend the temporary authority for recall of retired aviators)

On page 100 between lines 3 and 4, insert the following:

SEC. 503. EXTENSION OF TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.

Section 501(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 589) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3950) was agreed to.

Mr. LEVIN. 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. 3951

Mr. LEVIN. Mr. President, on behalf of Senator SESSIONS and myself, I send an amendment to the desk which would authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation and would require the Secretary's annual report on the Institute to include the annual report of the board of visitors. 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 himself and Mr. SESSIONS, proposes an amendment numbered 3951.

The amendment is as follows:

(Purpose: To authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation, and to require the Secretary's annual report on the Institute to include the annual report of the Board of Visitor's for the Institute)

On page 200, between lines 14 and 15, insert the following:

SEC. 905. WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—Section 2166 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (e) the following new subsection (f):

"(f) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) The Secretary of Defense may, on behalf of the Institute, accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Institute.

"(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the Institute. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Institute for the same purposes and same period as the appropriations with which merged.

"(3) The Secretary of Defense shall notify Congress if the total amount of money accepted under paragraph (1) exceeds \$1,000,000 in any fiscal year. Any such notice shall list each of the contributors of such money and the amount of each contribution in such fiscal year.

"(4) For the purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country."

(b) CONTENT OF ANNUAL REPORT TO CONGRESS.—Subsection (i) of such section, as redesignated by subsection (a)(1), is amended by inserting after the first sentence the following: "The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board's report."

Mr. LEVIN. Mr. President, the amendment that I am offering, along with Senator SESSIONS, deals with two issues relating to the Western Hemisphere Institute for Security Cooperation. Both of these issues came to light during the first ever meeting of the Board of Visitors of the Institute. Both Senator SESSIONS and I are members of the Board.

During the first Board meeting, which incidentally was an organizational meeting, the Board was informed that there was a question as to the authority of the Secretary of Defense to accept foreign gifts or donations, including lecture services and faculty services, on behalf of the Institute. The Board was further informed that the loss of the foreign faculty instructors would severely hamper the ability of the Institute to perform its mission.

Additionally, the Board of Visitors learned that its annual report to the Secretary of Defense would not necessarily be submitted to Congress. The Board considered that its annual report, which would include its views and recommendations pertaining to the Institute, including the curriculum, instruction, physical equipment, fiscal affairs, and academic matters, should be submitted to Congress by the Secretary of Defense along with the Secretary's comments.

Accordingly, the amendment we are offering would authorize the Secretary of Defense to accept foreign gifts and donations for the Institute, and would require the Secretary of Defense's annual report to Congress on the Institute to include the annual report of the Board of Visitors along with the Secretary's comments on the Board's report. I ask my colleagues for their support for this amendment.

Mr. WARNER. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3951) was agreed to.

Mr. LEVIN. 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.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 5 minutes each.

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

WEST VIRGINIA DAY, 2002

Mr. BYRD. Mr. President and fellow Senators, have you noticed how everyone seems a little happier today? Their smiles are brighter, their greetings are a little more gracious and their thank yous are more sincere. Have you noticed how the sun seems to be shining brighter today and food tastes better today? The air seems sweeter today.

The Senator from Pennsylvania does not know what a great day this is.

That is, no doubt, because today is June 20, and that means it is West Virginia Day. All over the country, it is June 20th. All over the world, it is June 20th. That means all over the country, and all over the world, it is West Virginia Day.

It was 139 years ago today that West Virginia, by an act of Congress and the signature of President Abraham Lincoln, became the thirty-fifth state of our Union.

The birth of the State of West Virginia was not an easy delivery. It involved great labor pains, and blood, sweat, and tears. West Virginia was born in the middle of our country's bitter, divisive, and bloody Civil War, and there were serious constitutional questions involved in her delivery.

But goodness and righteousness prevailed and West Virginia, predicated upon its allegiance to the Constitution and the republic, became a State, and here I am. Had that not happened, I would not have been here. This Union may not have survived.

It all began on that great and glorious day of June 20th, 1863—and what a great and glorious day it was. It was a day a local newspaper, the *Wheeling Intelligencer*, called a "great gala day." The newspaper reported that "thousands of people from abroad" joined with the new state officials and the "entire population" of Wheeling, the city where the official ceremony took place, to celebrate the occasion.

Business was suspended. Workers were given the day off.

Flags were everywhere—everywhere, on all the street corners, along all the streets. Flags of all sizes were flown from every housetop and every business in the city. It was reported that flags were as "thick as the locusts that were then occupying the suburbs and surrounding countryside."

The ceremonies included brigade bands playing patriotic songs, and units of the West Virginia militia parading through the town. There were countless toasts and even more cheers for the United States and for its new state, the State of West Virginia.

And, of course, there were political speeches.

The man considered the "father of West Virginia," Francis H. Pierpont, declared:

May we [meaning West Virginia]—may we from this small beginning today, grow to be the proudest state in all the glorious galaxy of States that form the Nation.

Waitman T. Willey, one of the State's first two U.S. Senators, proclaimed:

What we have longed for and labored for and prayed for is [now] a fixed fact. West Virginia is a fixed fact.

West Virginia is a fixed fact.

The first Governor of the State, Arthur Boreman, a 39-year-old man with a full-flowing black beard, promised to do everything in his power "to advance the agricultural, mining, and manufacturing, and commercial interests of the State."

After the speeches, 35 little girls representing the 35 states of the Union, sang more patriotic songs and the band played the "Star Spangled Banner."

The day closed with a "brilliant display of fireworks" over the Ohio River.

The next day, the *New York Post* reported:

[B]orn amid the turmoil of the Civil War and cradled by the storm . . . the 35th State is now added to the American union.

The *New York Times* echoed the words of Senator Willey with the headline that read "West Virginia is now a fixed fact."

The State of West Virginia was a "fixed fact," but its future was not. The State's childhood and adolescence were to be as difficult and tumultuous as its birth.

The State of West Virginia soon became an economic colony of northeastern, absentee landlords, the infamous Robber Barons of the late nineteenth century, who ruthlessly exploited the State for its rich natural resources.

Other problems came piling on. From the Monongah mine disaster of 1907, when I believe 361 miners lost their lives, the worst coal-mine disaster in American history, to the Marshall University plane crash of 1970, the worst sports tragedy in American history, the people of West Virginia came to know and suffer many and various forms of tragedy, including the Silver Bridge collapse at Point Pleasant, the Buffalo Creek Slag Dam collapse in Logan County, as well as a multitude of deadly mine explosions and disastrous floods.

And for too long, the State suffered from economic backwardness.

Through it all, the courageous, patriotic, and dedicated people of West Virginia have remained loyal to their country and their government.

They have continued to supply the nation with the energy it needs to heat our homes, to light these Chambers, fuel our battleships, and power our massive industries.

And the people of West Virginia have served our country in times of war as well as peace. West Virginians have fought and died in our nation's wars, including World War II, Korea and Vietnam, far beyond proportion to West Virginia's population size.

Meanwhile, the people of West Virginia have struggled to overcome exploitation and oppression by joining unions and electing political leaders who would better represent them. It took decades and it took tremendous effort, but, as I have said, the spirit of West Virginia is to "endure and to prevail." The people of West Virginia endured and they have prevailed.

One of my favorite Roman philosophers, Seneca, said, "Fire is the test of gold; adversity, of strong men."

Today, many strong men and women have brought West Virginia to the brink of vast social and economic change. The State is cultivating new economic growth and prosperity as a result of a bumper crop of better roads, new technology, and forward-looking leadership. Traditional industries are being augmented by fresh business activity, flexible manufacturing, leading-edge and information-age high technology.

People across America are discovering West Virginia. They are coming to West Virginia to camp, hike, fish, raft our white waters, and ski our slopes.

They are discovering the natural wonders of my State—that West Virginia is truly one of the most beautiful states in the union. With its rushing, trout-filled mountain streams, its majestic rolling green hills, picturesque villages and towns, magnificent forests, scenic State parks, no wonder the