



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, THURSDAY, DECEMBER 13, 2001

No. 173

## House of Representatives

CONFERENCE REPORT ON S. 1438,  
NATIONAL DEFENSE AUTHORIZA-  
TION ACT FOR FISCAL YEAR 2002

Mrs. MYRICK. Mr. Speaker, by direc-  
tion of the Committee on Rules, I call  
up House Resolution 316 and ask for its  
immediate consideration.

The Clerk read the resolution, as fol-  
lows:

H. RES. 316

*Resolved*, That upon adoption of this resolu-  
tion it shall be in order to consider the  
conference report to accompany the bill (S.  
1438) to authorize appropriations for fiscal  
year 2002 for military activities of the De-  
partment of Defense, for military construc-  
tion, and for defense activities of the Depart-  
ment of Energy, to prescribe personnel  
strengths for such fiscal year for the Armed  
Forces, and for other purposes. All points of  
order against the conference report and  
against its consideration are waived. The  
conference report shall be considered as  
read.

The SPEAKER pro tempore. The gen-  
tlewoman from North Carolina (Mrs.  
MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the  
purpose of debate only, I yield the cus-  
tomary 30 minutes to the gentleman  
from Texas (Mr. FROST), pending which  
I yield myself such time as I may con-  
sume. During consideration of this resolu-  
tion, all time yielded is for the purpose  
of debate only.

This morning, the Committee on  
Rules met and granted a rule providing  
for further consideration of S. 1438, the  
fiscal year 2002 Department of Defense  
Authorization Act. The rule waives all

points of order against the conference  
report and against its consideration.  
The rule also provides that the con-  
ference report shall be considered as  
read.

Mr. Speaker, this rule allows us to  
finish up our work on the defense bill.  
All of us, on both sides of the aisle, rec-  
ognize that we must provide for our  
military in this time of crisis. Indeed,  
the gentleman from Texas (Mr. FROST)  
who is managing this rule for the mi-  
nority, has always been a strong advo-  
cate for our men and women in uni-  
form.

The American people realize how im-  
portant this is because we can leave  
nothing to chance. The primary pur-  
pose of the Federal Government is to  
defend our citizens, and the military is  
our primary source of that defense. We  
must act quickly to give our men and  
women in uniform the tools that they  
need to patrol our borders and to pre-  
vent terrorist attacks.

So let us pass this rule and pass the  
underlying defense bill. At the end of  
the day, we will have provided \$343 bil-  
lion to our Armed Forces, the largest  
increase in support for our military  
since the mid-1980s. These funds in-  
clude \$7 billion to fight terrorist, and  
at this crucial time in our history, this  
bill is most important.

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

Mr. FROST. Mr. Speaker, I yield my-  
self such time as I may consume.

Mr. Speaker, as we speak, Mr. Speak-  
er, the brave men and women of the

U.S. military are halfway around the  
world waging and winning the war on  
terrorism. Their courage and profes-  
sionalism are a fitting tribute to the  
strength and unity of the United States  
of America.

At the same time, the American peo-  
ple have pulled together to support the  
war abroad, and to protect each other  
here at home.

Here in Congress, there is strong bi-  
partisan support for America's Armed  
Forces. The history of this defense au-  
thorization bill reflects that fact. In  
August, the House Committee on  
Armed Services reported its original  
version on a bipartisan vote of 58-1.  
The full House then passed H.R. 2586 by  
a vote of 398-17 on September 25. I am  
confident that another large, bipar-  
tisan majority will pass this conference  
report today.

Mr. Speaker, that is because Demo-  
crats and Republicans are strongly  
committed to America's national de-  
fense and to the first rate military that  
carries it out. The security of the  
United States of America is not a par-  
tisan issue.

Mr. Speaker, this is a good con-  
ference report, and the gentleman from  
Arizona (Chairman STUMP) and the  
gentleman from Missouri (Mr. SKEL-  
TON), the ranking Member, deserve tre-  
mendous credit for their hard work for  
America's troops.

This conference report provides \$7  
billion to combat terrorism and defeat

### NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be \$422 per year or \$211 for six months. Individual issues may be purchased for \$5.00 per copy. The cost for the microfiche edition will remain \$141 per year with single copies remaining \$1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H10069

weapons of mass destruction, a substantial and much-needed increase. It provides for a significant military pay raise, and for substantial increases in critical readiness accounts. It strengthens research for tomorrow's weapons and equipment, while providing the weapons and equipment the U.S. military needs today.

Mr. Speaker, I am especially pleased by the substantial quality of life improvements in this bill. It includes a significant pay raise of between 5 and 10 percent for every member of the military. And to boost critical mid-level personnel retention, much of the pay raise will be directed toward junior officers.

The bill also significantly increases health benefits for servicemembers and their families, and it provides \$10.5 billion, some \$528 million more than the President requested, for military construction and family housing, because the men and women who defend America should not have to live and work in substandard facilities.

□ 1100

I am also pleased that this conference report continues to fund the wide range of weapons programs that ensure our military superiority throughout the world. For instance, it includes more than \$2.6 billion for the initial production of 13 of the F-22 Raptor aircraft, the next-generation air dominance fighter for the Air Force. The conference report also includes \$379 million for F-22 advance procurement for fiscal year 2003, and more than \$865 million for research and development for this aircraft.

Additionally, Mr. Speaker, the conference report provides some \$1.5 billion for continued development of the Joint Strike Fighter, the high-technology, multi-role fighter of the future for the Air Force, the Navy and the Marines. And it includes \$1.3 billion for the procurement of 11 MV-22 Osprey aircraft for the Marine Corps, and \$559.4 million for research and development for the Navy, Air Force and Special Operations Command versions of this vital aircraft.

Mr. Speaker, all of these aircraft are important components in our national arsenal, and moving forward on their research and production sends a clear signal that the United States has no intention of relinquishing our air superiority.

The first duty of the Congress, Mr. Speaker, is to provide for the national defense and for the men and women who protect it. This bipartisan bill does a great deal to improve military readiness and to improve the quality of life for our men and women in uniform, as well as for their families.

For that reason, I urge the adoption of this rule and of this bill.

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

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is well known that Americans today have a very special challenge. With the backdrop of the loss of life on September 11, we do have the responsibility to ensure that this Nation is secure.

With that, Mr. Speaker, I do rise in support of this rule and, as well, offer my tentative support for the authorization bill. I say that because we are doing what we need to do as it relates to our military personnel. We are providing them with the necessary pay raise to provide the excellence and the remuneration that they deserve in ensuring the safety of this Nation and around the world. It is important as well that they have the necessary equipment, the necessary flight equipment and training that this legislation suggests.

Mr. Speaker, however, I believe that there are dollars expended that could be utilized in a different approach. We need dollars for homeland security, and this bill includes \$8.3 billion for ballistic missile defense. There is no proof, Mr. Speaker, that this expenditure of dollars is going to make America any more secure. There is no proof that, in fact, these dollars could not be better utilized in providing dollars to our emergency first responders, our police and fire, to our public hospital system. Anthrax is still a scare in this Nation and the better direction would have been to utilize these dollars. No one has determined as to whether or not this world will enter into a nuclear war and these ballistic missile dollars will be of any value.

Additionally, I would hope that the \$14 billion for nuclear weapons-related activities of the Department of Energy will be used to end nuclear proliferation. That would be the better use of those dollars.

Mr. Speaker, it would have been helpful if all of us could have had the kind of input and assessment on how these dollars should have been directed. To the personnel, I say yes. To the improvement in housing and other living conditions, yes. To the necessary equipment utilized by our military, absolutely. But to the needs of those who also confront homeland defense, we did not do them a service in this legislation.

For the very reason that we are fighting terrorism, Mr. Speaker, I believe it is necessary to support this legislation; but I hope that we will have, as the Congress continues, the opportunity to reassess the direction in which we go.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the Member for yielding me the time. I want to also thank the ranking member, the chairman of the committee, and the membership of the committee

for their fine work. I think that they have, under very difficult circumstances, gone about doing the work that is important to the country and uniting the country and making sure that the country is protected.

What I am concerned about is that this House has continually stood up and voted against any additional base closure commissions. I recognize that there is the possibility of a recom-mittal motion which will be able to be addressed, but I also notice that there may not be any time to be able to have that discussion. I know that the House has stood firm and negotiated in very difficult circumstances to be able to make what they felt was a very important effort in this regard. But having been a part of a process in 1995 and witnessing it firsthand and also being able to watch it and participate in another instance back in 1988 in that process and then recognizing that we may not have gained the savings that were supposed to be gained, and then also at the same time recognizing that a lot of the communities that were left behind were truly left behind, there was no additional resources for environmental or community cleanup. Once the facility was closed, that was it; and we were left as communities to have to struggle with that.

I am concerned about pushing this forward, also, at the same time that we are looking at a war that we really have not got complete understanding in terms of the depth and degree of what we are up against in terms of this worldwide effort against terrorism. I appreciate the House conferees and their resistance to this motion in this element of the bill, but I also recognize that it now is in the conference report. I wanted to have an opportunity to be able to address it because I do not think at this time that it makes sense to be moving forward in this regard at the same time that we are still trying to develop the quadrennial report in terms of our defense needs and at the same time we are trying to better ascertain whether those bases are going to be needed or not needed. And I think it is at a time where we are at war and united in the war effort, we will begin engaging communities and also areas and interests to be trying to protect those bases at the same time that we are engaged in a war, which may prove to be ultimately dividing up our strength and unity that we have been able to have at this time.

I wanted to register that concern about this product. I recognize that there is an awful lot here for pay raises. Our troops need the pay raises, and I noticed that health care and other issues have been taken.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. I thank the gentleman for yielding me this time.

START

Mr. Speaker, I support this rule and will support the conference report. There are some things in the conference report that are not fully satisfactory to me, as is often the case with conference reports. But the conference report also includes some items that I very strongly support, and I want to speak briefly about two of them.

First, the conference report includes legislation dealing with the future of Rocky Flats, the former nuclear-weapons production facility in Colorado. Under this part of the conference report, Rocky Flats will be transferred from the Department of Energy to the Department of the Interior once it is cleaned up and closed and then will be managed as a national wildlife refuge. This builds on legislation that I first introduced in the 106th Congress to preserve this area for its open space and wildlife resources and incorporates the later bill that I developed in collaboration with Senator ALLARD. I had the privilege of serving as a House conferee on this provision, and I am very pleased that the other conferees agreed to its inclusion in the final bill.

In years past, Rocky Flats made significant contributions to our Nation's security and the economies of the local communities surrounding it. But it was always more than just an industrial site. In fact, the Colorado Natural Areas Program determined that this 6,400-acre landscape, with its prairie grasses, numerous creeks and draws and ponds, contains some of the most highly valued and rare examples of dry, upland prairie ecosystems in the country. Rocky Flats will be a most worthwhile addition to the Nation's wildlife refuge system.

Mr. Speaker, there is another important reason that the House should approve the conference report. The report includes vital funding for people covered by the Radiation Exposure Compensation Act, or RECA. The people covered by RECA include uranium miners and millers and others who worked to support the nuclear weapons program or who were exposed to its fallout. And because of that exposure, they are sick with cancers and other serious diseases. Many of them are residents of Colorado, New Mexico, Utah, and other western States.

When Congress enacted the RECA law, we promised to pay compensation for their illnesses. But we have not fully kept that promise. We have been slow to appropriate enough money to pay everyone who is entitled to be paid. As a result, too often the Department of Justice has had to send people letters saying that while they are entitled to the money Congress promised, their payments would have to wait until Congress made good on its word. I think that should not happen again.

That is why I have joined in sponsoring legislation to make these RECA payments completely automatic. The conference report does not quite do that, but it does provide mandatory funds for paying RECA claims through

2011, subject to certain limits. I do not know if the limits set in the conference report will be adequate, but it is important that we act now to reduce the chance that more people will be sent IOUs instead of the money to which they are entitled.

Mr. Speaker, for those reasons above, I urge approval of the rule and the conference report.

Mr. Speaker, I am pleased to express my support for the provision in this bill which would transfer the former Rocky Flats nuclear weapons facility in Colorado to the Interior Department for management as a national wildlife refuge once the site is cleaned up and closed.

This provision was developed through a collaborative partnership with Senator ALLARD. Together, we were able to produce a bill that we hope will stand as a model for transitioning former nuclear weapons sites across the country into productive natural assets for their surrounding communities.

In shaping this legislation, Senator ALLARD and I consulted closely with local communities, State and Federal agencies, and interested members of the public. We received a great deal of very helpful input, including many detailed reactions to and comments on related legislation that I introduced in 1999 and discussion drafts that Senator ALLARD and I circulated in 2000.

The Rocky Flats facility made some significant contributions to our nation's security and the economies of local communities. The language of this provision includes a strong acknowledgment of that history and legacy. Its mission has shifted from weapons production to cleanup, and looking toward the completion of the process I recognized a need and an opportunity for another new mission—to preserve the open spaces and wildlife habitat that has remained relatively untouched behind security fences and guard shacks.

That is why in 1999 I proposed that the site remain in federal ownership as open space. And when after that there was a suggestion of converting the site to a national wildlife refuge, I supported that approach because it was consistent with the principles of federal ownership, open space and habitat protection, and thorough, effective cleanup.

In fact, this 6,400-acre landscape, with its prairie grasses, numerous creeks and draws, and ponds is ideal wildlife habitat. As evidence of this value, the Colorado Natural Areas Program, which evaluates landscapes in Colorado for unique, threatened and critical natural resources, determined that the Rocky Flats area contains some of the most highly valued and rare examples of dry, upland prairie ecosystems in the country. This area will thus be a valued addition to the nation's wildlife refuge system and in so doing will thereby protect these resources for generations to come.

This provision contains a number of elements, which I outline in more detail below. But let me address just a couple of specific issues that have generated much discussion.

First, the National Renewable Energy Laboratory (NREL) and its National Wind Technology Center. This research facility, which is located northwest of the site, has been conducting important research on wind energy technology. As many in the region know, this area of the Front Range is subjected to strong winds that spill out over the mountains and

onto the plains. This creates ideal wind conditions to test new wind power turbines. I support this research and believe that the work done at this facility can help us be more energy secure as we find ways to make wind power more productive and economical. NREL has been interested in expanding the wind power research performed on this site. To accommodate that, the legislation provides for 25 acres in the northwest section of the site to be retained by DOE for the expansion of the Center.

Second, transportation issues. Rocky Flats is located in the midst of a growing area of the Denver metropolitan region. As this area's population continues to grow, pressure is being put on the existing transportation facilities just outside the site's borders. The communities that surround the site have been considering transportation improvements in this area for a number of years—including the potential completion of a local beltway. In recognition of this, the legislation allows for some Rocky Flats land along Indiana Street (the eastern boundary of the site) to be used for this purpose under certain circumstances.

Third, the legislation requires the DOE and the Department of the Interior to develop a memorandum of understanding to help facilitate smooth transition from Rocky Flats's current status to the new status provided for by the legislation. In this regard it is important to note that the legislation requires DOE to retain any "engineered structure" that may be needed to control the release of contamination. This language in no way requires the DOE to construct any facility for the long-term storage of wastes or materials. Rather, it is expected that wastes and materials presently stored on the site or generated during cleanup and closure will be transported to safe and secure off-site locations. Hence, this language is only intended to refer to the types of structures typically used to control the release of contamination, such as ongoing operation and maintenance intercept and treatment systems that are envisioned under Superfund remediations.

Fourth, private property rights. Most of the land at Rocky Flats is owned by the federal government, but within its boundaries there are a number of pre-existing private property rights, including mineral rights, water rights, and utility rights-of-way. In response to comments from many of their owners, the legislation acknowledges the existence of these rights, preserves the rights of their owners, including rights of access, and allows the Secretaries of Energy and Interior to address access issues to continue necessary activities related to cleanup and closure of the site and proper management of its resources.

With regard to water rights, the legislation protects existing easements and allows water rights holders access to perfect and maintain their rights. With regard to mineral rights, the Secretaries of Energy and Interior, through the MOU, are directed to work together to address any potential impacts associated with these rights on the refuge. Finally, with regard to power lines and the proposal to extend a line from a high-tension line that currently crosses the site, the legislation preserves the existing rights-of-way for these lines and allows the construction of one power line from an existing line to serve the growing region northwest of Rocky Flats. The DOE is presently working with Xcel to locate the final alignment for this power line extension to the site's eastern boundary.

Fifth, the Rocky Flats Cold War Museum. The legislation authorizes the establishment of a museum to commemorate the Cold-War history of the work done at Rocky Flats. Rocky Flats has been a major facility of interest to the Denver area and the communities that surround it. Even though this facility will be cleaned up and closed down, we should not forget the hard work done here, what role it played in our national security and the mixed record of its economic, environmental and social impacts. The city of Arvada has been particularly interested in this idea, and took the lead in proposing inclusion of such a provision. However, a number of other communities have expressed interest in also being considered as a possible site for the museum. Accordingly, the legislation provides that Arvada will be the location for the museum unless the Secretary of Energy, after consultation with relevant communities, decides to select a different location after consideration of all appropriate factors such as cost, potential visitation, and proximity to the Rocky Flats site.

Finally, cleanup levels. Some concerns were expressed that the establishment of Rocky Flats as a wildlife refuge could result in a less extensive or thorough cleanup of contamination from its prior mission that otherwise would occur. Of course, that is not the intention of this legislation. The legislation ensures that the cleanup is based on sound science, compliance with federal and state environmental laws and regulations, and public acceptability.

Specifically, the cleanup is tied to the levels that will be established in the Rocky Flats Cleanup Agreement (RFCA) for soil, water and other media following a public process to review and reconsider the cleanup levels in the RFCA. In this way, the public will be involved in establishing cleanup levels and the Secretary of Energy will be required to conduct a thorough cleanup based on that input.

In addition, and very importantly, the legislation specifies that the establishment of the site as a wildlife refuge cannot reduce the level of cleanup—thereby establishing that the wildlife refuge designation establishes a minimum standard for cleanup while still allowing for more extensive cleanup and removing any possibility of a lesser cleanup based on use of the lands for a wildlife refuge.

Mr. Speaker, I want to express my thanks to Senator ALLARD for his outstanding cooperation in drafting this important legislation. I am very appreciative of his contributions and those of his staff and look forward to implementing this provision.

I also want to say thank you for all the work and input of the many individuals and groups involved with Rocky Flats and with developing this refuge legislation. There are too many to mention, but I would like to specially acknowledge and thank all of the entities that comprise the Rocky Flats Coalition of Local Governments—Boulder and Jefferson Counties, and the cities of Arvada, Boulder, Broomfield, Superior and Westminster. I also want to thank the past and present members of the Rocky Flats Citizens Advisory Board. My thanks also go to the members of the Friends of the Foothills and Rachael Carson Group, the local chapter of the Sierra Club.

In the past, Rocky Flats has been off-limits to development because it was a weapons plant. That era is over—and its legacy at Rocky Flats has been very mixed, to say the least. But it has left us with the opportunity to

protect and maintain the outstanding natural, cultural, and open-space resources and value of this key part of Colorado's Front Range area. This provision will accomplish that end, provide for appropriate future management of the lands, and will benefit not just the immediate area but all of Colorado and the nation as well.

Here is a brief outline of the main elements of this part of the conference report. It—

Provides that the Federally-owned lands at Rocky Flats site will remain in federal ownership; that the Lindsay Ranch homestead facilities will be preserved; that no part of Rocky Flats can be annexed by a local government; that no through roads can be built through the site; that some portion of the site can be used for transportation improvements along Indiana Street along the eastern boundary; and that 25 acres be reserved for future expansion of the National Wind Technology Center just northwest of the site.

Requires DOE and the U.S. Fish and Wildlife Service to enter into a Memorandum of Understanding within 18 months after enactment to address administrative issues and make preparations regarding the future transfer of the site to the Fish and Wildlife Service and to divide responsibilities between the agencies until the transfer occurs; provides that the cleanup funds shall not be used for these activities.

Specifies when the transfer from DOE to the Fish and Wildlife Service will occur—namely when the cleanup is completed and the site is closed as a DOE facility.

Describes the land and facilities that will be transferred to the Fish and Wildlife Service (most of the site) and the facilities that will be excluded from transfer (including any cleanup facilities or structures that the DOE must maintain and remain liable for);

Directs that the transfer will not result in any costs to the Fish and Wildlife Service.

Directs that the DOE will continue to be required to clean up the site and that in the event of any conflicts, cleanup shall take priority; maintains DOE's continuing liability for cleanup.

Requires the DOE to continue to clean up and close the site under all existing laws, regulations and agreements.

Requires that establishment of the site as a National Wildlife Refuge shall not reduce the level of cleanup required.

Requires the DOE to clean up the site to levels that are established in the Rocky Flats Cleanup Agreement as the agreement is revised based on input from the public, the regulators and the Rocky Flats Soil Action Level Oversight Panel.

Requires DOE to remain liable for any long-term cleanup obligations and requires DOE to pay for this long-term care.

Establishes the Rocky Flats site as a National Wildlife Refuge 30 days after transfer of the site to the Fish and Wildlife Service.

Provides that the refuge is to be managed in accordance with the National Wildlife Refuge System Administration Act.

Provides that the refuge's purposes are to be consistent with the National Wildlife Refuge System Administration Act, with specific reference to preserving wildlife, enhancing wildlife habitat, conserving threatened and endangered species, providing opportunities for education, scientific research and recreation.

Directs the Fish and Wildlife Service to convene a public process to develop management

plans for the refuge; requires the Fish and Wildlife Service to consult with the local communities in the creation of this public process.

Provides that the public involvement process shall make recommendations to the Fish and Wildlife Service on management issues—specifically issues related to the operation of the refuge, any transportation improvements, any perimeter fences, development of a Rocky Flats museum and visitors center; requires that a report is to be submitted to Congress outlining the recommendations resulting from the public involvement process. CCP

Recognizes the existence of other property rights on the Rocky Flats site, such as mineral rights, water rights and utility right-of-way; preserves these rights and allows the rights holders access to their rights.

Allows the DOE and the Fish and Wildlife Service to impose reasonable conditions on the access to private property rights for cleanup and refuge management purposes.

Directs the DOE and the Department of the Interior to address any potential impacts associated with mineral rights (and other property rights) on the refuge.

Allows Xcel, Colorado's public utility, to provide an extension from their high-tension line on the site to serve the area around Rocky Flats.

Authorizes the establishment of a Rocky Flats museum to commemorate the history of the site, its operations and cleanup.

Requires the DOE and the Fish and Wildlife Service to inform Congress on the costs associated with implementing this Act. END

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I urge all my colleagues to vote in favor of the DOD authorization bill. It includes funding for a program that helps a group of people that are near and dear to all of our hearts, our firefighters.

The DOD bill authorizes \$900 million per year for the next 3 years for the Firefighter Assistance Grant program, that bill which was introduced in 1999 and passed last year with a tremendous amount of support across the aisle.

Today, we authorize this grant program at the level it should have been authorized in the first place. We are sending a message to the appropriators, letting them know how valuable we think this program really is. Just last month, we passed the VA-HUD appropriations bill which provides funding of \$150 million for fiscal year 2002. It is far from the amount that I think the members of our fire services deserve and need. But it is a start. If September 11 taught us anything, it is the importance of the firefighters as first responders to the public safety equation. We had to scrape and beg to get \$100 million last year in an emergency spending bill.

The leadership told us they did not believe us when we said the fire services needed this money desperately. Boy, were they wrong. Of the 32,000 fire departments in this country, over 19,000 of them applied for these grants, totaling up to \$3 billion in requests. I am a bit chagrined that we are still scraping and begging the appropriators

for a measly \$150 million in view of the problem. But I tell you, we will take it.

Trust me, you will be hearing from all of the fire departments in your districts around the country, both career and volunteer. The odds are that all of us have a few fire departments at home that will not get a grant this year because there was not enough money. Next year, I bet we will not be begging and scraping. Next year I bet we will be a lot closer to our newly authorized funding level of \$900 million, because there are few heroes in our lives, people who put their necks on the line day in and day out to keep us safe. That is what we are doing here today. We are giving back to those heroes.

□ 1115

I know our contribution to this worthy cause will continue to rise as each of you hears from your own constituents about the need for more fire personnel, more safety equipment and vehicles.

Mr. Speaker, I want to thank folks from both sides of the aisle.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is a good piece of legislation. This is the House of Representatives operating on a bipartisan basis at its highest level. I urge adoption of this rule and adoption of this conference report.

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

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STUMP. Mr. Speaker, pursuant to House Resolution 316, I call up the conference report on the Senate bill (S. 1438), to authorize appropriations for the fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of December 12, 2001, at page H 9333.)

The SPEAKER pro tempore. The gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House the conference report on the fiscal year 2002 Defense Authorization Act.

This legislation results from almost 2 months of intense conference activity resolving hundreds of issues in disagreement with the Senate. It is fair to say that this conference report represents the ultimate compromise, as it has something in it to disappoint virtually everyone involved.

But, that is the nature of this process. You win some, you lose some, and others you try to find a middle ground. The important point, however, is that we have been able to reach an agreement that, in the aggregate, is a good bill and deserves the support of the House.

This bill stays true to the bipartisan and bicameral goal of all conferees, protecting the welfare of our fighting men and women during this time of crisis and providing the President and Secretary of Defense the needed tools to accomplish their difficult mission.

Over the strong reservation of many House Members, including myself, we have agreed to authorize a round of base closures, but not until 2005. We have ensured that the next round of BRAC will stay focused on the overriding objective of enhancing the military posture of the United States and not blindly saving pennies or cutting political deals.

The bill also places the decision process on the thorny issue of Naval training on the island Vieques back where it belongs, in the hands of the Navy officials and out of the political realm.

This conference report also arrives at a good solution on how to proceed with the critical development of a ballistic missile defense system. The agreement provides the President with the option to spend the full amount requested on this important program.

Finally, the bill authorizes the most generous pay raise in 20 years and provides a number of other enhancements of benefits for our men and women in uniform and their families.

Mr. Speaker, at this moment, halfway around the globe, thousands of sons and daughters are engaged in a noble cause against the forces of evil and intolerance. Our job is to support them and provide them with the necessary resources and tools to successfully accomplish this task and ensure that they are safely returned to their families.

The bill provides for all of those goals, and I commend it to my colleagues for support.

Before concluding, I want to briefly express my thanks to all the conferees who have worked so hard on these issues and in particular, my friend and partner, the gentleman from Missouri (Mr. SKELTON), who has shared my firm commitment to ensuring that this bill and the interests of the troops were not sacrificed due to the political difficulties we have faced this year.

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

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1438, the National Defense Au-

thorization Act for fiscal year 2002. I will explain why in a moment, but first let me compliment my friend, the gentleman from Arizona, on the truly outstanding job he did in shaping the conference report. This is the maiden voyage of the gentleman from Arizona (Mr. STUMP) as chairman of the Committee on Armed Services, and the seas were far from smooth. Many of the issues that faced us were particularly difficult for him personally. But I applaud his leadership, and I thank him, and I recognize that the totality of the bill is more important. When our country is at war, he handled that extremely well, and let me thank him publicly for that.

Mr. Speaker, the fact that we are considering this bill today reflects the commitment of the Committee on Armed Services members that we must provide for the men and women of our military when they are sacrificing in so many ways to defend our wonderful country. They are depending on us. We cannot let them down.

Let me cite a few examples. This bill provides a pay raise of at least 5 percent for officers and 6 percent for enlisted personnel, with targeted raises up to 10 percent for some ranks. Without this bill, our troops will not get any pay raise. This bill authorizes \$10.7 billion for military construction and family housing. Without this bill, badly needed improvements to the housing for our service men and women and their families will not be made. For these reasons alone, it is imperative that we pass this bill today.

Other features of the bill are just as important. For instance, the bill authorizes over \$60 billion for procurement and weapons systems modernization. It includes \$1 billion for chemical and biological research to ensure that our citizens may be protected against terrorist attacks in the future. The bill focuses on homeland security and authorizes \$2.7 billion to train and equip local first responders to improve their ability to respond to total terrorist incidents. Finally, the bill funds the operations and maintenance activities of the Department of Defense.

I am not delighted with the outcome of every issue. Far from it. But the point I would make to every Member of this House is that this legislation is vitally important. Our troops need the authorizations in this bill. They are fighting a war.

This bill makes great strides in improving America's security. It reviews the period since September 11 to enhance our military's ability to respond to the new, less-conventional threats that we face. I said 3 months ago that we have been at war for some time, and the difference after September 11 was that now everybody knows it.

Mr. Speaker, this conference report is not perfect. We spend a little less for procurement than I might like, and although we do add funds above the President's request and the provisions on missile defense, Vieques and base closure are not what I might have written on my own, the gentleman from

Arizona (Chairman STUMP) and I agree that the good things in this report far outweigh the others.

This bill moves the military substantially toward new ways of fighting. It helps the Army and Marine Corps move faster, increases the Air Force's qualitative edge, and the pay raise is just the most basic part of our comprehensive improvements in quality of life for America's finest.

Now, more than any time in the last decade, it is essential that this House speak with one voice. Americans are under fire. This vote will not be seen only in Kabul and Baghdad, but Diego Garcia, Fort Irwin, Norfolk and Whiteman Air Force Base. Americans are under fire. Let us give them this support and protection they deserve.

Again, Mr. Speaker, I commend the gentleman from Arizona (Chairman STUMP) for a job well done, and I hope that everyone will vote for this bill.

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

Mr. LARSON of Connecticut. Mr. Speaker, I submit this statement today in support of S. 1438, the National Defense Authorization Act for Fiscal Year 2002. Although I could not be here today during this debate because of a death in my family, I want to say for the record that this is a good bill. It funds the priorities for the nation's military that I have championed since becoming a member of the Armed Services Committee. I want to thank Chairman STUMP and Ranking Member SKELTON for their hard work and leadership during this process.

This bill provides for a five to ten percent pay raise effective January 1, 2001 for the men and women serving in our armed forces. It provides full funding for the Air Force's critical fighter modernization programs, allowing for the procurement of 13 new F-22 fighters and providing over \$1.5 billion for additional Joint Strike Fighter research and development. It also provides a \$25 million increase for F-15 engine upgrades, and \$30 million for F-16 engine upgrades.

It includes number of important Army helicopter modernizations, including over \$800 million for the Comanche next generation helicopter, and \$10 million for important helicopter engine modifications.

It provides full funding for procurement of a new Virginia class attack submarine, and includes over \$450 million to begin conversion of 4 ballistic missile submarines to conventional weapon platforms.

I am also pleased to see my colleagues on the committee work so hard to address homeland security issues, providing nearly \$7 billion for Homeland Security initiatives within the DOD and DOE. Further, I am pleased to see that the committee increased the existing firefighter grant program from \$300 million to \$900 million per year through 2004, and expanded the grants to include equipment and training to help firefighters respond to a terrorist or WMD attack. While this increase in funding is critical to addressing the needs of our first responders, I will continue to pursue provisions of my legislation, H.R. 3161, the Municipal Preparation and Strategic Response Act, which seeks not only to increase funding in the Firefighter Assistance Program for counter-terrorism training and equipment, but

also to repeal the local funding match requirements of the program.

Finally, I support the bipartisan process and the ability of members of the Committee to work so hard to find compromises that address the concerns of all members.

Mr. BLUMENAUER. Mr. Speaker, this conference report makes tremendous progress in strengthening our nation's policies in dealing with unexploded ordnance, the bombs and shells that did not go off as intended. I very much appreciate the efforts Chairman BOB STUMP and Ranking Member IKE SKELTON in raising the profile of this important issue, and including several meaningful reforms to address the problems these discarded military munitions cause communities throughout our country. Our colleagues in the Senate also made valuable contributions and I appreciate their wisdom and hard work. The sections addressing unexploded ordnance are 311, 312, and 312 in the conference report. I hope that the activity on this issue during consideration of this year's defense authorization signals potential for additional steps forward in the future.

Two of the four major provisions of the bill I have introduced, the Ordnance and Explosives Risk Management Act (H.R. 2605) have been legislated in this report. Congress has finally stepped up to the plate in the campaign to make former military sites safe. In fact, by requiring this inventory and prioritization scheme and establishing a separate account, we've rounded first, and we're on our way to second base. In the near future, I hope Congress will reinforce efforts within the Pentagon to put someone in charge of munitions response and to fund that response at a level that will address the problem over the next two decades, rather than the next two centuries. We also need to ensure that the Department of Defense, the U.S. Environmental Protection Agency, and the states are following the same regulatory framework.

It is important that another round of base closures is authorized in this conference report. However, delaying that effort until after the next two Congressional elections and the next presidential election is problematic at best. Maintaining the infrastructure of military bases left over from earlier eras when needs were different is a tremendous unnecessary cost that prevents us from making the investments needed to address today's changed security environment.

Our annual defense authorization and appropriations bills provide opportunity to respond to changing global security conditions. This bill authorizes spending \$343 billion in fiscal year 2002 on our military. In addition, there is \$21 billion defense spending in the \$40 billion post-September 11 supplemental and its highly likely that we will consider at least one other supplemental in 2002. That means that throughout this fiscal year, our military spending will be at least a billion dollars a day.

It has been over three months since the tragedy of September 11. We had the chance to make adjustments in this authorization based on the new security environment. Instead, this conference report increases spending on national missile defense nearly 50 percent over last year. It also continues to fund cold war weapons systems such as the Crusader mobile howitzer designed for a war from an age long past. The Army has said it needs lightweight force that can go anywhere in

under 100 hours, yet the Crusader is too heavy to carry on even our largest plane. We need a new beginning now more than ever.

Despite improvements in a few areas, I must continue my reservations about the fiscal year 2002 overall defense authorization and the direction it takes us in. I will oppose this conference report.

Mr. BENTSEN. Mr. Speaker, I rise in support of this legislation, which provides for support for U.S. troops at home and abroad who are fighting terrorism, while providing the necessary resources to improve quality of life and readiness.

Overall, this conference report provides much needed funding increases in several critical areas, including weapons procurement, research and development, military construction, operations and maintenance, and personnel. In budgetary terms, the conference reports authorizes \$343 billion for U.S. defense needs, matching the President's amended request for fiscal year 2002. The conference report represents the most significant defense budget increase since the mid-1980s—which is needed to assist the men and women of our armed services in their ongoing efforts to combat terrorism. I believe this legislation establishes an appropriate foundation of budgetary resources to allow the President and Congress to pay for the war on terrorism and address many other critical needs currently facing our nation's military.

Today, as our military services are being called to conduct combat operations, we must ensure that our military remains the best-trained, best-equipped and most effective force in the world. As the same time, we must take the steps necessary to reverse recruiting and retention trends which are down throughout the military. To that end, I am pleased that this legislation provides the largest military pay raise since 1982, including a 6 percent minimum to enlisted members and 5 percent to officers. This pay raise will cut the pay gap between military and private-sector pay from 10.4 to 7.5 percent. I believe the inclusion of these much-needed provisions will improve retention of highly qualified military personnel and their families.

With respect to counter terrorism, the conference report includes \$5.6 billion for DOD efforts to combat terrorism, including force protection, intelligence gathering, and anti-terrorism programs. In addition, the conference report increases the President's budget by nearly \$300 million for procurement and research and development programs to assist in the war against terrorism. H.R. 2586 also includes more than \$400 million to reduce the threat posed by chemical, biological and nuclear weapons under the Nunn-Lugar initiative in the former Soviet Union. With respect to homeland defense, the conference report increases the firefighter grant program from \$300 million to \$900 million per year through 2004, and expands the grants program to include equipment and training to assist firefighters respond to terrorist attacks or against weapons of mass destruction.

While I will vote in support of this legislation, I have concerns about two areas addressed by this measure: base closures and missile defense. With regard to base closures, I was disappointed that the Conferees included compromise language originally included in the Senate Defense Authorization bill, which would enact the first round of base closings in

2005. As someone who has consistent record of supporting cost-savings in all areas of the federal budget, I do not believe that another round of base closures should be conducted until the DOD can adequately evaluate and define its military strategy and future requirements. The most prudent course of action would be to allow the military to address its budget given the current realities, and to avoid any actions that might damage military modernization, readiness or personnel requirements.

As the BRAC process moves forward, I would also encourage the DOD to consult closely with Members of Congress and potentially affected communities before making any final decision on base closures. I recognize and applaud the DOD's commitment to reducing excess considered. The loss of a military base can be devastating for defense-dependent local economies, especially in areas where defense jobs are critically important to the economy, including many such bases in Texas. I would also note that both the House and Senate versions of this bill were marked up prior to September 11, and prior to the onset of military campaign in Afghanistan. As such, I believe the DOD and Congress should be cautious in planning the closure of bases that will be carrying our military's mission in coming months and possibly years.

With respect to missile defense, this conference report includes a provision that authorizes funds for initial deployment of a national missile defense system in Alaska that would be barred by the 1972 ABM Treaty, from which the president has now said the United States will withdraw. While I respect the Administration's point of view on this issue, and have consistently supported research and development of a missile defense system I am concerned that the deployment of an unproven missile defense program could lead to the unraveling of the ABM treaty, which has served as a primary factor in our relations with Russia and the former Soviet Union. To unilaterally abrogate our responsibility under the ABM Treaty at this time could send the wrong message to our allies, and to our potential nuclear adversaries, including China, which has indicated that the U.S. action may lead to an arms race.

While I have concerns about these provisions, I support this Conference Report because it is an important signal that Congress speak with one voice on behalf of our armed services. On balance, the initiatives included in this bipartisan legislation are right on target, and will provide our dedicated men and women in uniform with the necessary resources to advance our national interests with the best equipment and training available. I urge my colleagues to vote in support of this important legislation.

Mr. SHOWS. Mr. Speaker, today I am voting in favor of the Conference Report for the National Defense Authorization Act for Fiscal Year 2002, but I rise to express my grave concerns about provisions in the bill relating to base closures and military health care. Despite my reservations, I am voting for the Conference Report because we must support our military establishment at this most crucial period in our history.

However, Mr. Speaker, I am concerned that this Conference Report authorizes another round of base realignment and closures. While we are contending with homeland security,

now is not the time to consider letting down our guard. It's a false economy to suggest that BRAC will save money.

In addition, closing military bases could have the unintended consequence of stripping health care away military retirees and their families. Later today we will debate the "No Child Left Behind Act" education bill. Well, in previous rounds of BRAC, we left behind thousands of military retirees and their families who received health care at military bases.

When these bases closed, they lost their military health care because their health care alternatives just didn't add up. We should be fixing this injustice, but instead we will compound this problem if we proceed with another round of BRAC without addressing the loss of health care for military veterans and their families.

Finally, Mr. Speaker, this Conference Report does not adequately address the military health care issue known as "concurrent receipt." Under current law, the retirement pay of military retirees with service-connected disabilities is reduced to offset disability compensation paid by the Department of Veterans Affairs.

This policy is just plain wrong. Military retirees who are also disabled veterans earned, need, and should receive all the benefits to which they are entitled; 379 of us are cosponsors of a bill that says so.

This Conference Report authorizes concurrent receipt only if the President submits a budget providing offsets to pay for it. In other words, we are punting the issue over to the White House. That's wrong. We should step up to the plate and do the right thing for our military veterans. We should authorize and fully fund concurrent receipt.

But, like all Conference Reports, this is not a perfect bill and I can only cast an up-or-down vote. I am unable to vote "yes" on the provisions that I support or "no" on those I oppose.

So, Mr. Speaker, while I am voting in favor of this Defense bill today, I will continue to oppose efforts to tear down our defense infrastructure through further rounds of base closures.

And I will continue to make sure that we keep our promises to America's military retirees, so we don't break faith with the people who defend us.

Mrs. WILSON. Mr. Speaker, today I rise to applaud some of the exceptional provisions of S. 1438—National Defense Authorization Act for Fiscal Year 2002 Conference Report and to highlight a major disappointment within the bill. As our campaign against terrorism continues today, this conference report delivers vital enhancements to homeland security and equips U.S. soldiers with the tools they need to fight and win America's wars.

Homeland defense in this conference report provides approximately \$15 billion for programs to combat terrorism, defeat nuclear, biological, and chemical attacks, and protect the United States and our interests against ballistic missile attack. Our number one priority is to defend America from attack.

One of the principal responsibilities of this Congress is to also ensure that we place a great emphasis on improving military quality of life and readiness. To that end, this legislation contains the largest military pay raise since 1982, significant construction efforts to improve facilities where military personnel live

and work, and substantial increases to readiness accounts that support operations, maintenance, and training.

Another responsibility of this Congress is to provide for exceptional health care for Americans who wear and who have worn the uniform. This bill makes significant improvements in TRICARE benefits for all beneficiaries of the military health care system. The bill fully funds the TRICARE military health care program for the first time in years and protects the integrity of the military health care system. It also enhances the freedom of TRICARE beneficiaries to choose their providers by eliminating most of the requirements for pre-authorization of care under TRICARE. This legislation adjusts the Military Retiree Health Care Trust Fund to ensure the proper functioning of the fund and continued smooth operation of the TRICARE For Life program.

Unfortunately, I will not be able to support the conference report today because of the base realignment and closure language otherwise known as BRAC, which is in the bill. Mr. Speaker, now is not the time for this process to move forward. Right now, our soldiers are deployed abroad fighting for our freedom, how can we tell families who have a loved one deployed in that fight that we may be closing their base, closing their home.

In addition, Mr. Speaker, while the Administration makes general claims about savings and excess real estate, I have asked personally and directly for the data that supports the claims and they said that they do not have it. There is no evidence that money has been saved during the last round of base closure.

Finally, Mr. Speaker, I believe that strategy should drive force structure, and force structure should determine basing. The defense department has not defined what their new strategy is or what forces are required. Without answering those questions, deciding to put communities through another BRAC is indefensible.

It was for those reasons that this House considered and rejected another round of base closure. We were right to do so.

Mr. Speaker, there are many good things in this bill that I support. But I cannot support base closure.

Mr. MCHUGH. Mr. Speaker, at a time when Americans are waging a war on terrorism, we have before us the strongest national defense authorization conference report in recent memory. I rise in support of the Conference Report on S. 1438, the National Defense Authorization Act for Fiscal Year 2002, and urge my colleagues to vote "yes" when it comes up later for a vote.

The strength of this conference report comes from many provisions, but especially from those benefiting military personnel and their families. For example, the conference report:

Provides \$6.9 billion more for the military personnel accounts than in fiscal year 2001. That's the biggest one-year increase in military personnel accounts since 1985.

Authorizes the largest military pay raise since 1982—a 5 percent across-the-board increase for officers and a 6 percent across the board for all enlisted personnel, combined with targeted increases—ranging from 6.3 percent to more than 10 percent—for noncommissioned officers and mid-grade commissioned officers.

Increases the defense health operations accounts by \$6 billion over fiscal year 2001 levels, reflecting a commitment by DOD and Congress to fully fund health care.

In addition the conference report:

Reduces out-of-pocket housing costs from 15 percent in fiscal year 2001 to 11.3 percent in fiscal year 2002, thereby keeping faith with the plan to eliminate housing out-of-pockets by fiscal year 2005.

Improves the ability of military absentee voters to more effectively and easily exercise their right to vote.

Reduces the costs that service members and their families incur while moving between assignments. Right now, DOD only reimburses them for 62 percent of their costs. When implemented over the next couple of years, the provisions of S. 1438 will reduce that out-of-pocket cost to approximately 10 cents for every dollar expended.

There are many more important measures contained in H.R. 2586. For all these reasons I urge all Members to support the conference report on S. 1438, the National Defense Authorization Act for Fiscal Year 2002.

Mr. POMEROY. Mr. Speaker, I rise in reluctant opposition to the conference report for the defense authorization act. This bill contains many valuable provisions but also one serious flaw—a new round of base closures, which I believe serves neither the best interests of our national security nor the best interest of communities throughout the country that host military installations.

I strongly supported the defense authorization bill when it was approved by the House. I believe that Chairman STUMP and Ranking Member SKELTON of the Armed Services Committee correctly decided not to authorize additional base closures in the House bill. I am disappointed that they were forced under the treat of a presidential veto to accept a provision authorizing a new round in 2005.

First, the purported cost savings associated with base closure are dramatically overstated at best, and, more likely, are illusory. The reality is that base closures cause significant short-term costs in exchange for marginal long-term savings. Contrary to the claims of base closure proponents, another round will not relieve the genuine budget pressures being experienced by our military.

Second, we should not embark on a new round of base closures when the Armed Forces are still processing the more than 100 closures and realignments undertaken in the previous four rounds. We should not underestimate the upheaval these actions create for our men and women in uniform and their families. Nor should we ignore the impact of these transitions on our military readiness.

Third, it makes little sense to permanently shutter more installations when we are still grappling with the question of how best to match defense resources to the evolving threats to our national security. We are currently engaged in a war against terrorism that the President has said could last for some time. We should leave ourselves the flexibility to meet these new threats by preserving needed basing capacity.

Finally, for host communities, this base closure provision is perhaps the worst-cast scenario. By authorizing a new round but postponing it for four years, this bill well cast a long, dark cloud over base communities across the country. The threat of closure sti-

fling new investment, which is especially threatening during these difficult economic times. In North Dakota, despite our well-founded confidence in the long-term future of our bases at Minot and Grand Forks, the specter of base closure will have severe economic impacts for our state.

As I said, this bill contains many positive provisions, including a significant pay raise for our men and women in uniform, needed investments in modernization, and funds to upgrade our infrastructure. I strongly support each of these items, but, because the bill also includes an ill-advised authorization of more base closures, I am compelled to vote "no."

Mr. FORBES. Mr. Speaker, it is with a profound sense of sorrow and regret that I rise today in opposition to the conference report for S. 1438. While this bill has many items that deserve passage by the House, I cannot support its call for yet another round of base closures and realignment.

As I have noted in the past, the basic premise behind base closures is not a bad one. If we have excess installations and personnel, then we should not be supporting them with dollars better spent equipping our soldiers and sailors with the very best technology available. But, despite several rounds of base closures and over a decade of time to evaluate them, we have yet to determine that we do have that excess or that we can drain it without costing more than we save.

While I appreciate the hard work and difficult choices that the conferees had to make in forging the BRAC compromise in this conference report, I do not believe that it fully addresses the problems that have been evident in past rounds of base closures. To be certain, the conferees attempted to address questions about the politicization of the process and the true costs savings. However, the procedures that they put in place do little more than offer lip service to these very legitimate concerns.

For instance, there is evidence that past rounds of base closures have not only fallen woefully short of the budget boons they were expected to bring, but that they have in fact cost us more than expected due largely to significant environmental cleanup costs. To be sure, proponents of BRAC can find statistics that indicate cost savings. But, given the conflicting information available, those statistics are specious at best. The real problem is that limited and faulty auditing has left Congress with very little to go on regarding the true costs and savings of the process.

The conferees require the Secretary of Defense to certify that there will be annual cost savings for each service by 2011 before the Commission can be appointed. But, if we have been unable to obtain an accurate accounting over the past 13 years, why should we put faith in this report? People's jobs and communities' economies are on line, and we should not be so cavalier about the consequences of setting this process in motion.

Furthermore, the procedures developed by the conferees put the cart before the horse. By requiring the Secretary of Defense to submit a report on our military's needs and inventories before a Commission can be appointed, the conferees admit that by 2005 they are not even certain that another round of base closures will be necessary. If anything has been made clear both by the Defense Department's work this year on transformation and by the events of the past several months, it is that

current events and technology are changing so rapidly that our military must be flexible enough to adapt. But, by voting today to begin down the path to another round of base closures, we give the process momentum that threatens to overcome the true needs of our military.

The mere threat of the possibility of base closures makes our military personnel uneasy about their futures and their families' futures and puts community bond ratings and economic plans at risk. Particularly now that we are engaged in a war against terrorism, we need our installation commanders fully engaged in this effort and not preoccupied with the possibility that their base will be closed or their personnel reassigned. If we are so uncertain as to the necessity of this round of base closures, we should wait to have the vote on BRAC until that need has been demonstrated. In this time of great anxiety about our nation's economy and our global safety, I am not prepared to add to this uncertainty.

Mr. Speaker, I fully realize that there is much to commend itself in this report. For instance, I fully support the authorization for the servicemembers' pay raises, as I did as a member of the Committee and on the House floor. These brave men and women have toiled for years for the cause of freedom, doing more work with fewer resources, and they deserve a pay raise. But, to give these soldiers and sailors pay raises one day, and then uproot their homes and their families the next is simply not fair.

I also support the reduction in out-of-pocket housing costs for military personnel and the improvements in military health care, as well as the provisions preserving our right to seek the best possible training options for our servicemembers by continuing to use the facilities at Vieques. Readiness protects our servicemembers from harm and gives their families some peace of mind. It is far too important to be the subject of a political referendum.

Let me make clear, Mr. Speaker, that I understand that many of my colleagues here today—including some who served in these difficult conference negotiations—are equally displeased with the inclusion of any base closure process, but that they will, in the end, support this report. For my part, I am certain that the BRAC provisions are not in the best interests of Virginia's Fourth District or of our Nation, and I cannot support them. But, I do not question the patriotism or the wisdom of these colleagues.

So, while it is with a heavy heart that I cast my vote today against this conference report, it is with a clear mind. I appreciate the work of my chairman and my colleagues, and look forward to working with them to continue to improve the quality of life for our servicemembers and the readiness of our forces.

Mr. SMITH of Michigan. Mr. Speaker, I rise in support of the conference report to S. 1438, the National Defense Authorization Act for Fiscal Year 2002.

This bill addresses the needs of the Department of Defense. It increases pay and benefits for our men and women in uniform, will improve our readiness, and support efforts to develop defenses against missile and terrorist attacks.

As a conferee on this bill from the science committees, I want to spend a minute drawing

the House's attention to a program authorized in the bill that, while not in the Defense Department, is nonetheless critical to our security. I am talking about the Assistance to Firefighters Grants Program, which provides help to fire departments throughout the country.

According to the International Association of Fire Fighters, more public safety officers were lost in September 11 attacks than in any other single event in modern history. There is no telling how many lives these brave men and women saved, but it is estimated in the thousands if not tens of thousands.

The Assistance to Firefighters Grants Program, which is administered by U.S. Fire Administration, provides funds to fire departments for training, personnel, protective equipment, communications equipment, and other items. This program is vital to ensuring that our Nation's fire departments are up to the job with which we have entrusted them.

After September 11, no one can doubt that if the terrorist enemy can deliver a weapon of mass destruction—be it chemical, biological, or nuclear—it will. As the first line of defense after terrorists strike, firefighters must be prepared to respond to these sorts of incidents.

However, without proper training, staff, and equipment, fire departments may not be as prepared as they would like to be. If we are to ask firefighters to assume these responsibilities, we must provide them support for personnel, training, communications equipment, safety equipment, and other tools to improve their readiness and capabilities.

Last year, \$100 million was provided for this program. For fiscal year 2002, more is needed.

As a conferee to this bill, I offered an amendment for a substantial increase in funding for this program. I am pleased, therefore, that the conferees have agreed to boost authorized funding for this program to \$900 million for each of fiscal years 2002 through 2004.

Also, to ensure that adequate personnel are available to implement the program, the amendment sets aside three percent of the authorized amount for administration. The Fire Administration should not be made to short change other programs, such as education and training, to administer the grants program.

On September 11, the Nation's firefighters showed the world what courage means. If we expect the fire services—most of whom depend on volunteers—to deal with these kind of disasters, we have a responsibility to provide them with the resources they need. This conference report does that, and I urge my colleagues to support it.

Mr. RAHALL. Mr. Speaker, in my capacity as the Ranking Democrat on the Committee on Resources I was a conferee on the fiscal year 2002 Defense Authorization bill for certain matters within the jurisdiction of my committee, including a provision in the original House-passed version of this legislation dealing with Vieques, Puerto Rico.

Unfortunately, I am withholding my signature from the pending conference report in protest of the manner by which this legislation treats the controversy surrounding U.S. military exercises on Vieques.

In effect, language contained in the pending legislation represents a major retrenchment from agreements between the federal government and Puerto Rico relating to Vieques in current law, as well as positions advanced by the Bush Administration in this area.

To those of my colleagues who believe that U.S. citizens should not be subjected to live-fire military training exercises, that bombs and munitions should not be exploded in the vicinity in which they live, and that their land should not be laid waste with a legacy of unexploded ordnance and toxic substances, I say to you that this conference agreement seals their fate to these very situations.

Currently we have in place the Clinton-Rosello agreement, negotiated by the former U.S. President and former Governor of Puerto Rico and enacted into federal law. I supported this agreement and I still support it today because it gives the people of Puerto Rico, our fellow Americans, assurances that their concerns and their voices were being heard in the halls of this Congress. Clinton-Rosello demonstrated that the threat to American citizens living within earshot and bull's-eye range of our own U.S. military, did not fall on deaf ears or blind eyes.

Under this agreement, the people of Vieques were given an opportunity to participate in a referendum to determine whether a portion of the island should remain available for live-fire training. It also authorized \$50 million in economic assistance to the people of Vieques if they chose to allow continued military exercises. Most importantly, however, this agreement mandated that if the people of Vieques simply said no to further live-fire training by the U.S. military on their island, that activity would halt and land administered by the Navy on the eastern side of the island would be transferred to the Secretary of the Interior to be managed as a wildlife refuge.

This was a good and fair agreement, keeping within the traditions of this great country, by empowering the people themselves to make decisions that will affect their lives and livelihoods.

On some level President Bush thought so too. As the Republican Presidential candidate, he stated that he would uphold the Clinton-Rosello agreement. And despite his own party's resistance, I think President Bush has made his best effort to keep with the spirit of those terms.

Though the Administration is not supporting a referendum in Puerto Rico on continued military training, President Bush did announce over the summer a target date for the withdrawal of military forces from the Vieques range.

The critical point here is that under either the Clinton-Rosello agreement, or the positions stated by the Bush Administration, there was a light at the end of the tunnel for the people of Vieques because they could reasonably expect the withdrawal of the U.S. military from the island.

Yet, the Republican majority in this body apparently felt otherwise. The version of the pending legislation originally passed by this body runs roughshod over the Clinton-Rosello agreement and flies in the face of the stated Bush Administration positions by containing provisions that almost guarantee the military will not withdraw from Vieques. These are draconian changes to current law and policy, and changes that have largely been incorporated into the final conference agreement pending before us today.

What the people of Puerto Rico now face, what the residents of Vieques now must contend with, is not the Clinton-Rosello agreement and not the Bush Administration's stated May 2003 military withdrawal from Vieques.

Rather, under the pending legislation it would be up to the Secretary of the Navy to decide the fate of the island by certifying to the President and the Congress the military's intention to cease using Vieques for military training exercises. I find it highly unlikely the Navy would take that action.

Yet, this legislation dictates that even if the Navy Secretary did halt military training on the island, after consultation with the Chief of Naval Operations and the Commandant of the Marine Corps, it would be conditioned upon the identification of one or more alternative training facilities and the immediate availability of such a facility or facilities.

So what once was an agreement responsive to the concerns of Puerto Rico, respecting our citizens' right to choose what is better for them, has degenerated into what the Republican Majority in this body wants to impose on them.

Mr. Speaker, we have entered a new century, yet what is contained in this conference report as it relates to Vieques harkens back to the age of colonialism. This legislation gives the people of Vieques, U.S. citizens, no opportunities for economic growth. No chance to demonstrate their patriotism. No option to assert for themselves what they truly desire. We give them no voice. Mr. Speaker, this is a tragedy of epic proportions.

Certainly, I realize that our world has changed since the terror of September 11th. Every American, whether residing in a State or a Territory, understands how important it is to protect our freedom. And everyone is willing to do his or her part. We seem to have forgotten that Puerto Ricans, also serve in our military, die in our wars, and are just as eager to preserve freedom and democracy. We are taking away from Puerto Ricans the very ideal on which our country was founded and continues to fight for. That is truly unfortunate.

Mr. ORTIZ. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of S. 1438, the National Defense Authorization Act for fiscal year 2002. I want to specifically address the provisions in the bill relating to military readiness.

First, I would like to express my personal appreciation to the readiness subcommittee leadership . . . and to my colleagues, on both the subcommittee and the full committee, . . . for their active participation, support and cooperation in addressing critical Readiness matters during this accelerated session. I feel confident that our efforts to improve the readiness of the forces are being reflected in the performance of our deployed forces worldwide. They truly deserve our best efforts.

Mr. Speaker, the readiness provisions in the bill reflect some of the steps that I believe are necessary, . . . with the dollars available, . . . to continue to make some of the readiness improvements that are sorely needed. But it still does not provide all that is needed. As I have said before, . . . while the readiness of the force has shown some improvements in some areas, . . . much remains to be done. And we cannot afford to wait until they are involved in conflict to properly resource them. September 11 was a reminder for all of us just how vulnerable we are as a free and open society. As such, we must ensure that we have a ready military force that is capable of responding to threats to our national security. I look forward to continuing to initiate and support efforts to address two

areas that have been neglected for a number of years . . . the readiness of our dedicated civilian employees and the modernization of our failing infrastructure.

Mr. Speaker, the readiness provisions in this bill do represent a step in the right direction. They permit the Department to build on the improvements that have been started in an area that is crucial to our national security. I would hope that as we continue through with the passage of this bill and in future consideration of supplementals later in the fiscal year, . . . we will continue to search for opportunities to increase the resources available for the readiness accounts without having to trade off funds for other critical needs.

Mr. Speaker, while I have expressed strong support for the readiness provisions in this bill, I still have reservations about some other portions of S. 1438. Specifically, I think the BRAC provisions are ill-timed and costly. We are approving these BRAC provisions at a time when the nation is at war and the economy is in bad shape. Funds that could be used to improve readiness will have to be diverted to begin the costly preparations for BRAC considerations. Based on our past experiences, once an installation is identified as a candidate for BRAC consideration, resources have been diverted, resulting in further degradation of the installation prematurely. We are all aware that historically preparations for BRAC rounds have had a devastating effect on the morale and performance of the civilian workforce.

Notwithstanding my reservations about having BRAC in the bill, I strongly urge my colleagues to support S. 1438. In this time of national crisis, it is essential that we have a defense authorization bill. There are a significant number of provisions that are necessary to ensure essential support for our military forces, their family members, and the dedicated civilian workforce that supports them.

Mr. HEFLEY. Mr. Speaker, I rise today in support of the conference report on S.R. 1438, the National Defense Authorization Act for fiscal year 2002. During this extraordinary time in our national history, our military forces need our support more than ever. We must provide our dedicated military men and women with the necessary resources to continue to go in harm's way with the best equipment and training available. The readiness of our military's forces is the responsibility of every Member of Congress.

The conference report on the fiscal year 2002 Defense Authorization bill provides a significant increase for readiness funding this year as compared to last year. As an example, funding for flight operations has increased by over \$5 billion, which includes the increased costs for fuel, and attempts to address severe spare parts shortages. In addition, there is an increase for training of over \$825 million, an increase for facilities repair and sustainment of nearly \$500 million, and an increase of \$1.2 billion for depot maintenance and repair of equipment. We have also provided \$6 million for protection of critical needs. The conference report on S. 1438 supports these and other increases in critical readiness funding.

Mr. Speaker, the conference report before us today provides the military services with an acceptable level of funding necessary to maintain readiness and to help reduce the continued stress on our military forces. At a time when our military services are being called

upon to conduct combat operations, we must ensure that our military remains the best-trained, best-equipped, and most effective military force in the world. We must also ensure that we take the necessary steps to reverse declining readiness rates throughout all of the military services. At the same time, we must take action to ensure that the living and working conditions for our service members and families are at acceptable levels. This conference report accomplished all these goals. To do anything less would allow the readiness of our military to slip further, and could risk the lives of countless men and women in every branch of the military.

I urge my colleagues to vote yes on the conference report, vote yes for improved military readiness, and vote yes for the men and women of our military forces.

Mr. WAXMAN. Mr. Speaker, it is with great reluctance that I support S. 1438, the Fiscal Year 2002 Defense Authorization Conference Report. While I believe that passing this bill is important for the war effort in Afghanistan and the brave men and women deployed to defend the American people and our strategic interests around the world, I staunchly oppose the tremendous increase in funding the bill provides for the development and deployment of a National Missile Defense (NMD) that would violate the 1972 Anti-Ballistic Missile (ABM) Treaty with Russia.

The tragic attacks committed against the United States on September 11, 2001, demonstrate that terrorism is the gravest threat facing America today. It is clear that ensuring the safety of our citizens and our cities will require the development and deployment of military resources capable of facing challenges much more diffuse than isolated missile threats by rogue nations.

I am highly disappointed that this Conference Report contains \$8.3 billion for missile defense, a 56 percent increase over the current level, while authorizing only \$6 billion for anti-terrorism programs. I am also concerned that it authorizes funds for the deployment of a National Missile Defense (NMD) system in Alaska, a move that would automatically violate the ABM treaty requirement that anti-ballistic missile systems only be installed in the vicinity of our national International Continental Ballistic Missile (ICBM) complex, based in North Dakota, or near the nation's capital in Washington, DC.

These policies are a poor reflection of our nation's priorities. We should be using this opportunity to focus on military intelligence, preparedness against chemical and biological weapons attacks, and nuclear threat reduction. By diverting so many resources toward a faulty missile defense program plagued by massive cost-overruns and technological deficiency, we compromise our investment in other vital areas and jeopardize the cornerstone of U.S.-Russia military cooperation at a time when coalition building and international alliances are critical.

In June 2001, my staff on the Government Reform Committee conducted an analysis of the Coyle Report, a comprehensive study conducted by the Pentagon's chief civilian test evaluator that revealed serious weaknesses in the NMD test program. The report also demonstrates the futility of scheduling deployment when basic elements of the system, such as the ability to defend against countermeasures, multiple engagements, and against accident or unauthorized launches, have repeatedly failed.

Considering that the ABM treaty is not holding back the design and development of the technology needed for NMD, nor slowing the testing of the system, I think it is shortsighted and irresponsible for the Conference Report to authorize measures that would violate the treaty or for the Bush Administration to propose unilateral withdrawal.

At the same time, at the critical stage in our nation's history, I believe the U.S. military and its brave soldiers deserve full Congressional support. Although I have opposed previous Defense Authorization bills, I support this bill because it contains the largest single-year increase for military personnel in nearly a decade and invests in technology and hardware that will keep our soldiers safer in the field. Such attention to pay, housing allowance, and family assistance, give recognition to the sacrifice they make and help our military compete for the best and brightest.

I commend all of the soldiers and reservists from Los Angeles, California, and across the country for their dedication, and I urge the Bush Administration to take immediate action to change its misguided course on the ABM treaty.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of S. 1438, the National Defense Authorization Act.

Some military retirees—individuals who are eligible for military retirement benefits as a result of a full service career—are also eligible for disability compensation from the VA based on an injury they incurred while in the service. Under present law, these service-disabled retirees must surrender a portion of their retired pay if they want to receive the disability compensation to which they are entitled. More than 500,000 disabled retirees are impacted by this inequitable offset.

For over 15 years, I have introduced legislation, H.R. 303, to repeal this unjust offset. I am pleased that the conference report we are considering today includes language that will authorize the concurrent receipt of military retired pay and VA disability compensation. However, under the bill, these provisions only become effective if legislation offsetting the costs of concurrent receipt is subsequently enacted into law. This is the same language that was approved by the House earlier this year.

This conference report also increases the amount that certain severely disabled retirees may receive under the special compensation program which was enacted during the 106th Congress. I am pleased that the conferees added these provisions to the final bill.

While not perfect, I do believe that the language in the conference report is an important step in our efforts to repeal the offset between military retired pay and VA disability compensation. First, the passage of this language puts the House of Representatives firmly on record as supporting the elimination of the offset. Although I have introduced H.R. 303 for more than 15 years, this is the first year that the House has actually voted on this issue.

Second, I originally proposed this language because I wanted to ensure that concurrent receipt language was included in the Fiscal Year 2002 authorization act. In previous years when language has been included in the Senate versions of the authorization bill and no language was included in the House bill, the Senate has receded to the House, meaning no language was enacted into law.

By authorizing the concurrent receipt of military retired pay and VA disability compensation now, we are one step closer to repealing the offset once and for all. Next year, I will be working with my colleagues to secure the enactment of legislation to fund the concurrent receipt of military retired pay and VA disability compensation.

Each of the thousands of disabled military retirees answered when America called. Now it's time for America to answer their call.

I urge my colleagues to support S. 1438.

Mr. GREEN of Wisconsin. Mr. Speaker, I rise today in support of the conference report on S. 1438, the Department of Defense Authorization bill for fiscal year 2002. This is a good bill, one that addresses the critical needs of our military as we engaged in the war against terrorism. S. 1438 also contains a provision allowing the transfer of an old, unused Army Reserve Center in Kewaunee, WI to the city. This transfer will allow the property to be put to good use by the City of Kewaunee instead sitting dormant and a benefit to no one.

While S. 1438 is a good bill, it is not a perfect bill. The one glaring imperfection in the bill is a provision that fundamentally alters a Department of Justice program known as the Federal Prison Industries, or FPI.

Language in S. 1438 would basically exempt the Department of Defense from the mandatory-source preference of the FPI program. Eliminating mandatory-source preference for DoD means that approximately 60% of FPI's business will be lost. Obviously, this would dramatically undermine FPI.

I will not delve into a full explanation or defense of the program here. Frankly, debate over FPI should not even take place within the context of a defense bill. Debate over FPI has always been spirited. However, it is a debate that I welcome and one that I expected to participate in as a member of the Judiciary Committee. But that right has been denied to me and my fellow Judiciary Committee members.

I appreciate and thank Chairman STUMP for his efforts to work with me on this issue. His indulgence over last couple of months was more than I could have asked for. Unfortunately, the die was cast on this issue, and we were unable to remove this language.

As I stated, FPI is a Justice Department program. I, along with many of my colleagues on the Judiciary Committee, feel very strongly that our committee should review any change to the FPI program. Sadly, the most dramatic reforms to FPI in its history will occur without the input of just about every member of the Judiciary Committee.

Mr. Speaker, I am including, for the record, a copy of a memorandum from the chief operating officer of FPI and a letter from the Justice Department. The FPI memo details the destructive effects the language in S. 1438 is already having on the program. In the DoJ letter, the department clearly states its strong opposition to this language. I request that both items be made a part of the RECORD.

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, November 30, 2001.

Hon. MARK GREEN,  
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN GREEN: This is in response to your letter of November 26, 2001 regarding Section 821 of the Fiscal Year 2002 Defense Authorization Bill. The Department of Justice agrees with your concerns regard-

ing Section 821. Indeed, the Department has been actively engaged in educating Congressional Members on this important issue. On September 25, 2001 we sent a letter to the Senate Leadership and Senate Judiciary Committee and, on November 13, 2001, a letter to all Defense Authorization Conferees about our significant concerns regarding the effect of Section 821 upon Federal Prison Industries (FPI). As you point out in your letter, the bill as drafted fails to recognize the contribution of this important correctional program to the safe and effective administration of Federal prisons, and as a tool for reducing recidivism by preparing inmates to lead productive, law abiding lives upon their return to society.

While our continued efforts have met with little success, we remain in support of removal of Section 821 from the Conference Report. Moreover, we believe that any future consideration of FPI reform should be the purview of the House and Senate Judiciary Committees, the committees with jurisdiction over Department of Justice programs.

If you have any questions or if we may provide you further information, please feel free to contact the Department.

Sincerely,

DANIEL J. BRYANT,  
Assistant Attorney General.  
U.S. DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF PRISONS,  
Washington, DC, November 26, 2001.

Memorandum for Kathleen Hawk Sawyer,  
Director Federal Bureau of Prisons & Chief  
Executive Officer of Federal Prison Industries

From: Steve Schwalb, Chief Operating Officer  
Federal Prison Industries

I am writing to advise you of the initial effects of the Defense Authorization language on FPI recently adopted by the Senate.

Even though the final language, as of this date, has not been adopted by the conferees, numerous customers report to us that they have received calls, e-mails, faxes and personal visits from office furniture vendors and their dealers on this legislative language. Our customers report being told, "FPI's mandatory source has been eliminated", "federal agencies no longer have to buy from FPI", and that "customers can now buy directly from commercial vendors without considering FPI."

Several customers have also forwarded to us e-mails from the furniture coalition and/or company members thereof, in which they indicate their intent to influence the conferees to "strengthen" the Senate adopted language to include all agencies, not just the Department of Defense.

The result has been that many of our customers now feel, mistakenly, that changes are already in effect and that procedures for buying from or considering products offered by FPI have been altered. Several customers have indicated that they are going to hold up on making any purchase decisions while they get more information that address their confusion.

This is only the beginning of what we can expect to be an aggressive, and often inaccurate, campaign by the private sector to confuse, persuade or otherwise present to our customers information which puts us and our products in the worst light possible. As you know, all the big furniture companies have previously provided extensive training to their commercial sales staff on how to write, for the federal customers, waiver requests to FPI, so as to specify those commercial company's unique product features as "must have" items, thereby justifying a waiver from FPI's mandatory source. If language regarding purchases from FPI is adopted into final legislation, there is no

doubt that we will see the efforts by the furniture companies intensify.

The results of these initial efforts have been the suspension or delay of some orders and the placement of other orders directly with the private sector without customers following the requirement to contact FPI first to see if our products will meet their needs. Although it is too early to accurately quantify the effects, there is no doubt that we will see a significant decline in future office furniture orders. Since DOD represents 65% of our furniture sales, a significant reduction in orders from DoD will have devastating consequences for us. Depending on how significant the decline is, it undoubtedly will affect our ability to support the capacity we currently have and will cause us to reduce our staff and inmate employment in several of our furniture factories. In turn, this will also affect our raw material purchases from the numerous vendors we rely on for our production.

We will continue to monitor the situation as it develops and keep you advised.

Mr. STUMP. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.  
The SPEAKER pro tempore. The question is on the conference report.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 40, not voting 11, as follows:

[Roll No. 496]  
YEAS—382

Abercrombie	Brady (TX)	Cunningham
Ackerman	Brown (FL)	Davis (CA)
Aderholt	Brown (SC)	Davis (FL)
Akin	Bryant	Davis (IL)
Andrews	Burr	Davis, Tom
Armey	Burton	Deal
Baca	Buyer	DeGette
Bachus	Callahan	DeLauro
Baird	Calvert	DeLay
Baker	Camp	DeMint
Baldwin	Cannon	Deutsch
Ballenger	Cantor	Diaz-Balart
Barcia	Capito	Dicks
Barr	Capps	Dingell
Barrett	Capuano	Doggott
Bartlett	Cardin	Dooley
Barton	Carson (IN)	Doolittle
Bass	Carson (OK)	Doyle
Becerra	Castle	Dreier
Bentsen	Chabot	Duncan
Bereuter	Chambliss	Dunn
Berkley	Clay	Edwards
Berman	Clayton	Ehlers
Berry	Clement	Ehrlich
Biggert	Clyburn	Emerson
Bilirakis	Coble	Engel
Bishop	Collins	Eshoo
Blagojevich	Combest	Etheridge
Blunt	Condit	Evans
Boehlert	Cooksey	Everett
Boehner	Costello	Farr
Bonilla	Cox	Fattah
Bonior	Coyne	Ferguson
Bono	Cramer	Flake
Boozman	Crane	Fletcher
Borski	Crenshaw	Foley
Boswell	Crowley	Ford
Boucher	Culberson	Fossella
Brady (PA)	Cummings	Frelinghuysen

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

NAYS—40

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

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

NOT VOTING—11

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

□ 1150

Messrs. BALDACCI, McDERMOTT, HOLDEN, KANJORSKI, PALLONE, and DEFAZIO, Ms. MCKINNEY, Messrs. WU, BOYD, TIERNEY, and OWENS, Ms. VELAZQUEZ, Mr. TOWNES, Ms. WOOLSEY, and Mr. MEEKS of New York changed their vote from "yea" to "nay."

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

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

GENERAL LEAVE

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

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

There was no objection.

MESSAGE FROM THE SENATE

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

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

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

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

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

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

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

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 288

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

Strike section 1212 and insert the following:

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

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

(1) in subsection (a)—

(A) by inserting "(1)" after "(a) AUTHORITY TO ENGAGE IN COOPERATIVE R&D PROJECTS.—";

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

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

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

"(A) The North Atlantic Treaty Organization.

"(B) A NATO organization.

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

"(D) A major non-NATO ally.

"(E) Any other friendly foreign country.";

(2) in subsection (b)(1)—

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

(B) by striking "(NATO)";

(3) in subsection (d)—

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

(B) in paragraph (2)—

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

(ii) by striking "that ally's contribution" and inserting "the contribution of that country or organization";

(4) in subsection (e)(2)—

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

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

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