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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 2, 2001, at 12:30 p.m.

Senate

MONDAY, OCTOBER 1, 2001

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Generous, gracious God, as we begin this work week, the Psalmist's words give wings to our gratitude: ''Blessed be the Lord, who daily loads us with benefits, the God of our salvation.'' You lift the load of our concerns and load us with Your benefits. You care about what concerns us. The benefits You provide are for the work You guide. You never give us more to do than You will help us accomplish. You are for us and not against us. In response, we open our minds to think Your thoughts, our emotions to express Your empathy, our wills to do Your will, and our bodies to be rejuvenated by Your energizing Spirit.

Bless the Senators with a positive attitude to the challenges of this day and the week ahead. You love this Nation and want to provide these leaders with exactly what they will need to lead with excellence. Guide them as they discern what is Your best for our Nation and courageously vote their convictions. Enable communication between the parties so that this will be a week of progress. Thank You in advance for the benefits of Your love, strength, discernment, and wisdom You will pour into the minds and hearts of the Senators. We press on with expectancy. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

SCHEDULE

Mr. REID. As the Chair has announced, the morning business hour will continue until 2 p.m. today. At 2 p.m., the Senate will resume consideration of the Defense authorization bill.

Mr. President, cloture was filed on the DOD bill last week. All first-degree amendments must be filed before 1 p.m. today and all second-degree amendments must be filed before 9:45 a.m. Tuesday. I would advise Members and staff if they have filed their amendments already, there is no need to refile them.

There will be no rollcall votes today. The next rollcall vote will occur at 10 a.m. on Tuesday, on cloture on the DOD authorization bill.

There is lots of work to do. The majority leader has asked me to announce that we have the DOD bill we need to finish. We are close to having some final numbers on the appropriations bills so we can do those conferences that are so badly needed and complete the other appropriations bills. We have the airport safety matter we must work on as quickly as possible. There is work we have to do on helping those employees who have been displaced as a result of the incident on September 11.

We have an antiterrorism bill the Judiciary Committee has been working on all weekend. Senators HATCH and LEAHY have literally been working on that all weekend. They hope to have something for us in the next few days, perhaps as early as tomorrow.

So there are lots of things to do. We are going to need the cooperation of all Senators to get them done as quickly as possible. The continuing resolution will go for the next 2 weeks. We very much hope by that time we will have been able to complete the normal appropriations process or at least work our way toward that end.

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

The PRESIDENT pro tempore. The clerk will call the roll.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wyoming is recognized for not to exceed 10 minutes.

PRIORITIZING THE SENATE'S WORK

Mr. THOMAS. Mr. President, I want to talk a little bit about the future as I hope it might happen in the Senate. Obviously, we have a great many things to do, many of which are time imperative, that we need to do them immediately, and I am for that.

I am very proud of what I have seen here and what I have seen at home with respect to our national reaction to this terrorism assault and the disaster with which we are faced. I believe the President and his team are doing what needs to be done, are doing the necessary research and intelligence gathering that is necessary. This is the most unusual kind of an emergency in which everyone is ready to do something but you have to first discover what it is that is proper to do. I think that is being done: Positioning the military, to the extent that that will be necessary—again, a different kind of war but one in which the military obviously will be a very prime portion of it; moving to establish domestic defense, working with our States—I was just this week with our National Guard in Wyoming, and the Governor was setting about to have that be part of the security for airports—and the things that need to be done will be given, I hope, an agenda for strengthening our domestic defense regarding intelligence.

I am pleased the President is asking Members to seek to continue to do the emergency things that must be done, while, at the same time, returning to our daily business and routine. We can do both, urging everyone to have the patience we must have to retain our commitment and determination to move forward with things we must do.

I am proud of what I see at home. People have the same conviction that we must do these things and are committed to doing whatever it takes, supporting our country and supporting our President.

It is a shame to have to go through this terrible time but I am very proud with the Nation coming together, proud of what I see as a show of patriotism and support for America.

I am also very pleased with the performance of this Congress. There has been an unusual and remarkable show of nonpartisanship to do the things that, indeed, must be done. We have come together. We have much yet to do. I believe it would be good if we prioritized the activities to complete through the year. Among the 435 Members, there are different ideas of priority, but we have to come to a decision as to what has to be done immediately. I wish we could do that. Clearly, our priorities will rest with the emergency demands brought about by the war on terrorism, coupled with the emergency demands we now have with the economy. We have special activities dealing both with defense and the economy; we have our regular operational items we must do, such as 13 different appropriations, none of which, yet, has cleared and gone to the President. This is what goes into the regular operation of government. It seems to me it makes good sense to keep those separate. We should separate the issues in the emergency category from the normal operational issues we face.

It would be a mistake to expand what will be long-term operational functions in this emergency way and run the risk of having those be there when the emergency is over. We ought to deal with those differently. Certainly many of the things we need to do now will not be in place in the future.

I believe we should agree on a list of priorities, must-do items we need to do for defense and terrorism. We should agree on a list of priorities. The administration has things we ought to do administratively. We should agree with them to do them. We should make a priority list of things to do to stimulate the economy, whether tax relief, withholding tax changes, whatever. There are a number of things out there. We met last week with Chairman Greenspan, Bob Rubin, and others. We will continue to do that. In fact, tomorrow we will meet with Secretary O'Neill. I hope we can do this and come up with a list and commit ourselves to it, leaving us free to do the things we have to do that are now before the Congress.

We have a great deal to do. It is not easy to set priorities, but that is part of our responsibility. If we can do that, I would like the leadership to set up a committee to come up with the lists and present them to the remainder of the Congress. That will move the Congress forward to do the things we must do in a divided fashion—what we must do as a priority against the operational agenda.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Virginia, Mr. ALLEN, is recognized.

Mr. ALLEN. I ask unanimous consent I be allowed to speak in morning business for up to 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

IMMEDIATE ECONOMIC STIMULUS THROUGH THE EDUCATION OPPORTUNITY TAX CREDIT

Mr. ALLEN. Mr. President, I rise to share with my colleagues my concern about our economy, the loss of jobs, and the economic stimulus package being considered by Members of the House, the Senate, and the White House. Mr. THOMAS, the Senator from Wyoming, mentioned some of the economic stimulus package. In my view, an education opportunity tax credit should be included in any economic stimulus package put together in the coming weeks.

We know our economy is in serious trouble. The economy grew just 0.2 of 1 percent in the second quarter of this year, compared to 4.1-percent average growth in the year 2000. The most important thing we can do at this point is increase consumer spending, especially on durable goods. Orders for durable goods dropped in August, as reported by the Commerce Department, all of which was due to the technology and transportation sectors. We have addressed the transportation industry partially, with the airline industry stabilization bill, but the technology sector still remains unaddressed.

Consumer confidence is dropping like a stone. The University of Michigan Consumer Sentiment Index released last week, September 28, indicated that consumer confidence dropped 21 percent. Although the correlation between consumer confidence and spending is not strong in the short term, it is strong in the mid-to-long term. The No. 1 reason for this precipitous drop in consumer confidence is because of where consumers thought they would be in their own lives 6 months out. One financial market analyst was recently quoted in the Washington Post as saying that the size of this decline in consumer confidence will translate into reduced spending in the next 6 months. That confidence decline is not over. Consumers, clearly, are on a very cautious mindset. That is why we must take measures to improve consumer confidence and spending again.

There is a debate currently underway in our country over which types of tax cuts are the answer to providing immediate economic growth. In my judgment, we must focus on individual tax cuts that will immediately lift consumer confidence and result in greater consumer spending—the idea that we need to increase corporate savings and investment necessities, that those companies have revenues in the first place, revenues that come from consumer spending.

Instead, what is needed, as the Wall Street Journal editorialized today, is ''temporary, not permanent tax breaks—and preferably for consumers, not business.''

The Wall Street Journal article was very clear as to the ineffectiveness of corporate tax cuts in order to spur the economy, citing Gregory Mankiw, an economist at Harvard, who favors permanently abolishing the corporate income tax, but states that doing so now would not result in immediate investment. He is quoted as saying:

> The problem now is there's a lot of uncertainty, which is inducing people to wait, which depresses aggregate demand, which in turn exacerbates the economic slowdown.

The Wall Street Journal further opines that:

. . . stimulating spending and making members feel secure would be more effective than reducing corporate tax rates as a way to boost economic growth.

In fact, we all know our economy, this free market, is all about the consumer. If consumers do not buy, companies will not have revenue. If companies do not have revenue, they will not be able to invest, nor will companies need employees to be in those jobs to produce. If they do not invest, if they are not creating jobs, our economy will not grow out of this economic sluggishness.

The technology sector, which was once the leading force behind economic growth and productivity, is now the most significant detractor, getting hit the hardest by the contractions in spending and investment. There has been a 19-percent drop in technology spending, including a 45-percent drop in personal computer orders and a 14.5-percent drop in software and equipment spending.

Other sources of capital and growth have dried up as well. Banks continue to limit their exposure to the high-technology sector and tighten lending standards, cutting off resources at a time when money is already scarce. Venture capital has all but disappeared from this sector. First-round venture capital funding has already fallen $1.84 billion, down 87 percent from the previous year during the second quarter of 2001.

This has all led to widespread layoffs within the tech sector over this past year. Job cuts in the high-tech industries of telecommunications, computers and electronics—those job cuts are up 13 times over what they were last year.

Through the end of August, high tech accounted for nearly 40 percent of the 1.1 million job cuts so far in 2001.

Just to put that in perspective, that is 4 times more, 4 times greater than the entire post-attack airline industry layoffs—over 400,000 jobs lost in the tech sector versus, obviously, a great concern over 100,000 jobs lost in the airline industry sector. The total tech job sector cuts in August alone exceeded all of the cuts for the year 2000.

This technology sluggishness is clearly harmful for our future. Technological advancements are how America and our economy will compete and succeed internationally, and technological sector growth and rapid advances in productivity have been the base of our economic growth in the past and will be a vital key to our competitiveness in the future. As we look at technology in the future, whether it is computers, whether it is clean coal technology, whether it is fuel cell technology, these are important for future competitiveness, our quality of life, and good jobs in the future.

The lifeline to our economy, consumer spending, has been seriously dampened by the terrorist attacks which occurred on September 11, 2001. That is why I would like to bring the attention of my colleagues back to a bill I introduced in March of this year, the Educational Opportunity Tax Credit of 2001. This proposal will provide a $1,000-per-child computer purchase tax credit which families can also use, not just to buy computers but printers, monitors, educational software, or Internet access. However, this tax credit would not apply to tuition at a private school. This would provide the exact type of boost both consumer spending on durable goods and the technology sector need. Maybe we could limit this tax credit to 1 or 2 years. Even with that limitation I would estimate it would provide upwards of $20 billion in new consumer spending.

Think of parents who have a child in school. If they could buy their son or daughter a computer or some peripherals, a printer, they would say: Gosh, if I do it this year or next year, I will get a tax break for it. That will induce that spending.

It clearly would induce computer and technology spending, especially if it is available for 2 years, thus propelling the technology sector while also improving educational opportunities for students. The fact is, experience shows that even a small, temporary reduction in taxes can bring about huge increases in computer sales.

In South Carolina, they had a sales tax holiday on computers for just 3 days. CPU sales increased more than tenfold; 1,060 percent in those 3 days.

In the Commonwealth of Pennsylvania they eliminated the sales tax on computers for 1 week. CPU sales increased sixfold; 615 percent in that time.

My Educational Opportunity Tax Credit would not just impact computer sales but also software makers, Internet access providers, printer, monitor and scanner manufacturers as well.

In South Carolina they realized a 664-percent and 700-percent increase in monitor and printer sales, respectively, with only a 5-percent tax break. We know that consumer spending accounts for two-thirds of all economic activity, which is largely flat and has been flat this summer and weakening in the last report in our economy.

The Education Opportunity Tax Credit represents the right solution for our economy. No. 1, it increases consumer spending on computers and related technology. No. 2, it injects $20 billion into the weakest and one of the very important links in our economy. No. 3, it provides previously out-of-reach education and technology opportunities for families.

As I said before, I am willing to work with my colleagues in addressing the best way to implement this proposal. We can shorten the applicable timeframe from the original bill. We can look at a different credit level to make sure we get the maximum economic impact for minimum fiscal impact to the Treasury. But I am convinced that combining consumer-oriented tax cuts with appreciation of what is really going on in the technology sector can improve consumer confidence, accelerate consumer spending, and provide the technology sector the revenues they need to reinvest and return our economy to strong growth and also provide more good paying jobs for the people of America.

Mr. President, I yield the remainder of my time, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. We are in morning business.

THREAT OF GERM WARFARE AND BIOTERRORISM

Mr. FRIST. Mr. President, I rise to discuss an issue based on my observations over the past week, an issue clearly on the minds of many people, and that is the potential threat of germ warfare and bioterrorism. Over the weekend, there was a lot of discussion through the various media outlets about our broad vulnerability to terrorism in the United States of America, in part based on intelligence and in part based on the events of September 11.

Over the last week, many people have rushed to obtain antibiotics and gas masks to prepare for the threat of bioterrorism or germ warfare—the threat that is posed by germs, bacteria—if viruses fall into the wrong hands. Many people are concerned that given the powerful destructive ability of some of these viruses, they could used in a way that threatens not only all Americans, but all of civilization.

A lot of people called me over the weekend, recognizing my interest in this topic and recognizing I had participated in passing a bill called the Public Health Threats and Emergency Act which was passed in the year 2000.

People have asked if the threat of bioterrorism is real? The answer is yes, it is real. In fact, we have already seen the destructive use of bacteria by people in this country. In 1984, there was an outbreak in Oregon of salmonella poisoning from which over 700 people suffered some illness. This outbreak was caused by members of a religious cult placing living bacteria in the salad bars of 10 different sites across the State.

The ''bio'' part of biogerm warfare or biochemical warfare is the living organism, and that is what was inserted in the salad bars that caused the illness of about 700 people. We know germ warfare has been used, so the threat is real.

But before people attempt to respond to this threat by rushing out and buying items, we need to put the threat of bioterrorism in perspective. The overall probability of a bioterrorist attack is low. I do not know exactly what that number is. In fact, we cannot put a specific number on it, but the overall probability of a terrorist attack using biology, bacteria, living organisms—is low. However, it is increasing. It is now our number one or number two threat, and, at least to me, it is clear that we are highly vulnerable in the event such an attack takes place.

The consequences of such an attack, whether it is with anthrax, smallpox, tularemia, pneumonic plague, nerve agents or blister agents, is huge. Why? Because we are ill equipped. We are unprepared. However, in saying that, we have to be careful that we do not become alarmists. People will have nightmares, will not sleep at night, and the response should be the opposite.

We need to recognize there are things we can do right now, first and foremost, to develop a comprehensive biodefense plan capable of preventing a bioterrorist attack. Obviously, prevention should be our primary goal from the outset. We want to keep biological weapons out of the hands of people who are intent on destruction. At the same time we can be prepared—if these germs and agents fall in the hands of a potential terrorist—by preparing an effective response plan. Third, is the response, an area called consequence management, crisis management after such an assault takes place.

Yes, the threat is real, but very low—a tiny probability, but growing. Why do I say growing? Because on September 11 we witnessed a calamity the likes of which have never been seen before in the history of the world. It was unexpected and unfathomable—using planes as bombs. We know those events were carefully planned out over a period of years in a very sophisticated way that was obviously well financed. Therefore, I will say it is growing because we did not expect it, and because it has occurred several years after Khobar Towers and after the attack on the USS *Cole*. So there is an increasing threat of calamity and destruction.

This threat is rising, secondly, because of scientific advances in areas such as aerosolization. People talk about anthrax and how you cannot really aerosolize it—that is, breaking it down into defined particles so it can be inhaled into the lungs—because 10 years ago we tried to do it and could not do it. However, over the last 10 years there have been huge advances in this technology. Today we use nebulizers in hospitals to aerosolize particles to get medication deep into the lungs. We did not have that technology 10 to 15 years ago, but the technology has been developed.

Take perfume, for example. When one goes through a department store, one can smell the perfume around. The technology of aerosolization has progressed rapidly over the last 10 to 15 years. What we thought could not be done 10 or 15 years ago can be done today because of advances in technology.

Another example is airplanes spraying chemicals. They say: Oh, those crop dusters cannot do it, but there are some dry chemical crop dusters that might be able to spray agents.

I have mentioned these examples because science has changed and what we could not do years ago can be done today.

In addition, the scientific expertise related to biochemical warfare is there. A lot of people don't realize that during the 1980s, well after a general pact in 1972 was agreed upon by really the world, the Soviet Union set out in a very determined and aggressive way to develop biochemical weapons. The number one goal of this project was the development of pathogens that could kill. This was not a little, secret project. This project involved as many as 7,000 scientists whose professional being, through the 1980s in the Soviet Union, was to develop these pathogens and effective mechanisms for their delivery.

With the fall of the Soviet Union 13 years ago, those scientists all of a sudden became unemployed. With no employment available in the former Soviet Union, those scientists have gone elsewhere in the world. We do not know where they all are, but we do know that they spent their entire professional life studying how to develop the boichemical weapons that threaten us today.

I say that because it is not beyond the realm of possibility that those scientists can be either hired or bought. All of this is in the public record, and, again, I want to be very careful because I do not want to be an alarmist. On the other hand, people need to realize that from the technology and the scientific standpoint, the expertise is out there.

The third area, and the reason why I say the risk is rising compared to 10 years ago, is that the United States today has emerged as the sole superpower of the world. Without the cold war and the sort of balances and the trade-offs and the push and the pull, the United States has become the target of many people who resent us, who do not like us, who are jealous of us, and a lot of that fervor today will hit the surface, or was hitting the surface more than 10 or 15 years ago in the middle of the cold war.

So, the threat is real: low probability but rising.

Let me just close on an issue that has to be addressed, and that is this whole field of vulnerability. Why are we so vulnerable today? We have heard recently that the Federal Government has worked aggressively and compared to 4 years ago, there has been enormous improvement at the Federal level. We are investing money that was not being invested 4 years ago. We are organized. We have 12-hour push products that allow us to very quickly could get antibiotics and vaccine, although not enough vaccine. We have a delivery system that could be mobilized very quickly. All of this is good.

We also know that at the Federal level we are not nearly as coordinated as we should be. Treasury, Defense, Energy, and Health and Human Services are all doing something, but according to the GAO report that came out last week, we need better organization and better coordination to eliminate the duplication and to eliminate the possible conflicting messages that are sent from the Federal level. So, we can coordinate better.

I am delighted that Governor Ridge has taken on this overall responsibility because that is the first step toward better coordination.

What really bothers me, when I say the vulnerability is high in spite of low probability, is that our public health infrastructure has been woefully and inadequately underfunded over the last really 15 years to two decades.

If there were a bioterrorist attack using germ warfare, what would happen? Basically, you have to diagnosis, you have to have good medical surveillance, you have to be able to assimilate a response team, and you have to do in it a rapid fashion. That is done through our public health system. The difference between conventional weaponry and bioweaponry is that bioweaponry requires first responders that are not just the firemen and the policemen, which are so critical and whose courage was so well demonstrated 2½ weeks ago, but in addition the first responders have to be the physicians, nurses, and the people who are managing the public health systems today.

Most physicians have never been trained to recognize smallpox or to recognize the pneumonic plague that affects the lungs or to recognize tularemia or the various types of food poisoning. They have not been trained. When you see 100 cases of flu, you do not even think about pneumonic anthrax. So we need better training.

We have underfunded the public health infrastructure. Communities of fewer than 25,000 people are being served by public health units of which fewer than two-thirds have fax machines or an Internet connection. The ability to communicate between public health units once something is suspected or identified between the public health entities is absolutely critical. This communication infrastructure, at least from my standpoint, as a physician, as someone who has dealt in treating the immuno-compromised host through the field of transplantation for 20 years before coming to the Senate, is totally inadequate today.

There are four other things that we can do. The bill that we passed in this body last year, the Public Health Threats and Emergency Act, is a good first step. It addressed this prevention, it addressed this preparedness, and it

addressed this third category of consequence management.

Unless we support our public health infrastructure, we cannot minimize the vulnerability that is out there today by training those first responders, by making sure that coordination at the local level among various entities is intact. This coordination is not there today because we have underinvested. Finally we must make sure that there is coordination at the State level and then at the Federal level and then across the Federal level, and that there is appropriate coordination without duplication.

I will simply close by saying that now is not the time for individuals to go out and hoard antibiotics or to buy gas masks. Now is the time for us to come together and develop a comprehensive biodefense plan that looks first at prevention to make sure we have the adequate intelligence, the appropriate research in terms of viruses, in terms of vaccines, and in terms of methods of early detection; second to look at preparedness, to make sure we are stockpiling the appropriate antibiotics, that we have a sufficient number of vaccines, which we simply do not have today but we are working very hard to get; and third that our consequence management and crisis management could handle what is called the surge product, the rush of people to emergency rooms, in a straightforward way.

I am very optimistic. We are working very hard over the course of this week on how much money should be put into this effort. We had a good first step last year in the Public Health Threats and Emergency Act. I am very confident that the American public will be very well served by this body and by the administration as we look at this critical area of biodefense.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are in morning business, is that correct?

The PRESIDING OFFICER. We are in morning business.

DEFENSE AUTHORIZATION

Mr. DORGAN. Mr. President, earlier I was visiting with my colleague from the State of Idaho, who spent this weekend in his home State, and I briefly described to him my travels in North Dakota. All of us serving in this Congress, both the House and the Senate, discover and understand a different spirit in this country since the September 11 tragedies that occurred as a result of the acts of terrorists.

I was traveling down Interstate 94 in North Dakota, on kind of a lonely space of that road, without a building or town in sight. All I saw were prairies and fenceposts. In the middle of that vista was a single American flag, hoisted up on a fence cornerpost, gently blowing in the North Dakota morning breeze—one single American flag.

That morning, I was on my way to an event in Hettinger, ND. There were perhaps 80 to 100 people who came to this event in Hettinger, and the master of ceremonies asked that they open the events with the Pledge of Allegiance. Following the Pledge of Allegiance, it occurred to me that it was the first time I had heard the Pledge of Allegiance by a group of people in which it was something much more than reciting a pledge from memory. It was much more about a pledge than it was about memory.

All across this country, there is a sense of patriotism, a love of country, that has sprung from these tragedies of September 11, and that spirit invades in a good way the work of the Senate and the House as well. We have had more cooperation on a range of controversial issues in the last couple of weeks than I have seen in years in the Senate.

I say that as an introduction. We are now on a piece of legislation that is very important in a time of national security interests and in a time in which we have suffered these terrorist attacks. We have the Defense authorization bill before the Senate. It is stuck. We cannot seem to move it.

Why would we not be able to move something as important as a Defense authorization bill at a time such as this? Some Members of the Senate are insistent on, among other things, having an energy bill as an amendment to this bill, including the energy bill that was passed by the House of Representatives on this Defense authorization bill.

It is certainly the case we ought to pass an energy bill in this Congress. I don't think there is much debate about that. The Presiding Officer, the Senator from New Mexico, is the chairman of the Energy Committee on which I serve. We have been working for some long while to try to find common ground to write a new energy bill for our country. It takes on new urgency to write an energy bill, given what happened in this country on September 11, given the threat of actions by terrorists that could thwart the opportunity to have energy flow to places in this country that need it.

We need to do something with respect to not only energy security but energy supply and conservation and more. How do we do that? We don't do that, it seems to me, by simply taking a bill that was passed by the House of Representatives, and offering that as an amendment to a Defense bill in the Senate, especially in a circumstance where offering that as an amendment holds up a bill as vital to this country as the Defense authorization bill. I urge my colleagues to allow Members to move forward and deal with the amendments on the Defense authorization bill.

We have filed a cloture motion on the Defense authorization bill to be voted on tomorrow, but it is troublesome that we have to file a cloture motion to try to shut off a filibuster, in effect, on a Defense authorization bill at this time and in this place in this country. We ought to move as one with a new dedication of spirit and new determination to pass legislation as important as this, without hanging it up with extraneous amendments.

Let me talk for a moment about energy. The energy amendment some of my colleagues wish to offer to this Defense authorization bill is not germane to this bill. It has nothing to do with this bill. This bill is about the Defense Department and programs in the Defense Department. Is energy important? Absolutely. Energy is an important subject. There is a way to deal with energy policy in this country. All Members know we need to produce more: produce more oil and natural gas. We will do that. We all understand part of a comprehensive national energy policy is not only production, but it is also conservation. Some have this view that the only energy strategy that exists in America is to dig and drill. Just dig and drill and you will solve America's energy problem.

We need to produce more. I will support additional production. That is part of an energy policy we need. But we need conservation, efficiency, and we need to include renewables and limitless energy sources. All of those need to be part of a balanced energy program.

If we develop an energy policy and bring it to the floor of the Senate, which we should in my judgment, we can have a discussion about the different views of different Members of the Senate about how that mix ought to come together in an energy bill. It does not make sense, and in my judgment, does not help do what we need to do in the Senate to hold up a Defense authorization bill so one can try to offer an energy bill passed in the House of Representatives as an amendment to a Defense bill. That is not the right thing to do at this point.

How do we reconcile this? My hope is those who are holding up the Defense authorization bill will stop and say: Let's work together on a Defense authorization bill that makes sense for this country. We can do that.

We are going to be sending men and women into harm's way in this country. We probably already have. We certainly will in the future. Yet we are not willing to pass a Defense authorization bill without offering extraneous amendments? That is not fair. It is not the right thing to do.

I attended a ceremony in North Dakota on Friday in which I presented medals that had been earned by World War II veterans that they never received. Two were Bronze Stars for members of the 184th Division of the North Dakota National Guard. They fought 600 days in combat. They actually saved Guadalcanal. They got a letter from the Marine commandant saying they wanted to make them honorary marines. These were very brave,

battle-weary veterans when World War II was over. They were much decorated. One of the company commanders had several Silver Stars, several Bronze Stars. These were brave, brave Americans.

As I presented the medal to one of them, he began to cry, thinking back about what his contribution was to this country, what he had done with his buddies, thinking back about the number of friends he had lost in that National Guard unit.

As we now send men and women from our country into harm's way, what we ought to do on defense policy, both with respect to the Defense Authorization Act and the Defense Appropriations Act, is bring these bills to the floor of the Senate, work on them in a spirit of cooperation, and get them passed. That says, with one voice, to those men and women in uniform in this country: We are going to give you all the support you need to do what you need for this country to protect and preserve our liberty and freedom.

We are asking them to find those terrorists who committed these acts of mass murder against American citizens, find those terrorists and punish them, and help prevent these terrorist attacks from ever occurring again. That is a dangerous job.

President Bush has come to the Congress and said in a call to the American people that he needs America to be unified. We should speak as one. We should say to terrorists and those harboring them around the world: This country will not allow that to stand. We will find you and we will punish you.

At this time and in this place, we must, in support of the President and in support of the men and women who wear America's uniforms, we must pass this Defense authorization bill and stop what happened in the last week and a half, stop the blocking of this bill for other issues.

Then let's come back and deal with energy. I have great confidence in my colleague from New Mexico, Mr. BINGAMAN, who now chairs the Energy Committee. My colleague waiting to speak, the Senator from Idaho, LARRY CRAIG, is on the committee. We have a lot of good people on the Energy Committee who can work together for a sensible energy policy for this country. Then let's debate that and have a conference with the House and proceed. Yes, we have security issues with respect to energy. Let's proceed on those and do it in the regular order. We should write that bill in the Energy Committee.

One final point: We not only have security threats with respect to terrorist acts in this country and all the security issues that related to that, we also have some emergency issues dealing with this country's economy. Some of that relates to energy, but some of it relates to general economic circumstances in this country.

The question will be, in my judgment, for the next couple of weeks, Will we need a stimulus package in order to provide some lift to the American economy? Shall we develop an economic stimulus package? If so, what will that package be? Senator Daschle and I have written to a dozen or so of the leading economists in this country last week, and we asked if they would share in a letter an analysis of whether they believe we need a stimulus package; if not, why not, and if so, what should that package include.

I will release to my colleagues today a special report that describes the response of the leading economists in the country in which they describe how they believe we ought to proceed; what kind of stimulus package, if they believe we should have one, would provide a lift to the American economy; what kind of an approach we should use during this period. We have the Federal Reserve Board working on monetary policies. They are obviously furiously trying to cut high interest rates. We are working on fiscal policy issues in the Congress.

Specifically, the question with respect to fiscal policy is, Will we need a stimulus package? And if so, what will that package be? I will release that report this afternoon. It contains a fascinating analysis by the leading economists, including Nobel laureates, the leading economic voices in America.

We need to get this right, as well. We need to work in a spirit of cooperation, between Republicans and Democrats, conservatives and liberals, to join hands and see what we can do to provide some lift to this American economy and give the American people some confidence that tomorrow is going to be better than today; that they can have confidence in the future. We will have economic growth and opportunity in this country's future.

All of those are issues that have relationships to each other. But let me just come back to the point I was making originally. We need to do business in this Senate the right way. The Defense authorization bill ought to be passed. We ought not block that legislation. Blockage of the Defense authorization bill has not been good for this country. Let's back away, debate the issues that are relevant to that bill, pass that legislation, and then let's move on to the other critical issues our country faces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

THE DEFENSE AUTHORIZATION BILL

Mr. CRAIG. Mr. President, I come to the floor in morning business to talk about National Public Lands Day, but before I do that I want to respond to my colleague from North Dakota, ever so briefly, to suggest that the Defense authorization bill can and should move on the floor just as he said.

There are not a lot of amendments that are holding it up, but there is one important one—that has not yet been offered—in an effort to try to cause the Senate to shape a direction and establish a time certain when the Senate can debate a national energy policy.

The Presiding Officer happens to be chairman of the Energy Committee in the Senate. He and I have worked long hours already, trying to determine what might go into a national energy policy bill that could come from his authorizing committee.

As we know, the House acted before the August recess on a national energy policy. At that time, the American people said we ought to have a national energy policy for the stability and strength of our economy, because of the long-term need for energy, and, last, because of national security needs.

Since September 11, there has been a literally cataclysmic change in the thinking of the American people as it relates to energy. Issues that once resided in the 35-percent positive range are now at 65-percent positive, relating to certain aspects of energy and energy development. I say that because in looking at a poll that was taken on December 15 and 16, the pollster told me—the poll is still sequestered yet for certain purposes—that in his opinion the events of September 11 changed the mindset of the American public in a greater way than ever in the history of modern-day polling.

No longer is energy an issue of economic stability. It is now, by a factor of 15 points, an issue of national security. Why? Because the American people now well understand we are nearly 60-percent dependent upon foreign oil, and a dominant amount of that oil comes out of the Middle East. In fact, just last week the OPEC ministers decided not to turn down their valves to force up the price of crude oil because they were afraid they would dump the world economy. That was exactly their thinking. I had a phone conversation with our Secretary of Energy, Spence Abraham, who had gone to Vienna to talk to the ministers. They had concluded they would not force the price up by forcing the volume down.

If we are going to decide we cannot deal with a national energy policy for the next 3 or 4 months when in fact we have already spent 2 years looking at policy before the committee—the Presiding Officer, the chairman, has a bill out, the ranking member has a bill out, and there are other versions. We might not be able to do a large bill that is fully comprehensive. But I believe in this time, when America is asking us to unite and stand together and has said that energy is now a national security issue of the utmost importance, that we in the next 2 weeks on the Energy Committee, if we chose to work 4 or 5 days a week and have our staffs working hard, could do just that: Produce a comprehensive energy bill, bring it to the floor, vote on it, and begin to work with the House to find out our differences.

If we recess in late October or early November—or adjourn, whatever our

leadership decides—an energy bill ought to be on the President's desk waiting for his signature. Any less performance than that is an inadequate performance on the part of the Congress.

I think we do have that opportunity. The reason we have a colleague on the floor saying he wants to put one on the Defense authorization bill is to cause the leadership of the Senate not to stonewall the issue but to give us a time certain when that issue can come to the floor.

THE VALUE OF PUBLIC LANDS

Mr. CRAIG. If I could for a few moments talk about something that is near and dear to my heart, that is public lands. My State of Idaho is 63-percent public land. Last Saturday was a time for all Americans to recognize the value we have in our public lands and a time for all of us to give a little something back, by volunteering a Saturday to lend a helping hand to improve our public lands. Last Saturday was National Public Lands Day.

This year, National Public Lands Day focused on ''Keeping the Promise'' by asking Americans to come together to improve the nation's largest resource, our public lands, and to honor the work and sacrifice of the members of the Civilian Conservation Corps.

They are unsung heroes who built over 800 of America's national and state parks.

Between 1933 and 1942, 3.5 million Corps members planted almost 4 billion trees, and they built parks, roads, and hiking trails.

They laid the foundation for the public lands system that America enjoys today.

This year the Corps held their final national reunion on National Public Lands Day.

The ceremony remembered the efforts of the Civilian Conservation Corp at Virginia's Shenandoah National Park, and the Corps Alumni symbolically passed the responsibility of caring for public lands to a new generation of concerned citizens.

This year, this new generation totaled approximately 50,000 volunteers, who took some of their precious time and performed over a million dollars worth of improvements to our public lands.

I believe National Public Lands Day is an opportunity to build a sense of ownership by Americans—through personal involvement and conservation education.

In recognition of National Public Lands Day and this sense of ownership we should all have for our public lands, I want to spend a few minutes today and reflect on the value of our public lands and on what the future holds for them.

There are around 650 million acres of public lands in the United States. This represents a major portion of our total land mass.

However, most of these lands are concentrated in the West, where as much as 82 percent of a state can be comprised of Federal land. In fact, 63 percent of my own home state of Idaho is owned by the Federal Government.

This can be beneficial, as our public lands have a lot to offer.

For starters, there is a great deal of resources available on our public lands—from renewable forests to opportunities to raise livestock to oil and minerals beneath the surface—public lands hold a great deal of the resources we all depend on and that allow us to enjoy the abundant lives we live in this country.

Having resources available on public lands affords us the opportunity for a return on those resources to help fund government services, from schools to roads to national defense, and ease the burden on taxpayers.

Just as important, though, is the recreation opportunities our public lands offer.

Every day, people hike and pack into the solitude of wilderness areas, climb rocks, ski, camp, snowmobile, use off-road vehicles, hunt, fish, picnic, boat, swim, and the list goes on of the abundance of recreation on these marvelous lands.

Because the lands are owned by all of us, the opportunity has existed for everyone to use the land within reasonable limits.

However, times are changing. We are in the midst of a slow and methodical attack on our access to public lands.

It started with the resources industries. It will not stop there.

At the same time some radical groups are fighting to halt all resource management on our public lands, they are working to restrict and, in some cases, eliminate human access to our public lands for recreation.

Yes, we must manage our public lands responsibly, which includes restrictions on some activities in some areas.

What we must not do is unreasonably restrict or eliminate certain activities.

Some people like to hike in backcountry areas where they can find peace and solitude while others prefer to ride ATVs into the wilderness.

Some prefer to camp in more developed facilities while others prefer primitive spots.

The point is that recreational opportunities on our public lands should be as diverse as the American public's interest.

On the same note, we can use the natural resources we need in an environmentally responsible manner and still have plenty of opportunities to recreate.

In fact, recreation resource, and environmental interests can team together to help each other out. In my own State of Idaho, on the Nez Perce National Forest, representatives of these interests and many others have come together though a stewardship project.

These groups are working with the Forest Service to implement a project that works for everyone and addresses all of their needs in some fashion.

In order to achieve such success, each group has had to compromise to agree on a prescription that works for everyone. No one gets their way all of the time.

This is just one example of differing interests working together to help each other out and improve the opportunities on our public lands for everyone and to secure a sound environment.

We need to see more of this around the country.

Public land management has become embroiled in fights, appeals, and litigation. The result is that the only ones who are winning are those who want to ensure we don't use our public lands.

This must stop. Differing interests have to come together and realize that we all have one common goal—use of the land in a responsible and environmentally sound manner.

We can not continue to make the same mistakes of the past on these marvelous public lands.

That being said, I would like each of my colleagues to think about how public lands benefit their State and how they might work to support the new generation of Americans who are just beginning to find the wonders of our public lands.

Last Saturday was National Public Lands Day, and many walked upon those lands and rode water equipment on the lakes of those lands. Some even cut down a few trees to make a home or to provide saw timber to a sawmill. Some were herding cattle on the public lands of Idaho, taking them from the summer range to the fall range and heading them home for the winter season. Soon many will be hunting on the public lands of the West—hunting the elusive elk, or the deer, or other forms of wildlife species that are abundant and managed both in balanced and purposeful ways.

That is the great story of our Nation's public lands. It is not simply to lock them up and look at them, to call them, as medieval Europe once used to call them, ''the King's land.'' The lands of the public are not the King's lands, and they are not the Government's lands; they are the people's lands.

These lands must be managed in a way that ensures their environmental integrity while allowing all Americans to enjoy them in their lifetime and in their style.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, since we were unable to reach agreement on a

list of finite amendments to the Defense Authorization Act last week, the leadership filed a cloture motion on the bill. The Senate will vote on cloture on the bill at 10 a.m. tomorrow. I certainly hope the Senate will invoke cloture on the bill because we have so many important items in this bill relating to our national security. It is essential that we act in the Senate so we can go to conference with the House and bring back a conference product.

So far we have adopted 47 amendments to the bill. We have had two rollcall votes. And one amendment has been offered and then withdrawn. Over the last few days of last week, and over the weekend, we and our staffs have worked through more of the amendments that have been filed on the bill.

Senator WARNER and I have another package of cleared amendments that we will be offering later today in the form of a managers' package. We are continuing to work to clear amendments, and we expect to have more cleared later this afternoon. I encourage Senators who have amendments to bring them down and to work with our staffs to try to get them cleared.

Completing action on this bill tomorrow would send a powerful signal to our allies and our adversaries around the world of our sense of national unity and determination and of our strong support for our Armed Forces. Failure to complete action on this bill would send the opposite message. So I urge all of our colleagues to put aside controversial issues that do not relate to this bill and to work with Senator WARNER and with me to complete action on this important legislation.

The ranking minority member of the committee, Senator WARNER, is at the White House with the President this afternoon. We were scheduled to begin at 2 o'clock, but that meeting with the President obviously takes precedence.

RECESS

Mr. LEVIN. So, Mr. President, I ask unanimous consent that the Senate stand in recess until 3:15. At that time, we will be in this Chamber to discuss amendments that Senators might wish to offer. And the managers will stay as late today as is necessary to discuss any of those amendments.

I thank the Chair.

There being no objection, the Senate, at 2:07 p.m., recessed until 3:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. DORGAN).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

USE OF FORCE AUTHORITY BY THE PRESIDENT

Mr. BYRD. Mr. President, up until a few days ago, the Senate was moving with lightning-like speed to complete consideration of the Defense authorization bill. Complications arose last week and slowed the bill down, but it appears that the Senate may be poised to shift back into high gear—or something like it—tomorrow and attempt to finish the bill. A cloture motion was filed last week. If cloture is invoked on Tuesday, passage of the bill will be more nearly assured.

Clearly, the Senate has many weighty matters to consider, both in this bill and in other measures waiting in the wings. We should proceed with all due haste to complete our work. The September 11 terrorist attack on the United States reordered our priorities and imposed a new measure of urgency on much of the business that is yet to come before the Senate.

But in the heat of the moment, in the crush of recent events, I fear we may be losing sight of the larger obligations of the Senate. Our responsibility as Senators is to carefully consider and fully debate major policy matters, to air all sides of a given issue, and to act after full deliberation. Yes, we want to respond quickly to urgent needs, but a speedy response should not be used as an excuse to trample full and free debate.

I am concerned that the Defense bill may be a victim of this rush to action, despite the respite offered by last week's delays. For example, the Defense bill, as reported by the Senate Armed Services Committee, contained language conditioning the expenditure of missile defense funds on U.S. compliance with the Antiballistic Missile Treaty, the ABM Treaty. I worry that that language—which was somewhat controversial in committee and which was only narrowly approved—was dropped without a word of debate being uttered on the Senate floor. I understand the reluctance to engage in divisive public debate at a time when we are all seeking unity, but I caution that debate over such an important subject as the ABM Treaty is not to be lightly dismissed. There is no question about the unity. The unity is here. And certainly, insofar as I am concerned, debate over an issue of this kind is not going to be an apple of discord thrown into the mix. We may just happen to disagree on some matters with respect to the ABM Treaty.

So I cannot understand why there needs to be such ''unity'' that it would require keeping our voices completely mute on a matter of this kind. It would be no indication of disunity in this country and our need to be unified in dealing with the terrorists or nations that harbor terrorists. As a matter of fact, the mere fact that we would disagree on a matter before the Senate—the ABM Treaty, for example—is no indication of disunity when it comes to facing the common foe. Not to me, at least.

The Defense authorization bill provides up to $8.3 billion for missile defense, including activities that may or may not violate the ABM Treaty in the coming months. Many experts believe the ABM Treaty is the cornerstone of international arms control and that to abrogate or withdraw from the treaty can only lead to a new, dangerous, and costly international arms race. Other experts, on the other hand, are of the opinion that the ABM Treaty has outlived its usefulness, that it is a relic of the cold war that makes it impossible for the United States to protect its citizens against a new world order of rogue nations armed with ballistic missiles and transnational terrorists who may very well be armed with chemical, biological, and nuclear weapons.

This is a major policy issue. That is what it is—a major policy issue. I am not sure where I stand on the ABM Treaty, but I do know I am not prepared to trade it in on a still-to-be-developed, still-to-be-proven national missile defense program without giving the matter a great deal of thought and consideration.

The language that was dropped from the Defense bill would have provided Congress the opportunity to vote on funding any missile defense expenditure that would violate the ABM Treaty. It was a sensible provision, as I see it. I would have supported it, probably, and I would have been eager to engage in debate over it. Although I might have little to say, I would still like to hear it. I would like to hear others. That opportunity was given away to avoid what? To avoid a debate that some might have called divisive on this bill. So be it. But having postponed that debate on this bill, we have an obligation to find another venue in which to have that debate. And we should have that debate sooner rather than later.

The resolution granting the President the authority to use force to respond to the September 11 terrorist attack is another example of Congress moving quickly to avoid the specter of acrimonious debate at a time of national crisis. The resolution Congress approved gives the President broad authority to go after the perpetrators of the terrorist attack regardless of who they are or where they are hiding. I am not saying we ought to debate that ad infinitum, but at least we could have had 3 hours or 6 hours of debate. Why do we have to put a zipper on our lips and have no debate at all?

It also authorizes the President to take all appropriate actions against nations, organizations, or persons who aided or harbored those perpetrators. In his address to Congress following the attack, President Bush vowed to take the battle against terrorism to those persons, such as Osama bin Laden; to those organizations, such as the Taliban; to those networks, such as Al-Qaida, and to any nations that acted as conspirators in the attack on the United States.

I supported the resolution granting the President the authority to use military force against the perpetrators of this terrible attack, and I applauded his address to Congress and to the Nation. I note that the President wisely drew lines of discrimination, specifying that the punishment must be directed against those who are guilty of this crime, so that we cannot be accused of broadening our response to those who were not involved in the September 11 attack. Our resolve and our ferocity of response must carefully discriminate against the guilty, and surely if we do so, all men of reason, all nations of conscience, will support and applaud us.

I was reassured by the President's remarks. But as I delved more deeply into the resolution passed by Congress, I began to have some qualms over how broad a grant of authority Congress gave him in our rush to act quickly. Because of the speed with which it was passed, there was little discussion establishing a foundation for the resolution. Because of the paucity of debate, it would be difficult to glean from the record the specific intent of Congress in approving S.J. Res. 23. There were after-the-fact statements made in the Senate, and there was some debate in the House, but there was not the normal level of discussion or the normal level of analysis of the language prior to the vote that we have come to expect in the Senate. And so I think it is important to take a second look at S.J. Res. 23, to examine its strengths and weaknesses, and to put on record the intent of Congress in passing the resolution.

I am not sure we are doing that. Just as this is my speech, just as it is one Senator's observations, those observations might have been worth a little more had we made them before we passed that resolution in such a great hurry.

Two aspects of the resolution are key: First, the use of force authority granted to the President extends only to the perpetrators of the September 11 attack. It was not the intent of Congress to give the President unbridled authority—I hope it wasn't—to wage war against terrorism writ large without the advice and consent of Congress. That intent was made clear when Senators modified the text of the resolution proposed by the White House to limit the grant of authority to the September 11 attack.

Let me at this point read into the RECORD the original text of proposed joint resolution submitted to the Senate leadership by the White House on September 12 this year of our Lord, 2001. And I read it: ''Joint resolution.'' The title: ''To authorize the use of United States Armed Forces Against Those Responsible for the Recent attacks Lunched Against the United States.''

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled—

And here is the resolving clause that was in the proposed legislation submitted by the White House to the Senate leadership—

That the President is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, harbored, committed, or aided in the planning or commission of the attacks against the United States that occurred on September 11, 2001, and to deter and pre-empt any future acts of terrorism or aggression against the United States.

That completes the proposed resolution the White House submitted to the Senate leadership. Senators modified this text that was proposed by the White House to limit the grant of authority, and that limitation is extremely important because the resolution also gives the President unprecedented authority to wage war not only against nations involved in the September 11 terrorist attacks, but also against individuals and organizations.

The resolution as passed by the Senate on September 14 is as follows:

S.J. Res. 23. Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled:

Section 1. Short Title.

This joint resolution may be cited as the ''Authorization for Use of Military Force''.

Sec. 2. Authorization for Use of United States Armed Forces.

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) War Powers Resolution Requirements.—

(1) Specific Statutory Authorization.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) Applicability of Other Requirements.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

So, S.J. Res. 23 invokes the War Powers Resolution. Quite an addition to the proposal that was sent to the Senate from the White House.

The crux of the War Powers Resolution is that it provides specific procedures for Congress to participate with the President in decisions to send U.S. forces into hostilities. Section 2(b) of S.J. Res. 23 specifically invokes section 5(b) of the War Powers Resolution and further declares that nothing in S.J. Res. 23 supercedes any requirement of the War Powers Resolution.

Section 5(b) of the War Powers Resolution provides that the President must terminate any use of United States Armed Forces after 60 days unless Congress has declared war or has enacted a specific authorization for such use of United States Armed Forces. S.J. Res 23 provides that authorization within the context of the September 11th attack.

Let me read that again because the emphasis is on the word ''that.'' I am going to redo this. S.J. Res. 23 provides that authorization—that we have just read about—within the context of the September 11 attack.

Those persons, organizations or nations that were not involved in the September 11 attack are, by definition, outside the scope of this authorization.

By signing S.J. Res 23 into law, as he did on September 18th, it would seem that the President explicitly, or at least implicitly, accepted the terms of the Resolution, including the constraints imposed by the War Powers Resolution.

However, as clear as the language appears on its face, it is noteworthy that President Bush, like other presidents before him, including his father, specifically noted in the statement he issued when he signed the resolution that despite his signature, he maintains ''the longstanding position of the executive branch regarding the President's constitutional authority to use force, including the Armed Forces of the United States and regarding the constitutionality of the War Powers Resolution.''

Every President since the enactment of the War Powers Resolution in 1973 has taken the position that the War Powers Resolution is an unconstitutional infringement of the President's constitutional authority as Commander in Chief to deploy U.S. forces into hostilities.

This does not mean that President Bush will use that argument to completely shut Congress out of the process of deploying troops where hostilities are taking place or immediately threatened to take place. But it

does mean that President Bush, like his predecessors, is likely to use that argument to consult with Congress and report to Congress on his own terms and his own timetable instead of the terms and timetable spelled out in the war powers resolution.

Last week, President Bush submitted his first report to Congress on the new U.S. Campaign Against Terrorism. In his letter, the President said, ''I am providing this report as part of my efforts to keep the Congress informed, consistent with the war powers resolution and Senate Joint Resolution 23. . . .'' While the intent may have been to inform, the letter was decidedly lacking in details. Notwithstanding the requirement of the War Powers Resolution, the President provided no details on the proposed scope and duration of the deployment. The only indication of a timetable was the president's assertion that the campaign against terrorism ''Will be a lengthy one.''

Mr. President, I ask unanimous consent that a copy of the President's report to Congress be included in the RECORD following these remarks.

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

(See Exhibit No. 1.)

In short, what appeared to be crystal clear to Congress when it passed the use of force resolution appears to be a matter of very different interpretation to the President. I wonder, in retrospect, if a few hours, or indeed if a very few hours, of searching debate and a little more research prior to the passage of S.J. Res. 23 might not have resulted in a more clearly defined grant of power. We may never resolve the political tension between the executive and legislative branches over the constitutional division of war powers, but we might have been able to better clarify the intent of S.J. Res. 23. Such clarity is important.

This is not a matter that no lack of goodwill will end tomorrow, or a week from tomorrow, or perhaps a year from tomorrow. This resolution, such as the use of force resolutions granted in the past, has no sunset clause. These resolutions remain in force unless Congress repeals them. For all we know, this President could just simply dust off, just that easy—dust it off; dust it off—dust off the 1991 gulf war resolution. The President could just as easily dust off the 1991 gulf war resolution which granted use of force authority to his father, to cite congressional authority to sweep Iraq into the current conflict regardless of whether it had anything to do with the September 11 attack.

The President, of course, does have limited authority under the War Powers Resolution to prosecute terrorist organizations that operate against our interests and the interests of all peaceloving nations. He has that power regardless of whether Congress has passed a resolution granting him specific authority. He has that inherent power under the Constitution, but he may not exercise it without triggering the reporting and termination requirements of the War Powers Resolution. In his address to Congress, the President cited organizations which are known terrorist organizations in the world. Regardless of their history, if those organizations were not involved in the September 11 attack, they fall outside of the broad grant of authority provided by the Congress for the President to act in S.J. Res 23.

I am not making the case for them by any means. I am simply saying that we in the Senate should have had some things to say publicly about this resolution before we passed it.

We should have had some debate. The President could take action against them if he deemed it necessary, but such action would trigger the War Powers Resolution, wouldn't it? By law, the President would have to report to the Congress on any actions he might take in regard to those organizations, and seek new specific authorization from Congress if he planned to engage in military action for more than 60 days. But will he? Will he?

The intent of the use of force authorization Congress approved in the aftermath of the attack on America is clear. It is firmly anchored to those individuals, organizations, or nations who were complicit in the September 11th attack. Extended operations against other parties or nations not involved in the attack would require—or would it—additional specific authorization beyond the 60 day period provided for in the War Powers Resolution. Whether the language of S.J. Res. 23 adequately supports the intent is another matter.

Mr. President, it may seem to some as though I am belaboring a fine point—splitting hairs, if you please—during a time of national crisis. One need not be mistaken about it—I support our President in his efforts to bring to justice the evildoers who attacked the United States on September 11th. Congress has clearly demonstrated its resolve and its unity in that regard. I don't think anyone need have any doubts about that. But I have also taken an oath to protect and defend—so has every Senator in this body—the Constitution of the United States. Article I Section 8 of the Constitution grants to Congress the exclusive power to declare war. In taking any action to cede that authority to the Executive Branch, Congress must act with extreme care and caution.

Despite the speed with which Congress passed S.J. Res. 23, an effort to inject care and caution into the process was certainly made. The ramifications of the proposed resolution sent here by the White House were weighed and they were considered. Important modifications were made to the text originally proposed. I would not have voted for it otherwise. I had no time to study it. I was busy in my Appropriations Committee working on the bill appropriating $40 billion, so I had no time whatever to participate in the study and modifications of that resolution. But it was considerably modified. So there was considerable modification made to the text originally proposed.

In an effort to achieve the goal of enabling the President to wage war, as he calls it, against those responsible for the September 11 attack on the United States, while ensuring that the war cannot be broadened to encompass other targets without the knowledge and the consent of Congress, whether those modifications went far enough, whether the resolution ultimately adopted by Congress accomplishes precisely what we wish to accomplish, we have yet to know with certainty.

The President has declared ours to be a nation at war with global terrorism. We have united behind him in this hour of crisis, but we remain mindful of the somber history of this nation, of the blood that has been shed over the centuries to protect and defend the ideals enshrined in our Constitution. We must, therefore, be as constant in our vigilance of the Constitution as we are strong in our battle against terrorism.

I urge my colleagues to keep clearly in mind their fundamental responsibility to support and defend the Constitution. That is the oath we took with our hands, at least figuratively speaking, on the Bible ''so help me God.'' Every one of these Senators took that oath, a fundamental responsibility to support and defend the Constitution and to fully and fairly debate the major policy issues of the moment because this is going to be a long time. Whatever powers we cede will have been ceded for a long time, perhaps.

As we move through the rest of this session of Congress, let us stop, let us look, let us listen, listen to what our hearts are telling us. Let us listen to what this Constitution is telling us. Let us act as expeditiously as possible on the urgent matters before us, but let us also act with calm, careful, and thorough deliberations.

EXHIBIT NO. 1

ORIGINAL TEXT OF PROPOSED JOINT RESOLUTION SUBMITTED TO THE SENATE LEADERSHIP BY THE WHITE HOUSE, SEPTEMBER 12, 2001

Joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to use all necessary and appropriate

force against those nations, organizations or persons he determines planned, authorized, harbored, committed, or aided in the planning or commission of the attacks against the United States that occurred on September 11, 2001, and to deter and pre-empt any future acts of terrorism or aggression against the United States.

S.J. RES. 23

(Passed by the Senate, September 14)

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for Use of Military Force''.

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
September 24, 2001.

LETTER TO CONGRESS ON AMERICAN CAMPAIGN AGAINST TERRORISM

(Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate)

DEAR MR. SPEAKER: (DEAR MR. PRESIDENT:) On the morning of September 11, 2001, terrorists hijacked four U.S. commercial airliners. These terrorists coldly murdered thousands of innocent people on those airliners and on the ground, and deliberately destroyed the towers of the World Trade Center and surrounding buildings and a portion of the Pentagon.

In response to these attacks on our territory, our citizens, and our way of life, I ordered the deployment of various combat-equipped and combat support forces to a number of foreign nations in the Central and Pacific Command areas of operations. In the future, as we act to prevent and deter terrorism, I may find it necessary to order additional forces into these and other areas of the world, including into foreign nations where U.S. Armed Forces are already located.

I have taken these actions pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. It is not now possible to predict the scope and duration of these deployments, and the actions necessary to counter the terrorist threat to the United States. It is likely that the American campaign against terrorism will be a lengthy one.

I am providing this report as part of my efforts to keep the Congress informed, consistent with the War Powers Resolution and Senate Joint Resolution 23, which I signed on September 18, 2001. As you know, officials of my Administration and I have been regularly communicating with the leadership and other Members of Congress about the actions we are taking to respond to the threat of terrorism and we will continue to do so. I appreciate the continuing support of the Congress, including its passage of Senate Joint Resolution 23, in this action to protect the security of the United States of America and its citizens, civilian and military, here and abroad.

Sincerely,

GEORGE W. BUSH.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I know the Senator from Michigan said he wanted to speak. I am anxious to respond to some of what Senator BYRD said. I ask unanimous consent I be allowed to follow the Senator from Michigan.

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

Mr. LEVIN. I thank my good friend from Minnesota.

While Senator BYRD is on the floor, let me thank him for another of a long series of pleas that we be aware of our responsibility under the Constitution of this country, particularly when it comes to issues of war and peace. Surely the cautionary language of the great Senator from West Virginia is something which I hope all Members will heed.

I, personally, treasure the copy of the Constitution which he has autographed for me. I have it on my desk, and I look at it constantly. It is not quite as close to my heart as the Constitution which the Senator from West Virginia carries with him at all times, but it is always a few feet away from me when I sit at my desk. I thank him for again pointing out to the Senate the responsibility we have in these particularly difficult days.

Mr. WARNER. I associate myself with those remarks from a member of the Senate Armed Services Committee. We are pleased that he has continued this long association, although his duties are very heavy in other areas. It is interesting that only John Stennis was ever chairman of the Appropriations Committee and also served on the Senate Armed Services Committee. He was a great and dear friend of yours, we know, and teacher to all Members.

We thank our colleague for this very important speech he has given today.

Mr. BYRD. If the Senator will yield, I thank my friend from Virginia, the State which gave to our country George Washington and James Madison, the father of the Constitution. I thank him very much.

Mr. WARNER. I thank my good friend and colleague.

Mr. LEVIN. Mr. President, the Senator from West Virginia has made reference to two actions we have taken in the Senate. I would like to comment briefly on both.

First, on the second action we took, giving the President authority to respond to the attacks of September 11, the Senator did us a great service by laying out the version of that resolution with which we started and the version with which we ended. I made the same effort that day we voted on it, but I do not believe I actually put the drafts in the RECORD. I made reference to them, but I think that perhaps this is the first time the actual draft we began with is in the CONGRESSIONAL RECORD. I think that is a very important service.

The resolution we adopted, as the Senator from West Virginia said, is much narrower in terms of its authority. The draft we began with, that the White House submitted to us, had unprecedented broad authority, far too broad for most of us. It was unlimited by time and by other limits, as to what the President could do in response to these attacks.

The final resolution we adopted provided that the authority granted to the President is to respond to the attack of September 11—not to some unspecified future attacks but to that particular attack of September 11, and also, as the Senator from West Virginia said, made specific reference and inclusion by reference to the provisions of the War Powers Act.

Those and other changes in the language of the resolution were significant. Our good friend from West Virginia pointed out that there was much greater care and caution—to use his words—in the final resolution we adopted. I hope history proves that those of us who worked so hard on that final resolution indeed used enough care and caution to satisfy the requirements of the Constitution and just good common sense. But history will judge that one—and I hope will judge it well—because the differences between the original draft resolution submitted to us and the one we adopted are indeed significant changes, major changes.

As a matter of fact, I want to give our staff some real credit because they worked through the night with us in order to craft those changes which we were then able to adopt unanimously in the Senate.

On the first matter the Senator from West Virginia raised, which was the language which was in the original bill on national missile defense—as a member of the Armed Services Committee I

know he is familiar with this history—let me recount it for those who are not members of the committee.

As chairman of that committee, we asked the White House and the administration to tell us whether or not the activities for which they were requesting funding, the test activities for missile defense, were consistent with the ABM Treaty or would conflict with the ABM Treaty. We made many requests for that information, and we never received the answer to it.

That is critically important information because if we, as the appropriators and authorizers, are going to put funds into a bill for testing activities which are in conflict with an arms control agreement and which could have huge ramifications in terms of our own security, in the view of many of us resulting in a unilateral withdrawal which could make us less secure rather than more secure—if we are going to take that action as a Congress to appropriate those funds, we should do so knowingly.

We could not get that information. And so, as chairman of the committee, I drafted language which gave us an opportunity down the road, if and when the administration determined that the testing activities conflicted with the Anti-Ballistic Missile Treaty—would give us the opportunity to vote whether or not we approved such expenditures.

If we couldn't find out then, if we couldn't get that information to allow us to make that kind of an informed judgment, then I thought it was critically important to have that information so we could at a later point decide whether or not we would approve that expenditure. We won that argument by one vote in the Armed Services Committee. I was disappointed that all of our Republican colleagues voted against it. We were then informed that if that language remained in the bill, the bill would be vetoed by the President. So we started with that premise.

That doesn't mean the language was not the right language. In my judgment, it was and is the right language. But what it means is that we knew the bill would be vetoed.

Then came along the events of September 11, and the question was then whether or not that would make it possible for us to preserve that language in a totally different environment or whether or not it would make it more difficult to preserve language which I, as its author, thought was very significant, very important language.

There are many Members of this body who have devoted large amounts of time to arms control issues, including the chairman of the Foreign Relations Committee, but I must say I have spent a good deal of time in my career working on these arms control issues, so this became a very significant issue to me. I believe this unilateral withdrawal from the arms control agreement will make us less secure and not more secure. If I thought unilateral withdrawal from this treaty would make us more secure, I would favor the unilateral withdrawal. I would give notice to withdraw if I believed it would make us more secure—because that is the issue. We are not here to defend a treaty; we are here to defend the country. In my judgment, the unilateral withdrawal from this treaty would result in such a negative reaction on the part of a number of countries that would respond to that withdrawal that overall, on balance, we would end up being less secure, and we would do so in order to commit ourselves to testing a system which is a defense against the least likely means of attack, a missile attack.

We have been told by the Joint Chiefs over and over again that the least likely way we would be attacked, the least likely delivery system for a weapon of mass destruction, would be a missile. The most likely means would be a truck or a ship, some more conventional means—for a number of reasons, one of which being those conventional means—trucks, ships, whatever—are more accurate, cheaper, and—critically important—do not have what we call a return address like a missile. A missile attack would lead to the instantaneous destruction of any country that attacked us, including North Korea. And since the maintenance of their regime is their No. 1 goal in North Korea, according to our intelligence community, it is very unlikely that North Korea would attack us with a missile. It would lead to their instantaneous, or almost instantaneous, destruction.

So I believe that to unilaterally withdraw from a treaty in order to put us closer to a defense against the least likely means of attack, and doing so unilaterally, which would produce a reaction on the part of a number of countries, including Russia and China, which would overall make us less secure since they would build up their forces faster, they would not dismantle their weapons as Russia is doing, they would put multiple warheads on missiles—called MIRVing—they would no longer participate in dismantling weapons, which means we would have more and more nuclear material on Russian soil subject to proliferation, subject to pilferage, it struck me and strikes me that unilateral withdrawal leaves us, overall, less secure.

That is why I worked so hard on getting that language included. I thought, if Congress is going to provide the funds for that kind of activity that leads to the unilateral withdrawal from an arms control treaty, Congress should take the responsibility, under that oath to uphold the Constitution of the United States, to know what we are doing.

That was the driving force behind the language I drafted. So that language comes in the bill that is now being considered on the floor giving Congress the opportunity to have a voice before funds it appropriates are used for that purpose. It gives us an opportunity to know that in fact the funds are going to be used for an activity which conflicts with the Anti-Ballistic Missile Treaty.

Then came the event of September 11. The argument which the opponents of my language made was that my language tied the hands of the Commander in Chief, because no longer could he move on his own without authority for appropriations; he would have to first come back to us for that authority.

Frankly, I don't think that argument comes close to outweighing the arguments on the other side of this issue. Nonetheless, in that environment I reached the conclusion that that argument was going to prevail and it was not the time, immediately following the events of September 11, for that argument to be resolved.

It was a very practical judgment on my part as its author that it was about the worst time we could possibly pick—not that it was the time of our choosing, but it would have been the worst time to have a debate which had such crucial importance. It struck me as being far preferable that we preserve our opportunity to present this issue later in a separate bill that went on the calendar and that the majority leader could then attempt to call up. That language is now part of a bill that is on the calendar which the majority leader can at a later point call up.

Will it be more difficult for him to call it up than it would have been under the language had it remained embedded in the bill? The answer is yes, it will be more difficult because he will have to move to proceed if he cannot get the unanimous consent.

But given the fact that the President was going to veto this bill and therefore this language was not going to end up in this bill in any event even if it survived the Senate, and there were those of us who had very strong feelings about the importance of avoiding a unilateral rift in a strategic relationship with Russia that has produced such stability, and for such little advantage, I made the judgment that it would be wise to preserve that argument by placing it in a separate bill that the majority leader at least could attempt to call up at a later date and which would be on the calendar. But what I saw otherwise was that this language was going to be removed by a vote of the Senate, and having an added disadvantage that we would be debating a security issue showing disunity at a time when we wanted to have unity.

That was but one factor in my thinking, the other factor being that, as a matter of timing, this issue should be debated at a time when at least there would be a fairer opportunity and a setting separated from the events of September 11 where the argument that we were tying the hands of the Commander in Chief would have less of an emotional impact.

I may have been right; I may have been wrong. But it was a judgment

which I expressed to the body before the actions were taken. I indicated that prior to those actions being taken where we divided this language and put it into a separate bill, we should leave this debate to a later time.

Those are key words which are sometimes forgotten. This debate has not gone away. It will not go away. I believe it is very unlikely that the President under these circumstances is going to withdraw unilaterally from this treaty.

That is my own judgment. Surely the events of September 11 have made it so clear that collective action against terrorism and collective action for our security is essential and that unilateral action on our part is not going to make us secure, we need a lot of other countries to join with us if we are going to be secure. Acting unilaterally to withdraw from an arms control treaty in this setting it seems to me is highly unlikely.

I know that the White House and the President say they are determined to get beyond the ABM Treaty, as they put it. But surely these events have shown that we need to act collectively in a civilized world against the uncivilized terror which has been perpetrated and inflicted upon us.

I again thank my friend from West Virginia. I don't know of anybody in this body who more eloquently and more consistently describes the responsibilities of this body. I have outlined in the best way I can what I believe my responsibility is and what my responsibility was.

My committee made a decision and the Senate made a decision after we described the language that was in this bill. I think we made the right decision. It allows those of us who believe strongly in the importance of avoiding a rift in a relationship and a unilateral withdrawal from an arms control treaty—it is consistent with our beliefs—to preserve this argument for a later date. As I said on the floor prior to the action we took, we should leave this debate for a later time; and, I must add, as I have tried to say a number of times since, at a time when I think we have a better chance of arguing the pros and cons of our position in an environment where we at least maximize our opportunity to prevail. That doesn't mean I am confident that we will. I hope we will prevail if and when that moment comes. At least I believe we have a greater opportunity when the debate takes place at a later time and in a different setting than we do in the short term.

I thank my friend from Minnesota. I have taken more time than I told him I would take.

Mr. WARNER. Mr. President, if I might take a few minutes, I think it is important that the RECORD of the proceedings today also make reference to the fact that I and many others believe that the events of September 11 spoke volumes for the President's position that we should not at this time be in any way less than forceful in trying to explore all the options to develop a limited defense system protecting this Nation against a limited attack such as future generations, when they look back at this hour of tragedy, will say that our country did not move forward on all fronts. None of this would have been envisioned. We did not envision the tragedies of September 11. In many respects, some still cannot envision that this country needs a defense against limited attack.

I must say yes, I accept my distinguished chairman's statement to the effect that he made certain decisions. I commend him for it. But I believe several of us had spoken to him in the context of what was going to be undertaken had that decision not been reached by our chairman.

I inquire of the chairman: We want to have our colleague have his opportunity to speak here momentarily. Could we get some time estimate because work is being done on this side.

Mr. LEVIN. The Senator from Minnesota was kind enough to allow me to precede him, although he was recognized first so we could comment on Senator BYRD's comments. It would now be up to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I probably need about 20 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Minnesota concludes his remarks we then return to consideration of the bill.

Mr. WARNER. Mr. President, reserving the right to object, is the subject matter of the address of the Senator from Minnesota relevant to the pending matter before the Senate; namely, the Armed Forces bill?

Mr. WELLSTONE. That is correct, although I want to respond to Senator BYRD's statement.

Mr. WARNER. May I also inquire of the chairman and the Senator from Minnesota, our colleague from Connecticut has an amendment directly related in some respects to aspects of the bill——

Mr. WELLSTONE. Mr. President, I have been here a long time, and I asked unanimous consent to follow Senator LEVIN. I will speak and try to cover the topic, and then I will yield the floor.

Mr. LEVIN. Mr. President, if the Senator will yield for one additional unanimous consent request, I ask unanimous consent that following the remarks of the Senator from Minnesota, we return to the consideration of the bill and that Senator DODD be immediately recognized to offer an amendment.

Mr. WARNER. Again, reserving the right to object, we do have a stack of agreed-upon amendments. As soon as we get that behind us, our staffs can devote their time to additional amendments.

So I ask the Senator from Connecticut, how much time will he want for the presentation of his amendment and such rebuttal or concurrence that may be made or voiced by other colleagues? Then we can get some better idea how soon we can return to the issue of amendments.

Mr. DODD. Mr. President, if my colleague and friend from Virginia will yield, I anticipate taking no longer than 15 minutes myself. Others may want to be heard.

Just for the purpose of letting Members know, this will be an amendment for which, frankly, the chairman and ranking member are very much responsible; and that is the fire assistance program in which we are dedicating, in this case, to the 350 or so firemen who lost their lives in New York on September 11, and those who fought here at the Pentagon, to increase the authorization levels.

Others may want to be heard on that. On my part, 15 minutes ought to be more than adequate.

Mr. WARNER. On that subject, while I personally am supportive of the goals of the amendment, I must reserve the rights of Senators on this side, particularly those on the Commerce Committee. I would presume that the chairman and ranking member may desire to at least address the Senate on this matter prior to any final action on the Senator's amendment.

Mr. DODD. I say to my friend, we have notified the Commerce Committee about this amendment. Again, I think they understand that given the constraints remaining for us to offer a freestanding proposal, and given the history of this bill associated with the DOD bill, I will leave it to them to address it themselves. But we have talked about it.

Mr. WARNER. I say to my distinguished chairman, I would presume then that this amendment would have a rollcall vote sometime tomorrow.

Mr. DODD. Right.

Mr. WARNER. Would you permit me to incorporate in your UC a request that 30 minutes be granted to the chairman and ranking member of the Commerce Committee prior to any vote on the amendment by our colleague from Connecticut?

Mr. DODD. The only request I would make is this amendment be considered prior to the cloture vote.

Mr. WARNER. I beg your pardon.

Mr. DODD. That it be considered prior to the cloture vote.

Mr. WARNER. I am not sure. The vote takes place at 9:30 tomorrow morning. As I understand it, there is an order to that effect.

My understanding is that the standing order is that the Senate will vote at 10 o'clock tomorrow morning on a cloture motion; is that correct?

The PRESIDING OFFICER (Mr. CORZINE). That is correct.

Mr. WARNER. Then I would say to my colleague from Connecticut, how do we achieve that?

Mr. DODD. We could have a voice vote. We do not need a recorded vote.

Mr. WARNER. I would have to object to a voice vote. I am dutybound, you

understand, to protect colleagues on this side, particularly those on the Commerce Committee which has overall jurisdiction.

Mr. DODD. If my colleague will yield, if there is no objection to the amendment being incorporated in the bill, this may be the one opportunity where we will be able to do something about these firefighters.

Mr. WARNER. I want to help you. I am going to vote with you. But I am dutybound, as you understand, to protect those on this side. I do not know what the chairman of the Commerce Committee, on your side, has said about this issue, but I do know members of the Commerce Committee, on this side, certainly must be protected—at least be given an opportunity to speak to this amendment if it is brought up for purposes of a rollcall vote.

Mr. DODD. Why don't we proceed this way, if we could: After the Senator from Minnesota has been heard, if I can offer the amendment, I would like to discuss it. In the meantime, we can have conversations. We have already had conversations with members of the Commerce Committee. If they are going to object to us voting on this prior to the cloture vote tomorrow, or allow us to have a voice vote on this, then so be it. But if not, then it could go through this evening. We ought to try to do it.

Is that all right?

Mr. WARNER. Mr. President, that seems to me to be an orderly procedure.

Mr. LEVIN. Mr. President, I ask unanimous consent that immediately following the statement of the Senator from Minnesota, we return to the Defense authorization bill and Senator DODD be recognized to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, could that be 15 minutes?

Mr. LEVIN. Just to offer it.

Mr. WARNER. He wanted 15 minutes to offer it, which is fine. I have no objection, but I do want to get back to this question of amendments.

Mr. LEVIN. And that Senator DODD's speech be limited to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

THANKING SENATOR BYRD

Mr. WELLSTONE. Mr. President, before Senator BYRD leaves the Chamber, I also want to thank him for his service to the Senate and the country. I am annoyed with myself for not having thought that we should have as a part of the RECORD the difference between the language that came from the White House and the resolution that we passed. It is so important that that be part of the RECORD.

I say to my colleague that up until about 1 o'clock in the morning, I did not think I could support it. I thought it was too broad, too open ended. I think Senator LEVIN did say this, but while you were busy on that appropriations bill, Senator LEVIN was one of the key Senators—along with staff—who really did yeomen's work to try to have that resolution focus on the September 11 attacks. It was entirely different wording.

But I thank you, Senator BYRD, for what you have done today in this Senate Chamber.

Mr. BYRD. Mr. President, will the Senator yield, just very quickly?

Mr. WELLSTONE. I am happy to yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Senator for his observations. I would be remiss if I did not likewise express my gratitude to Senator LEVIN and to Senator BIDEN and to other Senators who worked together to modify that language and to greatly improve the language over what it was when it was sent from the White House to the Senate.

Mr. WELLSTONE. I thank the Senator.

I also say to my colleague, I believe Senator KERRY from Massachusetts, and also the majority leader, Senator DASCHLE—all of them——

Mr. BYRD. Yes, absolutely.

Mr. WELLSTONE. Did yeomen work.

REFUGEE CRISIS IN AFGHANISTAN

Mr. WELLSTONE. Mr. President, I want to talk about an amendment that I hope will be part of the Defense authorization bill. But as long as we are talking about the resolution for a moment, I want to borrow from a piece I just finished writing. I will not go through the whole piece, but that deals with the humanitarian catastrophe that is now taking place in Afghanistan. I think it is relevant to talk about this.

You have a situation on the ground that is unimaginable: 4 years of relentless drought, the worst in 3 decades, and the total failure of the Taliban government to administer to the country. Four million people have abandoned their homes in search of food in Pakistan, Iran, and elsewhere. Those left behind now eat meals of locust and animal fodder. This is in Afghanistan.

Five million people inside this country are threatened by famine, according to the United Nations. As President Bush made clear, we are waging a campaign against terrorists, not ordinary Afghans—I think that is an important distinction to make—who are some of the poorest and most beleaguered people on the planet and who were actually our allies during the cold war.

Any military action by our country must be targeted against those responsible for the terror acts and those harboring them. And we must plan such action to minimize the danger to innocent civilians who are on the edge of starvation.

Let me repeat that one more time. Any military action must be targeted against those who are responsible for the terror acts and those who have harbored them. And we must plan such action to minimize the danger to innocent civilians who are on the edge of starvation. And we must be prepared to address any humanitarian consequences of whatever action we take as soon as possible.

Mr. President, I ask unanimous consent that a piece that I just finished writing be printed in the RECORD.

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

U.S. MUST LEAD EFFORTS TO PREVENT REFUGEE CRISIS IN AFGHANISTAN

(By U.S. Senator Paul Wellstone, Chairman, Subcommittee on Near Eastern and South Asian Affairs, September 28, 2001)

The September 11 attacks in New York and Washington require our country to respond assertively and effectively against international terrorism. As the Administration reviews all its options, it must consider the humanitarian consequences of any military action against terrorist sites in Afghanistan, and take urgent steps now to address them.

Even before the world focused on it as a sanctuary for Osama bin Laden and other terrorists, Afghanistan was on the brink of a humanitarian catastrophe, the site of the greatest crisis in hunger and refugee displacement in the world. Now the worsening situation on the ground is almost unimaginable. After four years of relentless drought, the worst in three decades, and the total failure of the Taliban government in administering the country, four million people have abandoned their homes in search of food in Pakistan, Iran, Tajikistan and elsewhere, while those left behind eat meals of locusts and animal fodder. Five million people inside the country are threatened by famine, according to the United Nations.

As President Bush made clear, we are waging a campaign against terrorists, not ordinary Afghans, who are some of the poorest and most beleaguered people on the planet and were our allies during the Cold War. Any military action must thus be targeted against those responsible for the terror attacks and those harboring them; planned to minimize the danger to innocent civilians on the edge of starvation; and prepared to address any humanitarian consequences as soon as possible. Since it seems clear that a major international refugee influx will require a massive expansion of existing refugee camps, and creation of new ones, the U.S. and our U.N. Security Council allies should also be thinking now about how to protect those camps, including possibly using a U.N.-sanctioned military force drawn primarily from Arab nations.

Osama bin Laden is not a native of Afghanistan, but of Saudi Arabia. Most Afghans do not support bin Laden. Instead, ninety percent of the Afghan people are subsistence farmers struggling simply to grow enough food to stay alive. War widows, orphans, and thousands of others in the cities are dependent upon international aid to survive.

Now, anticipating military strikes by the U.S. hundreds of thousands of Afghan civilians are on the move, fleeing the cities for their native villages or for the borders. According to the U.N. High Commissioner for Refugees, nearly 20,000 have gathered at one Pakistani border crossing alone. The U.N. says it is the most tense border point in the world, with thousands of people out in the open, exposed to scorching days and frigid

nights. Kandahar, the spiritual seat of the Taliban, is said to be ''half empty.'' Those who are left behind are the most vulnerable—the elderly, orphans, war widows, and the mentally and physically disabled.

Inside Afghanistan, the U.N.'s World Food Programme (UNWFP) aid—much of it U.S.-donated wheat—is the sole source of food for millions. After the attacks on September 11th, the UNWFP was forced to pull out. It left two weeks of food stocks to be administered by local U.N. staff, but Taliban officials last Monday broke into the U.N. compound and stole thousands of tons of grain. Under intense international pressure, the UNWFP has announced it will resume shipments of grain to Afghanistan. Yet how it will be distributed is uncertain, as the Taliban has severed contact between international aid groups and their Afghan staffs, and taken over many of their facilities. To get needed aid in, and slow the outflow of Afghan refugees driven by a lack of food at home, the Pakistani government should immediately relax its border restrictions enough to allow the flow of food and other humanitarian aid into Afghanistan, while maintaining border security.

There is no easy solution to this building crisis, and yet our government must aggressively seek solutions to the critical needs of Afghan civilians. As one of its most urgent tasks, the United States must do its part to shore up relief operations and help to again get aid flowing to refugees now. We also must prepare for an already critical situation to worsen as Afghanistan heads into its notoriously harsh winter. We must prepare now for huge numbers of refugees and humanitarian problems in the aftermath of military strikes, repositioning in the region the people and resources needed to deal with it.

The U.N. and several privately-funded aid groups are working frantically to set up new camps and bring in supplies and personnel to sites along the border. And yet, developing a stronger response to a massive outflow of Afghans into Pakistan is sure to put pressure on already over-burdened camps, and by extension Pakistani resources and patience. Pakistan is already host to over a million refugees from Afghanistan; 170,000 came as a result of recent drought in Afghanistan. Others fled earlier and have been in Pakistan for years.

The United States must do everything it can now to alleviate the suffering of ordinary Afghan civilians. We have agreed to participate in U.N. efforts to raise quickly almost $600 million in aid funds, a number likely to grow. We should be leading that effort, including by contributing substantially. The U.S. and our allies cannot afford to be indifferent to this humanitarian crisis, especially as we seek to build a coalition of moderate Arab and non-Arab Muslims around the globe for our anti-terror efforts. If a humanitarian catastrophe in Afghanistan is attributed to our military operations, it will weaken international support for our fight against terrorism, and may even make the American people more vulnerable in the end.

MENTAL HEALTH RESPONSE

Mr. WELLSTONE. Mr. President, I rise in this Chamber to talk about the extraordinary mental health needs of the American people, and especially people of New Jersey, New York, Virginia, Washington, DC, and Pennsylvania in the aftermath of the September 11 attacks.

I thank Senator KENNEDY for holding an extraordinary HELP Committee—HELP is Health, Education, Labor, and Pensions—hearing on this topic last week. I am grateful to Senator WARNER for his invitation at the hearing to have some suggestions about some mental health initiatives that could be part of this DOD authorization. Senator WARNER is to be commended for his recognition that there does need to be some legislation that responds to the short-term and long-term needs of people who have been affected by these tragic events.

Many Senators are working on this issue, and I am sure the Presiding Officer, the Senator from New Jersey, is one of them. I am pleased to also do this work.

I want to talk a little bit about some of the witnesses. Carolyn Pfeffer, who is a child psychiatrist at New York University, noted that in retrospect what should really have been in place was a plan and a program in every school for how to respond to the disaster, along with prompt and effective public education for parents to help them understand how to talk to their children—in other words, she was saying, right after September 11.

She said that what is needed now is ''aggressive work to identify children who have suffered the most severe stress; training of mental health professionals in how to respond to the unique needs growing out of events of this kind; government funding and leadership to assure resources are available to these children who need help.''

She said we must do all we can to prepare for the unprecedented strain on our mental health system and to assure that private insurers will encourage appropriate treatment rather than establishing artificial limits on what we can provide for people.

Dr. Spencer Eth, the vice-chairman of the department of psychiatry at St. Vincent's hospital in New York, also spoke at the hearing. St. Vincent's was the hospital where the largest number of victims of the attack are being treated. Dr. Eth is also a nationally recognized authority on the psychological effects of traumatic event. He gave moving testimony about his experiences with providing treatment for emergency workers, and he said, ''Never before have the gaps in the mental health system been more apparent.'' He urged the committee to recognize that ''the magnitude of the public's need for traditional therapies, outreach to schools, businesses, and communities . . . is unprecedented. . . . He stated, ''We must obtain the funding required to reach everyone at high risk and everyone who is already suffering, regardless of health coverage, language barriers, and physical disabilities.''

Dr. Kerry Kelly gave what was probably the most searing testimony about her own experiences with her onsite work as chief medical officer of the New York Fire Department, minutes after the attacks. She testified that, ''the selflessness of these men and women [of the New York Fire Department] is what made them heroes, but it's also what brings me to these hearings today to urge your approval of funds to provide for the psychological and counseling need of our members and their families. As we get further away from the events of that day, the officers, firefighters, fire marshalls, emergency medical technicians and paramedics, will have to cope with delayed reactions to the trauma they experienced. And from day one, the men and women of the New York Fire Department and the families of those who were lost have had to endure a tremendous sense of grief.'' She said, ''The emotional well-being of our department requires intervention to provide stress debriefing, bereavement counseling, and continued psychological support of our members, our families, and the children affected by this event.''

Dr. Carol North pointed out that 2 years after the Oklahoma City bombing 16 percent of children 100 miles away still reported significant posttraumatic stress memories related to it.

We know one thing for sure: It is a mistake to believe that such events, of September 11 and after, cannot have a lasting impact on the mental health of those men, women, and children who have experienced them. We should not repeat the mistakes that were made in the aftermath of the Vietnam war when the trauma experienced by veterans was ignored and trivialized until well after the optimal time for treatment was passed.

We have learned from the outstanding research which has been funded by the VA and the NIMH of the severity of the disorder and the effective ways it can be treated.

Let me summarize the case for this amendment of which Senator WARNER and others have been so supportive. Let us give respect for what people have experienced and help them deal with this now in a manner which is appropriate to their individual needs. Let us help those families who have survived the loss of a loved one and may also now be dealing with preparations for a funeral or memorial without ever receiving any remains of their loved one.

Let us recognize that traumatic grief is real and has unique features that go beyond our usual understanding of death and loss. Let us help the emergency workers who stretched their bodies and minds to deal with this horror and lost so many of their friends and colleagues as well.

Let us help those who escaped with their lives but now suffer from serious injuries and many other losses of their own. Let us help those who made it out safely but who feared for their lives and witnessed such horror and are now dealing with the multiple losses of friends, families, colleagues, and their jobs. And let us help the children who must now try to understand what they

saw, what they have lost, what their parents and teachers are going through, and what the world means, while we all struggle to do the same and try to regain our sense of safety.

I am not saying that mental illness is widespread or an inevitable consequence of the event. But after hearing from the experts at this hearing, we should not underestimate the severe impact of September 11 on people's sense of identity and safety and how the multiple losses and horrific experiences they went through have the potential to affect them for a long while.

Let me talk a minute about posttraumatic stress syndrome which can have such lasting effects on the minds and hearts of those who suffer from it. Here I draw from some experience because a lot of my work, especially back in Minnesota, is with Vietnam vets who are struggling with PTSD. We know from research that the brain chemistry can be altered by such experiences, and we know that the day-to-day struggle to deal with the frightening flashbacks, intrusive thoughts, loss of sleep and many other symptoms can lead to severe problems and an inability to function if left untreated.

I will never forget a letter from a 10-year-old girl in Pope County, MN, who told me that her daddy was a Vietnam vet. He went into the shower in the morning. He had been doing fine. This was many years later, about 4 years ago. She said: My dad came out of the shower and he couldn't talk to anybody. Please help my dad. That was PTSD from the Vietnam war.

Treatment can help people with PTSD, depression, anxiety, and a lot of other illnesses. What we want to do with this amendment is provide States $175 million in flexible ways to deal with the needs of the citizens. We want to have training programs for licensed mental health professionals. We want to have expedited and increased research funding right away so we know what to do. The Secretary of the Department of Health and Human Services is authorized to set up a disaster research clearinghouse so that information can quickly be made available to schools and public health agencies during times of crisis.

Funding is authorized for $50 million for trauma treatment centers for adults and children to provide services for people who are exposed to such traumas.

All of this will make a huge difference. This came up last week. I thank Senator KENNEDY for his leadership. There are a lot of us who are involved in this effort. Senator WARNER is one. I cannot emphasize enough to other Senators how important it is that we try to pass this package.

Today, we were scheduled to bring up the Mental Health Equitable Treatment Act. This is legislation on which I have been working with Senator DOMENICI. More important than that, there are 63 or 64 Senators who support it.

One or two Senators objected. I am disappointed to say the least. We could have had this legislation on the floor. We could have had debate and some amendments, and it would have passed.

The legislation did two things: It ended all discrimination in coverage. It is civil rights legislation. It just says no longer can any health care plan treat someone who is struggling with this kind of mental illness differently than someone who is struggling with any other kind of illness.

My God, this is 2001. It is long overdue.

The second thing I want to say—I will not try to put one agenda on top of another, but I want colleagues to know that the second thing that happens from this legislation—which is why it is so important—is that the treatment follows the money. When plans now provide coverage, you then see an infrastructure in our country which doesn't exist now as it should to provide the care for people. Kay Jamison, who has done brilliant work and writing in this area, said, ''The gap between what we know and what we do is lethal.''

There is September 11, and there are all kinds of people trying to deal with this trauma. There are all kinds of other men, women, and children who don't get the care they need. This is a piece of legislation that has some urgency. There is no reason to delay any longer. One or two Senators objected.

I hope this will be on the floor soon, and I hope we can pass it. I think the President will sign it. I think it is a bipartisan effort and it is a good thing to do and it is the right thing to do.

I yield the floor.

BENEFITS FOR DISLOCATED AIRLINE WORKERS

Mrs. LINCOLN. Mr. President, I commend my friend and colleague, Senator CARNAHAN, for her efforts on behalf of dislocated workers in the airline industry. I am proud to be a cosponsor of this legislation which will benefit thousands of workers who have or will lose their job because of the tragic events on September 11.

I want to say a special word of thanks to Senator CARNAHAN and her staff for working with me to clarify that employees of maintenance suppliers to commercial air carriers are covered under the language in the bill. This was an important point for me because of the impact the September 11 attacks has already had on aviation maintenance businesses in my State.

Reebaire Aircraft, Inc. located in Mena, AR, is just one example of why the dislocated worker assistance provided for in this bill is so important. Prior to September 11, Reebaire Aircraft had a thriving business with 101 workers and was in the process of expanding its workforce. Today, Reebaire employs only 15 workers and the owner has informed me that Reebaire may have to cease operations by the end of October. Reebaire's fate is directly related to the terrorist attacks because eighty percent of its business was based on maintenance contracts with commercial air carriers who have cancelled future work orders with Reebaire indefinitely.

Again, I commend my colleague for her efforts on behalf of our Nation's working families.

Mrs. CARNAHAN. I appreciate the support of my friend from Arkansas and I am honored to add her name as a cosponsor of my legislation. As I explained to the Senator earlier, it is certainly my intent to cover dislocated employees of companies that contract directly with commercial air carriers for maintenance and related services if the employees lose their job because of the September 11 terrorist attacks.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1438, which the clerk will report.

The assistant legislative clerk read as follows:

A 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 PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 1750

Mr. DODD. Mr. President, I call up my amendment No. 1750.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1750.

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

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

The amendment is as follows:

(Purpose: To extend assistance for firefighters)

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

SEC. 1066. ASSISTANCE FOR FIREFIGHTERS.

Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) $600,000,000 for fiscal year 2002.

''(3) $800,000,000 for fiscal year 2003.

''(4) $1,000,000,000 for fiscal year 2004.''.

Mr. DODD. Mr. President, very briefly, this amendment deals with the FIRE Act, a bill which we adopted in a previous Congress, providing assistance to departments—paid departments, volunteer departments, and combination

departments for equipment and the like.

I see my colleague from Virginia rising.

Mr. WARNER. Mr. President, may I say that we worked together on this. I would like to be a cosponsor of this amendment.

Mr. DODD. Mr. President, I ask unanimous consent that my colleague be added as a cosponsor.

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

Mr. DODD. Mr. President, let me take a second and commend our two colleagues from Michigan and from Virginia, the Chairman and Ranking Member. Only a few months ago, those roles were reversed; the chairman was from Virginia and the ranking member was from Michigan. This is a great team which has done a tremendous job. It is sort of a seamless garment in many ways, in terms of their leadership on national security issues as the chairman and ranking members of the Armed Services Committee.

I want to take a moment to commend them both for the spectacular job they have done over the last 2½ weeks since the great tragedy on September 11. Not only have they led in terms of moving their committee product along and offering us an opportunity to do something very constructive and positive in responding to the events of September 11, but also in their public commentary on this issue both here on the floor of the Senate as well as in the public forums. The Senator from Michigan, CARL LEVIN, and the Senator from Virginia, JOHN WARNER, have truly lived up to the spirit of those who in other times of crisis have led without partisanship and with a sense of unity. I think it has been reassuring to the American public to have both of them in the positions they are in.

On the subject at hand, I have 15 minutes, so I will try to be brief. I thank the Senator from Michigan and the Senator from Virginia for being supportive of this effort. In fact, in many ways, without their leadership and support on this very matter, we would not have ever adopted the FIRE Act.

Very simply put, this legislation allows for fire departments across this country—some 30,000 of them, paid volunteers and combined departments—to seek Federal grants for training and equipment to assist them in doing a better job in responding to tragedies in our local communities.

I don't need to make this case. I suppose I could end my remarks there. There is not a single person in this country who is not aware of the heroic efforts of our fire departments, not only within the city of New York, which, of course, suffered the greatest tragedy when it came to the loss of life, not only of civilian populations but also firefighters, but also here in the Nation's Capital and the departments in Virginia, Maryland, and the District of Columbia.

On a parochial note, if you will, some of the first departments to respond to the tragedy at the World Trade Center came from my home State of Connecticut. I note the presence of the Presiding Officer, the Senator from New Jersey. I know, in fact, many of the people from his State as well responded to this catastrophe, the savage attacks in New York City. I don't need to make the case about how valuable these men and women are in the job they do. I think we become aware that—despite our traditional thinking about fire departments, with sort of the Dalmatian dog in the front seat and responding to the residential or small business fire—today they are asked to become basically soldiers. The distinction between what they do and what the men and women in military uniforms do—the lines are becoming blurred somewhat here. No greater piece of evidence can I offer than that which occurred on September 11.

Some may say: What are you doing offering a fire amendment on the Department of Defense authorization? One, this is where the bill was born. As a result of the leadership of the two men I have mentioned already. This bill became law in conference. I offered the bill here, but without them this bill would not have become the law of the land. In a sense, now to extend the authorization over the next several years with a relatively small amendment for this fiscal year, increasing over the next 3 years so that we can provide assistance to these departments, I think is critical and important.

With that, let me explain what is in the bill. Many of us in the Senate and in the Congress have long understood that America's firefighters make extraordinary contributions to their communities. But on September 11, of course, we got a glimpse of a larger role these men and women of the fire service play. The national security role of firefighters has become readily apparent to all in this country.

On the morning of September 11, the men and women of the New York City Fire Department came to the aid of the entire Nation. They charged in to rescue people from every region of our country and more than 40 nations around the globe. Those firefighters raced into that building to save the lives of people trapped in those two towers. On the same morning, firefighters from Virginia, Maryland, and District of Columbia became domestic defenders, responsible for coordinating a response to an attack on the headquarters of our armed services, the Pentagon itself.

If there was ever any question that the firefighters who wear the uniforms of local agencies are from time to time called upon to serve as partners with the men and women who wear the uniform of the U.S. military, those questions I think have been laid to rest forever. The sad new reality is that when terrorists target civilian populations on American soil, we are going to need, more than ever, our rescue services to be as well equipped as they possibly can be.

I have mentioned fire departments and, obviously, police departments. This bill covers emergency medical teams as well, EMS services. Again, they responded in heroic fashion from Virginia, Maryland, DC, New Jersey, Connecticut and, of course, New York. Many of us went to ground zero in New York City. Many colleagues met people from their States, firefighters from North Carolina, Colorado, California—people who responded from across this country to be in New York to assist those departments that had lost more than 350 of their brothers and sisters.

So this is a national issue. It directly relates to the security of our country. We do not send our soldiers into battle without the training and equipment they need. We can no longer abide a system that would send firefighters to do their jobs without the proper training or equipment that they need.

Last year, Congress passed the Fire Fighter Investment and Response Enhancement Act as an amendment to the Department of Defense authorization bill. Again, without CARL LEVIN and JOHN WARNER, the equipment some of these departments received would not have happened. So I offer the amendment again on this bill not because this is the only opportunity. In a sense, this is a national security issue, a new national security, a new definition of what we are talking about.

At that time, we authorized 2 years of appropriations under the FIRE Act. Unfortunately, the levels of authorization did not anticipate the new threats that have become apparent in recent weeks.

Last year, Congress appropriated $100 million to provide grant funding under the FIRE Act to departments across the Nation. The Federal Emergency Management Administration recently reported that it received grant applications from nearly 20,000 local fire departments. The total amount of funding requested by these departments is nearly $3 billion. That is the existing need.

We appropriated $100 million, but there were $3 billion in requests from 20,000 departments across the Nation. Today these firefighters are not just racing with the old hook and ladder down the old country lane to put out the barn fire. They are dealing with toxic waste, toxic substances, some of the most dangerous material in the world, and they are going to be called on, unfortunately, to deal with more of it in the years ahead. Therefore, they need the support this amendment will offer them.

Last year, there was about $2.8 billion of unfunded requests under the Fire Grant Program. I do not think we can afford to have that level of unmet needs this year or ever again for that matter. This amendment will assure

the continuation of the Fire Grant Program. It will increase the Federal Government's commitment to a level I think is appropriate in light of recent events and the continuing threat to the safety of the American public.

Under current law, authorization for the fire program terminates at the end of fiscal year 2002. This amendment would extend the authorization period until the end of the fiscal year 2004.

Further, the current law only authorizes about $300 million for the fiscal year 2002. This amendment would authorize an appropriation of up to $600 million for the purchase of emergency response equipment and training.

The amendment would also authorize up to $800 million in 2003 and up to $1 billion in 2004. To put it in perspective, the COPS Program, which most of us endorse and support, is around $11 billion. We are taking about $1 billion for firefighters and some 30,000 departments across the country.

None of us have ever suggested parity, although one might make a case in light of the events of September 11 considering what these men and women have to deal with, the materials they grapple with, and the training they are going to need. We have not asked for that. It is the authorization levels I mentioned increasing through the year 2004.

There may remain other improvements, by the way, that could and should be made to our emergency response infrastructure. I intend to work very closely with the Commerce Committee. This is naturally and normally a matter under the jurisdiction of the Commerce Committee. I express my gratitude to FRITZ HOLLINGS, our colleague from South Carolina, and JOHN MCCAIN, the Senator from Arizona, who, not unlike Senator LEVIN and Senator WARNER, have been chair and ranking member back and forth.

Last year, with their support, we adopted the amendment as part of the DOD authorization bill. I am grateful to Senator HOLLINGS for his support of this amendment. They have a very important role to play. We have to come back at some point and start talking about other things that can be done.

Given the fact we are going to be winding up this session and there are very few vehicles available to us on which to have an authorization matter considered, given the history of this act and its association with the DOD authorization bill and the direct linkage between better equipping the ability of our fire departments across this country to deal with the new threats our communities face, I think this bill is an appropriate place for this amendment.

I am very grateful to all of our colleagues for their willingness to consider these extraordinary circumstances.

My hope is that this evening we can adopt this amendment on a voice vote. I am not interested in having a recorded vote. I think most of our colleagues will support it. My hope is that we will complete action and leave the RECORD open so others who may want to comment on this can.

I have dedicated this amendment to the men and women who lost their lives in the fire departments on September 11. There are a lot of ways they can be memorialized and communities are doing that across the country. If you talk to your local departments, there is no better way to memorialize them than to see to it future firefighters have the equipment and training they will need.

Hopefully, they will not have to use it. Hopefully, they will never have to face what New York City or Northern Virginia faced with the attack on the Pentagon, but if it occurs, I want to be able to say that this Congress and this Chamber provided them the tools and training necessary to respond to those tragedies; that we were not so shortsighted that we did not understand the new world we entered as a result of the attacks on our country only 2 weeks ago.

Again, I urge the adoption of this amendment. This is one area where I know there are likely to be remaining issues, as I said, to be discussed. But as we continue to identify critical staffing needs and better ways to structure the Federal Government's partnership with local firefighters, I will be looking to Chairman HOLLINGS and Senator MCCAIN and the Commerce Committee to continue to provide leadership in this area.

There is no shortage of bravery among the men and women of America's fire service. Even when commercial air travel was completely shut down, public safety workers from as far away as Chicago and Texas made their way to New York and the Pentagon to lend their assistance. We have seen that public safety personnel are extraordinary people. They put the needs of others before their own interests and even before their own personal safety.

During the initial rush to save people in the burning World Trade Center Towers, nobody stopped to ask: Why are you here? But if they had, the answer undoubtedly would have come back: Because people need our help.

Tonight we can provide service to those who provided help in the past by helping them. This amendment honors America's firefighters, acknowledges the men and women who do not ask why, the men and women who simply do what must be done.

This amendment is more than that. It is an investment in America's security. This will help America be prepared for come what may. Let the world be on notice that we are not afraid, but we are also going to be prepared, and we are also going to prevail. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our dear friend from Connecticut for his very passionate argument. He has been the leader in the effort to provide these resources for our valued firefighters whose amazing contributions were so dramatically demonstrated on September 11. The Senator from Connecticut has been the leader in this effort. The contribution which I have made to his effort is small indeed compared to what he has been able to put forward with his leadership.

I can only say in amazement that as powerful a speaker as the Senator from Connecticut always is, somehow miraculously, despite the fact he is up half the night changing diapers for his daughter Grace, he is more powerful and more passionate than ever. That says something about fatherhood. I congratulate him not only on his argument and tell him I am proud to be a cosponsor of his amendment, but I again congratulate him on his wonderful new family addition.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I add my commendations to our good friend and colleague. All too often in reflecting on September 11, we, of course, focus on the magnitude of the tragedy in New York and, indeed, in my State, but we should include Pennsylvania.

Mr. DODD. Yes, we should.

Mr. WARNER. The firefighters are a band of brothers and sisters, as it was made very clear to me, wherever they are in those States, particularly those three impact areas. I visited the Pentagon not more than 3 or 4 hours after the plane flew into it, and I will have further remarks. I see our distinguished colleague from North Carolina wishes to address another matter for a few minutes, and then I will regain the floor.

Mr. DODD. If my colleague will yield, let these remarks reflect as well, he is absolutely correct. We focus on New York, the World Trade Center, and the Pentagon. He is absolutely correct the people of Pennsylvania, those who lost their lives in that aircraft—we do not know the whole story, but many of us suspect that the people inside that plane played a very heroic role, and the fact we are standing in this building today debating these issues may very well be because some very heroic civilian Americans stood up and took on some people and saved countless other lives. That mark in Pennsylvania and those who responded to it deserve equal recognition.

The Senator from Virginia is absolutely correct.

I see my friend from North Carolina is about to speak, and since my friend from Michigan raised the issue of my newborn Grace, I must tell the Senator from North Carolina we received some wonderful little gifts for new Grace and all of them are cherished, but the Senator from North Carolina and his beloved Dot sent a little teddy bear which, if you extend it, it plays music. I want to tell the Senator I will forever be grateful to my colleague from North Carolina because I have tried all sorts

of ways to quiet Grace down but nothing works like that little music box. I thank the Senator immensely for that token and gesture, and I thank his lovely wife as well. I say to my colleague from North Carolina, I thought of him many times at 3 this morning.

Mr. WARNER. Mr. President, I acknowledge that from time to time the heart of the Senator from Connecticut needs to be quieted so we are going to bring that little teddy bear to the floor to calm him down on some other matters.

Mr. LEVIN. If the Senator from North Carolina will yield, we now have two ways of closing debate a little more promptly and in unique ways. One is with TED KENNEDY'S dog, which barks when someone goes on too long—usually not on the floor of the Senate—and now we have a music box. So that Chris and Jackie have the special gift from the Senator from North Carolina.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from South Carolina, Mr. HOLLINGS, be added as a cosponsor to the fire act amendment.

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

Mr. WARNER. I ask unanimous consent that this important colloquy about the Chairman of the Joint Chiefs of Staff be printed in today's RECORD separate from the presentation by the Senator from Connecticut.

Mr. DODD. If my colleague will yield further, he might want to ask unanimous consent that others might be able to join with Senator HELMS in commending Hugh Shelton. I am not a member of the committee, but all of us at one time or another have had dealings with him, even though he is responsible to responding to the Armed Services Committee. This is a remarkable public servant, Hugh Shelton, and he is going to be missed. He has a wonderful successor. I do not know him as well as I know General Shelton, but on behalf of those not on the committee but who have watched him and talked to him and called him from time to time, this is truly a great citizen, and I wish to add my thoughts and comments about his contribution to our country as well.

Mr. WARNER. Mr. President, I so modify my UC, and I ask unanimous consent that the statements made in the Chamber today and otherwise in regard to the distinguished former Chairman be printed in today's RECORD in one place by the close of business today.

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

(The remarks of Mr. HELMS, Mr. WARNER, Mr. LEVIN, and Mr. EDWARDS are printed in today's RECORD under ''Morning Business.'')

Mr. WARNER. In regard to the pending amendment by the Senator from Connecticut, I think it is important to show how these funds are being spent. I referred to the bill that we put in last year in the Senate Armed Services Committee, known as the Floyd D. Spence national defense authorization on page 378. These funds are to be used for the following purposes: to hire additional firefighting personnel; to train personnel in fire fighting, emergency response, arson, prevention, and detection or the handling of hazardous materials; or to train firefighting personnel to provide any of the training described in this subparagraph.

There is no greater threat facing this Nation today than weapons of mass destruction, and as we listened to the very able work being done by the Attorney General of the United States and others in connection with the crisis of September 11, they are obligated to tell this Nation that we cannot ring the all clear sign, that we have many problems and it could possibly include weapons of mass destruction of the type of chemical or biological. It is difficult for me to enunciate that in this Chamber. That is precisely what these funds are to be used for, to train firefighters. They are oftentimes both professional and volunteer. I thank my colleague.

Last year, I remember, we wanted to give parity with the professional volunteer. That has been done. They are the first on the scene. Unless they have some training to make an assessment right away, they themselves could become victims of a chemical or biological attack and their services would be incapacitated, depending on the problem. That training is included. It is important.

There are funds to protect firefighting personnel at the scenes of fire and other emergencies. In New York City there was tremendous personal risk in these situations trying to extract survivors and yet at the same time confronted with a weakened structure, smoke, and all types of things. They themselves could be trapped. Special training is required for extricating the firemen as well as the remaining victims.

Other uses of the funds:

To certify firefighters, to establish wellness and fitness programs for firefighting personnel, to ensure that the firefighting personnel can carry out their duties—there are tremendous arduous, physical requirements for the men and women who bravely wear the uniforms of firefighters; to fund emergency medical services provided by fire departments—more and more often, they are the first on the scene to render the basic necessities of medical care and to save lives; to acquire additional firefighting vehicles, including firetrucks. We all have romance about the firetrucks. I know some of the volunteer groups in my State kept the old truck to remind them of the need to get a new truck, but they never seem to discard the old truck. In times of the parade, the old truck comes out and everybody is proud to see it again. However, we have to get state-of-the-art equipment; to acquire additional firefighting equipment, including equipment for communications and monitoring; to acquire personnel protective equipment, required for firefighting personnel, by the Occupational Safety and Health Administration and other personnel protective equipment for firefighting personnel; to modify fire stations, fire-training facilities, and other facilities to protect the health and safety of firefighting personnel; to enforce fire codes; to fund fire prevention programs; to educate the public about arson prevention and detection; or to provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

I commend our distinguished colleague. I am proud to be a cosponsor on this important piece of legislation.

Mr. DODD. I thank my colleague from Virginia for his eloquent comments and remarks. He has made a strong statement on the value of this amendment and the contribution it has made.

As I pointed out in my remarks, we put in $100 million a year ago and we had over $3 billion worth of grant requests from 20,000 departments across the country. We are not going to satisfy all of that, even if there is a full appropriation to equal the authorization amounts here, but it can make a difference for these people.

My office spoke with Senator MCCAIN's office and I ask unanimous consent Senator MCCAIN be listed as a cosponsor of this amendment. He has no objection to this amendment being adopted. I urge we agree to the amendment by voice vote. Perhaps others may want to be heard.

Mr. WARNER. I accept, certainly, the statement by the Senator. I understand Senator MCCAIN still has this matter under advisement.

Mr. DODD. He told me he wants to be a cosponsor so we will do that much, anyway.

I ask unanimous consent Senator MCCAIN be added as a cosponsor.

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

(Mr. DODD assumed the cChair.)

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I commend the distinguished Presiding Officer of the Senate, the Senator from Connecticut, for his leadership on firefighting issues.

As Governor of South Carolina some years back, I helped to establish the Firefighting Institute in my State. I have always been interested in these issues and I continue to admire the bravery of our firemen. When I came to the Senate in the late 1960s during the civil rights era, protestors would pull the fire boxes during demonstrations. When the firemen came to the scene where the alarm was given, they were shooting the firemen. We lost several

firemen as a result of this. At the time, there was a $50,000 benefit for the FBI and law enforcement personnel, but none, whatsoever, for the Federal firefighters. So we amended that in our committee to make sure we took care of the firefighters and their families.

The current initiative before us that Senator DODD first presented last year, is something firefighters around the country are looking for. We in government shortchange some, when it comes to prisons, when it comes to law enforcement, when it comes to firefighters. It has been my experience over the years of service that we take these public services for granted when it comes to funding.

I guess my frustration with this neglect is an outcome of growing up and coming along during the days of the Depression when anybody was glad to get any kind of job. The fact is, law enforcement officials and firefighters have historically been underpaid. We cannot accept this any longer. We can see the courage displayed in New York, and the magnificent sacrifices made.

Mr. WARNER. I say to the distinguished chairman, Senator MCCAIN has now indicated he joins in full support of this measure, so I am prepared to agree to the amendment, with the distinguished Presiding Officer in the chair; is that agreeable?

Mr. HOLLINGS. If it is agreeable here.

The PRESIDING OFFICER. The Presiding Officer is very content for that to occur.

The question is on agreeing to the amendment.

The amendment (No. 1750) was agreed to.

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

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

The motion to lay on the table was agreed to.

(Mr. HOLLINGS assumed the Chair.)

Mr. LEVIN. Talk about a seamless transition, as the Senator from Connecticut said, this is a seamless transition of the Presiding Officers.

The PRESIDING OFFICER. All working together.

AMENDMENTS NOS. 1793 THROUGH 1808, EN BLOC

Mr. LEVIN. I ask consent it be in order to send 16 amendments to the desk, and I ask they be considered en bloc. I understand these amendments have been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes amendments numbered 1793 through 1808, en bloc.

Mr. WARNER. I wish to join my distinguished chairman in commending the hard work of our staff over the course of Friday, Saturday, Sunday, and today, working on this package. It is well known to all members of the committee what is included in the amendments. Therefore, the amendments have been cleared on our side.

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

The amendments Nos. 1793 through 1808 were agreed to, en bloc, as follows:

AMENDMENT NO. 1793

(Purpose: To authorize, and authorize the appropriation of, $8,000,000 for military construction for the Air Force for airfield repairs at Masirah Island, Oman)

In section 2301(b), in the table, insert after the item relating to Osan Air Base, Korea, the following new item:

Oman	Masirah Island	$8,000,000

In section 2301(b), in the table, strike the item identified as the total in the amount column and insert ''$257,392,000''.

In section 2304(a), in the matter preceding paragraph (1), strike ''$2,579,791,000'' and insert ''$2,587,791,000''.

In section 2304(a)(2), strike ''$249,392,000'' and insert ''$257,392,000''.

AMENDMENT NO. 1794

(Purpose: To authorize the Secretary of the Navy to acquire land for the Harvey Point Defense Testing Activity in Hertford, North Carolina)

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

SEC. 2827. LAND ACQUISITION, PERQUIMANS COUNTY, NORTH CAROLINA.

The Secretary of the Navy may, using funds previously appropriated for such purpose, acquire any and all right, title, and interest in and to a parcel of real property, including improvements thereon, consisting of approximately 240 acres, or any portion thereof, in Perquimans County, North Carolina, for purposes of including such parcel in the Harvey Point Defense Testing Activity, Hertford, North Carolina.

AMENDMENT NO. 1795

(Purpose: To provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin)

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

SEC. . LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) CONVEYANCE REQUIRED.—The Administrator of General Services may convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the 'City'), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. . TREATMENT OF AMOUNTS RECEIVED.

Any net proceeds received by the United States as payment under subsection (c) of the previous section shall be deposited into the Land and Water Conservation Fund.

AMENDMENT NO. 1796

(Purpose: To increase by $22,700,000 the amount for the Air Force for missile procurement for the nuclear detonation detection system program, and to provide an offset)

On page 18, line 14, increase the amount by $22,700,000.

On page 23, line 12, reduce the amount by $22,700,000.

AMENDMENT NO. 1797

(Purpose: To make permanent the authority to provide transitional health care for members of the Armed Forces who are involuntarily separated, and to extend eligibility for transitional health care under that authority to mobilized members of the reserve components)

On page 235, between lines 15 and 16, insert the following:

SEC. 718. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2), a member'' and all that follows through ''of the member),'' and inserting ''paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) This subsection applies to the following members of the armed forces:

''(A) A member who is involuntarily separated from active duty.

''(B) A member of a reserve component who is separated from active duty to which called

or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

''(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

''(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation.''; and

(4) in paragraph (3), as redesignated by paragraph (2), is amended by striking ''involuntary'' each place it appears.

(b) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking ''during the period beginning on October 1, 1990, and ending on December 31, 2001''; and

(2) in subsection (e), by striking the first sentence.

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(d) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (c), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

AMENDMENT NO. 1798

(Purpose: To authorize appropriations for fiscal year 2002 for military activities of the Department of the 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)

At the appropriate place, insert:

Of the funds authorized to be appropriated for section 301, $230,255,000 shall be available for Environmental Restoration, Formerly Used Defense Sites.

AMENDMENT NO. 1799

(Purpose: To require a plan to ensure that the embarkation of civilian guests does not interfere with the operational readiness and safe operation of Navy vessels)

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

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

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

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

Guidelines and procedures for supervising civilians operating or controlling any equipment of Navy vessels,

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

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

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

AMENDMENT NO. 1800

(Purpose: To express the sense of the Senate on defense burdensharing by allies of the United States)

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

SEC. 1217. ALLIED DEFENSE BURDENSHARING.

It is the sense of the Senate that—

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

(2) host nation support agreements with those nations in which United States military personnel are assigned to permanent duty ashore should be negotiated consistent with section 1221(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85) which sets forth a goal of obtaining financial contributions from host nations that amount to 75 percent of the non-personnel costs incurred by the United States government for stationing military personnel in those nations.

AMENDMENT NO. 1801

(Purpose: To make available $650,000 for the Defense Language Institute Foreign Language Center for an expanded Arabic language program)

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

SEC. 335. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

AMENDMENT NO. 1802

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

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

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

Of the amount authorized to be appropriated by section 301(5), $2,000,000 may be available for the replacement and refurbishment of air handlers and related control systems at Air Force medical centers.

AMENDMENTS NO. 1803

(Purpose: To require an annual assessment and report on the vulnerability of Department of Energy facilities to terrorist attack)

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

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

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

''ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK

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

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

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

''Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.''.

AMENDMENT NO. 1804

(Purpose: To eliminate a restriction on the use of certain vessels previously authorized to be sold)

On page 396, between lines 13 and 14, insert the following:

SEC. 1217. RELEASE OF RESTRICTION ON USE OF CERTAIN VESSELS PREVIOUSLY AUTHORIZED TO BE SOLD.

Section 3603(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2273) is amended by striking ''for full use as an oiler''.

AMENDMENT NO. 1805

(Purpose: To authorize the Secretary of the Navy to fund Department of Veterans Affairs space renovations when the Secretary of Veterans Affairs makes additional land available to the Navy at Great Lakes Naval Training Center)

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

SEC. 306. FUNDS FOR RENOVATION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES ADJACENT TO NAVAL TRAINING CENTER, GREAT LAKES, ILLINOIS.

(a) AVAILABILITY OF FUNDS FOR RENOVATION.—Subject to subsection (b), of the amount authorized to be appropriated by section 301(2) for operations and maintenance for the Navy, the Secretary of the Navy may make available to the Secretary of Veterans Affairs up to $2,000,000 for relocation of Department of Veterans Affairs activities and associated renovation of existing facilities at the North Chicago Department of Veterans Affairs Medical Center.

(b) LIMITATION.—The Secretary of the Navy may make funds available under subsection (a) only after the Secretary of the Navy and the Secretary of Veterans Affairs enter into an appropriate agreement for the use by the Secretary of the Navy of approximately 48 acres of real property at the North Chicago Department of Veterans Affairs property referred to in subsection (a) for expansion of the Naval Training Center, Great Lakes, Illinois.

AMENDMENT NO. 1806

(Purpose: To provide an amount for the training of active duty and reserve component personnel in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction)

On page 65, after line 24, insert the following:

SEC. 335. CONSEQUENCE MANAGEMENT TRAINING.

Of the amount authorized to be appropriated by section 301(5), $5,000,000 may be available for the training of members of the Armed Forces (including reserve component personnel) in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

AMENDMENT NO. 1807

(Purpose: To authorize the acceptance of contributions for the repair of the damage to the Pentagon Reservation caused by the terrorist attack on September 11, 2001 or establishment a memorial of the attack at the Pentagon Reservation)

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

SEC. 2844. ACCEPTANCE OF CONTRIBUTIONS TO REPAIR OR ESTABLISHMENT MEMORIAL AT PENTAGON RESERVATION.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions made for the purpose of establishing a memorial or assisting in the repair of the damage caused to the Pentagon Reservation by the terrorist attack that occurred on September 11, 2001.

(b) DEPOSIT OF CONTRIBUTIONS.—The Secretary shall deposit contributions accepted under subsection (a) in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United States Code.

AMENDMENT NO. 1808

(Purpose: To authorize payment of career continuation bonuses for aviation officers and surface warfare officers for early commitments to remain on active duty)

On page 192, after line 20, insert the following:

SEC. 621. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by striking ''has completed'' and inserting ''is within one year of the completion of''.

(b) SURFACE WARFARE OFFICERS.—Section 319(a)(3) of title 37, United States Code, is amended by striking ''has completed'' and inserting ''is within one year of the completion of''.

AMENDMENT NO. 1797

Mrs. CARNAHAN. Mr, President, last week I spoke of a group of Americans who will be on the front lines of the new war on terrorism—reservists and national guard members. President Bush has authorized the call-up of 50,000 of these citizen soldiers.

Together with a bipartisan group of Senators, I offered legislation that I believe would greatly support these brave men and women, and their families. This amendment would allow those called to active duty and their families to have access to uninterrupted health care coverage. My amendment is based on legislation I introduced with Senator DEWINE earlier this year. It would allow reservists returning from deployments, to extend their TRICARE coverage for close to six months or until their civilian health insurers returned their coverage to them.

Today, I have expanded the scope of this legislation to cover not only reserve components, but two other categories of military personnel who will require help transitioning to civilian life once their active duty service has ended.

First, there are active duty personnel who are involuntarily retained. These are personnel who were scheduled to separate from military service, but were ordered to stay on active duty to support military operations in times of crisis. Second, there are those who are involuntarily separated. These are personnel who are downsized after a large mobilization such as the one the President has ordered.

Our military personnel need to know that their Nation will not turn its back on them or their families. Today I offer an amendment that will ensure that they receive adequate health care when they return from active duty.

My legislation will build off of a Gulf War era statute that is set to expire this year. Under previous laws, involuntarily retained and separated servicemen and women were allowed to extend their military health care coverage for a certain period of time, depending on their length of service.

Service men and women with over 6 years of active duty service could extend their TRICARE benefit for up to 120 days after they separated from service. Those with under 6 years would be allowed to extend their coverage for up to 60 days after they separated from service.

I understand that the Department of Defense was going to request re-authorization of this benefit in light of the current crisis. However, their request will probably not come to Congress in time to be attached to the fiscal year 2002 authorization bill. It is time that we act now, in the name of these brave soldiers, sailors, airmen, and Marines. But moreover, we must expand this benefit to other critical parts of our force—reservists and national guard members.

Currently, when Reservists are called up, they are temporarily considered active duty components. While they are in harm's way, members of the reserves and national guard, and their dependents, are entitled to the same military health care coverage as other military personnel—what is called, TRICARE. Reservists who have deployed for more than 30 days during a major contingency may extend their military health care coverage for 30 days after they return.

My amendment will provide comfort to thousands of military families whose loved ones risk their lives defending our Nation. But more importantly, it would be part of our national effort to unite behind our troops during this time of national crisis.

Over 50,000 reservists may soon be called into service. As President Bush himself has said, ''We're talking about somebody's mom, or somebody's dad, somebody's employee, somebody's friend, or somebody's neighbor.''

I want to thank both Senators LEVIN and WARNER as well as their staffs for their important assistance in writing this legislation. Together, we crafted a measure that will assure our service personnel that when they return home they will not be denied health care because of their military service.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe now we have cleared the decks of all cleared amendments. We are hoping more can be cleared yet tonight. We will be here at least for a few minutes. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I ask unanimous consent the Senator from Maryland, Mr. SARBANES, and the Senator from Maine, Ms. SNOWE, be added as cosponsors of the just-adopted fire act amendment, if I may.

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

Mr. DODD. I further ask unanimous consent that any additional Members have until the close of business today to add themselves as cosponsors.

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

Mr. DODD. Mr. President, if I may, I want to take just a few minutes, while the chairman and ranking member are off the floor, to comment on some other aspects of this bill that is before us, the Department of Defense authorization bill, and to comment about a larger measure.

I have filed an amendment which I may offer. I doubt if I will, but I want to talk about it, if I may. I rise to speak about the election reform provisions contained in the DOD authorization bill. First, let me applaud the members of the committee for including these provisions in the DOD authorization bill.

We are all familiar with the fact that last year in the national elections there were issues raised about the ability of our men and women in uniform to cast ballots and have those ballots counted. I know the Presiding Officer, the Senator from South Carolina, who represents major military installations in his State, men and women from his State who have served in significantly high numbers, has talked about their right to vote.

At this very hour, as we are gathered here, many of them are scattered to the four corners of the globe, protecting and defending the interests of our Nation. There were provisions adopted in the committee print which I think go a significant way toward minimizing the kinds of irregularities and problems our men and women in uniform witnessed last year in casting their ballots and having their ballots counted.

As we prepare to defend our democracy, as we talk about this the most significant of the bills we debate and discuss on national security, I think it is vital that we also work together in a

bipartisan fashion to strengthen our democracy at home. So I commend and thank our colleagues for adding these provisions to the Defense authorization bill.

This is a new world, as we have all heard repeated over and over again during the last several weeks. We are living in a new world where our very democracy is under assault. In fact, if I can quote from President Bush's recent speech to the joint session of Congress, the reason we are under attack is because of our democratic system. As the President said just a few nights ago:

> They hate what they see right here in this Chamber, a democratically elected government. Their leaders are self appointed. They hate our freedoms: Our freedom of religion, our freedom of speech, our freedom to vote and assemble, and to disagree with each other.

Those are important statements. So as we prepare to send troops possibly into harm's way, it is necessary that we try to do everything we can to secure for these brave men and women their precious freedom—the freedom to vote.

I can think of few more important statements the United States could make to terrorists than to take steps to strengthen and secure the right to vote for all eligible Americans, and to have their votes counted. If the terrorists harbored any illusions that they would destabilize our democracy by perpetrating acts of evil against innocent people, our determination to strengthen the right to vote proves that the terrorists are sadly mistaken.

The provisions of this bill help ensure that right by setting uniform nondiscriminatory voting standards, residency requirements, and registration of balloting rights for uniformed service voters and their spouses and dependents. There are over 6 million men and women who serve in our uniformed services. These citizens put themselves on the line and are at risk every day to protect our Nation. Yet, in some cases, when they cast their votes, those votes have not been counted. This is unacceptable. It is most appropriate that we address this inadequacy in the text of the Department of Defense authorization measures.

I fully support these provisions which provide for certain minimum Federal requirements for voting and registration. Specifically, this provision requires States to ensure that each voting system used within a State for elections for Federal, State, and local offices, provide overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States; second, to count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniform services voter to the proper official and is otherwise valid; third, it permits absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in primary, general, special, and runoff elections for State and local offices; lastly, to accept and process any voter registration application from an absent uniformed services voter if the application is received by the State official not less than 30 days before the date of the election and is otherwise valid.

I fully support all of these Federal requirements. Importantly, this bill mandates these requirements. The bill doesn't say that it would permit any State to opt out of these desperately needed reforms. These are mandates. The States shall do this regardless of jurisdiction. These men and women are serving in our Federal uniformed services. They are protecting our Nation.

Whether they are voting for a local office or the Presidency of the United States, we have to mandate these requirements.

The chairman of the committee, the ranking member, and Republicans and Democrats alike support mandated provisions in the context of voting rights for uniformed services voters.

The only way to guarantee that such requirements become part of the voting rights for uniformed services voters is in fact to mandate them and to give the States the resources they may require to implement these provisions.

This bill is an important and long overdue effort to ensure that our uniformed services voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community they live in, either abroad or in America, have an equal opportunity to cast their votes and have their votes counted.

But we also need to make sure that when these uniformed services voters and their families return to civilian life, their rights to vote remain protected regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live—whether it is abroad or in America, in my view.

Today we are ensuring in this bill the right to cast a vote and have that vote counted for our uniformed services voters.

I see the presence of the distinguished ranking member, Senator WARNER. I commend the Senator and Senator LEVIN for incorporating these voting rights for our men and women in uniform.

Before this Congress recesses for the year, or in the alternative, at the earliest opportunity next year, I hope we set similar minimum Federal standards to ensure the same opportunity for all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live—whether it is abroad or in America.

We must enact such comprehensive election reforms while there is time to affect the elections for Federal offices in the year 2002 to the extent possible, and more particularly the next Presidential election in the year 2004.

To this end, I have filed my comprehensive election reform bill, S. 565, the Dodd-Conyers bill, as an amendment to the Defense Department authorization act. The Rules Committee ordered this measure reported on August 2 by a vote of 10–0. The Dodd-Conyers bill—the Equal Protection Voting Rights Act of 2001—I believe, as well as 51 of my colleagues, is the strongest and most comprehensive election reform proposal that has been introduced in Congress today. For that reason, it enjoys more support than any other election reform bill in both Houses. Some 211 Democrat and Republican and independent Members of Congress support this legislation.

Let me briefly describe once again to my colleagues what this bill will do. In fact, it is completely consistent with the provisions contained in this DOD authorization bill for the men and women in uniform.

Specifically, the Dodd-Conyers bill creates a temporary commission to study election reform issues and then submit a report of recommendations in those areas.

It creates a grant program to States and localities for Federal funds to acquire updating voting systems and technology, improve voting registration systems, and educate voters and poll workers.

Lastly, it establishes three minimum Federal requirements for elections for Federal office, effective year 2004, with authorization for appropriations to pay for these requirements.

These three requirements are:

No. 1, Federal standards for voting systems, machines and technology;

No. 2, provisional voting; and

No. 3, distribution of sample ballots and voting instructions.

These three areas are not radical ideas for Federal requirements. The Federal standards for voting machines do not dictate what specific voting machine ought to be used by States and localities. How people vote in Virginia, South Carolina, Connecticut, or Michigan ought to be up to what local people want to do; which machine; which system they want to have in place. We don't decide that at the Federal level. We do not use the approach of ''one size fits all''. On the contrary, in my bill States are merely required to adopt the Federal standards for voting systems and equipment governed by the Federal Election Commission. At this time, over 36 States have voluntarily adopted these VSS standards. Those standards do not require specific machines or software but rather specific functionality and performance. For example, voting systems must have some error notification functions, be accessible to disabled voters, and have a capacity for audit trail to avoid fraud. Those basic requirements are not terribly complicated. I don't think that is a radical idea in the 21st century.

When you are voting for the Presidency of the United States, and when

you are voting for the national assembly, how people vote in one jurisdiction affects the votes of others in other jurisdictions. You are not just voting for a local office. If you get it wrong in Connecticut when voting for the President, then voters in South Carolina have their vote diluted because the outcome could affect how they cast their ballots from South Carolina.

In Presidential elections, a national Congress having minimum Federal Standard that applies to all 50 States is absolutely required. Otherwise, you lend yourself to be open to the probability that in local areas where voters may not be allowed to vote, or the votes can't be counted, the overall outcome is affected. That dilutes the rights of other voters in other jurisdictions who have done it right and is a violation of the ''one person, one vote'' principle. This is not a radical idea.

The second requirement is provisional voting. Again, this is not a radical idea. Many jurisdictions already do it.

Very simply, someone shows up to vote. They claim they have registered to vote. They have filled out all the paperwork. And, for whatever reason, the person sitting in that precinct says: I am sorry, we don't have your name on the voter registration lists or there is a challenge for some other reason. We don't think you are registered to vote. At that point, you become a provisional voter. You allow that person to cast their ballot. Like an absentee ballot, you set it aside and allow that process to go forward. The person casts their ballot, the ballot is set aside, and at the end of the process, you go back and determine whether or not the voter was an eligible voter and otherwise entitled to cast a vote and have that vote counted. If the voter was right, you cast the ballot. If the voter was wrong, you don't cast the ballot.

This is not terribly complicated. I think, depending on the definition of ''provisional ballot'' process used, all jurisdictions already have some form of ''provision balloting''. Again, it allows people who believe they have voted—in many cases properly registered—to then actually cast their ballot and have that vote counted.

Thirdly, the distribution of sample ballots and voting instructions: Thus far, every jurisdiction has sample ballots, the issue is how and whether those sample ballots are distributed. Because of the many different factors that influence ballots, such as constitutional amendments or referendums, it can be costly and labor intensive to print and distribute such sample ballots.

Today, having people take a look at sample ballots before you actually go in to vote just might facilitate the process, raise the level of awareness, and give people a chance to become more familiar with what is on the ballot. It is a value.

Those are all three of the requirements. The big battle is over whether or not they ought to be voluntary or mandated.

In the DOD bill, we said when it comes to uniformed services, this is not a choice you have, it is mandated. If this bill is adopted, we will mandate that every jurisdiction in America—whether you like it or not—is going to see to it that men and women in uniform have the right to vote and their vote counted.

It is not a great leap to say if it is good for uniformed services voters, it is also good to mandate the three basic minimum Federal requirements for all eligible voters, particularly when you are talking about elections of the Presidency and the National Congress?

I am not going to offer this larger provision on this bill. We have already incorporated in committee the minimum voting requirements for men and women in uniform. I strongly support what the committee has done. But I do want to raise the issue.

I know in the midst of everything else that is going on, it is not terribly likely—although it may become likely if the session runs longer than some anticipate—to actually bring up the election reform bill.

I cannot think of anything we could do that would express our sense of unity as Americans—I guess memories may fade a little bit, and obviously the events of September 11 are so huge that many people may have forgotten the amount of time and attention the Nation took last year—almost a year ago—on November 7th with the national election. In the weeks that went by before we resolved what occurred, night after night we watched what happened in the State of Florida, because that State happened to be the pivotal one. I quickly point out the problems existed in almost every State. And in some States, Georgia and Illinois for example, the problems were much more significant than the problems in Florida, we now know.

But I think we ought to go back and remind ourselves of what occurred and how disappointed we were, as Americans, to see a voting system that had fallen into such disrepair. We were lecturing the rest of the world on how to vote. We had sent teams all over the globe, going to Third World countries, to show them how we do it in America. Well, now the world has gotten a good view of how we did it in America. Frankly, we were not terribly impressed nor was the world.

So I cannot think of a better message we could give to terrorists, and others who want to destabilize our country, than that we are going to get our voting system right, that we are going to come together, as Democrats and Republicans, and fashion a system that makes us all proud. My hope is that will happen.

As some may know, I have had discussions with my good friend from Missouri, Senator KIT BOND, who has some very strong ideas on how we could minimize voter fraud in this country. And it is a problem. He said something that I think is true, that we ought to have as sort of a slogan on this bill that it ought to be easy to vote and very difficult to commit fraud. And today it is hard to vote and maybe pretty easy to commit fraud. We need to reverse that trend.

So I am hopeful he and I can work out some proposal that we can present to the entire body here, possibly before we end this session of Congress. What a tremendous message we could send, that we are improving the voting process in this country. These requirements that I have laid out and talked about have already been adopted by many States.

The Voting systems standards have been voluntarily adopted by over 36 States. As I mentioned earlier, provisional voting, or some aspect of a provisional balloting procedure, has also been adopted in every State and the District of Columbia by statues. For example, 20 States have provisional balloting statutes, 12 States contain some aspect of the provisional process, not all of them and about 18 States have no provisional ballot statutes but contain some related provisions, such as same-day voter registration.

The third requirement is sample ballot distribution and voting instructions. It is fairly straightforward. My best information indicates that at this time all States and the District of Columbia have laws providing for some form of sample ballots. However, how these sample ballots are distributed appears to vary quite significantly from State to State.

I will not go into all the details here. I don't want to take the time of my colleagues. Suffice it to say that the committee deserves a great deal of credit for what they have done for our men and women in uniform. The Federal mandate ought to substantially minimize the problems that occurred a year ago across the nation for our men and women in uniform serving overseas when they want to cast votes and have their votes counted.

My hope is we can complete the process now by providing comprehensive election reform for every eligible American voter who desires to cast a vote and have that vote counted, just as we provide for our men and women in uniform. The men and women in uniform will be the first to tell you they do not want to be treated differently in that regard. They are citizens of the country. They are citizen soldiers, but citizens. And the right to vote and have your vote counted ought to be a right that is guaranteed to every eligible U.S. citizen who meets the requirements, regardless of race, ethnicity, disability, the language they speak, or the resources of the community they live in, whether abroad or in the United States.

So my hope is that in the midst of all the other things we are going to do to make our country stronger, to make it more secure, to protect our airports, to

protect our buildings, to protect our people from the threats of terrorist attack, the one thing we might also try to do in the midst of all of this is to make our elections process stronger and prove that our democracy is strong.

It has been pointed out—I mentioned it earlier today—the tremendous heroic achievements of the passengers on the flight that crashed in Pennsylvania. Many of us believe that plane may have very well been headed for Washington, DC, and headed for this very building. We do not know exactly what happened there, but it appears as though some very heroic passengers took some very courageous action.

In fact, we do know from cell phone conversations that they did something that ought to remain in the minds of every one of us. They, in the midst of all of this, decided to have a vote about what to do, according to the cell phone conversations of several spouses who heard from their husbands.

Imagine this: Here are terrorists on a plane who are about to crash this plane—maybe into this very building, or some other facility; symbols of our democracy, our freedom, and our rights—and the passengers on that doomed aircraft decided to cast a ballot about what to do.

Mr. President, I would like to see us be able to cast our ballots as far as the eye can see in the future of this country, and to see that this process is strengthened, that every citizen, race, ethnicity, disability, the language they speak, the resources of the community in which they live, can have an equal opportunity to cast a vote and an equal opportunity to have that vote counted.

I cannot think of a better message that we could send, beyond the things we are doing already, to those who are hiding in the shadows of the world tonight, possibly planning some form of terrorist attack, disregarding basic rights of people, than to say that in the target of your hostility, in a place called America, people have an equal opportunity to cast a vote and have those votes counted. We are going to make it stronger in the coming days and weeks, not weaker.

So I commend, again, the committee for their efforts. I further look forward to the opportunity when we can bring up a comprehensive election reform bill to right the wrongs and concerns that I think all of us agree occurred in last year's national elections. What better message can we send to the caves of Afghanistan, or wherever these people may be residing—they may be watching this debate—than that you may try, over and over again, to do everything to destabilize this country, but the people who cast their ballots on that plane that crashed in Pennsylvania are a reflection of who we are as a people. You will never deny us the right to vote and the right to choose our leaders democratically. I think the bill that JOHN CONYERS and I have offered in the House and the Senate, with some 51 cosponsors in this Chamber, goes a long way to achieving that desired result.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

The Senator from Missouri is recognized.

(The remarks of Mr. BOND pertaining to the introduction of S. 1479 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1809 THROUGH 1820, EN BLOC

Mr. LEVIN. Madam President, I ask unanimous consent that it be in order now to send 12 amendments to the desk and that they be considered en bloc. I understand these amendments have now been cleared by the other side.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, the amendments have been cleared on this side.

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

Mr. LEVIN. I urge the Senate adopt these 12 amendments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes amendments numbered 1809 through 1820, en bloc.

The amendments are as follows:

AMENDMENT NO. 1809

(Purpose: To authorize, with an offset, an additional $6,500,000 for research, development, test, and evaluation Defense-wide, with $5,000,000 allocated for the Big Crow Program and $1,500,000 allocated for the Defense Systems Evaluation program)

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

SEC. 215. BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $6,500,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) $5,000,000 may be available for the Big Crow program; and

(2) $1,500,000 may be available for the Defense Systems Evaluation (DSE) program.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $6,500,000.

AMENDMENT NO. 1810

(Purpose: Authorization.—$2,500,000 is authorized for appropriations in section 201(1), in PE62303A214 for Enhanced Scramjet Mixing)

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

SEC. 201(1). AUTHORIZATION OF ADDITIONAL FUNDS.

AUTHORIZATION.—The amount authorized to be appropriated in section 201(1) is increased by $2,500,000 in PE62303A214 for Enhanced Scramjet Mixing.

OFFSET.—The amount authorized to be appropriated by section 301(5) is reduced by $2,500,000.

AMENDMENT NO. 1811

(Purpose: To authorize, with an offset, $2,800,000 for the Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness (PRIVATEER) program)

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

SEC. 203. FUNDING FOR SPECIAL OPERATIONS FORCES COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS, AND INTELLIGENCE SYSTEMS THREAT WARNING AND SITUATIONAL AWARENESS PROGRAM.

(a) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $2,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), $2,800,000 may be available for the Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness (PRIVATEER) program (PE1160405BB).

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $2,800,000.

AMENDMENT NO. 1812

(Purpose: To set aside funds for the critical infrastructure protection initiative of the Navy)

On page 65, after line 24, insert the following:

SEC. 335. CRITICAL INFRASTRUCTURE PROTECTION INITIATIVE OF THE NAVY.

Of the amount authorized to be appropriated by section 301(2), $6,000,000 may be available for the critical infrastructure protection initiative of the Navy.

AMENDMENT NO. 1813

At the appropriate place, insert:

STUDY AND PLAN.—

(a) With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congressional defense

committees a report and the Secretary's recommendations on options for providing the helicopter support missions for the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming, for as long as these missions are required.

(b) Options to be reviewed include:

(1) the Air Force's current plan for replacement or modernization of UH–1N helicopters currently flown by the Air Force at the missile wings;

(2) replacement of the UH–1N helicopters currently flown by the Air Force with UH–60 Black Hawk helicopters, the UH–1Y, or another platform;

(3) replacement of UH–1N helicopters with UH–60 helicopters and transition of the mission to the Army National Guard, as detailed in a November 2000 Air Force Space Command/Army National Guard plan, ''ARNG Helicopter Support to Air Force Space Command;''

(4) replacement of UH–1N helicopters with UH–60 helicopters or another platform, and establishment of composite units combining active duty Air Force and Army National Guard personnel; and,

(5) other options as the Secretary deems appropriate.

(c) Factors to be considered in this analysis include:

(1) any implications of transferring the helicopter support missions on the command and control of and responsibility for missile field force protection;

(2) current and future operational requirements, and the capabilities of the UH–1N, the UH–60 or other aircraft to meet them;

(3) cost, with particular attention to opportunities to realize efficiencies over the long run;

(4) implications for personnel training and retention; and,

(5) evaluation of the assumptions used in the plan specified in (b)(3) above.

(d) The Secretary shall consider carefully the views of the Secretary of the Army, Secretary of the Air Force, Commander in Chief of the United States Strategic Command, and the Chief of the National Guard Bureau.

AMENDMENT NO. 1814

(Purpose: To require a report on health and disability benefits for pre-accession training and education programs)

On page 171, between lines 2 and 3, insert the following:

SEC. 589. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the total number of cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A statement of the processes and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide recruits and officer candidates with succinct information on the eligibility requirements (including information on when they become eligible) for health care benefits under the Defense health care program, and the nature and availability of the benefits under the program.

(5) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

AMENDMENT NO. 1815

At the appropriate place, insert:

The Senate finds that a national tragedy occurred on September 11, 2001, whereby enemies of freedom and democracy attacked the United States of America and injured or killed thousands of innocent victims;

The Senate finds that the perpetrators of these reprehensible attacks destroyed brick and mortar buildings, but the American spirit and the American people have become stronger as they have united in defense of their country;

The Senate finds that the American people have responded with incredible acts of heroism, kindness, and generosity;

The Senate finds that the outpouring of volunteers, blood donors, and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts;

The Senate finds that the American people stand together to resist all attempts to steal their freedom; and

Whereas united, Americans will be victorious over their enemies, whether known or unknown: Now, therefore, it is the sense of the Senate that—

(1) the Secretary of the Treasury should—

(A) immediately issue savings bonds, to be designated as ''Unity Bonds''; and

(B) report quarterly to Congress on the revenue raised from the sale of Unity Bonds; and

(2) the proceeds from the sale of Unity Bonds should be directed to the purposes of rebuilding America and fighting the war on terrorism.

AMENDMENT NO. 1816

At the appropriate place, insert:

SEC. . PERSONNEL PAY AND QUALIFICATIONS AUTHORITY FOR DEPARTMENT OF DEFENSE PENTAGON RESERVATION CIVILIAN LAW ENFORCEMENT AND SECURITY FORCE.

Section 2674(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before the text in the first paragraph of that subsection;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and

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

''(2) For positions whose permanent duty station is the Pentagon Reservation, the Secretary, in his role and exclusive discretion, may—

''(A) without regard to the pay provisions of title 5, fix the rates of basic pay for such positions occupied by civilian law enforcement and security personnel appointed under the authority of this section so as to place such personnel on a comparable basis with other similar federal law enforcement and security organizations within the vicinity of the Pentagon Reservation, not to exceed basic pay for personnel performing similar duties in the Uniformed Division of the Secret Service or the Park Police.

AMENDMENT NO. 1817

(Purpose: To further improve benefits under the TRICARE program)

On page 222, line 17, and after ''include comprehensive health care,'' insert the following ''including services necessary to maintain function, or to minimize or prevent deterioration of function, of the patient,''

On page 226, strike line 15, and insert the following:

SEC. 706. PROSTHETICS AND HEARING AIDS.

Section 1077 of title 10 United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.'';

(2) in subsection (b)(2), by striking ''Hearing aids, orthopedic footwear,'' and inserting ''Orthopedic footwear''; and

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

''(f)(1) Authority to provide a prosthetic device under subsection (a)(15) includes authority to provide the following:

''(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

''(B) Services necessary to train the recipient of the device in the use of the device.

''(C) Repair of the device for normal wear and tear or damage.

''(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

''(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

''(3) A prosthetic device customized for a patient may be provided under this section only by a prosthetic practitioner who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.''.

SEC. 707. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 706, is further amended—

(1) in subsection (a)(12), by striking ''such as wheelchairs, iron lungs, and hospital beds,'' and inserting ''which''; and

(2) by adding at the end the following new subsection:

''(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

''(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

''(B) Any durable medical equipment that can maximize the patient's function consistent with the patient's physiological or medical needs.

''(C) Wheelchairs.

''(D) Iron lungs,

''(E) Hospital beds.

''(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

''(A) achieving therapeutic benefit for the patient;

''(B) making the equipment serviceable; or

''(C) otherwise assuring the proper functioning of the equipment.''.

(b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

''(5) Durable equipment provided under this section may be provided on a rental basis.''.

SEC. 708. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 706(1), is further amended by inserting after paragraph (16) the following new paragraph:

''(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician.''.

SEC. 709. MENTAL HEALTH BENEFITS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine the adequacy of the scope and availability of outpatient mental health benefits provided for members of the Armed Forces and covered beneficiaries under the TRICARE program.

(b) REPORT.—Not later than March 31, 2002, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study, including the conclusions and any recommendations for legislation that the Secretary considers appropriate.

SEC. 710. EFFECTIVE DATE.

AMENDMENT NO. 1818

(Purpose: To amend Title 5 of the United States Code to authorize payment of hostile fire pay to civilian employees of the federal government under certain conditions)

SEC. . HOSTILE FIRE OR IMMINENT DANGER PAY

(a) IN GENERAL.—Chapter 59, Subchapter IV of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5949 Hostile fire or imminent danger pay

''(a) The head of an Executive agency may pay an employee special pay at the rate of $150 for any month in which the employee, while on duty in the United States—

''(1) was subject to hostile fire or explosion of hostile mines;

''(2) was in an area of the Pentagon in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period on duty in that area, other employees were subject to hostile fire or explosion of hostile mines;

''(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

''(4) was in an area of the Pentagon in which the employee was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

''(b) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which the employee is so hospitalized.

''(c) For the purpose of this section, ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

''(d) An employee may be paid special pay under this section in addition to other pay and allowances to which entitled. Payments under this section may not be considered to be part of basic pay of an employee.''.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end the following new item:

''Sec. 5949 Hostile fire or imminent danger pay.''.

(c) EFFECTIVE DATE.—This provision is effective as if enacted into law on September 11, 2001, and may be applied to any hostile action that took place on that date or thereafter.

AMENDMENT NO. 1819

(Purpose: To provide family support benefits for the families of members of the Armed Forces involved in national emergency operations of the Armed Forces)

At the end of title VI, add the following:

Subtitle F—National Emergency Family Support

SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) AUTHORITY.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during fiscal year 2002, in order to ensure that the children of such families obtain needed child care and youth services.

(b) APPROPRIATE PRIMARY OBJECTIVE.—The assistance authorized by this section should be directed primarily toward providing needed family support, including child care and youth services for children of such personnel who are deployed, assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

SEC. 682. FAMILY EDUCATION AND SUPPORT SERVICES.

During fiscal year 2002, the Secretary of Defense is authorized to provide family education and support services to families of members of the Armed Services to the same extent that these services were provided during the Persian Gulf war.

AMENDMENT NO. 1820

(Purpose: To authorize the Secretary of Transportation, in consultation with the Secretary of Defense, to waive, or limit the application of, vehicle weight limits applicable to a route on the Interstate System in the State of Maine during a period of national emergency)

On page 363, after line 25, add the following:

SEC. 1066. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

''(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.''.

AMENDMENT NO. 1809

Mr. BINGAMAN. Madam President, I am introducing this amendment with Senator DOMENICI to S. 1438, the fiscal year 2002 National Defense Authorization Act, to provide funds badly needed for two vital test support activities in the Department of Defense, DoD. The Big Crow program provides DoD with highly sophisticated airborne electronic warfare capabilities that enable us to test our newest weapon systems and technologies in a realistic battle environment in which electronic warfare is likely to be used. The system can also be used operationally if a requirement suddenly occurs. The Defense Systems Evaluation, DSE, program provides aircraft to replicate enemy and friendly aircraft in testing Army air defense programs and technology. Both of these programs provide vital test support assets used by all the military services. Unfortunately, it is typical for programs that provide cross-service support to be inadequately funded by their parent service organization. This year's President's budget request did not seek any funding for these programs, perhaps relying on the Congress, once again, to provide the emergency funds needed to keep them operating.

Thus we find ourselves again this year, seeking the funding needed for these two programs in order for them to continue to provide vital test support activities for all of the military services. The amendment, which Senator DOMENICI and I offer, will provide the minimum necessary funding to enable Big Crow and DSE to operate during fiscal year 2002.

There are other test support programs in the DoD that suffer the same circumstance as the two for which I am seeking funding. They refer to them in the Pentagon as ''the orphans.'' The Defense Science Board, DSB, recently completed a review of operational testing and evaluation in the Department of Defense and published a report containing a number of significant recommendations about how to improve that process to make it more effective and efficient. The DSB recommended that DoD seek ways to encourage and implement joint service testing. Among their recommendations, the DSB endorsed budget oversight responsibility for orphan programs such as Big Crow and DSE to the Director, Operational Test and Evaluation in the Office of the Secretary of Defense. Actual test and evaluation activities would remain the province of the military services.

This year's Defense authorization bill reported out by the Armed Services

Committee contains a provision requesting the Secretary of Defense to review the DSB report and to submit recommendations regarding its implementation with the budget request submission for fiscal year 2003. I am hopeful that the Secretary will endorse the DSB findings so that the Department will finally exercise appropriate oversight and support for cross-service test activities. In the meantime, the amendment I am introducing is necessary to keep those essential test activities underway. I urge my colleagues to support its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendments Nos. 1809 through 1820, en bloc.

The amendments (Nos. 1809 through 1820) were agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, we had hoped and expected there was going to be an additional amendment of Senator HOLLINGS to which Senator WARNER and I had agreed, but there was a last minute objection, I believe, on the Republican side. We will try to do the best we can on that in the morning.

Mr. WARNER. Madam President, the chairman is correct. We believed we had it worked out, and at the last minute there was an objection on this side.

MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

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

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I ask unanimous consent that it be in order for me to deliver my remarks from my seat.

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

CAREER-ENDING HONORS FOR GENERAL HENRY H. SHELTON

Mr. HELMS. Madam President, this morning marked an unmistakably glorious conclusion to the remarkable military career of one of North Carolina's most famous citizens, GEN Henry H. Shelton.

It occurred at Fort Myer, VA, with scores of America's best-known leaders—both military and civilian, on hand for the spectacular event.

All branches of the armed services participated. The Secretary of Defense, for example, Don Rumsfeld, was there, as was Secretary of State Colin Powell. The marching bands didn't miss a cue or a note. It was splendid, every minute of it, in every detail.

General Shelton's farewell remarks were a modest review of the many things he had seen and things he had done in many places around the world. His wife Carolyn's eyes brimmed with tears a few times, a measurement of her pride in, and her love for, her remarkable husband.

All in all, it served to make those of us present a bit prouder of our country as we surveyed the troops from all of the services and heard the bands strike up.

I believe Senators will enjoy reviewing the address by GEN Henry H. Shelton on this, the morning of his retirement from the U.S. Army—and especially, as General Shelton turned over the chairmanship of the Joint Chiefs of Staff to his friend, GEN Dick Myers.

Therefore, I ask unanimous consent that General Shelton's farewell address be printed in full in the RECORD.

I thank the Chair.

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

REMARKS BY GENERAL HENRY H. SHELTON, USA, ARMED FORCES FULL HONOR TRIBUTE, SUMMERALL FIELD, FORT MYER, MONDAY, 1 OCTOBER 2001

Secretary Powell, Secretary and Mrs. Rumsfeld, Secretary Principi, Director and good friend George Tennant of CIA, members of the diplomatic corps, distinguished members of Congress to include the delegation from my home state of North Carolina Senator Jesse Helms, Senator John Edwards, and Congressman Bob Etheridge, Deputy Secretary Wolfowitz, Service Secretaries, Fellow Chiefs of Defense, Members of the Joint Chiefs of Staff past and present to include my predecessor and old mentor General David Jones, Commanders-in Chief of our Combatant Commands, fellow flag and general officers, distinguished guests, family and friends, and especially, the men and women of our Armed Forces, represented here today by the magnificent soldiers, sailors, airmen, marines, and coast guardsmen, standing proud and tall in the ranks before us.

Thanks to all of you for being a part of this ceremony during this very busy and trying time and for honoring Carolyn and me with your presence. Thank you Secretary Rumsfeld for those kind words. Carolyn and I deeply appreciate your comments and the awards. There are so many here today that I'd like to thank personally, and many who traveled great distances to get here like Ms. Connie Stevens from LA and Johnny Counterfit and wife from Nashville, Tennessee, and CSM Felix Acosta, a great soldier from Bristol, Tennessee, old friends from Atlanta, Tampa, and Fayettesville, North Carolina, the center of the universe, and finally friends from NC State University.

Ladies and gentlemen, this ceremony marks the end of an extraordinary journey: 38 years as a soldier in the service of our country. Now 38 years may seem like an awfully long time, and it is, but as I near the finish line, it feels like I've been driving a powerful Corvette at high speed with time and distance flying by. I can vividly recall the year 1963, when Carolyn and I made the drive from Speed, North Carolina to Fort Benning, Georgia, in the days following my commissioning as a Second Lieutenant from NC State University. Like all young men, I had many dreams and grand thoughts, and also some trepidation about the future. Someone asked me the other day if during those early days if I ever imagined being here today. My response was I was too busy doing my duty as a 2nd Lieutenant and wasn't even thinking beyond 1st Lieutenant. If I had imagined it, it probably would have scared me to death. But, what a truly incredible journey this has been for a farm boy from North Carolina. America is truly a great land of opportunity.

But I didn't make the trip alone. So today it's important and necessary that I recognize and thank those who made that journey possible. First, my parents, my mother Patsy is here today, who shaped my character and instilled the values, which have served me well, throughout the trip. My brothers, David and Ben, and sister, Sarah, whose support was always felt. And my wonderful wife, Carolyn, who has been with me every step of the way through 27 moves, raising three wonderful sons, Jon, Jeff, and Mark, and through countless separations in times of war and peace. While I'm grateful to God for many things in my life, none compares with the love and pride that I feel with Carolyn by my side. Thank you for joining me on every step of this journey. Carolyn. And, as I reflect these past four years as Chairman, I fully realize that Carolyn and I need to express our thanks to many of you in the audience today.

I first need to thank the two Commanders-in-Chief for whom I've had the honor and privilege of serving. President Bush and President Clinton. I thank President Clinton for giving me the opportunity of a lifetime only four short years ago to serve as this Nation's 14th Chairman of the Joint Chiefs.

This assignment has indeed been the highlight of my career, for the greatest honor that any military leader could ever have is to represent America's soldiers, sailors, airmen, marines, and quite often our coastguardsmen back here in Washington. And for that I'll always be grateful. I also need thank our current Commander-in-Chief, President Bush, for the complete trust and confidence he has shown in me these past nine months. Our nation is truly blessed to have President Bush's strong leadership, integrity, and gritty resolve during this difficult time.

I also need to thank the two great Secretaries for whom I have worked during this tour of duty, Secretary Rumsfeld and Secretary Cohen. And both, like me, married above their ''raising'' with Janet Cohen and Joyce Rumsfeld. I thank Secretary Cohen, for the chance he gave me to serve our Nation in this capacity, and to Secretary Rumsfeld for the opportunity to continue to serve and for your trust and confidence. What I found fascinating about these two gentlemen is not what makes them different, but rather what makes them so similar, First, they are true patriots who deeply love their country and all that it stands for. And second, they both share many of the same attributes; strength of character; vision; determination;and an unyielding desire to build and maintain the finest Armed Forces in the world. Thanks to both of you for your trust and confidence, your personal sacrifices to serve our Nation, and for your willingness to stand up for the right thing for our men and women in uniform. Our Nation has been, and will continue to be, blessed by your service.

I also need to recognize the extraordinary loyalty and support of my two Vice Chairmen, General Joe Ralston and Chairman Dick Myers. I'm proud of all that we've accomplished. Joe and Dick, your wise counsel and unfailing support made the difference, time and gain, as we confronted a host of difficult challenges and I thank you. I will always be indebted to you both. And Dick, I

couldn't be more pleased that the President picked you as my successor. You're a superb warrior, a visionary leader, a true professional and a great friend. And I know that our men and women in uniform are in good hands with you at the helm.

I would also like to give a heartfelt thanks to each of the Service Chiefs here today, for your outstanding support, advice, candor, and friendship, Ric, Vern, Jim Jones, John, and Jim Loy. You, and the great group of Service Chiefs you succeeded have redefined what selfless service, character, and teamwork really means. I have watched with admiration your effective stewardship of your respective Services, and, it's largely a tribute to your efforts that our Armed Forces are well trained, fully armed, and ready to fight and win. You're an awesome team.

I also need to recognize our superb warfighting CINCs. Our country has been blessed the past four years with a select group of incredibly talented professionals charged with leading our warfighting commands. And leading is precisely what they have done. I want to thank each of you for your continued service to country and for your devotion to the men and women who defend our way of life.

And a big thanks to our Command Sergeant Majors and Senior Enlisted Advisors here today, and the magnificent NCO Corps you represent, the factor that truly is our greatest strength as an Armed Force and always the reason behind our success. And, finally, thanks to our great soldiers, sailors, airmen, marines, and coastguardsmen—always at the point of the spear, flying their aircraft, sailing their ships, and patrolling their sectors far from home. They have never let our Nation down and they never will. They stand ready for the challenges ahead!

With my time on active duty fast drawing to a close, Carolyn and I will soon finish packing our bags for one last government move. Already packed away is a lifetime of memories. I'll remember: Thousands of faces, both in peace and war, comrades who fell beside me giving the ultimate sacrifice and their families whose lives were changed forever, the welcome tug of nylon straps as a parachute snaps open, the pride of grasping a guidon or unit colors on a parade ground and the thrill of seeing our red, white, and blue flag unfurl in the morning breeze, the familiar feel of a uniform carefully laid out each night for 38 years, the call to vigilance as the last haunting note of taps rings out in the night or is played in tribute to a fallen comrade, the extraordinary privilege of leading troops, and finally, my days spent with all of you during these past four years.

For those of you here in uniform, for the past 38 years, I've served with you and many thousands of your predecessors, in the central highlands of Vietnam, in the sands of Saudi Arabia, Kuwait and Iraq, hitting the beach at Port-au-Prince, and scores of major exercises preparing for war. I have no doubt that you will stand proud, tall, and vigilant against those who seek to destroy the enduring freedom we enjoy as Americans.

Mr. Secretary, in my heart, I know that our Nation and our Armed Forces are in good hands and I wish you and the President all the best as you set a new course for our country in the difficult and uncertain months ahead. In many ways, I'm reminded of the time in the late 1930s when the winds of war began to envelop Europe. Winston Churchill observed at the time, ''Civilization will not last, freedom will not survive, peace will not be kept unless a very large majority of mankind unite together to defend them.''

Ladies and gentlemen, recently, evil and barbaric attacks have been made against the United States and the citizens of the world. Our President responded with a similar call to all nations to join together in a combined campaign against international terrorism. And in President Bush's recent speech to the joint session of Congress, he ordered those of us in uniform to ''be ready.'' Mr. Secretary, on this day as I leave office, I'm proud to report to you that America's military is ready!

Farewell my friends, my colleagues, and farewell to you, our Nation's splendid Armed Forces. Carolyn and I shall miss you all. As President Bush said recently, ''In all that lies before us, May God grant us wisdom and may he watch over the United States of America.'' Thank you and may God Bless.

Mr. WARNER. Madam President, I commend my distinguished colleague from North Carolina. I, too, want to associate myself with his remarks on the distinguished career of General Shelton. In my 23 years in the Senate, I have worked with many chairmen and each has had his own strengths. The strengths of this fine man were towering. He had a sense of humility and composure that was always with him. I never thought that there was a time when he overreached. He was always calm, collected, and confident and rendered magnificent service to two Presidents, which is unique. Above all, I remember when the Senate Armed Services Committee would have him come before it, most often with the other chiefs, and, frankly, in a respectful way to the Commander in Chief—at that time President Clinton—would properly say, I respect my Commander in Chief but we do not have sufficient funds in the budget for the defense of this Nation to meet our needs. Then he would very carefully lay out those requirements that he and his fellow chiefs sitting there before the committee—and indeed I think it was before the Appropriations Committee—the Presiding Officer who recalls the time that he appeared, and he laid down with clarity the needs of the men and women of the Armed Forces in our defense, even though those figures were at variance with the budgetary submissions by the President.

In the very simple, plain language that the foot soldier understands, that man had guts.

Mr. LEVIN. Will the Senator yield so I may add my compliments to the Senator from North Carolina for his remarks?

Mr. WARNER. Yes.

Mr. LEVIN. I join with the Senator from North Carolina in paying tribute to Hugh Shelton. I have also had the opportunity to work with him, and I am a great admirer and fan of his. I also must join my good friend from Virginia in saying that his appearances—and there were many before our committee—would be the highlight of our committee's activities. His briefings were always to the point and delivered with extraordinary modesty for somebody who had a right to really deliver them with claims of experience, but he never used that. He just used common sense, calm, and wisdom. His authority came from inside, not kind of an outward claim to boast.

He was an extraordinary human being, and I just want to thank the Senator from North Carolina for his remarks. I join with him. I always remember that air campaign in Kosovo, of which he really was a leader. I think it was a magnificent success in good measure because of that leadership.

Mr. HELMS. I thank the Senator.

Mr. EDWARDS. Madam President, I rise today to pay tribute to a great North Carolinian, General Hugh Shelton.

Since 1997, General Shelton has served our nation well as the 14th chairman of the Joint Chiefs of Staff. But the men and women stationed in my State benefitted from his leadership long before he was confirmed as Chairman.

Early in his career, General Shelton commanded the 1st Brigade of the 82nd Airborne Division at Fort Bragg, NC. In 1989, he began a two-year assignment as Assistant Division Commander for Operations of the 101st Airborne Division-Air Assault. That tour included a seven-month deployment to Saudi Arabia for Operations Desert Shield and Desert Storm. When he returned from the Gulf, he was promoted to major general and returned home to assume command of the 82nd Airborne Division stationed at Fort Bragg.

In 1997, the Senate confirmed his nomination to chairman, making him the first Green Beret to command our military. The Senate reconfirmed him in 1999.

For 38 years, General Shelton has served his country honorably. He has received the Legion of Merit, the Bronze Star Medal with V device as well as the Purple Heart. Among other honors, he also earned the Master Parachutist Badge, the Air Assault Badge, the Combat Infantryman Badge and the Military Freefall Badge. And in a ceremony today at the Pentagon, the general will receive his fourth Defense Distinguished Service Medal.

He is a native of Tarborro and a graduate of North Carolina State University. He and his wife Carolyn have three sons. The Sheltons' children have followed their father's example of service to the country—his son Jonathan is a special agent for the U.S. Secret Service and his son Jeffrey is a U.S. Army Special Operations soldier.

These are uncertain and difficult times for our Nation. And, true to his dedication as a soldier in the U.S. Army, General Shelton admitted to being reluctant about retiring now. In fact, last week, the general said ''I feel like the quarterback of a football team that went out on the field and he's behind by one touchdown but he knows his team's going to come through and win. But you're in the first quarter and all of a sudden the coach sends a player out to tell you your eligibility just expired.''

But as General Shelton must surely know, his retirement does not end the tremendous influence he has had on our military and the defense of this nation. His work will live for years to come. I am so grateful to call him my

friend, and North Carolina is proud to call him our son.

U.S.–GERMANY RELATIONS

Mr. LUGAR. Madam President, I rise today to share a wonderful story illustrating the outpouring of support which the United States has received from friends and allies around the world in the days since the attacks on the World Trade Center and the Pentagon on September 11. I recently joined Senate and House colleagues for a luncheon sponsored by the Congressional Study Group on Germany. Former Congressman Larry La Rocca, a Democrat from Idaho, hosted the luncheon to provide Members of Congress with an opportunity to meet the new German Ambassador, Wolfgang Ischinger.

During Congressman La Rocca's introduction, he read an e-mail a close friend of his received from his son serving in the U.S. Navy aboard the USS *Winston Churchill*. The Congressman read the e-mail as a timely reminder of the close relationship between the United States and Germany. I found the story to be inspiring, and I wish to share it with my colleagues and the American people.

Mr. President, I ask unanimous consent that a copy of this e-mail be inserted into the RECORD at this time.

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

MESSAGE HOME FROM AN ENSIGN STATIONED ABOARD USS ''WINSTON CHURCHILL''

DEAR DAD: Well, we are still out at sea, with little direction as to what our next priority is. The remainder of our port visits, which were to be centered around max liberty and goodwill to the United Kingdom, have all but been canceled. We have spent every day since the attacks going back and forth within imaginary boxes drawn in the ocean, standing high-security watches, and trying to make the best of our time. It hasn't been that much fun I must confess, and to be even more honest, a lot of people are frustrated at the fact that they either can't be home, or we don't have more direction right now. We have seen the articles and the photographs, and they are sickening. Being isolated as we are, I don't think we appreciate the full scope of what is happening back home, but we are definitely feeling the effects.

About two hours ago the junior officers were called to the bridge to conduct Shiphandling drills. We were about to do a man overboard when we got a call from the *Lutjens* (D185), a German warship that was moored ahead of us on the pier in Plymouth, England. While in port, the *Winston S Churchill* and the *Lutjens* got together for a sports day/cookout on our fantail, and we made some pretty good friends.

Now at sea they called over on bridge-to-bridge, requesting to pass us close up on our port side, to say goodbye. We prepared to render them honors on the bridgewing, and the Captain told the crew to come topside to wish them farewell. As they were making their approach, our Conning Officer announced through her binoculars that they were flying an American flag. As they came even closer, we saw that it was flying at half-mast.

The bridgewing was crowded with people as the Boatswain's Mate blew two whistles—Attention to Port—the ship came up alongside and we saw that the entire crew of the German ship were manning the rails, in their dress blues. They made up a sign that was displayed on the side that read ''We Stand By You.''

Needless to say there was not a dry eye on the bridge as they stayed alongside us for a few minutes and we cut our salutes. It was probably the most powerful thing I have seen in my entire life and more than a few of us fought to retain our composure. It was a beautiful day outside today.

We are no longer at liberty to divulge over unsecure e-mail our location, but we could not have asked for a finer day at sea. The German Navy did an incredible thing for this crew, and it has truly been the highest point in the days since the attacks. It's amazing to think that only a half-century ago things were quite different, and to see the unity that is being demonstrated throughout Europe and the world makes us all feel proud to be out here doing our job. After the ship pulled away and we prepared to begin our man overboard drills the Officer of the Deck turned to me and said ''I'm staying Navy.'' I'll write you when I know more about when I'll be home, but for now, this is probably the best news that I could send you. Love you guys.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 7, 2001 in Ashburn, GA. Robert Martin, 32, was hospitalized in critical condition after being found lying outside an abandoned school with head injuries from a blunt object. In early April, Martin died as a result of the injuries. The Georgia Bureau of Investigation is investigating but has no suspects. Press reports indicate that Martin had been beaten and harassed before because of his perceived homosexuality.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

AN IMMEDIATE RESPONSE FROM NEW JERSEY

Mr. CORZINE. Madam President, it is with deep pride and a certain humility that I rise today to pay tribute to the women and men of New Jersey who in the midst of very personal loss and deep sadness, responded immediately to the rescue and recovery efforts that followed the despicable attack on the World Trade Center.

In the face of risk and danger, courageous New Jerseyans stepped forward and brought a powerful message to the innocent victims and their desperate families: ''You are not alone.''

New Jersey firefighters, police, EMTs, technicians, nurses, doctors, construction workers and welders, worked tirelessly through day and night. New Jersey residents came out in force to donate blood, supplies, and resources. The open doors of New Jersey schools, places of worship, and homes welcomed the weary, the hungry, and the wounded.

All of this was done in the spirit of kindness and generosity, of selflessness and bravery that makes our nation the strongest in the world.

That spirit motivated the undaunted and determined passengers of United Flight 93, many of whom were New Jerseyans, to take action against hijackers for the noblest cause, so others might live.

Now that same spirit carries through communities around New Jersey where families and friends, neighbors and strangers alike, gather to console one another in this time of grief and anguish. Let there be no doubt, we are all in this together.

To the men and women of New Jersey who have reached out to others in this time of unspeakable devastation, may the peace that you share be an example for all the world. Your heroic deeds will never be forgotten.

ADDITIONAL STATEMENTS

RECOGNITION OF THE CALVARY CHAPEL CHRISTIAN SCHOOL

● Mr. DOMENICI. Mr. President, I rise today to recognize the achievements of the Calvary Chapel Christian School in Santa Fe, which today will be named a State Champion by the President's Council on Physical Fitness and Sports. The Calvary Chapel Christian School was selected for this prestigious honor based on their students' accomplishments in the President's Challenge Physical Activity and Fitness Awards Program. This program was originated by President Lyndon Johnson in 1966 and is especially important today given the increasing physical inactivity among American youth.

Calvary Chapel Christian School had a remarkable number of students that earned high scores on the President's Physical Fitness Challenge. These students demonstrated their abilities in four different physical fitness tests that tested agility, flexibility, strength, and endurance. This achievement is all the more prestigious given what the President's Council on Physical Fitness and Sports labels an ''epidemic of physical inactivity'' among American youth. More than one-third of high school students do not participate in vigorous physical activity on a regular basis. This epidemic has contributed to an increase in several medical problems, such as diabetes, obesity, and osteoporosis, among our children.

Calvary Chapel Christian School can now serve as a role model for other schools in New Mexico and encourage them to emphasize the importance of physical fitness to their students. I congratulate Calvary Chapel Christian School on this honor, and I hope that other schools will follow their fine example.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 1, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4201. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Annual Energy Review for 2000; to the Committee on Energy and Natural Resources.

EC–4202. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Veterans Benefits and Health Care Improvement Act of 2000'' received on September 26, 2001; to the Committee on Veterans' Affairs.

EC–4203. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled ''Operating Subsidiaries of Federal Branches and Agencies'' (12 CFR Parts 5 and 28) received on September 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4204. A communication from the National President of the Womens Army Corps Veterans Association, transmitting, pursuant to law, the annual audit for the period beginning July 1, 2000 through June 30, 2001; to the Committee on the Judiciary.

EC–4205. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''Promoting Safe and Stable Families Amendments of 2001''; to the Committee on Finance.

EC–4206. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands'' received on September 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4207. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Pentagon; to the Committee on Appropriations.

EC–4208. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the Annual Report on the Mentor-Protege Program dated May 2001; to the Committee on Armed Services.

EC–4209. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled ''Additional Support for Counterterrorism Activities''; to the Committee on Armed Services.

EC–4210. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled ''Contracts for Performance of Firefighting and Security-Guard Functions at Department of Defense Facilities''; to the Committee on Armed Services.

EC–4211. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''Secretary of Defense Authority to Delegate''; to the Committee on Armed Services.

EC–4212. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–4213. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to customs fees, the Federal Claims Collection Act, and auditing payments for customs services; to the Committee on Governmental Affairs.

EC–4214. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to the provision of support for weapons inspections and monitoring in Iraq and the transfer of certain naval vessels; to the Committee on Foreign Relations.

EC–4215. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Global Health; to the Committee on Foreign Relations.

EC–4216. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Legislative and Public Affairs, received on September 26, 2001; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 423. A bill to amend the Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes''. (Rept. No. 107–69).

S. 941. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes. (Rept. No. 107–70).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1057. A bill to authorize the addition of lands to Pu'uhonua o Honaunau National Historical Park in the State of Hawaii, and for other purposes. (Rept. No. 107–71).

S. 1097. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park. (Rept. No. 107–72).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1105. A bill to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes. (Rept. No. 107–73).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 146. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes. (Rept. No. 107–74).

H.R. 182. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes. (Rept. No. 107–75).

H.R. 1000. A bill to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes. (Rept. No. 107–76).

H.R. 1668. To authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy. (Rept. No. 107–77).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 703, a bill to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes. (Rept. No. 107–78).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CLELAND (for himself and Mr. MILLER):

S. 1476. A bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1477. A bill to provide for an election of an annuity under section 377 of title 28, United States Code, for any qualified magistrate judge; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. DURBIN, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. LEVIN, Mr. MILLER, Mr. LIEBERMAN, Mr. BREAUX, and Mr. KENNEDY):

S. 1478. A bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND:

S. 1479. A bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (by request):

S. 1480. A bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. THURMOND, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Mr. CONRAD, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 164. A resolution designating October 19, 2001, as ''National Mammography Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 249

At the request of Mr. REID, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 249, a bill to amend the Internal Revenue Code of 1986 to expand the credit for electricity produced from certain renewable resources.

S. 543

At the request of Mr. WELLSTONE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 677

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 899

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 899, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount paid to families of public safety officers killed in the line of duty.

S. 1066

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program.

S. 1075

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1165

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1165, a bill to prevent juvenile crime, promote accountability by and rehabilitation of juvenile crime, punish and deter violent gang crime, and for other purposes.

S. 1250

At the request of Mrs. CARNAHAN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

S. 1275

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

S. 1317

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1317, a bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations.

S. 1357

At the request of Mr. WELLSTONE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1357, a bill to provide for an examination of how schools are implementing the policy guidance of the Department of Education's Office for Civil Rights relating to sexual harassment directed against gay, lesbian, bisexual, and transgender students.

S. 1371

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1371, a bill to combat money laundering and protect the United States financial system by strengthening safeguards in private banking and correspondent banking, and for other purposes.

S. 1431

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire (Mr. SMITH of New Hampshire) was added as a cosponsor of S. 1431, a bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1444

At the request of Mr. MCCONNELL, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Carolina (Mr. THURMOND) were

added as cosponsors of S. 1444, a bill to establish a Federal air marshals program under the Attorney General.

S. 1447

At the request of Mr. HOLLINGS, the names of the Senator from Virginia (Mr. WARNER), the Senator from Minnesota (Mr. DAYTON), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1447, a bill to improve aviation security, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. FITZGERALD), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Georgia (Mr. MILLER), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S. 1461

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1461, a bill to amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small- to medium-size airports with security enhancements.

S. 1463

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1463, a bill to provide for the safety of American aviation and the suppression of terrorism.

S. 1467

At the request of Mr. WELLSTONE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1467, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees.

S.J. RES. 12

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 109

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. CON. RES. 69

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution expressing support for tuberous sclerosis awareness.

AMENDMENT NO. 1583

At the request of Mrs. CLINTON, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of amendment No. 1583 proposed to H.R. 2590, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 1599

At the request of Mr. LOTT, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ALLEN), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 1599 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND (for himself and Mr. MILLER):

S. 1476. A bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CLELAND. Madam President, I rise today to introduce legislation that will award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr., posthumously, and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement. It is time to honor Dr. Martin Luther King, Jr. and his widow Coretta Scott King, the first family of the civil rights movement, for their distinguished records of public service to the American people and the international community.

As one of the premier champions of basic human rights, Dr. King worked unselfishly to combat segregation, discrimination, and racial injustice. In 1963, Dr. King led the March on Washington, D.C., that was followed by his famous address, the ''I Have a Dream'' speech. Through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Despite efforts to derail his mission, Dr. King acted on his dream of America and succeeded in making the United States a better place.

Mrs. Coretta Scott King, working alongside her husband, played an important role as a leading participant in the American civil rights movement. Dr. and Mrs. King worked together to achieve nonviolent social change and full civil rights for African Americans. After the assassination of her husband, Mrs. King devoted her time and energy to developing and building the Atlanta-based Martin Luther King, Jr. Center for Nonviolent Social Change as an enduring memorial to her husband's life and his dream of full civil rights for all Americans. Mrs. King also led the massive campaign to establish Dr. King's birthday as a national holiday which is now celebrated in more than 100 countries around the world.

In recognition of the contributions made by Dr. and Mrs. King to the civil rights movement and this Nation, Congress should honor these two outstanding individuals by enacting legislation that would authorize the President to award a gold medal on their behalf. Now is the time to honor two of this Nation's greatest public figures, the late Reverend Doctor Martin Luther King, Jr. and his widow, Coretta Scott King.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Reverend Doctor Martin Luther King, Jr. and his widow Coretta Scott King, as the first family of the civil rights movement, have distinguished records of public service to the American people and the international community;

(2) Dr. King preached a doctrine of nonviolent civil disobedience to combat segregation, discrimination, and racial injustice;

(3) Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama;

(4) in 1963, Dr. King led the march on Washington, D.C., that was followed by his famous address, the ''I Have a Dream'' speech;

(5) through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964, and the Voting Rights Act of 1965;

(6) despite efforts to derail his mission, Dr. King acted on his dream of America and succeeded in making the United States a better place;

(7) Dr. King was assassinated for his beliefs on April 4, 1968, in Memphis, Tennessee;

(8) Mrs. King stepped into the civil rights movement in 1955 during the Montgomery bus boycott, and played an important role as a leading participant in the American civil rights movement;

(9) while raising 4 children, Mrs. King devoted herself to working alongside her husband for nonviolent social change and full civil rights for African Americans;

(10) with a strong educational background in music, Mrs. King established and performed several Freedom Concerts, which were well received, and which combined prose and poetry narration with musical selections to increase awareness and understanding of the Southern Christian Leadership Conference (of which Dr. King served as the first president);

(11) Mrs. King demonstrated composure in deep sorrow, as she led the Nation in mourning her husband after his brutal assassination;

(12) after the assassination, Mrs. King devoted all of her time and energy to developing and building the Atlanta-based Martin Luther King Jr. Center for Nonviolent Social Change (hereafter referred to as the ''Center'') as an enduring memorial to her husband's life and his dream of nonviolent social change and full civil rights for all Americans;

(13) under Mrs. King's guidance and direction, the Center has flourished;

(14) the Center was the first institution built in honor of an African American leader;

(15) the Center provides local, national, and international programs that have trained tens of thousands of people in Dr. King's philosophy and methods, and boasts the largest archive of the civil rights movement; and

(16) Mrs. King led the massive campaign to establish Dr. King's birthday as a national holiday, and the holiday is now celebrated in more than 100 countries.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King, in recognition of their service to the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentations referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary of the Treasury shall strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the costs of the duplicate medals and the gold medal (including labor, materials, dies, use of machinery, and overhead expenses).

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. SANTORUM (for himself, Mr. DURBIN, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. LEVIN, Mr. MILLER, Mr. LIEBERMAN, Mr. BREAUX, and Mr. KENNEDY):

S. 1478. A bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANTORUM. Madam President, I rise today to introduce the Puppy Protection Act of 2001. Introduction of this legislation comes as a continuation of my interest in the protection and humane treatment of animals, specifically, dogs and puppies. In short, the Puppy Protection Act will crack down on breeders who are negligent in their responsibilities of breeding dogs in a healthy and humane environment, already required by law.

Across the United States, there are more than 3,000 commercial dog breeding facilities that are licensed to operate by the United States Department of Agriculture. Owners of these facilities are required to comply with the rules and regulations of the Animal Welfare Act, AWA, which sets forth standards for humane handling and treatment. Inspection, to ensure compliance with AWA standards, is performed by the USDA.

The shortcomings of this system, however, have been: One, inadequate resources to perform timely and routine inspections, and two, too few tools to assess the proper care and handling of dogs in federally-licensed kennels. My interest and action over the course of several years speaks to both issues.

Earlier this year, I spearheaded an effort with my Senate colleagues to increase the appropriation for USDA to enforce the AWA. One problem has been too few resources, approximately 80 inspectors, to inspect nearly 10,000 USDA federally-licensed facilities. Adequate resources for inspection will go a long way in ensuring strong enforcement.

Introduction of the Puppy Protection Act addresses the second concern of too few tools to assess the proper care and treatment of animals in commercial breeding facilities. Let me be clear, there are many responsible breeders throughout the United States who exercise appropriate care and judgment in their breeding practices. This bill is not intended to be punitive to those breeders. This bill will, however, crack down on facilities where even the most basic of needs required by law are not being met.

The term ''puppy mill'' is not new to many people, be it pet owners; consumers; animal welfare advocates; inspectors; or just a casual observer. Puppy mills are considered to be large breeding operations that mass produce puppies for commercial sale with little regard for the humane handling and treatment of the dogs. Breeding and raising dogs without respect to the animal's welfare guarantees bad results for the unwitting owner, and for the health of the dog and her puppies.

For dogs, puppy mill conditions can mean overcrowded cages; lack of protection from weather conditions; overbreeding; lack of veterinary care; and lack of interaction with humans at early stages. What this could mean for the consumer is caring for a pet with developmental problems, such as aggressive behavior or anxiety, and various physical difficulties that require extensive and costly medical attention.

My interest and involvement in this matter stem from the regrettable circumstance of Pennsylvania being home to many large scale commercial breeding facilities operating like puppy mills. On a State level, Pennsylvania has been active, and has made gains in the area of public awareness and education, and stronger enforcement through increased inspection. What the Puppy Protection Act focuses on is the role of Federal inspectors, and the tools they have to enforce the Animal Welfare Act.

Specifically, this bill will make the following important changes: One, creates a ''three strikes and you're out'' enforcement policy for animal welfare violations, such as a lack of food or water or basic veterinary care; two, addresses the need for breeding females to be given time to recover between litters since currently there are no protections against over-breeding, which causes physical hardship for females and may compromise the health of puppies; and three, requires that new puppies have adequate interation with other dogs and with people, enhancing their well-being and helping to minimize behavioral problems faced by pet owners. I believe these changes will go a long way in cracking down on negligent and irresponsible breeding activities that have long-lasting impacts for owners and their pets alike.

I am pleased to have Senator DURBIN join me in introducing this important bill. I ask unanimous consent to have the list of some 827 organizations nationwide who support this bill printed in the RECORD.

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

ENDORSEMENT LIST FOR PUPPY PROTECTION ACT

(827 Endorsements—Updated 10/01/01)

ALASKA

Anchorage Animal Control (AK)
Gastineau Humane Society (Juneau, AK)
Sitka Animal Shelter (Sitka, AK)

ALABAMA

The Animal Shelter (Anniston, AL)
Barbour County Humane Society Inc. (Eufaula, AL)
BJC Animal Control Services, Inc. (Birmingham, AL)
Central Alabama Animal Shelter (Selma, AL)
Circle of Friends (Montrose, AL)
City of Irondale Animal Control (Irondale, AL)
Dekalb County SPCA (Fort Payne, AL)
Greater Birmingham Humane Society (AL)
Humane Society of Elmore County (Wetumpka, AL)
Humane Society of Etowah County (Gadsden, AL)
Humane Society of Chilton County (Clanton, AL)
Mobile SPCA (Mobile, AL)
Monroe County Humane Society (Monroeville, AL)
Montgomery Humane Society (Montgomery, AL)
St. Clair Animal Shelter (Pell City, AL)
Tuscaloosa Metro Animal Shelter (Tuscaloosa, AL)

Walker County Humane Society (Jasper, AL)

ARKANSAS

Berryville Animal Care and Control (Berryville, AR)
Hot Springs Village Animal Welfare League (HPV, AR)
Paragould Animal Welfare Society (Paragould, AR)
Sherwood Animal Services (Sherwood, AR)

ARIZONA

Animal Defense League of Arizona (Tucson, AZ)
Arizona Animal Welfare League (Phoenix, AZ)
Cocomino Humane Association (Flagstaff, AZ)
Hacienda De Los Milagros, Inc. (Chino Valley, AZ)
Holbrook Police Department (Holbrook, AZ)
Humane Society of Sedona (Sedona, AZ)
Humane Society of Southern Arizona (Tucson, AZ)
Payson Humane Society, Inc. (Payson, AZ)

CALIFORNIA

Actors and Others for Animals (North Hollywood, CA)
All for Animals (Santa Barbara, CA)
Animal Friends of the Valley/LEAF (Lake Elsinore, CA)
Animal Protection Institute (Sacramento, CA)
Animal Care Services Division, City of Sacramento (Sacramento, CA)
Animal Place (Vacaville, CA)
Antioch Animal Services (Antioch, CA)
Association of Veterinarians for Animal Rights (Davis, CA)
Benicia/Vallejo Humane Society (Vallejo, CA)
Berkeley Animal Care Services (Berkeley, CA)
California Animal Care (Palm Desert, CA)
California Animal Defense and Anti-Vivisection League, Inc. (Carson, CA)
City of Sacramento Animal Care Services Division (Sacramento, CA)
City of Santa Barbara Police Department-Animal Control (Santa Barbara, CA)
Contra Costa Humane Society (Pleasant Hill, CA)
Costa Mesa Animal Control (Costa Mesa, CA)
Desert Hot Springs Animal Control (Desert Hot Springs, CA)
Division (Santa Barbara, CA)
Dog Obedience Club of Torrance, CA (Torrance, CA)
Earth Island Institute (San Francisco, CA)
Eileen Hawthorne Fund Inc. (Fort Bragg, CA)
Escondido Humane Society (Escondido, CA)
Friends for Pets Foundation (Sun Valley, CA)
Friends of the Fairmount Animal Shelter (San Leandro, CA)
Friends of Solano County (Fairfield, CA)
Haven Humane Society, Inc. (Redding, CA)
The Healdsburg Animal Shelter (Healdsburg, CA)
Helen Woodward Animal Center (Rancho Santa Fe, CA)
Hollister Animal Shelter (Hollister, CA)
Humane Education Network (Menlo Park, CA)
Humane Society of Imperial County (El Centre, CA)
Humane Society of Tuolumne County (Jamestown, CA)
Kings SPCA (Hanford, CA)
Lawndale Municipal Services, Animal Control Division (Lawndale, CA)
The Marin Humane Society (Novato, CA)
Orange County People for Animals (Irvine, CA)
Orange County SPCA (Huntington Beach, CA)
Pasadena Humane Society and SPCA (Pasadena, CA)
Pet Adoption League (Grass Valley, CA)
Petaluma Animal Services (Petaluma, CA)
Placer County Animal Services (Auburn, CA)
Placer County Animal Services (Kings Beach/Tahoe Vista, CA)
Pleasanton Police Department-Animal Services (Pleasanton, CA)
Rancho Coastal Humane Society (Leucadia, CA)
Reedley Police Department (Reedley, CA)
Retired Greyhound Rescue (Yuba City, CA)
Sacramento County Animal Care and Regulation (Sacramento, CA)
Sacramento SPCA (Sacramento, CA)
Santa Cruz SPCA (Santa Cruz, CA)
Seal Beach Animal Care Center (Seal Beach, CA)
Siskiyou County Animal Control (Yreka, CA)
Solano County Animal Control (Fairfield, CA)
Southeast Area Animal Control Authority (Downey, CA)
The SPCA of Monterey County (Monterey, CA)
Stanislaus County Animal Services (Modesto, CA)
State Humane Association of California (Sacramento, CA)
Town and Country Humane Society (Orland, CA)
Town of Truckee Animal Control (Truckee, CA)
Tracy Animal Shelter (Tracy, CA)
Tri-City Animal Shelter (Fremont, CA)
Turlare County Animal Control Shelter (Visalia, CA)
United Animal Nations/Emergency Rescue Service (Santa Barbara, CA)
Valley Humane Society (Pleasanton, CA)
Woods Humane Society (San Luis Obispo, CA)
Yuba Sutter SPCA (Yuba City, CA)
Yucaipa Animal Placement Society (Yucaipa, CA)

COLORADO

Adams County Animal Control (Commerce City, CO)
Barnwater Cats Rescue Organization (Denver, CO)
Cherry Hills Village Animal Control (Cherry Hills Village, CO)
Delta County Humane Society (Delta, CO)
Denver Animal Control and Shelter (Denver, CO)
The Dreampower Foundation/P.A.A.L.S. (Castle Rock, CO)
Dumb Friends League (Denver, CO)
Good Samaritan Pet Center (Denver, CO)
Humane Society of Boulder Valley (Boulder, CO)
Intermountain Humane Society (Conifer, CO)
Larimer Humane Society (Fort Collins, CO)
Lone Rock Veterinary Clinic (Bailey, CO)
Longmont Humane Society (Longmont, CO)
Montrose Animal Protection Agency (Montrose, CO)
Rangely Animal Shelter (Rangely, CO)
Rocky Mountain Animal Defense (Boulder, CO)
Table Mountain Animal Center (Golden, CO)
Thornton Animal Control (Thornton, CO)

CONNECTICUT

Animal Welfare Associates, Inc. (Stamford, CT)
Connecticut Humane Society (Newington, CT)
Enfield Police Department—Animal Control (Enfield, CT)
Forgotten Felines, Inc. (Clinton, CT)
The Greater New Haven Cat Project, Inc. (New Haven, CT)
Hamilton Sundstrand (West Locks, CT)
Kitty Angels of Connecticut (Coventry, CT)
Meriden Humane Society (Meriden, CT)
Milford Animal Control (Milford, CT)
Pet Animal Welfare Society (PAWS) (Norwalk, CT)
Quinebaug Valley Animal Welfare Service (Dayville, CT)
Valley Shore Animal Welfare League (Westbrook, CT)

DELAWARE

Delaware SPCA (Georgetown, DE)
Delaware SPCA (Stanton, DE)

FLORIDA

Alachua County Humane Society (Gainesville, FL)
Animal Rights Foundation of Florida (Pompano Beach)
Animal Welfare League of Charlotte County (Port Charlotte, FL)
Arni Foundation (Daytona Beach, FL)
Baker County Animal Control (Macclenny, FL)
Central Brevard Humane Society-Central (Cocoa, FL)
Central Brevard Humane Society-South (Melbourne, FL)
Citizens for Humane Animal Treatment (Crawfordville, FL)
Clay County Animal Control (Green Cove Springs, FL)
Coral Springs Humane Unit (Coral Springs, FL)
First Coast Humane Society/Nassau County Animal Control (Yulee, FL)
Flayler County Humane Society (Palm Coast, FL)
Halifax Humane Society (Daytona Beach, FL)
Humane Society of Broward County (Fort Lauderdale, FL)
Humane Society of Collier County, Inc. (Naples, FL)
Humane Society of Lake County (Eustis, FL)
Humane Society of Lee County, Inc. (Fort Myers, FL)
Humane Society of St. Lucie County (Fort Pierce, FL)
Humane Society of Tampa Bay (Tampa, FL)
Humane Society of the Treasure Coast, Inc. (Palm City, FL)
Jacksonville Humane Society (FL)
Jefferson County Humane Society (Monticello, FL)
Lake City Animal Shelter (Lake City, FL)
Leon County Humane Society (Tallahassee, FL)
Marion County Animal Center (Ocala, FL)
Okaloosa County Animal Services (Fort Walton Beach, FL)
Panhandle Animal Welfare Society (Fort Walton Beach, FL)
Play Acres Inc. (Wildwood, FL)
Prayer Alliance for Animals (Jupiter, FL)
Putnam County Humane Society (Hollister, FL)
Safe Animal Shelter of Orange Park (Orange Park, FL)
Safe Harbor Animal Rescue and Clinic (Juniper, FL)
South Lake Animal League, Inc. (Clermont, FL)
Southeast Volusia Humane Society (New Smyrna Beach, FL)
SPCA of Hernando County, Inc. (Brooksville, FL)
SPCA of Pinellas County (Largo, FL)
SPCA of West Pasco (New Port Richey, FL)
Suncoast Basset Rescue, Inc. (Gainesville, FL)
Suwannee County Humane Society (Live Oak, FL)
Volusia County Animal Services (Daytona, FL)
Wings of Mercy Animal Rescue (Panama County Beach, FL)

GEORGIA

Animal Rescue Foundation, Inc. (Milledgeville, GA)
Atlanta Humane Society and SPCA, Inc. (Atlanta, GA)

Basset Hound Rescue of Georgia, Inc. (Kennesaw, GA)
Big Canoe Animal Rescue (Big Canoe, GA)
Catoosa County Animal Control (Ringgold, GA)
Charles Smithgall Humane Society, Inc. (Cleveland, GA)
Clayton County Humane Society (Jonesboro, GA)
Collie Rescue of Metro Atlanta, Inc. (Atlanta, GA)
Coweta County Animal Control Department (Newnan, GA)
Crawfordville Shelter (Crawfordville, GA)
Douglas County Humane Society (Douglasville, GA)
Dublin-Laurens Humane Association (Dublin, GA)
Fayette County Animal Shelter (Fayetteville, GA)
Fitzgerald-Ben Hill Humane Society (Fitzgerald, GA)
Forsyth County Humane Society (Cumming, GA)
Georgia Labrador Rescue (Canton, GA)
Glyne County Animal Services (Brunswick, GA)
Golden Retriever Rescue of Atlanta (Peachtree City, GA)
Homeward Bound Pet Rescue, Inc. (Ellijay, GA)
Humane Services of Middle Georgia (Macon, GA)
Humane Society of Camden County (Kingsland, GA)
Humane Society of Griffin-Spalding County (Experiment, GA)
Humane Society's Mountain Shelter (Blairsville, GA)
Humane Society of Northwest Georgia (Dalton, GA)
Lookout Mountain Animal Resources, Inc. (Menlo, GA)
Lowndes County Animal Welfare (Valdosta, GA)
Okefenokee Humane Society (Waycross, GA)
Pet Partners of Habersham, Inc. (Cornelia, GA)
Pound Puppies N Kittens (Oxford, GA)
Rescuing Animals in Need, Inc. (Buford, GA)
Rockdale County Animal Care and Control (Conyers, GA)
Small Dog Rescue/Adoption (Cumming, GA)
Society of Humane Friends of Georgia, Inc. (Lawrenceville, GA)
Toccoa-Stephens County Animal Shelter (Toccoa, GA)
Town of Chester (Chester, GA)

HAWAII

Hawaii Island Humane Society (Kailua-Kona, HI)
Hawaii Island Humane Society (Keaau, HI)
Hawaiian Humane Society (Honolulu, HI)
Kauai Humane Society (Lihue, HI)
The Maui Humane Society (Puunene, HI)
West Hawaii Humane Society (Kailua-Kona, HI)

IOWA

Animal Control (Creston, IA)
Animal Lifeline of Iowa, Inc. (Carlisle, IA)
Animal Protection Society of Iowa (Des Moines)
Animal Rescue League of Iowa (Des Moines)
Appanoose County Animal Lifeline, Inc. (Centerville, IA)
Cedar Bend Humane Society (Waterloo, IA)
Cedar Rapids Animal Control (Ely, IA)
Cedar Valley Humane Society (Cedar Rapids, IA)
City of Atlantic Animal Shelter (Atlantic, IA)
Creston Animal Rescue Effort (Creston, IA)
Friends of the Animals of Jasper County (Newton, IA)
Humane Society of Northwest Iowa (Milford, IA)
Humane Society of Scott County (Davenport, IA)
Iowa City Animal Care and Control (Iowa City, IA)
Iowa Federation of Humane Societies (Des Moines)
Jasper County Animal Rescue League and Humane Society (Newton, IA)
Keokuk Animal Shelter, Animal Control (Keokuk, IA)
Keokuk Humane Society (Keokuk, IA)
Montgomery County Animal Rescue (Red Oak, IA)
Muscatine Humane Society (Muscatine, IA)
Siouxland Humane Society (Sioux City, IA)
Solution to Over-Population of Pets (Burlington, IA)
Spay Neuter Assistance for Pets (SNAP) (Muscatine, IA)
Vinton Animal Shelter (Vinton, IA)

IDAHO

Animal Ark (Grangeville, ID)
Animal Shelter of Wood River Valley (Hailey, ID)
Bannock Humane Society (Pocatello, ID)
Ferret Haven Shelter/Rescue of Boise, Inc. (Boise, ID)
Humane Society of the Palouse (Moscow, ID)
Idaho Humane Society (Boise, ID)
Kootenai Humane Society (Hayden, ID)
Pocatello Animal Control (Pocatello, ID)
Second Chance Animal Shelter (Payette, ID)
Twin Falls Humane Society (Twin Falls, ID)

ILLINOIS

Alton Area Animal Aid Association (Godfrey, IL)
Anderson Animal Shelter (South Elgin, IL)
The Ant-Cruelty Society (Chicago, IL)
Chicago Animal Care and Control (Chicago, IL)
Community Animal Rescue Effort (Evanston, IL)
Cook County Department of Animal and Rabies Control (Bridgeview, IL)
Friends Forever Humane Society (Freeport, IL)
Hinsdale Humane Society (Hinsdale, IL)
Homes for Endangered and Lost Pets (St. Charles, IL)
Humane Society of Winnebago County (Rockford, IL)
Illinois Federation of Humane Societies (Urbana)
Illiois Humane Political Action Committee (Mahomet)
Kankakee County Humane Society (Kankakee, IL)
Metro East Humane Society (Edwardsville, IL)
Naperville Animal Control (Naperville, IL)
Peoria Animal Welfare Shelter (Peoria, IL)
Peoria Humane Society (Peoria, IL)
PetEd Human Education (Hinsdale, IL)
Quincy Humane Society (Quincy, IL)
South Suburban Humane Society (Chicago Heights , IL)
Tazewell Animal Protective Society (Pekin, IL)
West Suburban Humane Society (Downers Grove,IL)
Winnebago County Animal Services (Rockford, IL)

INDIANA

Allen County SPCA (Fort Wayne, IN)
Cass County Humane Society (Logansport, IN)
Dubois CountyHumane Society (Jasper, IN)
Elkhart City Police Department-Animal Control Division (Elkhart, IN)
Fort Wayne Animal Care and Control (Ft. Wayne, IN)
Greene County Humane Society (Linton, IN)
Greenfields, Hancock County Animal Control (Greenfield, IN)
Hammond Animal Control (Hammond, IN)
Hendricks County Humane Society (Brownsburg, IN)
Home for Friendless Animals Inc. (Indianapolis, IN)
Humane Society Calumet Area, Inc. (Munster, IN)
Humane Society of Elkhart County (Elkhart, IN)
Humane Society for Hamilton County (Noblesville, IN)
Humane Society of Hobart (Hobart, IN)
Humane Society of Indianapolis (Indianapolis, IN)
Humane Society of Perry County (Tell City, IN)
Johnson County Animal Shelter (Franklin, IN)
La Porte County Animal Control (La Porte, IN)
Madison County SPCA and Humane Society, Inc. (Anderson IN)
Michiana Humane Society (Michigan City, IN)
Monroe County Humane Association (Bloomington, IN)
Morgan County Humane Society Martinsville, IN)
New Albany/Floyd County Animal Shelter/Control (New Albany, IN)
Owen County Humane Society (Spencer, IN)
Salem Department of Animal Control (Salem, IN)
Scott County Animal Control and Humane Investigations (Scottsburg, IN)
Sellersburg Animal Control (Sellersburg, IN)
Shelbyville/Shelby County Animal Shelter (Shelbyville, IN)
South Bene Animal Care and Control (South Bend, IN)
St. Joseph County Humane Society (Mishawaka, IN)
Starke County Humane Society (North Judson, IN)
Steuben County Humane Society, Inc. (Angola, IN)
Tippecanoe County Humane Society (Lafayette, IN)
Vanderburgh Humane Society, Inc. (Evansville, IN)
Wells County Humane Society, Inc. (Bluffton, IN)

KANSAS

Animal Heaven (Merriam, KS)
Arma Animal Shelter (Arma, KS)
Caring Hands Humane Society (Newton, KS)
Chanute Animal Control Department (Chanute, KS)
City of Kinsley Animal Shelter (Kinsley, KS)
Finney County Humane Society (Garden City, KS)
Ford County Humane Society (Dodge City, KS)
Heart of America Humane Society (Overland Park, KS)
Hutchinson Humane Society (Hutchinson, KS)
Kansas Humane Society of Wichita (Wichita, KS)
Lawrence Humane Society (Lawrence, KS)
Leavenworth Animal Shelter (Leavenworth, KS)
Medicine Lodge Animal Shelter (Medicine Lodge, KS)
Neosho County Sheriff's Office (Erie, KS)
Salina Animal Shelter (Salina, KS)
S.E.K. Humane Society (Pittsburg, KS)

KENTUCKY

Boone County Animal Control (Burlington, KY)
Friends of the Shelter/SPCA Kentucky (Florence, KY)
Humane Society of Nelson County (Bardstown, KY)
Jefferson County Animal Control and Protection (Louisville, KY)
Kentucky Coalition for Animal Protection, Inc. (Lexington, KY)
Marion County Humane Society Inc. (Lebanon, KY)

McCracken County Humane Society , Inc. (Paducah, KY)
Muhlenberg County Humane Society (Greenville, KY)
Woodford Humane Society (Versailles, KY)

LOUISIANA

Calcasieu Parish Animal Control and Protection Department (Lake Charles, LA)
Cat Haven, Inc. (Baton Rouge, LA)
City of Bossier Animal Control (Bossier City, LA)
Coalition of Louisiana Advocates (Pineville, LA)
Dont' Be Cruel Sanctuary (Albany, LA)
East Baton Rouge Parish Animal Control Center (Baton Rouge, LA)
Humane Society Adoption Center (Monroe, LA)
Iberia Humane Society (New Iberia, LA)
Jefferson Parish Animal Shelters (Jefferson, LA)
Jefferson SPCA (Jefferson, LA)
League in Support of Animals (New Orleans, LA)
Louisiana SPCA (New Orleans, LA)
Natchitoches Humane Animal Shelter (Natchitoches, LA)
Spay Mart, Inc. (New Orleans, LA)
St. Bernard Parish Animal Control (Chalmette, LA)
St. Charles Humane Society (Destrehan, LA)
St. Tammany Humane Society (Covington, LA)

MASSACHUSETTS

Alliance for Animals (Boston, MA)
Animal Shelter Inc. (Sterling, MA)
Baypath Humane Society of Hopkinton, Inc. (Hopkinton, MA)
The Buddy Dog Humane Society, Inc. (Sudbury, MA)
CEASE (Somerville, MA)
Faces Inc. Dog Rescue and Adoption (West Springfield, MA)
Faxon Animal Rescue League (Fall River, MA)
Lowell Humane Society (Lowell, MA)
MSPCA (Boston, MA)
New England Animal Action, Inc. (Amherst, MA)
North Shore Feline Rescue (Middleton, MA)
South Shore Humane Society, Inc. (Braintree, MA)

MARYLAND

Animal Advocates of Howard County (Ellicott City, MD)
Bethany Centennial Animal Hospital (Ellicott City, MD)
Caroline County Humane Society (Ridgely, MD)
Charles County Animal Control Services (La Plata, MD)
Harford County Animal Control (Bel Air, MD)
Humane Society of Baltimore County (Reisterstown, MD)
Humane Society of Carroll County, Inc. (Westminster, MD)
The Humane Society of Charles County (Waldorf, MD)
The Humane Society of Dorchester County, Inc. (Cambridge, MD)
The Humane Society of Harford County (Fallston, MD)
Humane Society of Southern Maryland (Temple Hills, MD)
Humane Society of Washington County (Maugansville, MD)
Labrador Retriever Rescue, Inc. (Clinton, MD)
Prince George's County Animal Welfare League (Forestville, MD)
Shady Spring Kennels and Camp for Dogs (Woodbine, MD)
St. Mary's Animal Welfare League, Inc. (Hollywood, MD)

MAINE

Boothbay Region Humane Society (Boothbay Harbor, ME)
Bucksport Animal Shelter (Bucksport, ME)
Greater Androscoggin Humane Society (Auburn, ME)
Houlton Humane Society (Houlton, ME)
Humane Society—Waterville Area (Waterville, ME)
Kennebec Valley Humane Society (Augusta, ME)
Penobscot Valley Humane Society (Lincoln, ME)

MICHIGAN

Adopt-A-Pet (Allegan, MI)
Animal Placement Bureau (Lansing, MI)
Capital Area Humane Society (Lansing, MI)
The Cat Connection (Berkley, MI)
Concern for Critters (Battle Creek, MI)
Friends for Felines Inc. (Lansing, MI)
Gross Point Animal Adoption Society (Grosse Pointe Farms, MI)
Humane Society of Bay County, Inc. (Bay City, MI)
Humane Society of Huron Valley (Ann Arbor, MI)
Humane Society of Kent County (Walker, MI)
Humane Society of Southwest Michigan (Benton Harbor, MI)
Inkster Animal Control (Inkster, MI)
Iosco County Animal Control (Taws City, MI)
Kalamazoo Humane Society (MI)
Lenawee Humane Society (Andrian, MI)
Michigan Animal Adoption Network (Livonia, MI)
Michigan Animal Rescue League (Pontiac, MI)
Michigan Humane Society (Westland, MI)
Michigan Humane Society (Rochester Hills, MI)
Midland County Animal Control (Midland, MI)
Mid-Michigan Animal Welfare League (Standish, MI)
Ottawa Shores Humane Society (West Olive, MI)
Pet Connection Humane Society (Reed City, MI)
Roscommon County Animal Shelter (Roscommon, MI)
The Safe Harbor Haven Inc./ Rottweiler Hope (Grand Ledge, MI)
St. Clair Shores Emergency Dispatchers (St. Clair Shores, MI)
St. Joseph County Animal Control (Centreville, MI)
WAG Animal Rescue (Wyandotte, MI)

MINNESOTA

Almost Home Shelter (Mora, MN)
Animal Allies Humane Society (Duluth, MN)
Beltrami Humane Society (Bemidji, MN)
Bernese Mountain Dog Club of the Greater Twin Cities (St. Paul, MN)
Brown County Humane Society (New Ulm, MN)
Carver-Scott Humane Society (Chaska, MN)
Clearwater County Humane Society (Bagley, MN)
Doberman Rescue Minnesota (Prior Lake, MN)
Friends of Animals Humane Society of Carlton County, Inc. (Cloquet, MN)
Hibbing Animal Shelter (Hibbing, MN)
Humane Society of Otter Tail County (Fergus Falls, MN)
Humane Society of Polk County, Inc. (Crookston, MN)
The Humane Society of Wright County (Buffalo, MN)
Isanti County Humane Society (Cambridge, MN)
Minnesota Valley Humane Society (Burnsville, MN)
Second Chance Animal Rescue (White Bear Lake, MN)

MISSOURI

Affton Veterinary Clinic (St. Louis, MO)
The Alliance for the Welfare of Animals (Springfield, MO)
Animal Protective Association of Missouri (St. Louis, MO)
Audrain Humane Society (Mexico, MO)
Boonville Animal Control Shelter (Booneville, MO)
Callaway Hills Animal Shelter (New Bloomfield, MO)
Caruthersville Humane Society (Caruthersville, MO)
Columbus Lowndes Humane Society (Columbus, MO)
Dent County Animal Welfare Society (Salem, MO)
Dogwood Animal Shelter (Camdenton, MO)
Humane Society of Missouri (St. Louis, MO)
Humane Society of the Ozarks (Farmington, MO)
Humane Society of Southeast Missouri (Cape Girardeau, MO)
Jeferson County Animal Control (Barnhart, MO)
Lebanon Humane Society (Lebanon, MO)
Lee's Summit Municipal Animal Shelter (Lee's Summit, MO)
Marshall Animal Shelter (Marshall, MO)
Northeast Missouri Humane Society (Hannibal, MO)
Olde Towne Fenton Veterinary Hospital (Fenton, MO)
Open Door Animal Sanctuary (House Springs, MO)
Pount Pals (St. Louis, MO)
Saline Animal League (Marshall, MO)
Sikeston Bootheel Humane Society (Sikeston, MO)
St. Charles Humane Society (St. Charles, MO)
St. Joseph Animal Control and Rescue (St. Joseph, MO)
St. Joseph Animal Rights Team (St. Louis, MO)
St. Peters Animal Control (St. Peters, MO)
Wayside Waifs (Kansas City, MO)

MISSISSIPPI

Cedarhill Animal Sanctuary, Inc. (Caledonia, MS)
Forest County Humane Society (Hattiesburg, MS)
Humane Society of South Mississippi (Gulfport, MS)
Mississippi Animal Rescue League (Jackson, MS)

MONTANA

Anaconda Police Department-Animal Control (MT)
Animal Welfare League of Montana (Billings, MT)
Bitter Root Humane Association (Hamilton, MT)
Bright Eyes Care and Rehab Center, Inc. (Choteau, MT)
Humane Society of Cascade County (Great Falls, MT)
Humane Society of Park County (Livingston, MT)
Mission Valley Animal Shelter (Polston, MT)
Montana Spay/Neuter Taskforce (Victor, MT)
Missourla Humane Society (Missoula, MT)
PAWHS (Deerlodge, MT)

NORTH CAROLINA

Animal Protection Society of Orange County (Chapel Hill, MT)
Carolina Animal Protection Society of Onslow County, Inc. (Jacksonville, NC)
Carteret County Humane Society, Inc (Morehead City, NC)
Charlotte/Mecklenburg Animal Control Bureau (Charlotte, NC)
Forsyth County Animal Control (Winston-Salem, NC)

Henderson County Humane Society (Hendersonville, NC)
Justice For Animals, Inc. (Raleigh, NC)
Moore Humane Society (Southern Pines, NC)
North Carolina Animal/Rabies Control Association (Raleigh, NC)
SPCA of Wake County (Garner, NC)
Wake County Animal Control Raleigh, NC)
Watauga Humane Society (Blowing Rock, NC)

NORTH DAKOTA

Central Dakota Humane Society (Mandan, ND)
James River Humane Society (Jamestown, ND)
Souris Valley Humane Society (Minot, ND)

NEBRASKA

Capital Humane Society (Lincoln, NE)
Care Seekers (Omaha, NE)
Central Nebraska Humane Society (Grand Island, NE)
Coalition for Animal Protection, Inc. (Omaha, NE)
Dodge County Humane (Fremont, NE)
Hearts United for Animals (Auburn, NE)
McCook Humane Society (McCook, NE)
Nebraska Border Collie Rescue (Bellevue, NE)
Nebraska Humane Society (Omaha, NE)
Panhandle Humane Society (Scottsbluff, NE)
White Rose Sanctuary (Gordon, NE)

NEW HAMPSHIRE

Animal Rescue League of New Hampshire (Bedford, NH)
Cocheco Valley Humane Society (Dover, NH)
Collage (Nashua, NH)
Concord-Merrimack County SPCA (Concord, NH)
Conway Area Human Society (Center Conway, NH)
Greater Derry Humane Society, Inc. (East Derry, NH)
Humane Society of Greater Nashua (Nashua, NH)
Manchester Animal Shelter (Manchester, NH)
Monadnock Humane Society (W. Swanzey, NH)
New Hampshire Animal Rights League, Inc. (Concord, NH)
The New Hampshire Doberman Rescue League, Inc. (Rochester, NH)
New Hampshire Humane Society (Laconia, NH)
New Hampshire SPCA (Stratham, NH)
Solutions to Overpopulation of Pets, Inc. (Concord, NH)
Sullivan County Humane Society (Claremont, NH)
White Mountain Animal League (Franconia, NH)

NEW JERSEY

Animal Welfare Federation of New Jersey (Montclair, NJ)
Associated Humane Societies (Newark, NJ)
Cumberland County SPCA (Vineland, NJ)
Humane Society of Atlantic County (Atlantic County, NJ)
Hunterdon County SPCA (Milford, NJ)
Monmouth County SPCA (Eatontown, NJ)
Parsippany Animal Shelter (Parsippany, NJ)
Paws for a Cause (Brick, NJ)

NEW MEXICO

Animal Aid Association of Cibola County (Milan, NM)
Cimarron Police Animal Control (Cimarron, NM)
Deming/Luna County Humane Society (Deming, NM)
Dona Ana County Humane Society (Las Cruces, NM)
Homeless Animal Rescue Team, Inc. (Los Lunas, NM)
Peoples' Anti-Cruelty Association (Albuquerque, NM)
Rio Grande Animal Humane Association, Inc. (Los Lunas, NM)
Roswell Humane Society (Roswell, NM)
San Juan Animal League (Farmington, NM)
Santa Fe Animal Shelter and Humane Society (NM)

NEVADA

Carson/Eagle Valley Humane Society (Carson City, NV)
Nevada Humane Society (Sparks, NV)

NEW YORK

Animal Rights Advocates of Western New York (Amherst, NY)
The Caring Corps, Inc. (New York, NY)
Chautauqua County Humane Society (Jamestown, NY)
Chenango County SPCA (Norwich, NY)
Columbia-Greene Humane Society (Hudson, NY)
Elmore SPCA (Peru, NY)
Finger Lakes SPCA of Central New York (Auburn, NY)
The Fund for Animals (New York, NY)
Humane Society of Rome (Rome, NY)
New York State Animal Control Association (Oswego, NY)
New York State Humane Association (Kingston, NY)
People for Animal Rights, Inc. (Syracuse, NY)
SPCA of Catt County (Olean, NY)
St. Francis Animal Shelter, Inc. (Buffalo, NY)

OHIO

Angles for Animals (Greenford, OH)
Animal Adoption Foundation (Hamilton, OH)
Animal Charity (Youngstown, OH)
Animal Control of Brook Park (Brook Park, OH)
Animal Control—City of Middleburg Heights (Middleburg Heights, OH)
Animal Protection Guild (Canton, OH)
Animal Protective League (Cleveland, OH)
The Animal Shelter Society, Inc. (Zanesville, OH)
Alter Pet Inc. (Sharon Center, OH)
Ashtabula County Humane Society (Jefferson, OH)
Athens County Humane Society (Athens, OH)
Belmont County Animal Shelter (St. Clairsville, OH)
Brown County Animal Shelter (Georgetown, OH)
Canine Therapy Companions (Wooster, OH)
Capital Area Humane Society (Hilliard, OH)
Carroll County Humane Society (Carrollton, OH)
City of Cleveland Dog Kennels (Cleveland, OH)
Crawford County Humane Society (Bucyrus, OH)
Darke County Animal Shelter (Greenville, OH)
Erie County Dog Pound (Sandusky, OH)
Euclid Animal Shelter (Euclid, OH)
Harrison County Dog Warden (Codiz, OH)
Hearts and Paws (Canal Fulton, OH)
Henry County Humane Society (Napoleon, OH)
Humane Association of Butler County (Trenton, OH)
Humane Association of Warren County (Lebanon, OH)
Humane Society of Delaware County (Delaware, OH)
Humane Society of Erie County (Sandusky, OH)
Humane Society of Greater Dayton (Dayton, OH)
Humane Society of the Ohio Valley (Marietta, OH)
The Humane Society of Ottawa County (Port Clinton, OH)
Humane Society of Preble County (Eaton, OH)
Humane Society of Sandusky County (Fremont, OH)
Lake County Dog Shelter (Painesville, OH)
Lake County Humane Society, Inc. (Mentor, OH)
Marion County Humane Society (Marion, OH)
Maumee Valley Save-A-Pet (Waterville, OH)
Medina County Animal Shelter (Medina, OH)
Miami County Animal Shelter (Troy, OH)
Monroe County Humane Society (Woodsfield, OH)
Montgomery County Animal Shelter (Dayton, OH)
Morrow County Humane Society (Mt. Gilead, OH)
North Central Ohio Nature Preservation League (Mansfield, OH)
North Coast Humane Society (Cleveland, OH)
Ohio County Dog Wardens' Association (Delaware, OH)
Ohioans for Animal Rights (Eastlake, OH)
PAWS (Middletown, OH)
Paws and Prayers Per Rescue (Akron, OH)
Pet Birth Control Clinics (Cleveland, OH)
Pet-Guards Shelter (Cuyahoga Falls, OH)
Portage County Animal Protective League (Ravenna, OH)
Portage County Dog Warden (Ravenna, OH)
Rescue, Rehabilitation and Release Wildlife Center (New Philadelphia, OH)
Sandusky County Dog Warden (Fremont, OH)
The Scratching Post (Cincinnati, OH)
Society for the Improvement of Conditions for stray Animals (Kettering, OH)
SPCA Cincinnati (Cincinnati, OH)
Stark County Humane Society (Louisville, OH)
Their Caretakers (DeGraff, OH)
Toledo Area Humane Society (Maumee, OH)
Tuscarawas County Dog Pound (New Philadelphia, OH)
Wayne County Humane Society (Wooster, OH)
Wester Reserve Humane Society (Euclid, OH)
Wyandot County Humane Society, Inc. (Sandusky, OH)

OKLAHOMA

Animal Aid of Tulsa, Inc. (Tulsa, OK)
Enid SPCA (Enid, OK)
Home at Last Organization (Tulsa, OK)
Humane Society of Cherokee County (Tahlequah, OK)
Partners for Animal Welfare Society (McAlester, OK)
PAWS (Muskogee, OK)
Petfinders Animal Welfare Society, Inc. (Moore, OK)
Promoting Animal Welfare Society, Inc. (Muskogee, OK)
Stephens County Humane Society (Duncan, OK)
Volunteers for Animal Welfare, Inc. (Oklahoma City, OK)

OREGON

Hood River County Sheriff's Department (Hood River, OR)
Humane Society of Allen County (Lima, OR)
Humane Society of Central Oregon (Bend, OR)
Humane Society of Williamette Valley (Salem, OR)
Jackson County Animal Shelter (Phoenix, OR)
Lakeview Police Department (Lakeview, OR)
Multnomah County Animal Control (Troutdale, OR)
Oregon Humane Society (Portland, OR)
South Coast Humane Society (Brookings, OR)
Wallowa County Humane Society (Enterprise, OR)

PENNSYLVANIA

Antieam Humane Society, Inc. (Waynesboro, PA)

Beaver County Humane Society (Monaca, PA)
Bradford County Humane Society (Ulster, PA)
Chester County SPCA (West Chester, PA)
Cumberland Valley Animal Shelter (Chambersburg, PA)
Humane Society at Lackawanna County (Clarks Summit, PA)
Lehigh Valley Animal Rights Coalition (Allentown, PA)
The Pennsylvania SPCA (Philadelphia, PA)
The Pennsylvania SPCA (Stroudsburg, PA)
Ruth Steinert Memorial SPCA (Pottsville, PA)
SPCA of Luzerne County (Wilkes Barre, PA)
Western Pennsylvania Westie Rescue Committee (New Castle, PA)
Women's Humane Society (Bensalem, PA)
York County SPCA (Thomasville, PA)

RHODE ISLAND

Animal Rescue League of SRI (Wakefield, RI)
Potter League For Animals (Newport, RI)
Providence Animal Control Center Providence, RI)
Warren Animal Shelter (Warren, RI)

SOUTH CAROLINA

The Animal Mission (Columbia, SC)
Animal Protection League of South Carolina (Hopkins, SC)
Beaufort County Animal Shelter and Control (Beaufort, SC)
Blue Ridge Animal Fund (Travelers Rest, SC)
City of Aiken Animal Control (Aiken, SC)
Columbia Animal Shelter (Columbia, SC)
Concerned Citizens for Animals (Simpsonville, SC)
Grand Strand Humane Society (Myrtle Beach, SC)
The Greenville Humane Society (Greenville, SC)
Hanahan Animal Control Office/Animal Shelter (Hanahan, SC)
Hilton Head Humane Association (Hilton Head Island, SC)
Humane Society of Marion County (Marion, SC)
Humane Society of the Midlands (Colombia, SC)
The Humane Society of North Myrtle Beach (North Myrtle Beach, SC)
Kershaw County Humane Society (Camben, SC)
Lancaster County Animal Control (Kershaw, SC)
Lexington Animal Services (Lexington, SC)
South Carolina Animal Care and Control Association (Columbia, SC)
The Spay/Neuter Association, Inc. (Columbia, SC)
St. Francis Humane Society (Georgetown, SC)
Walter Crowe Animal Shelter (Camden, SC)

SOUTH DAKOTA

Aberdeen Area Humane Society (Aberdeen, SD)
Beadle County Humane Society (Huron, SD)
Humane Society of the Black Hills (Rapid City, SD)

TENNESSEE

Animal Protection Association (Memphis, TN)
Companion Animal Support Services (Nashville, TN)
Fayette County Animal Rescue (Rossville, TN)
Greenville-Greene County Humane Society (Greenville, TN)
Hardin County Humane Society (Savannah, TN)
Hickman Humane Society (Centerville, TN)
Humane Society of Cumberland County (Crossville, TN)
Humane Society of Dickson County (Dickson, TN)
Humane Society of Dover-Stewart County (Dover, TN)
Nashville Humane Association (Nashville, TN)
North Central Tennessee Spay and Neuter (West Lafayette)
Tennessee Humane Association (Knoxville, TN)

TEXAS

Animal Adoption Center (Garland, TX)
Animal Connection of Texas (Dallas, TX)
Animal Defense League (San Antonio, TX)
Animal Shelter and Adoption Center of Galveston Island, Inc. (Galveston, TX)
Affordable Companion Animal Neutering (Austin, TX)
Canyon Lake Animal Shelter Society (Canyon Lake, TX)
Central Texas SPCA (Cedar Park, TX)
Citizens for Animal Protection (Houston, TX)
City of Brownsville-Animal Control (Brownsville, TX)
City of Hurst Animal Services (Hurst, TX)
City of Nacogdoches Animal Shelter (Nacogdoches, TX)
City of West University Place (Houston, TX)
Doggiemom Rescue (Dallas, TX)
Find-A-Pet (Dallas, TX)
Guadalupe County Humane Society (Sequin, TX)
Harker Heights Animal Control (Harker Heights, TX)
Homeless Pet Placement League (Houston, TX)
H.O.R.S.E.S. in Texas (Chico, TX)
Houston Dachshund Rescue (Spring, TX)
Houston Humane Society (Houston, TX)
Houston SPCA (Houston, TX)
Humane Society of El Paso (El Paso, TX)
Humane Society of Greater Dallas (Dallas, TX)
Humane Society of Harlingen (Harlingen, TX)
Humane Society of Montgomery County (Conroe, TX)
Humane Society of Navarro County (Corsicana, TX)
Humane Society of North Texas (Fort Worth, TX)
Humane Society of Tom Green County (San Angelo, TX)
Jasper Animal Rescue (Jasper, TX)
Lubbock Animal Services (Lubbock, TX)
Metroport Humane Society (Roanoke, TX)
North Central Texas Animal Shelter Coalition (Forth Worth, TX)
Operation Kindness Animal Shelter (Carrollton, TX)
Paws Shelter for Animals (Kyle, TX)
SPCA of Texas (Dallas, TX)
Texas Federation of Humane Societies (Austin, TX)
Waco Humane Society and Animal Shelter (Waco, TX)

VIRGINIA

Animal Assistance League (Chesapeake, VA)
Animal Welfare League of Alexandria (Alexandria, VA)
Caring for Creatures (Palmyra, VA)
Danville Area Humane Society (Danville, VA)
For the Love of Animals in Goochland (Manakin-Sabot, VA)
Henrico Humane Society (Richmond, VA)
Heritage Humane Society (Williamsburg, VA)
Humane Society Montgomery County (Blacksburg, VA)
Isle of Wight County Humane Society (Smithfield, VA)
Lynchburg Humane Society Inc. (Lynchburg, VA)
Madison County Humane Society (Madison, VA)
The National Humane Education Society (Leesburg, VA)
New Kent Sheriff's Department (New Kent, VA)
Page County Animal Shelter (Stanley, VA)
Pennisula SPCA (Newport News, VA)
Portsmouth Police Animal Control (Portsmouth, VA)
Potomac Animal Allies, Inc. (Woodbridge, VA)
Prevent a Litter Coalition, Inc. (Reston, VA)
Smyth County Humane Society (Marion, VA)
SPCA of Northern Virginia (Arlington, VA)
SPCA of Martinsville-Henry County (Martinsville, VA)
SPCA of Winchester, Frederick and Clarke Counties (Winchester, VA)
Suffolk Animal Control Shelter (Suffolk, VA)
Tazewell County Animal Shelter (Tazewell, VA)
Vinton Police Department-Animal Control (Vinton, VA)
Virginia Beach SPCA (Virginia Beach, VA)
Wildlife Center of Virginia (Waynesboro, VA)
Williamsburg-James City County Animal Control (Williamsburg, VA)

VERMONT

Addison County Humane Society (Middlebury, VT)
Caledonia Animal Rescue (St. Johnsbury, VT)
Central Vermont Humane Society (Montpelier, VT)
Collie Rescue League of New England (Bradford, VT)
Elizabeth H. Brown Humane Society, Inc. (St. Johnsbury, VT)
Endtrap (White River Junction, VT)
Green Mountain Animal Defenders (Burlington, VT)
Humane Society of Chittenden County (South Burlington, VT)
The Nature Network (North Pomfret, VT)
Rutland County Humane Society (Pittsford, VT)
Rutland Police Department-Animal Control (Rutland, VT)
Second Chance Animal Center (Shaffsbury, VT)
Vermont Volunteer Services for Animals (Woodstock, VT)
Windham County Humane Society (Brattleboro, VT)

WASHINGTON

Animal Protection Society (Friday Harbor, WA)
City of Hoquiam's Animal Control (WA)
Ellensburg Animal Shelter (Ellensburg, WA)
Humane Society of Central Washington (Yakima, WA)
The Humane Society of Seattle/King County (Bellevue, WA)
Humane Society of Skagit Valley (Burlington, WA)
Kindred Spirits Animal Sanctuary (Suquamish, WA)
NOAH (Stanwood, WA)
Progressive Animal Welfare Society (Lynnwood, WA)
SpokAnimal C.A.R.E. (Spokane, WA)
Wenatchee Valley Humane Society (Wenatchee, WA)
Whatcom Humane Society (Bellingham, WA)

WISCONSIN

Alliance for Animals (Madison, WI)
Bay Area Humane Society and Animal Shelter, Inc. (Green Bay, WI)
Cats International (Cedarburg, WI)
Chippewa County Humane Association (Chippewa Falls, WI)
Clark County Humane Society (Neillsville, WI)
Coulee Region Humane Society, Inc. (LaCrosse, WI)

Dane County Humane Society (Madison, WI)
Eastshore Humane Association (Chilton, WI)
Eau Claire County Humane Association (Eau Claire, WI)
Elm Brook Humane Society (Brookfield, WI)
Fox Valley Humane Association Ltd (Appleton, WI)
Humane Society of Marathon County (Wausan, WI)
Lincoln County Humane Society Inc. (Merrill, WI)
Northwoods Humane Society (Hayward, WI)
Ozaukee Humane Society (Grafton, WI)
The Pepin County Humane Society (Durand, WI)
Rock County Humane Society (Janesville, WI)
Rusk County Animal Shelter (Ladysmith, WI)
Shawano County Humane Society (Shawano, WI)
Washburn County Area Humane Society (Spooner, WI)
Washington County Humane Society (Slinger, WI)
Wisconsin Humane Society (Milwaukee, WI)

WEST VIRGINIA

Federation of Humane Organizations of West Virginia (Mineral Wells, WV)
Hampshire County Pet Adoption Program (Paw Paw, WV)
Hancock County Animal Shelter (New Cumberland, WV)
Humane Society of Harrison County (Shinnston, WV)
Humane Society of Morgan County (Berkeley Springs, WV)
Humane Society of Parkersburg (Parkersburg, WV)
The Humane Society of Pocahontas County (Hillsboro, WV)
Humane Society of Raleigh County (Beckley, WV)
Jackson County Humane Society/Jackson County Animal Shelter (Cottageville, WV)
Jefferson County Animal Control (Kearneysville, WV)
Kanawha/Charleston Humane Association (Charleston, WV)
Marshall County Animal Rescue League (Glen Dale, WV)
Monroe County Animal League, Inc. (Union, WV)
Morgantown Animal Control (Morgantown, WV)
Ohio County Animal Shelter (Triadelphia, WV)
Ohio County SPCA (Triadelphia, WV)
Ohio County SPCA (Wheeling, WV)
Putnam County Humane Society, Inc. (Scott Depot, WV)
TLC Animal Sanctuary (Clendenin, WV)
Upshur County Humane Society (Buckhannon, WV)
Wetzel County Humane Society (New Martinsville, WV)

WYOMING

Animal Care Center (Laramie, WY)
Caring for Powell Animals (Powell, WY)
Cheyenne Animal Shelter (WY)
Dare to Care Animal League (Riverton, WY)
Humane Society of Park County (Cody, WY)
Lander Pet Connection, Inc. (Lander, WY)
Laramie Animal Shelter (Laramie, WY)
PAWS of Jackson Hole (Jackson, WY)
Wyoming Advocates for Animals (Cheyenne, WY)

By Mr. BOND:

S. 1479. A bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Madam President, I rise today to introduce a bill that is very important for many employees of the airline industry in my State of Missouri and elsewhere across the country. The legislation is entitled ''The Airline Workers Fairness Act.''

I have previously written to the distinguished Presiding Officer and the ranking member to explain to them the reason for this concern; that is, the fact that for the good of the country, the airline industry, and the traveling public, American Airlines acquired the assets of TWA. This was a good measure for continuation of airline service, for the employees, and for the communities served.

Now, however, as a result of the outrageous terrorist attacks on September 11, airlines across the country have found a significant decrease in volume.

I believe there is no safer time to fly the airlines than now. We go through a little more security. I am delighted to do it. I believe that we are safe on airline travel, certainly safer than we were before September 11. I believe it is an outstanding time to fly. But many people, because of legitimate concerns for themselves and their families, are not flying. So there are layoffs going on throughout the airline industry.

What this bill seeks to do is to ensure that after the two companies, American Airlines and TWA, and TWA Express, are merged, after the first of the year, that the employees of both merged airlines will be treated fairly.

Obviously, everybody understands with a decrease in airline traffic, there is going to be a need for layoffs. We have seen those layoffs. We hope, we fervently pray, that we can get back to business in the United States and get people flying again so they will use this valuable resource and get these people back to work.

I have talked to an awful lot of people at TWA who realize they will be a much smaller percentage of the total workforce than the larger numbers of American Airlines employees. They have sought to find a way to make sure that these two airlines are combined in a fair and reasonable manner. They looked at the Allegheny-Mohawk approach that was applied by the Civil Aeronautics Board when those two airlines were combined, and the transactions in that were performed in a way to encourage negotiation, mediation, and ultimately resolution of seniority integration issues by a neutral third party arbitrator selected by the parties.

The purpose of this is to ensure that there is a fair and reasonable basis for resolving the seniority issues facing these employees.

Several people have accused me of having some formula that I want to see adopted, having decided in advance how this should proceed. I don't know enough about seniority practices of either of the airlines to try to propose a solution. But when you have both parties coming together, seeking an arbitration panel or arbitrator who is knowledgeable and who will hear presentations from both sides, we can make sure that American Airlines employees and TWA employees are all treated in a fair and reasonable manner.

I am very pleased to say we have had strong support from the Airline Pilots Association, the International Association of Machinists, the Teamsters, and the AFL–CIO. Nobody knows how these issues will be resolved, but an awful lot of people are counting on us to make sure they are resolved in a fair and reasonable manner, giving both sides an opportunity to be heard and to have an arbitrator propose a final decision.

I look forward to working with the occupant of the chair and others as we move forward on this very important matter. I thank my colleagues for their kind attention. I ask that if they wish to join me in this bill, please do so. It is important that we act on this measure this year. I will be happy to respond to inquiries and work with colleagues who have thoughts on how we can improve.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 164—DESIGNATING OCTOBER 19, 2001, AS ''NATIONAL MAMMOGRAPHY DAY''

Mr. BIDEN (for himself, Mr. THURMOND, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Mr. CONRAD, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 164

Whereas according to the American Cancer Society, in 2001, 192,200 women will be diagnosed with breast cancer and 40,600 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by up to 63 percent; and

Whereas the 5-year survival rate for localized breast cancer is over 97 percent: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19, 2001, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

Mr. BIDEN. Madam President, today I am submitting a resolution designating October 19, 2001, as ''National Mammography Day.'' I am pleased that 62 of my colleagues have endorsed this proposal by agreeing to be original cosponsors. I might note that I have submitted a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to submit this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2001, it is estimated that over 192,000 women will be diagnosed with breast cancer and slightly fewer than 41,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be upbeat about this situation. The number of deaths from breast cancer is falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 97 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease.

So I am feeling quite positive about our battle against breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer nearly daily. And the key to this success is early diagnosis and treatment, with routine periodic mammography being the linchpin of the entire process. Routine mammography can locate a breast cancer as much as 2 years before it would be detectable by self-examination. A study released just this year showed that periodic screening mammography reduces breast cancer mortality by a whopping 63 percent. The statistics tell the story: the number of breast cancer deaths is declining despite an increase in the number of breast cancer cases diagnosed. More women are getting mammograms, more breast cancer is being diagnosed, and more of these breast cancers are discovered at an early and highly curable stage.

So my message to women is: have a periodic mammogram. Earl diagnosis saves lives. But I know many women don't have annual mammograms, usually because of either fear or forgetfulness. Some women avoid mammograms because they are afraid of what they will find. To these women, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Let me consider an analogous situation. We know that high blood pressure is a killer, and we are all advised to get our blood pressure checked from time to time. Are we afraid to do this? No. Why not? Because we know that even if high blood pressure is detected on a screening examination, it can be readily and successfully treated. We also know that high blood pressure is not going to go away by itself, so if we have it, we should find out about it, get it treated, and move ahead with our lives.

The argument for having periodic routine mammograms to detect breast cancer is similar. Most of the time, the examination is reassuringly negative. But if it is positive, and your previous routine mammograms were negative, it meant that this cancer has been detected early on, when it has a high chance of being cured.

And then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where ''National Mammography Day'' comes in. This year, National Mammography Day falls on Friday, October 19, right in the middle of National Breast Cancer Awareness Month. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be a part of their lives for as long as possible.

I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 19, 2001, as National Mammography Day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1726. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1727. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1728. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1729. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1730. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1731. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1732. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1733. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1734. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1735. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1736. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1737. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1738. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1739. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1740. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1741. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1742. Mrs. CARNAHAN submitted an amendment intended to be proposed by her

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

SA 1743. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1744. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1745. Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CARNAHAN, Mrs. FEINSTEIN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1746. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1747. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1748. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1749. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1750. Mr. DODD (for himself, Mr. HOLLINGS, Mr. CORZINE, Mr. BIDEN, Mr. BINGAMAN, Mr. SARBANES, Ms. SNOWE, Mr. SPECTER, Ms. COLLINS, Mr. WARNER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra.

SA 1751. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1752. Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1753. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1754. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1755. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1756. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1757. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1758. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1759. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1760. Mr. REID (for himself, Mr. HUTCHINSON, Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUYE, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1761. Ms. LANDRIEU (for herself and Mr. DOMENICI) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1762. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1763. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1764. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1765. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1766. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1767. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1768. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. NICKLES, Mr. SMITH, of New Hampshire, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1769. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1770. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1771. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1772. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1773. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1774. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1775. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1776. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1777. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1778. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1779. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1780. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1781. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1782. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1783. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1784. Mr. KENNEDY (for himself, Mr. WARNER, Mrs. CLINTON, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1438, supra ; which was ordered to lie on the table.

SA 1785. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1786. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1787. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1788. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1789. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1790. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1791. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1792. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table.

SA 1793. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 1794. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, supra.

SA 1795. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, supra.

SA 1796. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, supra.

SA 1797. Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, supra.

SA 1798. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1438, supra.

SA 1799. Mr. LEVIN (for Mr. DORGAN) proposed an amendment to the bill S. 1438, supra.

SA 1800. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1801. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, supra.

SA 1802. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1803. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, supra.

SA 1804. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1805. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 1438, supra.

SA 1806. Mr. WARNER (for Mr. BOND (for himself and Mr. BYRD)) proposed an amendment to the bill S. 1438, supra.

SA 1807. Mr. LEVIN (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1438, supra.

SA 1808. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1438, supra.

SA 1809. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 1438, supra.

SA 1810. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1811. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. MILLER)) proposed an amendment to the bill S. 1438, supra.

SA 1812. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1813. Mr. LEVIN (for Mr. CONRAD (for himself, Mr. DORGAN, Mr. ENZI, Mr. BAUCUS, Mr. BURNS, and Mr. THOMAS)) proposed an amendment to the bill S. 1438, supra.

SA 1814. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1438, supra.

SA 1815. Mr. LEVIN (for Mr. JOHNSON) proposed an amendment to the bill S. 1438, supra.

SA 1816. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1817. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, supra.

SA 1818. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1819. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, supra.

SA 1820. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 1438, supra.

TEXT OF AMENDMENTS

SA 1726. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 589. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the number of total cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

SA 1727. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 12 and 13, insert the following:

SEC. 652. REPEAL OF REDUCTION IN SBP ANNUITIES AT AGE 62.

(a) COMPUTATION OF ANNUITY FOR A SPOUSE, FORMER SPOUSE, OR CHILD.—Subsection (a) of section 1451 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''shall be determined as follows:'' and all that follows and inserting the following: ''shall be the amount equal to 55 percent of the base amount.''; and

(2) in paragraph (2), by striking ''shall be determined as follows:'' and all that follows and inserting the following: ''shall be the amount equal to a percentage of the base amount that is less than 55 percent and is determined under subsection (f).''.

(b) ANNUITIES FOR SURVIVORS OF CERTAIN PERSONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY FOR SBP.—Subsection (c)(1) of such section is amended by striking ''shall be determined as follows:'' and all that follows and inserting the following: ''shall be the amount equal to 55 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.''.

(c) REPEAL OF REQUIREMENT FOR REDUCTION.—Such section is further amended by striking subsection (d).

(d) REPEAL OF UNNECESSARY SUPPLEMENTAL SBP.—(1) Subchapter III of chapter 73 of title 10, United States Code, is repealed.

(2) The table of contents at the beginning of such chapter is amended by striking the item relating to subchapter III.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

SA 1728. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $1,799,999 shall be available for the Clara Barton Center for Domestic Preparedness.

SA 1729. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed insert the following:

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

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $1,800,000 shall be available for the Clara Barton center for Domestic Preparedness.

SA 1730. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION. LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) CONVEYANCE REQUIRED.—The Administrator of General Services may convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the 'City'), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) ADDITIONAL TERMS AND CONDITIONS.—The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SECTION. TREATMENT OF AMOUNTS RECEIVED.

Any net proceeds received by the United States as payment under subsection (c) of the previous section shall be deposited into the Land and Water Conservation Fund.

SA 1731. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, between lines 13 and 14, insert the following:

SEC. 1217. INCREASED MILITARY-TO-MILITARY CONTACTS.

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

(1) American foreign policy and the national military strategy of the United States require that members of the Armed Forces have extensive knowledge and expertise regarding a variety of areas of the world.

(2) Military operations are increasingly undertaken as operations of international coalitions.

(3) As an element of United States defense policy, and fundamental to the United States' ability to protect the national security, engagement between members of the United States Armed Forces and members of the armed forces of other nations is critical.

(4) To sustain such engagement, it is likewise critical that the United States cultivate and sustain in members of the Armed Forces the foreign geographic, cultural, social, and language skills that help to ensure the interoperability of the United States Armed Forces with the armed forces of American allies as well as to ensure more effective coalition operations.

(5) Through interactions with foreign military personnel, United States military personnel become familiar with the policies and capabilities of their counterparts and, likewise, enhance the familiarity of their counterparts with United States capabilities, policies, and principles so that the United States Armed Forces are better able to operate with coalition and other partner nations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to enhance international security partnerships and the attainment of the security goals shared by the United States and its allies, the Secretary of Defense should increase the military-to-military contacts undertaken by the Armed Forces, including contacts through the foreign area officer program, language education programs, senior officer visits, counterpart visits, ship port visits, bilateral and multilateral consultations between and among military staffs, joint military exercises with foreign armed forces, personnel exchange programs, professional military education exchange programs, unit exchange programs, formal military contacts programs, and Partnership for Peace program activities; and

(2) Congress urges the Secretary to do so.

(c) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to Congress a report containing a discussion of the actions taken to improve and expand the military-to-military contacts programs of the Armed Forces.

SA 1732. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 46, strike line 21 and all that follows through page 47, line 2, and insert the following:

(c) SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.—It is the sense of the Senate that the Senate should take action on comprehensive legislation to revise the Energy Policy Act of 1992, to include energy production and energy conservation measures, not later than December 31, 2001.

SA 1733. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriation for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, after line 25, insert the following:

SEC. 1066. SENSE OF THE SENATE REGARDING THE INSPIRATIONAL HEROISM OF AIRLINE PASSENGERS ON SEPTEMBER 11, 2001.

It is the sense of the Senate that the heroic actions of the passengers aboard United Airlines Flight 93 on September 11, 2001, should serve as an inspiration for all Americans.

SA 1734. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 903 and insert the following:

SEC. 903. SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.

It is the sense of the Senate that the Senate should take action on comprehensive national energy security legislation not later than December 31, 2001.

SA 1735. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 12 and 13, insert the following:

(e) SENSE OF SENATE ON AVAILABILITY OF ENERGY-RELATED SUPPLIES FOR THE ARMED FORCES.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

SA 1736. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 300, after line 23, insert the following:

SEC. 908. UNDER SECRETARY OF DEFENSE FOR HOMELAND DEFENSE.

(a) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating section 137 as section 139a and by transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(2) by inserting after section 136 the following new section 137:

"§ 137. Under Secretary of Defense for Homeland Defense

''(a) There is an Under Secretary of Defense for Homeland Defense.

''(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Homeland Defense shall perform such duties and exercise such powers relating to homeland defense as the Secretary of Defense may prescribe. The duties and powers prescribed for the Under Secretary shall include the overall supervision of (including oversight of policy and resources) of defense of the territory of the United States.

''(c) The Under Secretary is the principal civilian adviser to the Secretary of Defense on matters relating to the defense of the territory of the United States.''.

(c) EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Personnel and Readiness'' the following:

''Under Secretary of Defense for Homeland Defense.''

(d) CONFORMING AMENDMENTS.—Section 131(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

''(6) Under Secretary of Defense for Homeland Defense.''.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(1) by striking the item relating to section 137 and inserting the following new item:

''137. Under Secretary of Defense for Homeland Defense.''; and

(2) by inserting after the item relating to section 139 the following new item:

''139a. Director of Defense Research and Engineering.''.

SA 1737. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 903 and insert the following:

SEC. 903. SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.

It is the sense of the Senate that the Senate should take action on comprehensive national energy security legislation, including energy production and energy conservation measures, not later than December 31, 2001.

SA 1738. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 42, strike line 21 and all that follows through page 47, line 2, and insert the following:

(c) SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.—It is the sense of the Senate that the Senate should take action on comprehensive legislation to revise the Energy Policy Act of 1992 not later than December 31, 2001.

SA 1739. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, after line 25, add the following:

SEC. 1066. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

''(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.''.

SA 1740. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1124. AMENDMENTS TO THE DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT.

The Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.) is amended—

(1) in section 4—

(A) by striking paragraph (2) of subsection (a) and inserting the following:

''(2) the fixing of basic compensation for teachers and teaching positions at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in the Washington, D.C. metropolitan area, which is defined as the—

''(A) District of Columbia public schools;

''(B) Arlington County, Virginia public schools;

''(C) Alexandria City, Virginia public schools;

''(D) Fairfax County, Virginia public schools;

''(E) Montgomery County, Maryland public schools; and

''(F) Prince George's County, Maryland public schools;''; and

(B) by adding at the end the following:

''(c) ACADEMIC PAY LANES.—In the administration of basic compensation for teachers and teaching positions, there shall be a minimum of 7 academic pay lanes.

''(d) PHASE-IN OF INCREASE IN TEACHER COMPENSATION.—The increase in the basic compensation for teachers and teaching positions provided in the amendments made by section 1124 of the National Defense Authorization Act for Fiscal Year 2002 for this section shall be phased in over a period of 4 years, with teachers and teaching positions receiving a cumulative increase of 25 percent of the total increase each year.''; and

(2) in section 5, by striking subsection (c) and inserting the following:

''(c) RATES OF BASIC COMPENSATION.—

''(1) IN GENERAL.—The Secretary of Defense shall fix the basic compensation for teachers and teaching positions in the Department of Defense at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in the Washington, D.C. metropolitan area, which is defined as the—

''(A) District of Columbia public schools;

''(B) Arlington County, Virginia public schools;

''(C) Alexandria City, Virginia public schools;

''(D) Fairfax County, Virginia public schools;

''(E) Montgomery County, Maryland public schools; and

''(F) Prince George's County, Maryland public schools.

''(2) ACADEMIC PAY LANES.—In the administration of basic compensation for teachers and teaching positions, there shall be a minimum of 7 academic pay lanes.

''(3) PHASE-IN OF INCREASE IN TEACHER COMPENSATION.—The increase in the basic compensation for teachers and teaching positions provided in the amendments made by section 1124 of the National Defense Authorization Act for Fiscal Year 2002 for this section shall be phased in over a period of 4 years, with teachers and teaching positions receiving a cumulative increase of 25 percent of the total increase each year.''.

SA 1741. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, between lines 13 and 14, insert the following:

SEC. 1217. RELEASE OF RESTRICTION ON USE OF CERTAIN VESSELS PREVIOUSLY AUTHORIZED TO BE SOLD.

Section 3603(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2273) is amended by striking ''for full use as an oiler''.

SA 1742. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 15 and 16, insert the following:

SEC. 718. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2), a member'' and all that follows through ''of the member),'' and inserting ''paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) This subsection applies to the following members of the armed forces:

''(A) A member who is involuntarily separated from active duty.

''(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

''(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

''(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation.''; and

(4) in paragraph (3), as redesignated by paragraph (2), is amended by striking ''involuntary'' each place it appears.

(b) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking ''during the period beginning on October 1, 1990, and ending on December 31, 2001''; and

(2) in subsection (e), by striking the first sentence.

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(d) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (c), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

SA 1743. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 15 and 16, insert the following:

SEC. 718. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2), a member'' and all that follows through ''of the member),'' and inserting ''paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)'';

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following paragraphs:

''(2) This subsection applies to the following members of the armed forces:

''(A) A member who is involuntarily separated from active duty.

''(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if—

''(i) the active duty is active duty for a period of more than 30 days; and

''(ii) the member is qualified under paragraph (3).

''(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

''(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation.

''(3) To qualify under paragraph (2)(B), a member—

''(i) shall be unemployed; or

''(ii) shall be employed and shall apply for coverage by a health plan sponsored by the employer as soon as the member is eligible to apply for the coverage.''; and

(4) in paragraph (4), as redesignated by paragraph (2), is amended by striking ''involuntary'' each place it appears.

(b) PERIOD OF COVERAGE.—Paragraph (4) of such subsection, as redesignated by subsection (a)(2), is amended—

(1) in subparagraph (A), by striking ''60 days'' and inserting ''90 days''; and

(2) in subparagraph (B), by striking ''120 days'' and inserting ''180 days''.

(c) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking ''during the period beginning on October 1, 1990, and ending on December 31, 2001''; and

(2) in subsection (e), by striking the first sentence.

(d) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(e) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (d), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

SA 1744. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 718. RESTORATION OF PREVIOUS POLICY ON RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

(1) in subsection (a), by striking ''RESTRICTION ON USE OF FUNDS.—''; and

(2) by striking subsection (b).

SA 1745. Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CARNAHAN, Mrs. FEINSTEIN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2905. ENHANCEMENT OF ENVIRONMENTAL REMEDIATION.

Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(9)(A) In the case of an installation whose date of approval of closure or realignment under this part is after December 31, 2001, the Secretary of Defense shall commence and undertake continuous remedial action of the hazardous substances on all portions of the installation requiring remedial action to be transferred to a non-Federal person or entity under this part as expeditiously as practicable, but not later than three years after the date on which the Secretary receives notice under subparagraph (H)(iv), (J)(ii), or (L)(iii) of paragraph (7) with respect to the use of property at the installation for the homeless.

''(B) If after the transfer of property pursuant to this part additional hazardous substances are discovered by any person on such property that are attributable to actions before the transfer of such property pursuant to this part, the Secretary shall commence and undertake continuous remedial action of the hazardous substances as expeditiously as practicable, but not later than three years after the date on which the Secretary receives notice of such hazardous substances.

''(C)(i) The Secretary may waive the deadline in subparagraph (A) or (B) in the case of a remedial action only if the Secretary determines that it is technically impracticable from an engineering perspective to commence the remedial action within the deadline.

''(ii) The Secretary shall commence any remedial action covered by clause (i) as soon as it is possible to commence such remedial action.

''(D) The Secretary shall complete any remedial action commenced under this paragraph as expeditiously as practicable after commencement.

''(E) This paragraph shall not be construed to alter or otherwise affect any environmental laws or the obligations of the Secretary under those laws with respect to an installation covered by this paragraph.''.

SA 1746. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 217, strike line 18 and all that follows through page 226, line 17, and insert the following:

Subtitle A—TRICARE Benefits Modernization

SEC. 701. REQUIREMENT FOR INTEGRATION OF BENEFITS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program carried out under section 1079(a)(17) of title 10, United States Code (as in effect on September 30, 2001); and

(2) integrate the beneficiaries under that program, and the furnishing of care to those beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this subtitle.

(b) REPEAL OF SEPARATE AUTHORITY.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17).

(c) SAVINGS PROVISION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to modify any eligibility requirement for any person receiving benefits under the Individual Case Management Program before October 1, 2001; or

(2) to terminate any benefits available under that program before that date.

(d) CONSULTATION REQUIREMENT.—The Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, in carrying out this section.

SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

(a) AUTHORITY.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting before the period end the following: '', except as provided in subsection (e)''; and

(2) by adding at the end the following new subsection:

''(e) The prohibition in subsection (b)(1) does not apply to domiciliary care or custodial care that is provided to a patient by a physician, nurse, paramedic, or other health care provider incident to other health care authorized under subsection (a), whether or not—

''(1) the potential for the patient's condition of illness, injury, or bodily malfunction to improve might be nonexistent or minimal; or

''(2) the care is provided for the purposes of maintaining function and preventing deterioration.''.

(b) DOMICILIARY AND CUSTODIAL CARE DEFINED.—Section 1072 of such title is amended by adding at the end the following new paragraphs:

''(8) The term 'domiciliary care' means treatment or services involving assistance with the performance of activities of daily living that is provided to a patient in a home-like setting because—

''(A) the treatment or services are not available, or are not suitable to be provided, to the patient in the patient's home; or

''(B) no member of the patient's family is willing to provide the treatment or services.

''(9) The term 'custodial care'—

''(A) means treatment or services that—

''(i) could be provided safely and reasonably by a person not trained as a physician, nurse, paramedic, or other health care provider; or

''(ii) are provided principally to assist the recipient of the treatment or services with the performance of activities of daily living; and

''(B) includes any treatment or service described in subparagraph (A) without regard to—

''(i) the source of any recommendation to provide the treatment or service; and

''(ii) the setting in which the treatment or service is provided.''.

SEC. 703. LONG TERM CARE.

(a) LIMITATION.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

''§ 1074j. Long term care benefits program

''(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall provide long term health care benefits under the TRICARE program in an effective and efficient manner that integrates those benefits with the benefits provided on a less than a long term basis under the TRICARE program.

''(b) AUTHORIZED CARE.—The types of health care authorized to be provided under this section shall include the following:

''(1) The types of health care authorized to be acquired by contract under section 1079 of this title.

''(2) Extended care services.

''(3) Post-hospital extended care services.

''(4) Comprehensive intermittent home health services.

''(5) Subject to subsection (d), community based services, as follows:.

''(A) Nursing services provided by or under the supervision of a nurse.

''(B) Therapy services.

''(C) Medical equipment and supplies.

''(D) In the case of a patient with concurrent skilled care needs, the following:

''(i) Home health aide services.

''(ii) Performance of chores.

''(iii) Adult day care services.

''(iv) Respite care.

''(v) Any other medical or social service that contributes to the health and well-being of the patient and the ability of the patient to reside in a community based care setting instead of an institution.

''(c) DURATION OF POST-HOSPITAL EXTENDED CARE SERVICES.—The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue for as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (b)(2)(A) of section 1812 of the Social Security Act (42 U.S.C. 1395d) shall not apply with respect to the care provided that patient.

''(d) COMMUNITY BASED SERVICES.—(1) To qualify for community based services under this section, a patient shall require a level of care that—

''(A) is available to the patient in a nursing facility or hospital; and

''(B) if such level of care were provided to the patient in such a nursing facility or hospital, would be paid for (in whole or in part) under this chapter at a cost to the United States that is equal to or greater than the cost that would be incurred by the United States to provide the community based services to the patient under this section.

''(2) Community based services may only be provided to a patient under this section in accordance with a plan of care established by the patient's physician.

''(e) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'extended care services' has the meaning given the term in subsection (h) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(2) The term 'post-hospital extended services' has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(3) The term 'home health services' has the meaning given the term in subsection (m) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(4) The term 'skilled nursing facility' has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

''(5) The term 'spell of illness' has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

''1074j. Long term care benefits program.''.

SEC. 704. EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.

Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following:

''(d)(1) The health care benefits contracted for under this section shall include extended benefits for dependents referred to in the first sentence of subsection (a) who have any of the following qualifying conditions:

''(A) Moderate or severe mental retardation.

''(B) A serious physical disability.

''(C) Any extraordinary physical or psychological condition.

''(2) The extended benefits under paragraph (1) may include comprehensive health care and case management services, to the extent not otherwise provided under this chapter with respect to a qualifying condition, as follows:

''(A) Diagnosis.

''(B) Inpatient, outpatient, and comprehensive home health supplies and services.

''(C) Training and rehabilitation, including special education and assistive technology devices.

''(D) Institutional care in private nonprofit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

''(E) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

''(3) The extended benefits under paragraph (1) may also include respite care for the primary caregiver of a dependent eligible for extended benefits under this subsection.

''(4) Home health supplies and services may be provided to a dependent under paragraph (2)(B) as other than part-time or intermittent services (as determined in accordance with the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) only if—

''(A) the provision of such supplies and services in the home of the dependent is medically appropriate; and

''(B) the cost of the provision of such supplies and services to the dependent is equal to or less than the cost of the provision of similar supplies and services to the dependent in a skilled nursing facility.

''(5) Subsection (a)(13) shall not apply to the provision of care and services determined appropriate to be provided as extended benefits under this subsection.

''(6) Subject to paragraph (7), a member of the uniformed services shall pay a share of the cost of any care and services provided as extended benefits to any of the dependents of the member under this subsection as follows:

''(A) In the case of a member in the lowest enlisted pay grade, the first $25 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

''(B) In the case of a member in the highest commissioned pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

''(C) In the case of a member in any other pay grade, a fixed amount of the cumulative costs of all care furnished to one or more dependents of the member in a month, as prescribed for that pay grade in regulations prescribed under paragraph (9).

''(7)(A) In the case of extended benefits provided under subparagraph (C) or (D) of paragraph (2) to a dependent of a member of the uniformed services—

''(i) the Government's share of the total cost of providing such benefits in any month shall not exceed $2,500, except for costs that a member is exempt from paying under subparagraph (B); and

''(ii) the member shall pay (in addition to any amount payable under paragraph (6)) the amount, if any, by which the amount of such total cost for the month exceeds the Government's maximum share under clause (i).

''(B) A member of the uniformed services who incurs expenses under subparagraph (A) for a month for more than one dependent shall not be required to pay for the month under clause (ii) of that subparagraph an amount greater than the amount the member would otherwise be required to pay under that clause for the month if the member were incurring expenses under that subparagraph for only one dependent.

''(8) To qualify for extended benefits under subparagraph (C) or (D) of paragraph (2), a dependent of a member of the uniformed

services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries.

''(9) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this subsection.''.

SEC. 705. CONFORMING REPEALS.

The following provisions of law are repealed:

(1) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note).

(2) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1260).

(3) Section 8100 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696).

SEC. 706. SERVICES OR SUPPLIES DETERMINED NECESSARY.

(a) DETERMINATIONS OF NECESSITY.—Subsection (a)(13) of section 1079 of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(13)'';

(2) by designating the second sentence as subparagraph (C), realigning that subparagraph flush to the left margin, and striking ''this paragraph'' in the text of such subparagraph (as so redesignated) and inserting ''subparagraph (A)''; and

(3) by inserting after subparagraph (A), as designated by subparagraph (A), the following new subparagraph:

''(B) For the purposes of subparagraph (A), the determination that a service or supply is medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction of a patient, or to prevent deterioration of a patient, when made by the physician treating the patient, shall be conclusive unless the physician's determination is clearly erroneous, as determined by a higher authority or under the CHAMPUS Peer Review Organization program.''.

(b) DETERMINATIONS NOT SUBJECT TO PEER REVIEW.—Subsection (o)(1) of such section is amended by inserting ''(subject to subsection (a)(13)(B))'' after ''determined''.

SEC. 707. PROSTHETICS, ORTHOTICS, AND HEARING AIDS.

Section 1077 of title 10 United States Code, as amended by section 702, is further amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

''(15) A prosthetic or orthotic device, together with related items and services as provided in subsection (e).

''(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.'';

(2) in subsection (b)(2), by striking ''Hearing aids, orthopedic footwear,'' and inserting ''Orthopedic footwear''; and

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

''(f)(1) Authority to provide a prosthetic or orthotic device under subsection (a)(15) includes authority to provide the following:

''(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

''(B) Services necessary to train the recipient of the device in the use of the device.

''(C) Repair of the device for normal wear and tear or damage.

''(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

''(E) Replacement of an orthotic device when appropriate to accommodate the patient's growth or change of condition.

''(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

''(3) A prosthetic or orthotic device customized for a patient may be provided under this section only by a prosthetic or orthotic practitioner, respectively, who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.''.

SEC. 708. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 707, is further amended—

(1) in subsection (a)(12), by striking ''such as wheelchairs, iron lungs, and hospital beds,'' and inserting ''which''; and

(2) by adding at the end the following new subsection:

''(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

''(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

''(B) Any durable medical equipment that can maximize the patient's function and mobility consistent with the patient's physiological or medical needs.

''(C) Wheelchairs.

''(D) Iron lungs,

''(E) Hospital beds.

''(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

''(A) achieving therapeutic benefit for the patient;

''(B) making the equipment serviceable; or

''(C) otherwise assuring the proper functioning of the equipment.

''(3) The eligibility of a patient to receive durable medical equipment and related services under this section or section 1079(a)(5) of this title may not be limited on the basis that a primary purpose of the use of the equipment by the patient is transportation, comfort, or convenience of the patient.''.

(b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

''(5) Durable equipment provided under this section shall be provided on a rental basis.''.

SEC. 709. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 707(1), is further amended by inserting after paragraph (16) the following new paragraph:

''(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician, including the following therapies:

''(A) Physical or occupational therapy to maintain range of motion in a paralyzed extremity of the patient, without regard to whether a purpose for providing the therapy is to restore a specific loss of function or is related to the restoration of a specific loss of function.

''(B) Occupational therapy for an amputee or a patient with an orthopedic impairment, including gait analysis.

''(C) Respiratory or recreation therapy that is included as part of a treatment plan established for the patient by the physician.''.

SEC. 710. MENTAL HEALTH BENEFITS.

Section 1079(i) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) To receive outpatient mental health services under a contract entered into under this section or section 1086 of this title for periods in excess of a limitation on the availability of outpatient mental health benefit for a year under the contract, a person may convert any unused period of inpatient mental health benefit available to the person for that year under the contract to one or more additional periods of availability of outpatient mental health benefit.

''(B) The total amount of inpatient mental health benefit remaining available to a person for a year under a contract referred to in subparagraph (A) shall be reduced to the extent of any conversion of the benefit for the person for the year under that subparagraph.

''(C) For the purposes of this paragraph, one day of inpatient mental health benefit converts to eight hours of outpatient mental health benefit.

''(5) Mental health services, including substance abuse services, available to a patient under a contract entered into under this section or section 1086 of this title shall be furnished to the patient in the least restrictive environment that is effective and appropriate for meeting the treatment and rehabilitative needs of the patient.''.

SEC. 710A. REPORT TO CONGRESS ON RELATIONSHIP AMONG FEDERAL LONG-TERM CARE INITIATIVES.

Not later than April 1, 2002, the Secretary of Defense shall submit to Congress a report on the relationship and compatibility of the long term care insurance program under chapter 90 of title 5, United States Code (as added by the Federal Long-Term Care Security Act), and other initiatives of the Federal Government to provide long term care benefits for which members of the uniformed services and their dependents are or would be eligible.

SEC. 710B. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2001.

SA 1747. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 702, strike the first line under the section heading and insert the following:

(a) AUTHORITY.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting before the period end the following: '', except as provided in subsection (e)''; and

(2) by adding at the end the following new subsection:

''(e) The prohibition in subsection (b)(1) does not apply to domiciliary care or custodial care that is provided to a patient by a physician, nurse, paramedic, or other health care provider incident to other health care authorized under subsection (a), whether or not—

''(1) the potential for the patient's condition of illness, injury, or bodily malfunction

to improve might be nonexistent or minimal; or

''(2) the care is provided for the purposes of maintaining function and preventing deterioration.''.

(b) DOMICILIARY AND CUSTODIAL CARE DEFINED.—Section 1072 of such title is * * *

In section 703, after '' '(4) Comprehensive intermittent home health services.' '', insert the following:

''(5) Subject to subsection (d), community based services, as follows:.

''(A) Nursing services provided by or under the supervision of a nurse.

''(B) Therapy services.

''(C) Medical equipment and supplies.

''(D) In the case of a patient with concurrent skilled care needs, the following:

''(i) Home health aide services.

''(ii) Performance of chores.

''(iii) Adult day care services.

''(iv) Respite care.

''(v) Any other medical or social service that contributes to the health and well-being of the patient and the ability of the patient to reside in a community based care setting instead of an institution.

In section 703, strike '' '(d) REGULATIONS.— '' and all that follows through '' '(e) DEFINITIONS.—'' and insert the following:

''(d) COMMUNITY BASED SERVICES.—(1) To qualify for community based services under this section, a patient shall require a level of care that—

''(A) is available to the patient in a nursing facility or hospital; and

''(B) if such level of care were provided to the patient in such a nursing facility or hospital, would be paid for (in whole or in part) under this chapter at a cost to the United States that is equal to or greater than the cost that would be incurred by the United States to provide the community based services to the patient under this section.

''(2) Community based services may only be provided to a patient under this section in accordance with a plan of care established by the patient's physician.

''(e) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

''(f) DEFINITIONS.—

In section 706, strike the section heading and insert the following:

SEC. 706. SERVICES OR SUPPLIES DETERMINED NECESSARY.

(a) DETERMINATIONS OF NECESSITY.—Subsection (a)(13) of section 1079 of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(13)'';

(2) by designating the second sentence as subparagraph (C), realigning that subparagraph flush to the left margin, and striking ''this paragraph'' in the text of such subparagraph (as so redesignated) and inserting ''subparagraph (A)''; and

(3) by inserting after subparagraph (A), as designated by subparagraph (A), the following new subparagraph:

''(B) For the purposes of subparagraph (A), the determination that a service or supply is medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction of a patient, or to prevent deterioration of a patient, when made by the physician treating the patient, shall be conclusive unless the physician's determination is clearly erroneous, as determined by a higher authority or under the CHAMPUS Peer Review Organization program.''.

(b) DETERMINATIONS NOT SUBJECT TO PEER REVIEW.—Subsection (o)(1) of such section is amended by inserting ''(subject to subsection (a)(13)(B))'' after ''determined''.

SEC. 707. PROSTHETICS, ORTHOTICS, AND HEARING AIDS.

Section 1077 of title 10 United States Code, as amended by section 702, is further amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

''(15) A prosthetic or orthotic device, together with related items and services as provided in subsection (e).

''(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.'';

(2) in subsection (b)(2), by striking ''Hearing aids, orthopedic footwear,'' and inserting ''Orthopedic footwear''; and

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

''(f)(1) Authority to provide a prosthetic or orthotic device under subsection (a)(15) includes authority to provide the following:

''(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

''(B) Services necessary to train the recipient of the device in the use of the device.

''(C) Repair of the device for normal wear and tear or damage.

''(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

''(E) Replacement of an orthotic device when appropriate to accommodate the patient's growth or change of condition.

''(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

''(3) A prosthetic or orthotic device customized for a patient may be provided under this section only by a prosthetic or orthotic practitioner, respectively, who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.''.

SEC. 708. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 707, is further amended—

(1) in subsection (a)(12), by striking ''such as wheelchairs, iron lungs, and hospital beds,'' and inserting ''which''; and

(2) by adding at the end the following new subsection:

''(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

''(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

''(B) Any durable medical equipment that can maximize the patient's function and mobility consistent with the patient's physiological or medical needs.

''(C) Wheelchairs.

''(D) Iron lungs,

''(E) Hospital beds.

''(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

''(A) achieving therapeutic benefit for the patient;

''(B) making the equipment serviceable; or

''(C) otherwise assuring the proper functioning of the equipment.

''(3) The eligibility of a patient to receive durable medical equipment and related services under this section or section 1079(a)(5) of this title may not be limited on the basis that a primary purpose of the use of the equipment by the patient is transportation, comfort, or convenience of the patient.''.

(b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

''(5) Durable equipment provided under this section shall be provided on a rental basis.''.

SEC. 709. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 707(1), is further amended by inserting after paragraph (16) the following new paragraph:

''(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician, including the following therapies:

''(A) Physical or occupational therapy to maintain range of motion in a paralyzed extremity of the patient, without regard to whether a purpose for providing the therapy is to restore a specific loss of function or is related to the restoration of a specific loss of function.

''(B) Occupational therapy for an amputee or a patient with an orthopedic impairment, including gait analysis.

''(C) Respiratory or recreation therapy that is included as part of a treatment plan established for the patient by the physician.''.

SEC. 710. MENTAL HEALTH BENEFITS.

Section 1079(i) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) To receive outpatient mental health services under a contract entered into under this section or section 1086 of this title for periods in excess of a limitation on the availability of outpatient mental health benefit for a year under the contract, a person may convert any unused period of inpatient mental health benefit available to the person for that year under the contract to one or more additional periods of availability of outpatient mental health benefit.

''(B) The total amount of inpatient mental health benefit remaining available to a person for a year under a contract referred to in subparagraph (A) shall be reduced to the extent of any conversion of the benefit for the person for the year under that subparagraph.

''(C) For the purposes of this paragraph, one day of inpatient mental health benefit converts to eight hours of outpatient mental health benefit.

''(5) Mental health services, including substance abuse services, available to a patient under a contract entered into under this section or section 1086 of this title shall be furnished to the patient in the least restrictive environment that is effective and appropriate for meeting the treatment and rehabilitative needs of the patient.''.

SEC. 710A. REPORT TO CONGRESS ON RELATIONSHIP AMONG FEDERAL LONG-TERM CARE INITIATIVES.

Not later than April 1, 2002, the Secretary of Defense shall submit to Congress a report on the relationship and compatibility of the long term care insurance program under chapter 90 of title 5, United States Code (as added by the Federal Long-Term Care Security Act), and other initiatives of the Federal Government to provide long term care benefits for which members of the uniformed services and their dependents are or would be eligible.

SEC. 710B. EFFECTIVE DATE.

SA 1748. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle F—National Emergency Family Support

SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) IN GENERAL.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during the period of the national emergency declared by the President on September 14, 2001, in order to ensure that the children of such families obtain needed child care and youth services. The assistance authorized by this section should be directed primarily toward providing needed family support, including child care and youth services for children of such personnel who are deployed, assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 2002, out of current and future balances in the Defense Cooperation Account, such sums as are necessary to carry out the provisions of this section.

(c) SUPPLEMENTATION OF OTHER PUBLIC FUNDS.—Funds referred to in subsection (b) that are made available to carry out this section may be used only to supplement, and not to supplant, the amount of any other Federal, State, or local government funds otherwise expended or authorized for the support of family programs, including child care and youth programs for members of the Armed Forces.

SEC. 682. CHILD CARE FOR DEPENDENTS OF MOBILIZED RESERVES.

(a) AUTHORITY.—(1) The Secretary of Defense is authorized to enter into a cooperative agreement with a public, not-for-profit organization that provides child care resource and referral services on a nationwide basis to carry out a program of assistance for families of eligible members of reserve components of the Armed Forces.

(2) The program under a cooperative agreement entered into under this section shall be similar to the program known as AmeriCorps Cares that is established by the Corporation for National Service under the National and Community Service Act of 1990.

(b) ELIGIBLE MEMBERS.—For the purposes of this section, an eligible member is a member of reserve components of the Armed Forces serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(c) FORMS OF ASSISTANCE.—Assistance under a cooperative agreement entered into under this section shall include the following:

(1) Referral for child care services.

(2) Financial assistance for the payment of costs of child care.

(d) FINANCIAL ASSISTANCE.—The Secretary of Defense shall provide financial assistance for the payment of costs of families for child care under any cooperative agreement entered into under this section. The amounts of financial assistance shall be consistent with subsidies paid for child care under subchapter II of chapter 88 of title 10, United States Code. The amount paid a family for child care may not exceed the total subsidy amount that would be provided to the family for attendance of children of the family at military child development centers under section 1793 of such title.

(e) FUNDING.—Amounts available for carrying out subchapter II of chapter 88 of title 10, United States Code, shall be available for paying the costs incurred by the Department of Defense under a cooperative agreement entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 2002, out of current and future balances in the Defense Cooperation Account, such sums as are necessary to carry out the provisions of this section.

SEC. 683. FAMILY EDUCATION AND SUPPORT SERVICES.

(a) IN GENERAL.—The Secretary of Defense may provide assistance in accordance with this section to families of members of the Armed Forces serving on active duty in order to ensure that those families receive educational assistance and family support services necessary to meet needs arising out of the national emergency referred to in section 681(a).

(b) TYPES OF ASSISTANCE.—The assistance authorized by this section may be provided to families directly or through the awarding of grants, contracts, cooperative agreements, or other forms of financial assistance to appropriate private or public entities. The assistance may include grants for after-school programs that are carried out by the Boys & Girls Clubs of America for children of members of reserve components deployed, assigned, or ordered to active duty as described in section 681(a).

(c) GEOGRAPHIC AREAS ASSISTED.—(1) Such assistance shall be provided primarily in geographic areas—

(A) in which a substantial number of members of the active components of the Armed Forces of the United States are permanently assigned and from which a significant number of such members are being deployed or have been deployed; or

(B) from which a significant number of members of the reserve components of the Armed Forces ordered to, or retained on, active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, are being deployed or have been deployed.

(2) The Secretary of Defense shall determine which areas meet the criteria set out in paragraph (1).

(d) EDUCATIONAL ASSISTANCE.—Educational assistance authorized by this section may be used for the furnishing of one or more of the following forms of assistance:

(1) Protection of children, child and youth care facilities, and Department of Defense schools that are not on military installations and might be targets of terrorist activity.

(2) Individual or group counseling for children and other members of the families of members of the Armed Forces of the United States who have been deployed or are casualties.

(3) Training and technical assistance to better prepare teachers and other school employees to address questions and concerns of children of such members of the Armed Forces.

(4) Other appropriate programs, services, and information designed to address the special needs of children and other members of the families of members of the Armed Forces referred to in paragraph (2) resulting from the deployment, the return from deployment, or the medical or rehabilitation needs of such members.

(e) FAMILY SUPPORT ASSISTANCE.—Family support assistance authorized by this section may be used for the following purposes:

(1) Protection against terrorist activity.
(2) Family crisis intervention.
(3) Family counseling.
(4) Parent education programs.
(5) Family support groups.
(6) Expenses for volunteer activities.
(7) Respite care.
(8) Housing protection and advocacy.
(9) Food assistance.
(10) Employment assistance.
(11) Child care.
(12) Benefits eligibility determination services.
(13) Transportation assistance.
(14) Adult day care for dependent elderly and disabled adults.
(15) Temporary housing assistance for immediate family members visiting wounded members of the Armed Forces or receiving medical treatment at military hospitals and facilities in the United States.
(16) Reimbursement of telephone and other communication expenses incurred in mission-related activities.
(17) The Reserve Family Support Program.
(18) The expansion of Department of Defense family support centers to the extent adequate to provide support for families of members of reserve components referred to in section 682(b) and the establishment of Department of Defense family support centers in major metropolitan areas, and other communities, that are far from military installations and have large populations of families of such members.
(19) Computer and other equipment for communication between members of the Armed Forces and members of their families.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 2002, out of current and future balances in the Defense Cooperation Account, such sums as are necessary to carry out the provisions of this section.

SEC. 684. DEFENSE COOPERATION ACCOUNT DEFINED.

In this subtitle, the term ''Defense Cooperation Account'' means the Defense Cooperation Account established under section 2608 of title 10, United States Code.

SA 1749. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 2301(a), in the table, strike the item relating to MacDill Air Force Base, Florida.

In section 2301(a), in the table, strike the amount specified as the total in the amount column and insert ''$801,370,000.

In section 2304(a), in the matter preceding paragraph (1), strike ''$2,579,791,000'' and insert ''$2,569,791,000''.

In section 2304(a), strike ''$816,070,000'' and insert ''$806,070,000''.

In section 2601(2), strike ''$33,641,000'' and insert ''$42,241,000''.

SA 1750. Mr. DODD (for himself, Mr. HOLLINGS, Mr. CORZINE, Mr. BIDEN, Mr.

BINGAMAN, Mr. SARBANES, Ms. SNOWE, Mr. SPECTER, Ms. COLLINS, Mr. WARNER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1066, ASSISTANCE FOR FIREFIGHTERS.

Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) $600,000,000 for fiscal year 2002.

''(3) $800,000,000 for fiscal year 2003.

''(4) $1,000,000,000 for fiscal year 2004.''

SA 1751. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 201(1). AUTHORIZATION OF ADDITIONAL FUNDS.

AUTHORIZATION.—$2,500,000 is authorized for appropriations in section 201(1), in PE62303A214 for Enhanced Scramjet Mixing.

SA 1752. Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

STUDY AND PLAN.—

(a) With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congressional defense committees a report and the Secretary's recommendations on options for enhancing the capabilities and cost effectiveness of the helicopter support missions at the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming.

(b) Options to be reviewed include:

(1) the Air Force's current plan for replacement or modernization of UH–1N helicopters currently flown by the Air Force at the missile wings;

(2) replacement of the UH–IN helicopters currently flown by the Air Force with UH–60 Black Hawk helicopters, the UH–1Y, or anther platform;

(3) replacement of UH–1N helicopters with UH–60 helicopters and transition of the mission to the Army National Guard, as detailed in the November 21, 2000, Air Force Space Command plan, ''The Business Case for ARNG Helicopter Support to AFSPC ICBM Operations;''

(4) replacement of UH–1N helicopters with UH–60 helicopters or another platform, and establishment of composite units combining active duty Air Force and Army National Guard personnel; and,

(5) other options as the Secretary deems appropriate.

(c) Factors to be considered in this analysis include:

(1) any implications of transferring the helicopter support missions on the command and control of and responsibility for missile field force protection;

(2) current and future operational requirements, and the capabilities of the UH–1N, the UH–60 or other aircraft to meet them;

(3) cost, with particular attention to opportunities to realize efficiencies over the long run;

(4) implications for personnel training and retention; and,

(5) evaluation of the assumptions used in the plan specified in (b)(3) above.

(d) The Secretary shall consider carefully the views of the Secretary of the Army, Secretary of the Air Force, Commander in Chief of the United States Strategic Command, and the Chief of the National Guard Bureau.

SA 1753. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, after line 24, insert the following:

SEC. 335. CONSEQUENCE MANAGEMENT TRAINING.

Of the amount authorized to be appropriated by section 301(5), $5,000,000 may be available for the training of members of the Armed Forces (including reserve component personnel) in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

SA 1754. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, beginning with line 13 strike through page 154, line 16 and insert the following:

Subtitle F—Uniformed Services Overseas Voting

SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

''(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely—

''(A) on the grounds that the ballot—

''(i) lacked a witness signature, an address, or a postmark; or

''(ii) did not display the proper postmark; or

''(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms.

''(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by

section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **''FOR FEDERAL OFFICE''**.

SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

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

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under'';

(2) by striking ''this section'' and inserting ''this subsection''; and

(3) by adding at the end the following:

''(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation as a polling place in any Federal, State, or local election for public office.

''(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

''(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.''.

(2) Section 18236 of such title is amended by adding at the end the following:

''(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).''.

(c) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(2) Section 593 of such title is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: ''Making a military installation or reserve component facility available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, shall be deemed to be consistent with this section.''.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections''.

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.''.

SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any recently separated uniformed services voter requesting to vote in the State—

(1) deem the voter to be a resident of the State;

(2) waive any requirement relating to any period of residence or domicile in the State for purposes of registering to vote or voting in that State;

(3) accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application from the voter on the day of the election; and

(4) permit the voter to vote in that election.

(b) DEFINITIONS.—In this section:

(1) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term ''recently separated uniformed services voter'' means any individual that was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term ''legislative recommendation'' means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term ''Presidential designee'' means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

SA 1755. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, beginning with line 13 strike through page 154, line 16 and insert the following:

Subtitle F—Uniformed Services Overseas Voting

SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

''(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely—

''(A) on the grounds that the ballot—

''(i) lacked a witness signature, an address, or a postmark; or

''(ii) did not display the proper postmark; or

''(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms.

''(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking ''**FOR FEDERAL OFFICE**''.

SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

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

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense

considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any recently separated uniformed services voter requesting to vote in the State—

(1) deem the voter to be a resident of the State;

(2) waive any requirement relating to any period of residence or domicile in the State for purposes of registering to vote or voting in that State;

(3) accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application from the voter on the day of the election; and

(4) permit the voter to vote in that election.

(b) DEFINITIONS.—In this section:

(1) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term ''recently separated uniformed services voter'' means any individual that was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term ''legislative recommendation'' means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term ''Presidential designee'' means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

SA 1756. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1217. DEVELOPMENT AND IMPLEMENTATION OF KEY LIST OF TECHNOLOGY TO STRENGTHEN EXPORT CONTROLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall complete the assessment described in subsection (b) which shall be the basis for the development of a Key List of technology and for implementing an export control program that is aimed at preventing attempts by the People's Republic of China to acquire certain technology.

(b) ASSESSMENT DESCRIBED.—

(1) IN GENERAL.—The Assessment performed by the Secretary of Defense shall include an assessment of—

(A) efforts by the People's Republic of China to acquire certain technology;

(B) how the military strategy of the People's Republic of China relates to its technology requirements; and

(C) the impact the technology requirements and military strategy of the People's Republic of China have on the ability of the United States to protect the Pacific area and the national interest of the United States and its allies.

(2) DEVELOPMENT OF KEY LIST OF TECHNOLOGY.—After performing the assessment described in paragraph (1), the Secretary of Defense, in consultation with the Secretary, shall develop a Key List of technology aimed at safeguarding against attempts by the People's Republic of China to acquire items on the Key List and at protecting the national security interest of the United States and its allies.

(c) STRENGTHENING EXPORT CONTROLS.—The Secretary shall strengthen export control processes and peer review to prevent the transfer of Key List technologies and shall coordinate all of the Department of Commerce's export control measures with the Department of Defense, Department of State, Department of Energy, and the Central Intelligence Agency.

(d) INTERNATIONAL COOPERATION.—The Secretary of State shall implement an international program to gain cooperation from other countries to prevent the export or transfer of Key List technologies to the People's Republic of China.

SA 1757. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 2901, 2902, and 2903 and insert the following:

SEC. 2901. AUTHORITY TO CARRY OUT BASE CLOSURE ROUND IN 2005.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iv) by no later than January 24, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress.''; and

(B) in subparagraph (C), by striking ''or for 1995 in clause (iii) of such subparagraph'' and inserting '', for 1995 in clause (iii) of that subparagraph, or for 2005 in clause (iv) of that subparagraph''.

(2) MEETINGS.—Section 2902(e) of that Act is amended by striking ''and 1995'' and inserting ''1995, and 2005''.

(3) FUNDING.—Section 2902(k) of that Act is amended by adding at the end the following new paragraph (4):

''(4) If no funds are appropriated to the Commission by the end of the second session of the 108th Congress for the activities of the Commission in 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.''.

(4) TERMINATION.—Section 2902(l) of that Act is amended by striking ''December 31, 1995'' and inserting ''December 31, 2005''.

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Section 2903(a) of that Act is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2005, the Secretary shall include a force-structure plan for the Armed Forces based on the probable threats to the national security during the twenty-year period beginning with fiscal year 2005.

''(B) The Secretary may revise the force-structure plan submitted under subparagraph (A). If the Secretary revises the force-structure plan, the Secretary shall submit the revised force-structure plan to Congress as part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2006.''; and

(C) in paragraph (3), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding subparagraph (A), by striking ''Such plan'' and inserting ''Each force-structure plan under this subsection''; and

(ii) in subparagraph (A), by striking ''referred to in paragraph (1)'' and inserting ''on which such force-structure plan is based''.

(2) SELECTION CRITERIA.—Section 2903(b) of that Act is amended—

(A) in paragraph (1), by inserting ''and by no later than December 31, 2003, for purposes of activities of the Commission under this part in 2005,'' after ''December 31, 1990,''; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting ''and by no later than February 15, 2004, for purposes of activities of the Commission under this part in 2005,'' after ''February 15, 1991,''; and

(ii) in the second sentence, by inserting '', or enacted on or before March 31, 2004, in the case of criteria published and transmitted under the preceding sentence in 2004'' after ''March 15, 1991''.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Section 2903(c)(1) of that Act is amended by striking ''and March 1, 1995'' and inserting ''March 1, 1995, and March 14, 2005''.

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Section 2903(d) of that Act is amended—

(A) in paragraph (2)(A), by inserting ''or by no later than July 7 in the case of recommendations in 2005,'' after ''pursuant to subsection (c),'';

(B) in paragraph (4), by inserting ''or after July 7 in the case of recommendations in 2005,'' after ''under this subsection,''; and

(C) in paragraph (5)(B), by inserting ''or by no later than May 1 in the case of such recommendations in 2005,'' after ''such recommendations,''.

(5) REVIEW BY PRESIDENT.—Section 2903(e) of that Act is amended—

(A) in paragraph (1), by inserting ''or by no later than July 22 in the case of recommendations in 2005,'' after ''under subsection (d),'';

(B) in the second sentence of paragraph (3), by inserting ''or by no later than August 18 in the case of 2005,'' after ''the year concerned,''; and

(C) in paragraph (5), by inserting ''or by September 3 in the case of recommendations in 2005,'' after ''under this part,''.

(c) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking ''December 31, 1995,'' and inserting ''December 31, 2005, or a later date specified by the President under section 2903A(b)(2) if a deadline under section 2902 or 2903 is postponed by the President under section 2903A(a),''.

SEC. 2902. BASE CLOSURE ACCOUNT 2005.

(a) ESTABLISHMENT.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after section 2906 the following new section:

''SEC. 2906A. BASE CLOSURE ACCOUNT 2005.

''(a) IN GENERAL.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Department of Defense Base Closure Account 2005' (in this section referred to as the 'Account'). The Account shall be administered by the Secretary as a single account.

''(2) There shall be deposited into the Account—

''(A) funds authorized for and appropriated to the Account;

''(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

''(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this part pursuant to a closure or realignment the date of approval of which is after September 30, 2005.

''(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).

''(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is after September 30, 2005.

''(2) When a decision is made to use funds in the Account to carry out a construction project under section 2905(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

''(c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

''(B) The report for a fiscal year shall include the following:

''(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.

''(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

''(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

''(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

''(I) any failure to carry out military construction projects that were so proposed; and

''(II) any expenditures for military construction projects that were not so proposed.

''(2) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is after September 30, 2005, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

''(A) all the funds deposited into and expended from the Account or otherwise expended under this part with respect to such installations; and

''(B) any amount remaining in the Account.

''(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part the date of approval of closure or realignment of which is after September 30, 2005, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

''(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

''(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

''(A) commissary stores; and

''(B) real property and facilities for nonappropriated fund instrumentalities.

''(4) In this subsection, the terms 'commissary store funds', 'nonappropriated funds', and 'nonappropriated fund instrumentality' shall have the meaning given those terms in section 2906(d)(4).

''(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except as provided in section 2906(e) with respect to funds in the Department of Defense Base Closure Account 1990 under section 2906 and except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).''.

(b) CONFORMING AMENDMENTS.—Section 2906 of that Act is amended—

(1) in subsection (a)(2)(C), by inserting ''the date of approval of closure or realignment of which is before September 30, 2005'' after ''under this part'';

(2) in subsection (b)(1), by inserting ''with respect to military installations the date of approval of closure or realignment of which is before September 30, 2005,'' after ''section 2905'';

(3) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A), by inserting ''with respect to military installations the date of approval of closure or realignment of which is before September 30, 2005,'' after ''under this part''; and

(B) in subparagraph (A), by inserting ''with respect to such installations'' after ''under this part'';

(4) in subsection (d)(1), by inserting ''the date of approval of closure or realignment of which is before September 30, 2005'' after ''under this part''; and

(5) in subsection (e), by striking ''Except for'' and inserting ''Except as provided in section 2906A(e) with respect to funds in the Department of Defense Base Closure Account 2001 under section 2906A and except for''.

(c) CLERICAL AMENDMENT.—The section heading of section 2906 of that Act is amended to read as follows:

''SEC. 2906. BASE CLOSURE ACCOUNT 1990.''.

SEC. 2903. ADDITIONAL MODIFICATIONS OF BASE CLOSURE AUTHORITIES.

(a) INCREASE IN MEMBERS OF COMMISSION.—Section 2902(c)(1)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking ''eight members'' and inserting ''nine members''.

(b) SELECTION CRITERIA.—Section 2903(b) of that Act is amended by adding at the end the following new paragraphs:

''(3) The selection criteria shall ensure that military value is the primary consideration in the making of recommendations for the closure or realignment of military installations under this part.

''(4) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall take into account the effect of the proposed closure or realignment on the costs of any other Federal agency that may be required to assume responsibility for activities at the military installation.''.

(c) DEPARTMENT OF DEFENSE RECOMMENDATIONS TO COMMISSION.—Section 2903(c) of that Act is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (4), (6), (7), and (8), respectively;

(2) by inserting before paragraph (2), as so redesignated, by the following new paragraph (1):

''(1) The Secretary shall carry out a comprehensive review of the military installations of the Department of Defense inside the United States based on the force-structure plan submitted under subsection (a)(2), and the final criteria transmitted under subsection (b)(2), in 2004. The review shall cover every type of facility or other infrastructure operated by the Department of Defense.'';

(3) in paragraph (4), as so redesignated—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) In considering military installations for closure or realignment under this part in any year after 2001, the Secretary shall consider the anticipated continuing need for and availability of military installations worldwide. In evaluating the need for military installations inside the United States, the Secretary shall take into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.''; and

(C) in subparagraph (D), as so redesignated, by striking ''subparagraph (B)'' and inserting ''subparagraph (C)'';

(4) by inserting after paragraph (4), as so redesignated, the following new paragraph (5):

''(5)(A) In making recommendations to the Commission under this subsection in any year after 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

''(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

''(C) The recommendations made by the Secretary under this subsection in any year after 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.''; and

(5) in paragraph (8), as so redesignated—

(A) in the first sentence, by striking ''paragraph (5)(B)'' and inserting ''paragraph (7)(B)''; and

(B) in the second sentence, by striking ''24 hours'' and inserting ''48 hours''.

(d) COMMISSION CHANGES IN RECOMMENDATIONS OF SECRETARY.—Section 2903(d)(2) of that Act is amended—

(1) in subparagraph (B), by striking ''if'' and inserting ''only if'';

(2) in subparagraph (C)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

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

''(v) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.'';

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) In the case of a change not described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission—

''(i) makes the determination required by subparagraph (B);

''(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1); and

''(iii) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.''.

(e) PRIVATIZATION IN PLACE.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 2001 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined by the Commission to be the most-cost effective method of implementation of the recommendation;''.

(f) IMPLEMENTATION.—

(1) PAYMENT FOR CERTAIN SERVICES FOR PROPERTY LEASED BACK BY THE UNITED STATES.—Section 2905(b)(4)(E) of that Act is amended—

(1) in clause (iii), by striking ''A lease'' and inserting ''Except as provided in clause (v), a lease''; and

(2) by adding at the end the following new clause (v):

''(v)(I) Notwithstanding clause (iii), a lease under clause (i) may require the United States to pay the redevelopment authority concerned, or the assignee of the redevelopment authority, for facility services and common area maintenance provided for the leased property by the redevelopment authority or assignee, as the case may be.

''(II) The rate charged the United States for services and maintenance provided by a redevelopment authority or assignee under subclause (I) may not exceed the rate charged non-Federal tenants leasing property at the installation for such services and maintenance.

''(III) For purposes of this clause, facility services and common area maintenance shall not include municipal services that the State or local government concerned is required by law to provide without direct charge to landowners, or firefighting or security-guard functions.''.

(2) TRANSFERS IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Section 2905(e) of that Act is amended—

(A) in paragraph (1)(B), by adding at the end the following new sentence: ''The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this part after 2001 that are available for purposes other than to assist the homeless.'';

(B) in paragraph (2)(A), by striking ''to be paid by the recipient of the property or facilities'' and inserting ''otherwise to be paid by the Secretary with respect to the property or facilities'';

(C) by striking paragraph (6);

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), (6), respectively; and

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

''(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

''(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

''(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.''.

(3) SCOPE OF INDEMNIFICATION OF TRANSFEREES IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Paragraph (6) of section 2905(e) of that Act, as redesignated by paragraph (1) of this subsection, is further amended by inserting before the period the following: '', except in the case of releases or threatened releases not disclosed pursuant to paragraph (4)''.

SA 1758. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 4, strike ''$190,255,000'' and insert ''$230,255,000''.

SA 1759. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

SA 1760. Mr. REID (for himself, Mr. HUTCHINSON, Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUYE, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 207, strike line 18 and all that follows through page 209, line 12, and insert the following:

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 2002.

(2) No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as added by the amendment made by subsection (a), for any period before the effective date under paragraph (1).

SA 1761. Ms. LANDRIEU (for herself and Mr. DOMENICI) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3135. BIOFUSION RESEARCH.

Of the amounts authorized to be appropriated by section 3103(a) for the Department of Energy for other defense activities, $2,500,000 shall be available for the Office of Security and Emergency Operations of the Department of Energy for biofusion research.

SA 1762. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1027. DEPARTMENT OF DEFENSE REPORT TO FEDERAL TRADE COMMISSION ON ANTITRUST IMPLICATIONS OF MERGER INVOLVING NATIONAL SMOKELESS NITROCELLULOSE INDUSTRY.

Not later than 30 days after the date of the enactment of this Act, the Department of Defense shall submit to the Federal Trade Commission the views of the Department on the antitrust implications for the national smokeless nitrocellulose industry of a joint-venture involving a national smokeless nitrocellulose producer.

SA 1763. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1066. SENSE OF SENATE ON DEPARTMENT OF DEFENSE REGARDING ANTITRUST IMPLICATIONS OF JOINT VENTURE TO PRODUCE PROPELLANT AND PROPELLANT PRODUCTS.

(a) FINDING.—The Senate finds that the Federal Trade Commission has met with Department of Defense personnel regarding the potential antitrust implications of a joint venture to produce propellant and propellant products.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense should express its views on the antitrust implications of the joint venture described in subsection 9a) to the Federal Trade Commission not later than 30 days after enactment of this Act.

SA 1764. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 664. EXPANDED SCOPE OF AUTHORITY TO WAIVE TIME LIMITATIONS ON CLAIMS FOR MILITARY PERSONNEL BENEFITS.

(a) AUTHORITY.—Subsection (e)(1) of section 3702 of title 31, United States Code, is amended by striking ''a claim for pay, allowances, or payment for unused accrued leave under title 37 or a claim for retired pay under title 10'' and inserting ''a claim referred to in subsection (a)(1)(A)''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to claims presented to the Secretary of Defense under section 3702 of title 31, United States Code, on or after the date of the enactment of this Act.

SA 1765. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table, as follows:

At the end of subtitle C of title 10, add the following:

SEC. 1027. QUADRENNIAL QUALITY OF LIFE REVIEW.

(a) REQUIREMENT FOR REVIEW.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118 the following new section:

''§ 118a. Quadrennial quality of life review

''(a) POLICY.—The quality of life needs of members of the armed forces shall be a primary concern of the Secretary of Defense.

''(b) REQUIREMENT FOR REVIEW.—(1) To determine the quality of life needs of members and to express the primacy of those needs as a concern of the Department of Defense, the Secretary of Defense shall every four years conduct a comprehensive examination of morale, welfare, and recreation activities of the Department of Defense that affect the lives of members of the armed forces. The review shall be known as the 'quadrennial quality of life review'.

''(2) The review shall be conducted two years after the quadrennial defense review is conducted under section 118 of this title.

''(3) The Secretary shall conduct the review in consultation with the Chairman of the Joint Chiefs of Staff.

''(c) CONSIDERATIONS.—In conducting the review, the Secretary shall consider the quality of life priorities and issues relating to the following matters:

''(1) Infrastructure.

''(2) Military construction.

''(3) Physical conditions at bases and facilities.

''(4) Budgetary plans.

''(5) Adequacy of medical care for members of the armed forces and their dependents.

''(6) Adequacy of housing.

''(7) Housing related costs such as utility costs, together with the adequacy of the basic allowance for housing for meeting the housing needs of members of the armed forces.

''(8) The adequacy of the basic allowance for subsistence.

''(9) Educational opportunities and costs for members and dependents.

''(10) Duration of deployments.

''(11) Rates of pay, including the relationship between the rates of pay for members and the rates of pay for civilians.

''(12) Recruitment and retention.

''(13) Workplace safety.

''(14) Family support services.

''(15) The relationship between the other elements of the defense program and policies of the United States and quality of life needs of members.

''(16) Any other priorities and issues that relate to the quality of life of members.

''(17) The relationship of the quality of life priorities, issues, and actions with the national security strategy set forth in the latest national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

''(c) CONTENT.—The quadrennial quality of life review shall include the following matters:

''(1) The measures necessary to provide members of the armed forces with a quality of life reasonably necessary to maximize support and minimize distractions that affect the will and capabilities of members of

the armed forces to execute successfully the full range of missions called for in the national defense strategy.

''(2) A full accounting of any backlog of maintenance and repair projects for housing and facilities at military installations, together with an assessment of how conditions of disrepair affect the performance and quality of life of members and their families.

''(3) A budgetary plan setting forth the resources and schedules of actions necessary to improve the quality of life for military personnel called on to carry out the national security strategy, including resources and schedules for reducing and eliminating any backlog of maintenance and repair projects identified under paragraph (2).

''(d) REPORT TO CONGRESS.—The Secretary shall submit a report on each quadrennial quality of life review to the Committees on Armed Services of the Senate and House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted. The report shall include the following:

''(1) The results of the review, including a comprehensive discussion of how the quality of life of members of the armed forces affects military preparedness and readiness and the execution of the national security strategy of the United States.

''(2) The long term quality of life problems to be addressed by the armed forces, together with proposed remedies.

''(3) The short term quality of life problems to be addressed by the armed forces, together with proposed remedies.

''(4) The assumptions used in the review.

''(5) The effects of quality of life issues on the morale of the members of the armed forces.

''(6) The quality of life issues that affect members of the reserve components, together with proposed remedies.

''(7) The percentage of defense spending that it is appropriate to allocate to the quality of life of members of the armed forces.

''(e) CJCS REVIEW.—Upon the completion of the quadrennial quality of life review, the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of the quality of life of the members of the armed forces. The assessment shall be included in its entirety in the report on the review required under subsection (d).

''(f) INDEPENDENT REVIEW.—Before submitting the report on the quadrennial quality of life review to Congress, the Secretary shall make the report available to persons independent of the Federal Government whose interests and expertise the Secretary determines relevant to issues of the quality of life of members of the armed forces and shall invite those persons to review the report and to submit comments on the report to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by inserting after the item relating to section 118 the following new item:

''118a. Quadrennial quality of life review.''.

SA 1766. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. . TEMPORARY AUTHORITY TO ASSIST FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Notwithstanding 10 U.S.C. 375, the Secretary of Defense, shall, in accordance with other applicable law, make Department of Defense personnel available to support the Department of Transportation in providing no less than one federal air marshal on each United States domestic commercial passenger flight.

(b) LIMITATION.—The authority provided in subsection (a) shall expire:

(1) when the President certifies to Congress that there is a sufficient number of civilian air marshals trained and available to provide security for all United States domestic commercial passenger flights; or

(2) on September 30, 2002.

SA 1767. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. TEMPORARY AUTHORITY TO ASSIST FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Notwithstanding 10 U.S.C. 375, the Secretary of Defense, may, in accordance with other applicable law, make Department of Defense personnel available to support the Department of Transportation in providing no less than one federal air marshal on each United States domestic commercial passenger flight.

(b) LIMITATION.—The authority provided in subsection (a) shall expire:

(1) when the President certifies to Congress that there is a sufficient number of civilian air marshals trained and available to provide security for all United States domestic commercial passenger flights; or

(2) on September 30, 2002.

SA 1768. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. NICKLES, Mr. SMITH of New Hampshire, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A of the bill, add the following new title:

TITLE XIV—AMERICAN ARMED FORCES PROTECTION ACT OF 2001

SEC. 1401. SHORT TITLE.

This title may be cited as the ''American Armed Forces Protection Act 2001''.

SEC. 1402. FINDINGS AND POLICY.

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

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court''. The vote on whether to proceed with the Statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of September 15, 2001, 139 countries had signed the Rome Statute and 38 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the Statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''.

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the

Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government deserve the full protection of the United States Constitution with respect to official actions taken by them to protect the national interests of the United States.

(10) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a direct contravention of the sovereign equality of all member states under Article 2 of the Charter of the United Nations, and is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) POLICY OF THE UNITED STATES REGARDING THE ROME STATUTE.—

(1) POLICY.—

(A) INTENTION TO REMAIN OUTSIDE THE STATUTE.—It is the policy of the United States that the United States will not become a state party to the Rome Statute.

(B) FINDING REGARDING THE LEGAL STATUS OF THE INTERNATIONAL CRIMINAL COURT AND THE PREPARATORY COMMISSION.—Because the United States has not ratified the Rome Statute as a treaty under Article II, Section 2, Clause 2, of the Constitution of the United States, Congress finds the International Criminal Court and the Preparatory Commission are not judicial bodies or instruments of international law with respect to the United States or to citizens of the United States.

(2) DIPLOMATIC COMMUNICATION OF POLICY.—

(A) TRANSMITTAL OF INTENT TO THE UNITED NATIONS.—It is the sense of Congress that the President should provide written notification to the Secretary-General of the United Nations of the policy contained in paragraph (1).

(B) INSTRUCTIONS TO UNITED STATES REPRESENTATIVES.—It is the sense of Congress that the President should instruct all representatives of the United States in any international forum or setting, including any forum regarding the availability of funds, to put forward, as United States policy regarding the International Criminal Court and the Preparatory Commission, the policy contained in paragraph (1).

SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS ACT.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. Such a waiver may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 1405 AND 1407 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree they would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) CONSTRUCTION.—The provisions of this section—

(1) apply only to the International Criminal Court established by the Rome Statute; and

(2) shall not be construed to prohibit—

(A) any action permitted under section 1408;

(B) any other action taken by members of the Armed Forces of the United States outside the territory of the United States while engaged in military operations involving the threat or use of force when necessary to protect such personnel from harm or to ensure the success of such operations; or

(C) communication by the United States to the International Criminal Court of its policy with respect to a particular matter.

(b) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—No funds available to any United States agency, entity, or court may be used to provide any assistance under any treaty or executive agreement for mutual legal assistance in any criminal matter, any multilateral convention with legal assistance provisions, or any extradition treaty, to which the United States is a party, or in connection with the execution or issuance of any letter rogatory, to the International Criminal Court.

(c) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 1405. CONDITIONS FOR THE PROTECTION OF UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—No funds available to any United States agency or entity may be used for the participation of any member of the Armed Forces of the United States in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution by the International Criminal Court because—

(1) in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution by the International Criminal Court for actions undertaken by them in connection with the operation; or

(2) the United States has taken other appropriate steps to guarantee that members of the Armed Forces of the United States participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CERTAIN CLASSIFIED NATIONAL SECURITY INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) DIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information to the International Criminal Court.

(b) INDIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information relevant to matters under consideration by the International Criminal Court to the United Nations and to the government of any country that is a party to the International Criminal Court unless the United Nations or that government, as the case may be, has provided written assurances that such information will not be made available to the International Criminal Court.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) WAIVER.—The President may waive the prohibition of subsection (a) with respect to a particular country—

(1) for one or more periods not exceeding one year each, if the President determines and reports to the appropriate congressional committees that it is vital to the national interest of the United States to waive such prohibition; and

(2) permanently, if the President determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(c) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including, inter alia, Israel, Australia, Egypt, Japan, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS HELD CAPTIVE BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release from captivity of any person described in subsection (b) who is being detained or imprisoned against that person's will by or on behalf of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court, the authority under subsection (a) may be used—

(1) for the provision of legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section); and

(2) for the provision of exculpatory evidence on behalf of that person.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—Subsection (a) does not authorize the payment of bribes or the provision of other incentives to induce the release from captivity of a person described in subsection (b).

SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 1410. NONDELEGATION.

The authorities vested in the President by sections 1403, 1405(c), and 1407(b) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law.

SEC. 1411. DEFINITIONS.

As used in this Act and in sections 705 and 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including, inter alia, Israel, Australia, Egypt, Japan, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, other United States citizens, and any other person employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' include both ''extradition'' and ''surrender'' as those terms are defined in article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(9) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(10) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(11) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(12) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapters 2 through 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees; or

(C) military training or education activities provided by any agency or entity of the United States Government.

Such term does not include activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SA 1769. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ___EQUAL PROTECTION OF VOTING RIGHTS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Equal Protection of Voting Rights Act of 2001''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government ''of the people, by the people, and for the people'' where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

Subtitle A—Commission on Voting Rights and Procedures

SEC. ___11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.

There is established the Commission on Voting Rights and Procedures (in this subtitle referred to as the ''Commission'').

SEC. ___12. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) QUALIFICATIONS.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect its powers.

(B) MANNER OF REPLACEMENT.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VOTING.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

SEC. ___13. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973ff);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff–6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff–6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems, provisional voting, and sample ballots described in section ___31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(2) WEBSITE.—In addition to any other publication activities the Commission may be required to carry out, for purposes of conducting the study under this subsection the Commission shall establish an Internet website to facilitate public comment and participation.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters,

overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) RECOMMENDATIONS FOR VOTER PARTICIPATION IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and nondiscriminatory election technology and administration requirements under section ___31.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) CONTENT.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);

(ii) a detailed statement of the recommendations developed under subsection (b) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

SEC. ___14. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission (or such subcommittee or member) considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Any subpoena issued under subsection (a) shall be issued by the chairperson and vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. ___15. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson and vice chairperson of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. ___16. TERMINATION OF THE COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section ___13(c)(2).

SEC. ___17. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle B—Election Technology and Administration Improvement Grant Program

SEC. ___21. ESTABLISHMENT OF GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General, subject to the general policies and criteria for the approval of applications established under section ___23 and in consultation with the Federal Election Commission, is authorized to make grants to States and localities to pay the Federal share of the costs of the activities described in section ___22.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General for the Office of Justice Programs and the Assistant Attorney General for the Civil Rights Division.

SEC. ___22. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, or replace voting equipment or technology and improve the accessibility of polling places, including providing physical access for persons with disabilities and to other individuals with special needs, and nonvisual access for voters with visual impairments, and assistance to voters with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as ''same-day'' voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election personnel; or

(4) upon completion of the final report under section ___13(c)(2), to implement recommendations contained in such report under section ___13(c)(2)(B)(ii).

(b) REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.—A State or locality may use grant payments received under this subtitle—

(1) on or after the date on which the voting system requirements specifications are issued under section ___32(a), to implement the requirements under section ___31(a);

(2) on or after the date on which the provisional voting requirements guidelines are issued under section ___32(b), to implement the requirements under section ___31(b); and

(3) on or after the date on which the sample ballot requirements guidelines are issued under section ___32(c), to implement the requirements under section ___31(c).

SEC. ___23. GENERAL POLICIES AND CRITERIA FOR THE APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES; REQUIREMENTS OF STATE PLANS.

(a) GENERAL POLICIES.—The Attorney General shall establish general policies with respect to the approval of applications of States and localities, the awarding of grants, and the use of assistance made available under this subtitle.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities submitted under section ___24, including the requirements for State plans under paragraph (2).

(2) REQUIREMENTS OF STATE PLANS.—The Attorney General shall not approve an application of a State unless the State plan of that State provides for each of the following:

(A) Uniform nondiscriminatory voting standards within the State for election administration and technology that—

(i) meet the requirements for voting systems, provisional voting, and sample ballots described in section ___31;

(ii) provide for ease and convenience of voting for all voters, including accuracy, nonintimidation, and nondiscrimination;

(iii) ensure conditions for voters with disabilities, including nonvisual access for voters with visual impairments, provide the same opportunity for access and participation by such voters, including privacy and independence;

(iv) ensure access for voters with limited English language proficiency, voters who need assistance in order to understand the voting process or how to cast a ballot, and other voters with special needs;

(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a);

(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out subparagraph (D).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The criteria established by the Attorney General under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section ___31.

(c) CONSULTATION.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

SEC. ___24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.

(a) SUBMISSION OF APPLICATIONS BY STATES.—

(1) IN GENERAL.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under section ___22 for which assistance under this subtitle is sought; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section ___23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ___26(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.—

(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) CONSISTENCY WITH STATE PLAN.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) NONDUPLICATION OF EFFORT.—Assurances that any assistance directly provided to the locality under this subtitle is not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ___26(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

SEC. ___25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section ___23.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section ___24(a)(1), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section ___23.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section ___24(b) in accordance with the general policies and criteria established under section ___23.

SEC. ___26. FEDERAL MATCHING FUNDS.

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section ___25 the Federal share of the cost of the activities described in that application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COST OF MEETING REQUIREMENTS.—With respect to the authorized activities described in section ___22(b) insofar as a State or locality incurs expenses to meet the requirements of section ___31, the Federal share shall be 100 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. ___27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

SEC. ___28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. ___29. DEFINITIONS OF STATE AND LOCALITY.

In this subtitle:

(1) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term ''locality'' means a political subdivision of a State.

SEC. ___30. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(3) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(b) LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2)(B) of such subsection.

Subtitle C—Requirements for Election Technology and Administration

SEC. ___31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) PROVISIONAL VOTING.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) SAMPLE BALLOT.—

(1) MAILINGS TO VOTERS.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) PUBLICATION AND POSTING.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

SEC. ___32. GUIDELINES AND TECHNICAL SPECIFICATIONS.

(a) VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section ___31(a).

(b) PROVISIONAL VOTING GUIDELINES.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section ___31(b).

(c) SAMPLE BALLOT GUIDELINES.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section ___31(c).

SEC. ___33. REQUIRING STATES TO MEET REQUIREMENTS.

(a) IN GENERAL.—Subject to subsection (b), a State or locality shall meet the requirements of section ___31 with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section ___32 prior to the publication of such guidelines and specifications.

(b) TREATMENT OF ACTIVITIES RELATING TO VOTING SYSTEMS UNDER GRANT PROGRAM.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section ___22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section ___31(a).

SEC. ___34. ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

Subtitle D—Miscellaneous

SEC. ___41. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

SA 1770. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1066. PROTECTION OF WORKER HEALTH AT IOWA ARMY AMMUNITION PLANT, IOWA.

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

(1) Workers at the Atomic Energy Commission nuclear weapons production facility at the Iowa Army Ammunition Plant, Iowa (IAAP), from 1947 to 1975 were exposed to radioactive and other hazardous substances that could harm their health.

(2) Workers at the Army plant at the IAAP worked for the same contractor as workers in the nuclear weapons production facility, at the same site, and sometimes in buildings that had been used for nuclear weapons work. Workers at the Army plant were exposed to many of the radioactive and other hazardous substances to which workers at the Atomic Energy Commission facility were exposed. Some workers worked at both the Atomic Energy Commission facility and the Army plant.

(3) The policy of the Department of Defense to neither confirm nor deny the presence of nuclear weapons at any site has prevented the Department from acknowledging the reason for some exposures of workers to radioactive or other hazardous substances at Department facilities, and secrecy oaths have discouraged some workers from discussing possible exposure to such substances at such facilities with their health care providers and other officials.

(4) The Department of Energy has publicly acknowledged that nuclear weapons were manufactured and dismantled at the IAAP before the plant was closed more than 25 years ago.

(5) In the past, the Department of Defense has publicly acknowledged that the United States had nuclear weapons in Alaska, Hawaii, Puerto Rico, Guam, Johnston Island, Midway Islands, the United Kingdom, West Germany, and Cuba, but has denied having weapons in Iceland.

(6) The Department of the Army in 1999 requested permission to release the names of Army installations that were former nuclear weapons storage sites, and to release information about such sites, but such permission was not granted.

(7) Section 1078 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–282) requires the Secretary of Defense—

(A) to review Department of Defense classification and security policies;

(B) to identify and notify former employees of defense nuclear weapons facilities who may have been exposed to radioactive or hazardous substances associated with nuclear weapons at such facilities; and

(C) to submit to Congress a report on such actions by May 1, 2001.

(8) It is critical to maintain national secrets regarding nuclear weapons, but more openness on nuclear weapons activities now consigned to history is needed to protect the health of former workers at defense nuclear weapons production facilities and the public.

(b) MODIFICATION OF GENERAL REQUIREMENTS.—Section 1078(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–283) is amended—

(1) in paragraph (1), by inserting '', or its contractors or subcontractors,'' after ''Department of Defense''; and

(2) in paragraph (3), by striking ''stored, assembled, disassembled, or maintained'' and inserting ''manufactured, assembled, or disassembled''.

(c) DETERMINATION OF EXPOSURES AT IAAP.—The Secretary of Defense shall take appropriate actions to determine the nature and extent of the exposure of current and former employees at the Army facility at the Iowa Army Ammunition Plant, Iowa, including contractor and subcontractor employees at the facility, to radioactive or other hazardous substances at the facility, including possible pathways for the exposure of such employees to such substances.

(d) NOTIFICATION OF EMPLOYEES REGARDING EXPOSURE.—(1) The Secretary shall take appropriate actions to—

(A) identify current and former employees at the facility referred to in subsection (c), including contractor and subcontractor employees at the facility; and

(B) notify such employees of known or possible exposures to radioactive or other hazardous substances at the facility.

(2) Notice under paragraph (1)(B) shall include—

(A) information on the discussion of exposures covered by such notice with health care providers and other appropriate persons who do not hold a security clearance; and

(B) if necessary, appropriate guidance on contacting health care providers and officials involved with cleanup of the facility who hold an appropriate security clearance.

(3) Notice under paragraph (1)(B) shall be by mail or other appropriate means, as determined by the Secretary.

(e) DEADLINE FOR ACTIONS.—The Secretary shall complete the actions required by subsections (c) and (d) not later than 60 days after the date of the enactment of this Act.

(f) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the results of the actions undertaken by the Secretary under this section, including any determinations under subsection (c), the number of workers identified under subsection (d)(1)(A), the content of the notice to such workers under subsection (d)(1)(B), and the status of progress on the provision of the notice to such workers under subsection (d)(1)(B).

SA 1771. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 215. BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $8,000,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) $6,600,000 shall be available for the Big Crow program; and

(2) $1,500,000 shall be available for the Defense Systems Evaluation (DSE) program.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $8,000,000.

SA 1772. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 217, strike line 18 and all that follows through page 226, line 17, and insert the following:

Subtitle A—TRICARE Benefits Modernization

SEC. 701. REQUIREMENT FOR INTEGRATION OF BENEFITS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program carried out under section 1079(a)(17) of title 10, United States Code (as in effect on September 30, 2001); and

(2) integrate the beneficiaries under that program, and the furnishing of care to those beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this subtitle.

(b) REPEAL OF SEPARATE AUTHORITY.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17).

(c) SAVINGS PROVISION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to modify any eligibility requirement for any person receiving benefits under the Individual Case Management Program before October 1, 2001; or

(2) to terminate any benefits available under that program before that date.

(d) CONSULTATION REQUIREMENT.—The Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, in carrying out this section.

SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

(a) AUTHORITY.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting before the period end the following: '', except as provided in subsection (e)''; and

(2) by adding at the end the following new subsection:

''(e) The prohibition in subsection (b)(1) does not apply to domiciliary care or custodial care that is provided to a patient by a physician, nurse, paramedic, or other health care provider incident to other health care authorized under subsection (a), whether or not—

''(1) the potential for the patient's condition of illness, injury, or bodily malfunction to improve might be nonexistent or minimal; or

''(2) the care is provided for the purposes of maintaining function and preventing deterioration.''.

(b) DOMICILIARY AND CUSTODIAL CARE DEFINED.—Section 1072 of such title is amended by adding at the end the following new paragraphs:

''(8) The term 'domiciliary care' means treatment or services involving assistance with the performance of activities of daily living that is provided to a patient in a home-like setting because—

''(A) the treatment or services are not available, or are not suitable to be provided, to the patient in the patient's home; or

''(B) no member of the patient's family is willing to provide the treatment or services.

''(9) The term 'custodial care'—

''(A) means treatment or services that—

''(i) could be provided safely and reasonably by a person not trained as a physician, nurse, paramedic, or other health care provider; or

''(ii) are provided principally to assist the recipient of the treatment or services with the performance of activities of daily living; and

''(B) includes any treatment or service described in subparagraph (A) without regard to—

''(i) the source of any recommendation to provide the treatment or service; and

''(ii) the setting in which the treatment or service is provided.''.

SEC. 703. LONG TERM CARE.

(a) LIMITATION.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

''§ 1074j. Long term care benefits program

''(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall provide long term health care benefits under the TRICARE program in an effective and efficient manner that integrates those benefits with the benefits provided on a less than a long term basis under the TRICARE program.

''(b) AUTHORIZED CARE.—The types of health care authorized to be provided under this section shall include the following:

''(1) The types of health care authorized to be acquired by contract under section 1079 of this title.

''(2) Extended care services.

''(3) Post-hospital extended care services.

''(4) Comprehensive intermittent home health services.

''(5) Subject to subsection (d), community based services, as follows:.

''(A) Nursing services provided by or under the supervision of a nurse.

''(B) Therapy services.

''(C) Medical equipment and supplies.

''(D) In the case of a patient with concurrent skilled care needs, the following:

''(i) Home health aide services.

''(ii) Performance of chores.

''(iii) Adult day care services.

''(iv) Respite care.

''(v) Any other medical or social service that contributes to the health and well-being of the patient and the ability of the patient to reside in a community based care setting instead of an institution.

''(c) DURATION OF POST-HOSPITAL EXTENDED CARE SERVICES.—The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue for as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (b)(2)(A) of section 1812 of the Social Security Act (42 U.S.C. 1395d) shall not apply with respect to the care provided that patient.

''(d) COMMUNITY BASED SERVICES.—(1) To qualify for community based services under this section, a patient shall require a level of care that—

''(A) is available to the patient in a nursing facility or hospital; and

''(B) if such level of care were provided to the patient in such a nursing facility or hospital, would be paid for (in whole or in part) under this chapter at a cost to the United States that is equal to or greater than the cost that would be incurred by the United States to provide the community based services to the patient under this section.

''(2) Community based services may only be provided to a patient under this section in accordance with a plan of care established by the patient's physician.

''(e) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'extended care services' has the meaning given the term in subsection (h) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(2) The term 'post-hospital extended services' has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(3) The term 'home health services' has the meaning given the term in subsection (m) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(4) The term 'skilled nursing facility' has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

''(5) The term 'spell of illness' has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

''1074j. Long term care benefits program.''.

SEC. 704. EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.

Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following:

''(d)(1) The health care benefits contracted for under this section shall include extended benefits for dependents referred to in the first sentence of subsection (a) who have any of the following qualifying conditions:

''(A) Moderate or severe mental retardation.

''(B) A serious physical disability.

''(C) Any extraordinary physical or psychological condition.

''(2) The extended benefits under paragraph (1) may include comprehensive health care and case management services, to the extent not otherwise provided under this chapter with respect to a qualifying condition, as follows:

''(A) Diagnosis.

''(B) Inpatient, outpatient, and comprehensive home health supplies and services.

''(C) Training and rehabilitation, including special education and assistive technology devices.

''(D) Institutional care in private nonprofit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

''(E) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

''(3) The extended benefits under paragraph (1) may also include respite care for the primary caregiver of a dependent eligible for extended benefits under this subsection.

''(4) Home health supplies and services may be provided to a dependent under paragraph (2)(B) as other than part-time or intermittent services (as determined in accordance with the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) only if—

''(A) the provision of such supplies and services in the home of the dependent is medically appropriate; and

''(B) the cost of the provision of such supplies and services to the dependent is equal to or less than the cost of the provision of similar supplies and services to the dependent in a skilled nursing facility.

''(5) Subsection (a)(13) shall not apply to the provision of care and services determined appropriate to be provided as extended benefits under this subsection.

''(6) Subject to paragraph (7), a member of the uniformed services shall pay a share of the cost of any care and services provided as extended benefits to any of the dependents of the member under this subsection as follows:

''(A) In the case of a member in the lowest enlisted pay grade, the first $25 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

''(B) In the case of a member in the highest commissioned pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

''(C) In the case of a member in any other pay grade, a fixed amount of the cumulative costs of all care furnished to one or more dependents of the member in a month, as prescribed for that pay grade in regulations prescribed under paragraph (9).

''(7)(A) In the case of extended benefits provided under subparagraph (C) or (D) of paragraph (2) to a dependent of a member of the uniformed services—

''(i) the Government's share of the total cost of providing such benefits in any month shall not exceed $2,500, except for costs that a member is exempt from paying under subparagraph (B); and

''(ii) the member shall pay (in addition to any amount payable under paragraph (6)) the amount, if any, by which the amount of such total cost for the month exceeds the Government's maximum share under clause (i).

''(B) A member of the uniformed services who incurs expenses under subparagraph (A) for a month for more than one dependent shall not be required to pay for the month under clause (ii) of that subparagraph an amount greater than the amount the member would otherwise be required to pay under that clause for the month if the member were incurring expenses under that subparagraph for only one dependent.

''(8) To qualify for extended benefits under subparagraph (C) or (D) of paragraph (2), a dependent of a member of the uniformed services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries.

''(9) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this subsection.''.

SEC. 705. CONFORMING REPEALS.

The following provisions of law are repealed:

(1) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note).

(2) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1260).

(3) Section 8100 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696).

SEC. 710A. REPORT TO CONGRESS ON RELATIONSHIP AMONG FEDERAL LONG-TERM CARE INITIATIVES.

Not later than April 1, 2002, the Secretary of Defense shall submit to Congress a report on the relationship and compatibility of the long term care insurance program under chapter 90 of title 5, United States Code (as added by the Federal Long-Term Care Security Act), and other initiatives of the Federal Government to provide long term care benefits for which members of the uniformed services and their dependents are or would be eligible.

SEC. 710B. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2001.

SA 1773. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2001''.

SEC. ___02. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. ___03. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this title, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. ___04. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section ___05.

SEC. ___05. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section ___04(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section ___04(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators; and

(6) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. ___06. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. ___07. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 08. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title; or

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section ___04(b)(3).

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title.

SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE—ANTI-TERRORISM TRAINING GRANTS

As authorized by Sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $12,600,000 is designated to the Office for State and Local Domestic Preparedness Support in the Department of Justice for purposes of making grants to train fire fighters to respond to acts of terrorism.

Grants shall be made to national nonprofit employee organizations that have experience in providing terrorism response training using skilled instructors, who are both fire fighters and certified instructors, to train fire fighters to safely and effectively respond to terrorist attacks.

There are authorized to be appropriated $12,600,000 to carry out this provision.

SA 1774. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, strike all on line 11 through the period on page 266, line 6, and insert in lieu thereof the following:

(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary may use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation. The Secretary may employ the same procedures in relation to Federal Prison Industries products purchased by private vendors contracted by the Department of Defense, if he determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector.

SA 1775. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, strike all on line 11 through the period on page 266, line 6, and insert in lieu thereof the following:

(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product (including a product that is integral to, or embedded in, a product that is not available from Federal Prison industries) is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary may use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

SA 1776. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table; as follows:

On page 294, between lines 16 and 17, insert the following:

SEC. 833. INCREASED THRESHOLD AMOUNT FOR APPLICABILITY OF DAVIS-BACON ACT AND SERVICE CONTRACT ACT OF 1965.

(a) DAVIS-BACON ACT.—Section 1(a) of the Act of March 3, 1931 (popularly known as the ''Davis-Bacon Act''; 40 U.S.C. 276a(a)), is amended by striking '$2,000'' in the first sentence and inserting ''$1,000,000''.

(b) SERVICE CONTRACT ACT OF 1965.—Section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351) is amended by striking ''$2,500'' and inserting $1,000,000''.

SA 1777. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 821 and insert in lieu therof the following:

SEC. 821. The General Accounting Office shall conduct a study of existing procurement procedures, regulations, and statutes

which govern procurement transactions between the Department of Defense and Federal Prison Industries, and any joint recommendation of the Department of Defense and Department of Justice. A report containing the findings of the study and recommendations on the means to improve the efficiency and reduce the cost of such transactions shall be submitted to the Senate Committee on Armed Services not later than April 30, 2002.

SA 1778. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 821, and insert in lieu thereof the following:

"SEC. 821. PURCHASES FROM FEDERAL PRISON INDUSTRIES.

''The Secretary of Defense, in consultation with the Attorney General and the Chief Executive Officer of Federal Prison Industries, shall conduct a thorough review of procurement procedures involving the purchase of good from Federal Prison Industries. Following such review, the Secretary of Defense may, in consultation with the Attorney General and the Chief Executive Officer of Federal Prison Industries, override the denial of any waiver sought by the Department of Defense from mandatory source requirements, if he concludes that such an override is in the public interest.''.

SA 1779. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, strike all on line 21 through the period on page 266, line 6.

SA 1780. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, after line 25, insert the following:

SEC. 1066. DEPARTMENT OF DEFENSE STRATEGIC LOAN AND LOAN GUARANTY PROGRAM.

(a) AUTHORITY.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2228. Department of Defense strategic loan and loan guaranty program

''(a) AUTHORITY.—The Secretary of Defense may carry out a program to make direct loans and guarantee loans for the purpose of supporting the attainment of the objectives set forth in subsection (b).

''(b) OBJECTIVES.—The Secretary may, under the program, make a direct loan to an applicant or guarantee the payment of the principal and interest of a loan made to an applicant upon the Secretary's determination that the applicant's use of the proceeds of the loan will support the attainment of any of the following objectives:

''(1) Sustain the readiness of the United States to carry out the national security objectives of the United States through the guarantee of steady domestic production of items necessary for low intensity conflicts to counter terrorism or other imminent threats to the national security of the United States.

''(2) Sustain the economic stability of strategically important domestic sectors of the defense industry that manufacture or construct products for low-intensity conflicts and counter terrorism to respond to attacks on United States national security and to protect potential United States civilian and military targets from attack.

''(3) Sustain the production and use of systems that are critical for the exploration and development of new domestic energy sources for the United States.

''(c) CONDITIONS.—A loan made or guaranteed under the program shall meet the following requirements:

''(1) The period for repayment of the loan may not exceed five years.

''(2) The loan shall be secured by primary collateral that is sufficient to pay the total amount of the unpaid principal and interest of the loan in the event of default.

''(d) EVALUATION OF COST.—As part of the consideration of each application for a loan or for a guarantee of the loan under the program, the Secretary shall evaluate the cost of the loan within the meaning of section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).''.

(2) The table of sections at the beginning of such section is amended by adding at the end the following new item:

''2228. Department of Defense strategic loan and loan guaranty program.''.

(b) FUNDING.—Of the amounts appropriated by Public Law 107–38, there shall be available such sums as may be necessary for the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of direct loans and loan guarantees made under section 2228 of title 10, United States Code, as added by subsection (a).

SA 1781. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 16 and 17, insert the following:

SEC. 664. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—(1) Subject to paragraph (2), the amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(A) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(B) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(2) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a

timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term ''World War II'' has the meaning given the term in section 101(8) of title 38, United States Code.

SA 1782. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 16 and 17, insert the following:

SEC. 664. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—(1) Subject to paragraph (2), the amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(A) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(B) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(2) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term ''World War II'' has the meaning given the term in section 101(8) of title 38, United States Code.

(j) FUNDING.—(1) The amount authorized to be appropriated under section 421 is hereby increased by $99,000,000. Of the total amount authorized to be appropriated by section 421, as so increased, $99,000,000 shall be available for carrying out this section. Notwithstanding any other provision of this or any other Act, the amount set aside by the preceding sentence is authorized to be made available for fiscal years 2002, 2003, and 2004.

(2) The amount authorized to be appropriated by section 103(1) is hereby reduced by $99,000,000.

SA 1783. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 20, insert the following:

SEC. 621. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by striking ''has completed'' and inserting ''is within one year of the completion of''.

(b) SURFACE WARFARE OFFICES.—Section 319(a)(3) of title 37, United States Code, is amended by striking ''has completed'' and inserting ''is within one year of the completion of''.

SA 1784. Mr. KENNEDY (for himself, Mr. WARNER, Mrs. CLINTON, Mr. WELLSTONE and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___MENTAL HEALTH AND TERRORISM

Subtitle A—Planning and Training Grants

SEC. ___01. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—The Secretary of Education (referred to in this section as the ''Secretary''), in consultation with the Secretary of Health and Human Services, shall award grants to eligible local educational agencies (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965) to enable such agencies to develop programs to respond to mental health needs arising from a disaster.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) a local educational agency, in consultation with the State educational agency, shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for responding to the mental health needs of school children and school personnel that may arise as a result of a disaster that shall contain—

(A) the name of an individual designated by each school involved to serve as the lead coordinator responsible for responding to the mental health needs of students and school personnel affected by a disaster;

(B) an assurance that the applicant, and each school involved, will provide materials and training to all teachers, school counselors, and other appropriate school personnel concerning the appropriate ways in which to talk with students about disasters;

(C) an assurance that the applicant will participate in the establishment of community partnerships between local educational agencies and mental health professionals and service systems, and to the extent appropriate community-based organizations, to respond to the mental health needs that arise from a disaster;

(D) an assurance that the applicant will establish a program for communicating with parents concerning appropriate responses to the mental health needs of students that result from a disaster and the services offered by the school with respect to such needs;

(E) an assurance that the applicant will establish a program to educate teachers, parents, school counselors, and other key personnel concerning the recognition of students who are exhibiting behaviors that may require a referral to a qualified mental health provider and the appropriate notification of the parents or guardians of such students; and

(F) an assurance that the applicant will provide for the equitable participation of private schools, that are located in the area to be served by the applicant, in the same manner as such participation is provided for under sections 14503 through 14506 of the Elementary and Secondary Education Act of 1965.

(2) STATE COMMENTS.—A local educational agency submitting an application under this subsection shall provide notice of such application to the State educational agency and provide the State educational agency with

the opportunity to comment on such application.

(3) GRANTS TO STATES.—The Secretary may award a grant to a State under this section to enable the State—

(A) to provide assistance to local educational agencies that do not otherwise apply for or receive a grant under this section, to assist such agencies in submitting applications and developing plans under paragraph (1); or

(B) to coordinate State and local school educational agency efforts under this section.

(c) USE OF FUNDS.—A local educational agency that receives a grant under this section shall use amounts received under the grant to carry out the programs and activities described in the application submitted by the grantee under subsection (b).

(d) INFORMATION AND EDUCATION.—

(1) IN GENERAL.—The Secretary shall establish and disseminate to local educational agencies and public and private elementary and secondary schools, comprehensive information and education program information to assist such agencies and schools in evaluating and developing appropriate materials and programs for responding to the mental health needs associated with students and school personnel in disasters.

(2) COORDINATION.—Agencies and schools shall coordinate response programs developed under paragraph (1) with existing public and private programs, including the 2-1-1 hotline program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

SEC. ___02. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by redesignating the second part G (relating to services provided through religious organizations) as part J;

(2) by redesignating sections 581 through 584 of such part as sections 596 through 596C; and

(3) by adding at the end the following:

"PART K—MENTAL HEALTH AND DISASTERS

"Subpart I—Planning Grants

"SEC. 597. GRANTS TO STATE AND LOCAL PUBLIC ENTITIES.

''(a) IN GENERAL.—The Secretary shall award grants to eligible State and local public entities to enable such entities to develop programs to respond to mental health needs arising from a disaster.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) a State or local public entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) an assurance that the applicant will coordinate activities under the grant, including the coordination and management of volunteer mental health providers, with—

''(i) other governmental agencies;

''(ii) private service providers; and

''(iii) local educational agencies;

''(B) the name of an individual designated by the applicant to serve as the lead coordinator responsible for coordinating services provided under the grant;

''(C) an assurance that the applicant will develop a program to provide crisis counseling services to individuals in the event of a disaster;

''(D) an assurance that the applicant will develop a program to provide information to the public in the event of a disaster;

''(E) an assurance that the applicant will ensure the availability of mental health professionals who are trained to meet the special mental health needs of disaster victims;

''(F) an assurance that the applicant will establish a program to meet the mental health needs of special populations, including the disabled, minority groups, children, and the elderly, and where appropriate, rural populations;

''(G) an assurance that the applicant will develop a program to locate and assess individuals after a disaster who are at risk of developing, or who have developed, a mental illness as a result of the disaster, and to provide referrals and treatment for such individuals;

''(H) an assurance that the applicant, in consultation with providers and organizations that serve public safety workers, will assist in developing a program to identify and meet the mental health needs of public safety workers and others involved in responding to the disaster; and

''(I) an assurance that the applicant will develop a program that coordinates with other systems or entities providing services to disaster victims, including hotline programs.

''(2) STATE COMMENTS.—A local educational agency submitting an application under this subsection shall provide notice of such application to the chief executive officer of the State and provide the State with the opportunity to comment on such application.

''(c) USE OF FUNDS.—A State or local government or other governmental agency that receives a grant under this section shall use amounts received under the grant to carry out the programs and activities described in the application submitted by the grantee under subsection (b).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

''(e) PROGRAM MANAGEMENT.—In carrying out this section, the Secretary may use amounts appropriated under subsection (d) for the administration of the program under this section.

"SEC. 597A. DISASTER RESPONSE CLEARINGHOUSE AND DISASTER HOTLINES.

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of this part, the Secretary shall establish and maintain a Mental Health Disaster Response Clearinghouse to collect and make available information to assist local educational agencies, State and local governments, health care providers, and the public in responding to mental health needs associated with disasters.

''(b) PROVISION OF INFORMATION.—As part of the clearinghouse established under subsection (a), the Secretary shall establish a program for—

''(1) providing appropriate information to the media; and

''(2) disseminating training-related curricula and materials to mental health professionals.

''(c) DISASTER RESPONSE HOTLINES.—The Secretary shall award grants to State or local entities to enable such entities to develop, expand, or increase the capacity of 2-1-1 call centers or other universal hotlines, for the purpose of connecting the public to all available community information centers developed in response to a disaster and disaster recovery efforts, as well as connecting the public to existing social services that are available to support the public during the time of a disaster and recovery, including mental health services.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

"Subpart II—Training Grants

"SEC. 597E. TRAINING GRANTS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to eligible entities to enable such entities to provide for the training of mental health professionals with respect to the treatment of individuals who are victims of disasters.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

''(1) be a—

''(A) regional center of excellence; or

''(B) a mental health professional society; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity that receives a grant under this section shall use amounts received under the grant to provide for the training of mental health professionals to enable such professionals to appropriately diagnose individuals who are the victims of disasters with respect to their mental health and to provide for the proper treatment of the mental health needs of such individuals.

''(d) TRAINING MATERIALS AND PROCEDURES.—The Director of the Center for Mental Health Services, in consultation with the Director of the National Institute of Mental Health, the National Center for Post-Traumatic Stress Disorder, the International Society for Traumatic Stress Studies, and the heads of other similar entities, shall develop training materials and procedures to assist grantees under this section.

''(e) DEFINITION.—In this section ,the term 'mental health professional' includes psychiatrists, psychologists, psychiatric nurses, mental health counselors, marriage and family therapists, social workers, pastoral counselors, school psychologists, licensed professional counselors, school guidance counselors, and any other individual practicing in a mental health profession that is licensed or regulated by a State agency.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

''(g) PROGRAM MANAGEMENT.—In carrying out this section, the Secretary may use amounts appropriated under subsection (d) for the administration of the program under this section.''.

Subtitle B—Addressing Long-Term Needs

SEC. ___11. GRANTS TO DIRECTLY AFFECTED AREAS.

Part K of title V of the Public Health Service Act, as added by section ___01, is amended by adding at the end the following:

"Subpart III—Addressing Long-Term Needs

"SEC. 597H. GRANTS TO DIRECTLY AFFECTED AREAS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible State and local governments and other public entities to enable such entities to respond to the long-term mental health needs arising from the terrorist attack of September 11, 2001.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

''(1) be a State or local government or other public entity that is located in an area that is directly affected (as determined by the Secretary) by the terrorist attack of September 11, 2001; and

''(2) prepare and submit to the Secretary an application at such time, in such manner,

and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—A grantee shall use amounts received under a grant under subsection (a)—

''(1) to carry out activities to locate individuals who may be affected by the terrorist attack of September 11, 2001 and in need of mental health services, including teachers and public safety officers with special responsibility for responding to the disaster;

''(2) to provide treatment for those individuals identified under paragraph (1) who are suffering from a serious psychiatric illness as a result of such terrorist attack (including paying the costs of necessary medications), including teachers and public safety officers with special responsibility for responding to the disaster;

''(4) to carry out other activities determined appropriate by the Secretary.

''(d) USE OF PRIVATE ENTITIES AND EXISTING PROVIDERS.—To the extent appropriate, a grantee under subsection (a) shall—

''(1) enter into contracts with private, nonprofit entities to carry out activities under the grant; and

''(2) to the extent feasible, utilize providers that are already serving the affected population, including providers used by public safety workers and teachers.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

''(1) with respect to grants to entities described in subsection (b)(1)(A), $175,000,000 for fiscal year 2002, and such sums as may be necessary in each of fiscal years 2003 and 2004; and

''SEC. 597I. RESEARCH.

''(a) LIFTING OF CAP ON SUPPLEMENTAL RESEARCH FUNDS.—Notwithstanding any other provision of law, the Secretary may waive any restriction on the amount of supplemental funding that may be provided to any disaster—related scientific research project that is funded by the Secretary.

''(b) ADDITIONAL FUNDING.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 to enable the Secretary to award additional grants for the conduct of peer-reviewed, mental health—related scientific research projects related to the assessment of the mental health impacts and the provision of appropriate interventions for individuals affected by the September 11, 2001 terrorist attacks.''.

Subtitle C—Addressing the Needs of Victims of Crime

SEC. ___21. CRIME VICTIMS FUND.

(a) DEPOSIT OF GIFTS IN THE FUND.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any gifts, bequests, or donations to the Fund from private entities or individuals.''.

(b) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

''(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

''(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

''(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.''.

(c) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking ''deposited in'' and inserting ''to be distributed from'';

(2) in subparagraph (A), by striking ''48.5'' and inserting ''47.5'';

(3) in subparagraph (B), by striking ''48.5'' and inserting ''47.5''; and

(4) in subparagraph (C), by striking ''3'' and inserting ''5''.

(d) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

''(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts remaining in the Fund in fiscal year 2002 as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

''(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

''(C) Amounts set aside under subparagraph (A) from the amounts remaining in the Fund in fiscal year 2002 shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

''(i) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for fiscal year 2002; and

''(ii) subsections (c) and (d) of section 1402.''.

(e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. ___22. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by striking ''40'' each place it appears and inserting ''60''.

(b) LOCATION OF COMPENSABLE CRIME.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking ''are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or''.

(c) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

''(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.''.

(d) DEFINITIONS OF ''COMPENSABLE CRIME'' AND ''STATE''.—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking ''crimes involving terrorism,''; and

(2) in paragraph (4), by inserting ''the United States Virgin Islands,'' after ''the Commonwealth of Puerto Rico,''.

(e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COMPENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM COMPENSATION FUND.—

(1) IN GENERAL.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting ''including the program established under title IV of Public Law 107–42,'' after ''Federal program,''.

(2) COMPENSATION.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

SEC. ___23. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

''(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).''.

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.''.

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting '', program evaluation, compliance efforts,'' after ''demonstration projects''.

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking ''not more than'' and inserting ''not less than''; and

(2) in subparagraph (B), by striking ''not less than'' and inserting ''not more than''.

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''.

SEC. ___24. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

''(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.''.

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking ''who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986''.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: ''The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

Subtitle D—Grants to Children and Adults Who Experience Violence-Related Stress

SEC. ___31. CHILDREN AND ADULTS WHO EXPERIENCE VIOLENCE-RELATED STRESS.

(a) CHILDREN.—

(1) IN GENERAL.—Section 582(f) of the Public Health Service Act (42 U.S.C. 290hh-1(f)) is amended by striking ''2002 and 2003'' and inserting ''2002 through 2005''.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the program established under section 582 of the Public Health Service Act (42 U.S.C. 290hh-1) should be fully funded.

(b) ADULTS.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 582 the following:

''SEC. 583. GRANTS TO ADDRESS THE PROBLEMS OF PERSONS WHO EXPERIENCE VIOLENCE RELATED STRESS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes and tribal organizations, for the purpose of developing programs focusing on the behavioral and biological aspects of psychological trauma response and for developing knowledge with regard to evidence-based practices for treating psychiatric disorders of adults resulting from witnessing or experiencing a traumatic event.

''(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on evidence-based practices for treating disorders associated with psychological trauma, the Secretary shall give priority to mental health agencies and programs that have established clinical and basic research experience in the field of trauma-related mental disorders.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years. Such grants, contracts or agreements may be renewed.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal year 2002 and 2003.''.

SA 1785. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 346:

(d) INCENTIVES TO PRIVATE SECTOR.—(1) The Secretary of Defense shall prepare and submit to the congressional defense committees and committees on health not later than February 1, 2002, an evaluation of the incentives necessary to encourage the private sector to develop and produce vaccines described in subsection (b)(1), as well as therapeutic products for the purposes described in such subsection, for acquisition by the Department of Defense.

(2) The analysis under paragraph (1) shall include an analysis of the need for long-term contracts, security measures, and protection from potential losses due to product liability claims.

SA 1786. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment insert:

(D) ADVANCED BIOTECHNOLOGY APPLICATIONS.—(1) The Secretary of Defense may, subject to the availability of funds appropriated and authorized to be appropriated for such purposes, design and implement a program to integrate advanced biotechnology applications into biological weapons detection and defense activities and to develop advanced biomedical treatment regimes for members of the Armed Forces.

(2) The Secretary is authorized to use procurement procedures involving requests for proposals to contract for advanced research and development of defensive biotechnology application under the program.

(3) The research and development activities under the program may include research and development relating to the following, subject to the Secretary's prioritization of such research and development:

(A) Diagnostic systems.

(B) Vaccines and other therapeutic products.

(C) Anti-viral products.

(D) Antibiotics for treatment of persons exposed to biological agents.

(E) Vaccine delivery systems.

(F) Enzymatic bioagent and chemical agent degradation.

(G) Wound healing therapeutics.

(H) Gene therapy.

(I) Biowarfare detection systems.

(J) Radioprotective pharmaceuticals.

(K) Gene delivery systems.

(L) Stasis enhancement therapeutics.

(M) Physiological enhancement pharmacologics.

(N) Blood products.

(O) Nanodiagnostic methods.

SA 1787. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE XIV—AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2001

SEC. 1401. SHORT TITLE.

This title may be cited as the ''American Servicemembers' Protection Act of 2001''.

SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy,

adopted the ''Rome Statute of the International Criminal Court''. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to ''determine the existence of any .... act of aggression'' would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 1404 AND 1406 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS TITLE.—The prohibitions and requirements of sections 1404, 1405, 1406, and 1407 shall cease to apply, and the authority of section 1408 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding

section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 1412. NONDELEGATION.

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 1413. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SEC. 1414. EFFECTIVE DATE.

This title shall take effect one day after its date of enactment.

SA 1788. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions,

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

At the appropriate place, insert the following:

TITLE ___—PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2001''.

SEC. ___02. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and wellbeing of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. ___03. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this title, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. ___04. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section ___05.

SEC. ___05. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section ___04(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section ___04(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators; and

(6) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of

witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. ___06. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. ___07. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. ___08. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title; or

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section ___04(b)(3).

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title.

SEC. ___09. OFFICE FOR STATE AND LOCAL DOMESTIC PREPAREDNESS SUPPORT.

There is authorized to be appropriate to the Office for State and Local Domestic Preparedness Support in the Department of Justice, $12,600,000 for each of fiscal years 2002 through 2006, to be used for the purposes of making grants to national nonprofit employee organizations that have experience in providing terrorism response training using skilled instructors who are both fire fighters and certified instructors, to train fire fighters to safely and effectively respond to acts of terrorism.

SEC. ___10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, other than section ___09.

SA 1789. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 148, between lines 17 and 18, insert the following:

(c) SENSE OF THE SENATE.—It is the sense of the Senate that all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

SA 1790. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2827. LAND CONVEYANCES, WENDOVER AIR FORCE BASE AUXILIARY FIELD, NEVADA.

(a) CONVEYANCES REQUIRED TO WEST WENDOVER, NEVADA.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force and the Secretary of the Interior shall convey, without consideration, to the City of West Wendover, Nevada, all right, title, and interest of the United States in and to the following:

(A) The lands declared excess at Wendover Air Force Base Auxiliary Field, Nevada, identified in Easement No. AFMC–HL–2–00–334.

(B) The lands declared excess at Wendover Air Force Base Auxiliary Field identified for disposition on the map entitled ''West Wendover, Nevada–Excess'' dated January 5, 2001.

(2) The purposes of the conveyances under this subsection are—

(A) to permit the establishment and maintenance of runway protection zones; and

(B) to provide for the development of an industrial park and related infrastructure.

(3) The map referred to in paragraph (1)(B) shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Elko District Office of the Bureau of Land Management.

(b) CONVEYANCE REQUIRED TO TOOELE COUNTY, UTAH.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force and the Secretary of the Interior shall convey, without consideration, to Tooele County, Utah, all right, title, and interest of the United States in and to the lands declared excess at Wendover Air Force Base Auxiliary Field identified in Easement No. AFMC–HL–2–00–318.

(2) The purpose of the conveyance under this subsection is to permit the establishment and maintenance of runway protection zones and an aircraft accident potential protection zone as necessitated by continued military aircraft operations at the Utah Test and Training Range.

(c) MANAGEMENT OF CONVEYED LANDS.—The lands conveyed under subsections (a) and (b) shall be managed by the City of West Wendover, Nevada, City of Wendover, Utah, Tooele County, Utah, and Elko County, Nevada—

(1) in accordance with the provisions of an Interlocal Memorandum of Agreement entered into between the Cities of West Wendover, Nevada, and Wendover, Utah, Tooele County, Utah, and Elko County, Nevada, providing for the coordinated management and development of the lands for the economic benefit of both communities; and

(2) in a manner that is consistent with such provisions of the easements referred to subsections (a) and (b) that remain applicable and relevant to the operation and management of the lands following conveyance and are consistent with the provisions of this section.

(d) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary of Defense shall be responsible for compliance with all environmental laws and regulations relating to the cleanup of any military munitions or other environmental contaminants discovered on the lands conveyed under this section after their conveyance under this section that are attributable to activities of the Department of Defense or the Department of Energy before the conveyance of the lands under this section.

(e) COMPLIANCE WITH NEPA.—Compliance by the Secretary of the Air Force with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) the easements referred to in subsections (a) and (b) shall constitute compliance by the Secretary of the Air Force and the Secretary of the Interior with respect to the conveyances required by this section.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may jointly require such additional terms and conditions in connection with the conveyances required by subsections (a) and (b) as the Secretaries consider appropriate to protect the interests of the United States.

SA 1791. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 335. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.

Of the amount authorized to be appropriated by section 301(1) for operation and

maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

SA 1792. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, after line 4, add the following new subtitle:

Subtitle G—Justice for United States Prisoners of War Act of 2001

SEC. 791. SHORT TITLE.

This subtitle may be cited as the ''Justice for United States Prisoners of War Act of 2001''.

SEC. 792. FINDINGS.

The Congress finds the following:

(1) During World War II, members of the United States Armed Forces held as prisoners of war by Japan were forced to provide labor for Japanese privately owned corporations in functions unrelated to the prosecution of the war.

(2) International law, including international conventions relating to the protection of prisoners of war, was violated when these Japanese corporations—

(A) failed to pay wages to captured United States servicemembers for their labor;

(B) allowed and promoted torture and mistreatment of captured United States servicemembers; and

(C) withheld food and medical treatment from captured United States servicemembers.

(3) In the Treaty of Peace with Japan, signed at San Francisco September 8, 1951 (3 UST 3169), the Government of Japan admitted liability for illegal conduct toward the Allied Powers and, in particular, liability for illegal and inhumane conduct toward members of the armed forces of the Allied Powers held as prisoners of war.

(4) Despite this admission of liability, Article 14(b) of the Treaty has been construed to waive all private claims by nationals of the United States, including private claims by members of the United States Armed Forces held as prisoners of war by Japan during World War II.

(5) Under Article 26 of the Treaty, the government of Japan agreed that if Japan entered into a war claims settlement agreement with a country that is not a party to the Treaty that provides more favorable terms to that country than the terms Japan extended to the parties to the Treaty, then Japan would extend those more favorable terms to each of the parties to the Treaty, including to the United States.

(6) Since the entry into force of the Treaty in 1952, the Government of Japan has entered into war claims settlement agreements with countries that are not party to the Treaty that provide more favorable terms than those extended to the parties to the Treaty, such as terms that allow claims by nationals of those countries against Japanese nationals to be pursued without limitation, restriction, or waiver or any type.

(7) In accordance with Article 26 of the Treaty, Japan is obligated to extend those same favorable terms to the United States, including to nationals of the United States, who as members of the United States Armed Forces, were held as prisoners of war by Japan during World War II and who were forced to provide labor without compensation and under inhumane conditions.

(8) The people of the United States owe a deep and eternal debt to the heroic United States servicemembers held as prisoners of war by Japan for the sacrifices those servicemembers made on behalf of the United States in the days after the ignominious aggression of Japan against the United States at Pearl Harbor, Bataan, and Corregidor.

(9) The pursuit of justice by those servicemembers through lawsuits filed in the United States, where otherwise supported by Federal, State, or international law, is consistent with the interests of the United States and should not be preempted by any other provision of law or by the Treaty.

(10) Despite repeated requests for disclosure by United States servicemembers, the Department of Veterans Affairs, and Congress, the United States Government has withheld from those servicemembers and their physicians Japanese records that were turned over to the United States and that relate to chemical and biological experiments conducted on United States servicemembers held as prisoners of war by Japan during World War II.

SEC. 793. SUITS AGAINST JAPANESE NATIONALS.

(a) IN GENERAL.—In an action brought in a Federal court against a Japanese defendant by a member of the United States Armed Forces who was held as a prisoner of war by Japan during World War II that seeks compensation for mistreatment or failure to pay wages in connection with labor performed by such a member to the benefit of the Japanese defendant during World War II, the court—

(1) shall apply the applicable statute of limitations of the State in which the Federal court hearing the case is located;

(2) shall not construe Article 14(b) of the Treaty as constituting a waiver by the United States of claims by nationals of the United States, including claims by members of the United States Armed Forces, so as to preclude the pending action.

(b) SUNSET.—Paragraph (1) of subsection (a) shall cease to apply at the end of the 10-year period beginning on the date of enactment of this Act.

SEC. 794. APPLICABILITY OF RIGHTS UNDER ARTICLE 26 OF THE TREATY OF PEACE WITH JAPAN.

It is the policy of the United States Government to ensure that all terms under any war claims settlement agreement between Japan and any other country that are more favorable than those terms extended to the United States under the Treaty, will be extended to the United States in accordance with Article 26 of the Treaty with respect to claims by nationals of the United States who, as members of the United States Armed Forces, were held as prisoners of war by Japan during World War II and who were forced to provide labor without compensation and under inhumane conditions.

SEC. 795. AVAILABILITY OF INFORMATION RELATING TO CERTAIN CHEMICAL AND BIOLOGICAL TESTS CONDUCTED BY JAPAN DURING WORLD WAR II.

(a) AVAILABILITY OF INFORMATION TO THE SECRETARY OF VETERANS AFFAIRS.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs may request from, and the head of the department or agency so requested shall provide to the Secretary, information relating to chemical or biological tests conducted by Japan on members of the United States Armed Forces held as prisoners of war by Japan during World War II, including any information provided to the United States Government by Japan.

(b) AVAILABILITY OF INFORMATION TO INTERESTED MEMBERS OF THE ARMED FORCES.—Any information received by the Secretary of Veterans Affairs under subsection (a), with respect to an individual member of the United States Armed Forces held as a prisoner of war by Japan during World War II, may be made available to that individual to the extent otherwise provided by law.

SEC. 796. DEFINITIONS.

In this subtitle:

(1) JAPANESE DEFENDANT.—

(A) IN GENERAL.—The term ''Japanese defendant'' means a Japanese national, an entity organized or incorporated under Japanese law, an affiliate of an entity organized or incorporated under Japanese law that is organized or incorporated under the laws of any State, and any predecessor of that entity or affiliate.

(B) LIMITATION.—The term does not include the Government of Japan.

(2) STATE.—The term ''State'' means the several States, the District of Columbia, and any commonwealth, territory or possession of the United States.

(3) TREATY.—The term ''Treaty'' mean the Treaty of Peace with Japan, signed at San Francisco on September 8, 1951 (3 UST 3169).

SA 1793. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 2301(b), in the table, insert after the item relating to Osan Air Base, Korea, the following new item:

Oman	Masirah Island	$8,000,000

In section 2301(b), in the table, strike the item identified as the total in the amount column and insert ''$257,392,000''.

In section 2304(a), in the matter preceding paragraph (1), strike ''$2,579,791,000'' and insert ''$2,587,791,000''.

In section 2304(a)(2), strike ''$249,392,000'' and insert ''$257,392,000''.

SA 1794. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Forces, and for other purposes; as follows:

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

SEC. 2827. LAND ACQUISITION, PERQUIMANS COUNTY, NORTH CAROLINA.

The Secretary of the Navy may, using funds previously appropriated for such purpose, acquire any and all right, title, and interest in and to a parcel of real property, including improvements thereon, consisting of approximately 240 acres, or any portion thereof, in Perquimans County, North Carolina, for purposes of including such parcel in the Harvey Point Defense Testing Activity, Hertford, North Carolina.

SA 1795. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. . LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) CONVEYANCE REQUIRED.—The Administrator of General Services may convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the City), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. . TREATMENT OF AMOUNTS RECEIVED.

Any net proceeds received by the United States as payment under subsection (c) of the previous section shall be deposited into the Land and Water Conservation Fund.

SA 1796. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 18, line 14, increase the amount by $22,700,000.

On page 23, line 12, reduce the amount by $22,700,000.

SA 1797. Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 235, between lines 15 and 16, insert the following:

SEC. 718. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2), a member'' and all that follows through ''of the member),'' and inserting ''paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) This subsection applies to the following members of the armed forces:

''(A) A member who is involuntarily separated from active duty.

''(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

''(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

''(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation.''; and

(4) in paragraph (3), as redesignated by paragraph (2), is amended by striking ''involuntary'' each place it appears.

(b) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking ''during the period beginning on October 1, 1990, and ending on December 31, 2001''; and

(2) in subsection (e), by striking the first sentence.

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(d) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (c), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

SA 1798. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

Of the funds authorized to be appropriated for section 301, $230,255,000 shall be available for Environmental Restoration, Formerly Used Defense Sites.

SA 1799. Mr. LEVIN (for Mr. DORGAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

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

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

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

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

SA 1800. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1217. ALLIED DEFENSE BURDENSHARING.

It is the sense of the Senate that——

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

(2) host support agreements with those nations in which United States military personnel are assigned to permanent duty ashore should be negotiated consistent with section 1221(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85) which sets forth a goal of obtaining financial contributions from host nations

that amount to 75 percent of the non-personnel costs incurred by the United States government for stationing military personnel in those nations.

SA 1801. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 335. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

SA 1802. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

Of the amount authorized to be appropriated by section 301(5), $2,000,000 may be available for the replacement and refurbishment of air handlers and related control systems at Air Force medical centers.

SA 1803. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

''ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK

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

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

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

''Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.''.

SA 1804. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 396, between lines 13 and 14, insert the following:

SEC. 1217. RELEASE OF RESTRICTION ON USE OF CERTAIN VESSELS PREVIOUSLY AUTHORIZED TO BE SOLD.

Section 3603(a) of the Storm Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2273) is amended by striking ''for full use as an oiler''.

SA 1805. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 306. FUNDS FOR RENOVATION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES ADJACENT TO NAVAL TRAINING CENTER, GREAT LAKES, ILLINOIS.

(a) AVAILIABILITY OF FUNDS FOR RENOVATION.—Subject to subsection (b), of the amount authorized to be appropriated by section 301(2) for operations and maintenance for the Navy, the Secretary of the Navy may make available to the Secretary of Veterans Affairs up to $2,000,000 for relocation of Department of Veterans Affairs activities and associated renovation of existing facilities at the North Chicago Department of Veterans Affairs Medical Center.

(b) LIMITATION.—The Secretary of the Navy may make funds available under subsection (a) only after the Secretary of the Navy and the Secretary of Veterans Affairs enter into an appropriate agreement for the use by the Secretary of the Navy of approximately 48 acres of real property at the North Chicago Department of Veterans Affairs property referred to in subsection (a) for expansion of the Naval Training Center, Great Lakes, Illinois.

SA 1806. Mr. WARNER (for Mr. BOND (for himself and Mr. BYRD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 65, after line 24, insert the following:

SEC. 335. CONSEQUENCE MANAGEMENT TRAINING.

Of the amount authorized to be appropriated by section 301(5), $5,000,000 may be available for the training of members of the Armed Forces (including reserve component personnel) in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

SA 1807. Mr. LEVIN (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed forces, and for other purposes; as follows:

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

SEC. 2844. ACCEPTANCE OF CONTRIBUTIONS TO REPAIR OR ESTABLISHMENT MEMORIAL AT PENTAGON RESERVATION.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions made for the purpose of establishing a memorial or assisting in the repair of the damage caused to the Pentagon Reservation by the terrorist attack that occurred on September 11, 2001.

(b) DEPOSIT OF CONTRIBUTIONS.—The Secretary shall deposit contributions accepted under subsection (a) in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United states Code.

SA 1808. Mr. WARNER (for MCCAIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 192, after line 20, insert the following:

SEC. 621. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by striking ''has completed'' and inserting ''is within one year of the completion of''.

(b) SURFACE WARFARE OFFICERS.—Section 319(a)(3) of title 37, United States Code, is amended by striking ''has completed'' and inserting ''is within one year of the completion of''.

SA 1809. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 215. BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT,

TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $6,500,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) $5,000,000 may be available for the Big Crow program; and

(2) $1,500,000 may be available for the Defense Systems Evaluation (DSE) program.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $6,500,000.

SA 1810. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 201(1). AUTHORIZATION OF ADDITIONAL FUNDS.

AUTHORIZATION.—The amount authorized to be appropriated in section 201(1) is increased by $2,500,000 in PE62303A214 for Enhanced Scramjet Mixing.

OFFSET.—The amount authorized to be appropriated by section 301(5) is reduced by $2,500,000.

SA 1811. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. MILLER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 203. FUNDING FOR SPECIAL OPERATIONS FORCES COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS, AND INTELLIGENCE SYSTEMS THREAT WARNING AND SITUATIONAL AWARENESS PROGRAM.

(a) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $2,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), $2,800,000 may be available for the Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness (PRIVATEER) program (PE1160405BB).

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $2,800,000.

SA 1812. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 65, after line 24, insert the following:

SEC. 335. CRITICAL INFRASTRUCTURE PROTECTION INITIATIVE OF THE NAVY.

Of the amount authorized to be appropriated by section 301(2), $6,000,000 may be available for the critical infrastructure protection initiative of the Navy.

SA 1813. Mr. LEVIN (for Mr. CONRAD (for himself, Mr. DORGAN, Mr. ENZI, Mr. BAUCUS, Mr. BURNS, and Mr. THOMAS)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

STUDY AND PLAN.—

(a). With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congrssional defense committees a report and the Secretary's recommendations on options for providing the helicopter support missions for the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming, for as long as these missions are required.

(b) Options to be reviewed include:

(1) the Air Force's current plan for replacement or modernization of UH–1N helicopters currently flown by the Air Force at the missile wings;

(2) replacement of the UH–1N helicopters currently flown by the Air Force with UH–60 Black Hawk helicopters, the UH–1Y, or another platform.

(3) replacement of UH–1N helicopters with UH–60 helicopters and transition of the mission to the Army National Guard, as detailed in a November 2000 Air Force Space Command/Army National Guard plan, ''ARNG Helicopter Support to Air Force Space Command;''

(4) replacement of UH–1N helicopters with UH–60 helicopters or another platform, and establishment of composite units combining active duty Air Force and Army National Guard personnel; and

(5) other options as the Secretary deems appropriate.

(c). Factors to be considered in this analysis include:

(1) any implications of transferring the helicopter support missions on the command and control of the responsibility for missile field force protection;

(2) current and future operational requirements, and the capabilities of the UH–1N, and UH–60 or other aircraft to meet them;

(3) cost, with particular attention to opportunities to realize efficiencies over the long run;

(4) implications for personnel training and retention; and,

(5) evaluation of the assumptions used in the plan specified in (b)(3) above.

(d). The Secretary shall consider carefully the views of the Secretary of the Army, Secretary of the Air Force, Commander in Chief of the United States Strategic Command, and the Chief of the National Guard Bureau.

SA 1814. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 171, between lines 2 and 3, insert the following:

SEC. 589. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the total number of cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A statement of the processes and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide recruits and officer candidates with succinct information on the eligibility requirements (including information on when they become eligible) for health care benefits under the Defense health care program, and the nature and availability of the benefits under the program.

(5) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

SA 1815. Mr. LEVIN (for Mr. JOHNSON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

The Senate finds that a national tragedy occurred on September 11, 2001, whereby enemies of freedom and democracy attacked the United States of America and injured or killed thousands of innocent victims;

The Senate finds that the perpetrators of these reprehensible attacks destroyed brick and mortar buildings, but the American spirit and the American people have become stronger as they have united in defense of their country;

The Senate finds that the American people have responded with incredible acts of heroism, kindness, and generosity;

The Senate finds that the outpouring of volunteers, blood donors, and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts;

The Senate finds that the American people stand together to resist all attempts to steal their freedom; and

Whereas united, Americans will be victorious over their enemies, whether known or unknown: Now, therefore, it is the sense of the Senate that—

(1) the Secretary of the Treasury should—

(A) immediately issue savings bonds, to be designated as ''Unity Bonds''; and

(B) report quarterly to Congress on the revenue raised from the sale of Unity Bonds; and

(2) the proceeds from the sale of Unity Bonds should be directed to the purposes of rebuilding America and fighting the war on terrorism.

SA 1816. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . PERSONNEL PAY AND QUALIFICATIONS AUTHORITY FOR DEPARTMENT OF DEFENSE PENTAGON RESERVATION CIVILIAN LAW ENFORCEMENT AND SECURITY FORCE

Section 2674(b) of title 10, United States Code, is amended—

(1) by inserting ''(I)'' before the text in the first paragraph of that subsection;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and

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

''(2) For positions whose permanent duty station is the Pentagon Reservation, the Secretary, in his sole and exclusive discretion, may—

''(A) without regard to the pay provisions of title 5, fix the rates of basic pay for such positions occupied by civilian law enforcement and security personnel appointed under the authority of this section so as to place such personnel on a comparable basis with other similar federal law enforcement and security organizations within the vicinity of the Pentagon Reservation, not to exceed basic pay for personnel performing similar duties in the Uniformed Division of the Secret Service or the Park Police.

SA 1817. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 222, line 17, and after ''include comprehensive health care,'' insert the following: ''including services necessary to maintain function, or to minimize or prevent deterioration of function, of the patient,''.

On page 226, strike line 15, and insert the following:

SEC. 706. PROSTHETICS AND HEARING AIDS.

Section 1077 of title 10 United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.'';

(2) in subsection (b)(2), by striking ''Hearing aids, orthopedic footwear,'' and inserting ''Orthopedic footwear''; and

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

''(f)(1) Authority to provide a prosthetic device under subsection (a)(15) includes authority to provide the following:

''(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

''(B) Services necessary to train the recipient of the device in the use of the device.

''(C) Repair of the device for normal wear and tear or damage.

''(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

''(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

''(3) A prosthetic device customized for a patient may be provided under this section only by a prosthetic practitioner who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.''.

SEC. 707. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 706, is further amended—

(1) in subsection (a)(12), by striking ''such as wheelchairs, iron lungs, and hospital beds,'' and inserting ''which''; and

(2) by adding at the end the following new subsection:

''(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

''(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

''(B) Any durable medical equipment that can maximize the patient's function consistent with the patient's physiological or medical needs.

''(C) Wheelchairs.

''(D) Iron lungs,

''(E) Hospital beds.

''(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

''(A) achieving therapeutic benefit for the patient;

''(B) making the equipment serviceable; or

''(C) otherwise assuring the proper functioning of the equipment.''.

(b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

''(5) Durable equipment provided under this section may be provided on a rental basis.''.

SEC. 708. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 706(1), is further amended by inserting after paragraph (16) the following new paragraph:

''(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician.''.

SEC. 709. MENTAL HEALTH BENEFITS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine the adequacy of the scope and availability of outpatient mental health benefits provided for members of the Armed Forces and covered beneficiaries under the TRICARE program.

(b) REPORT.—Not later than March 31, 2002, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study, including the conclusions and any recommendations for legislation that the Secretary considers appropriate.

SEC. 710. EFFECTIVE DATE.

SA 1818. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . HOSTILE FIRE OR IMMINENT DANGER PAY.

(a) IN GENERAL.—Chapter 59, subchapter IV of title 5, United States Code, is amended by adding at the end the following new section:

§ 5949 Hostile fire or imminent danger pay

''(a) The head of an Executive agency may pay an employee special pay at the rate of $150 for any month in which the employee, while on duty in the United States—

''(1) was subject to hostile fire or explosion of hostile mines;

''(2) was in an area of the Pentagon in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period on duty in that area, other employees were subject to hostile fire or explosion of hostile mines;

''(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

''(4) was in an area of the Pentagon in which the employee was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

''(b) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which the employee is so hospitalized.

''(c) For the purpose of this section, ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

''(d) An employee may be paid special pay under this section in addition to other pay and allowances to which entitled. Payments

under this section may not be considered to be part of basic pay of an employee.''.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end the following new item:

''Sec. 5949 Hostile fire or imminent danger pay.''.

(c) EFFECTIVE DATE.—This provision is effective as if enacted into law on September 11, 2001, and may be applied to any hostile action that took place on that date or thereafter.

SA 1819. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title VI, add the following:

Subtitle F—National Emergency Family Support

SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) AUTHORITY.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during fiscal year 2002, in order to ensure that the children of such families obtain needed child care and youth services.

(b) APPROPRIATE PRIMARY OBJECTIVE.—The assistance authorized by this section should be directed primarily toward providing needed family support, including child care and youth services for children of such personnel who are deployed assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

SEC. 682. FAMILY EDUCATION AND SUPPORT SERVICES.

During fiscal year 2002, the Secretary of Defense is authorized to provide family education and support services to families of members of the Armed Services to the same extent that these services were provided during the Persian Gulf war.

SA 1820. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 363, after line 25, add the following:

SEC. 1066. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

''(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.''.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ellen Gerrity and Cindy Connolly, two fellows in my office, be allowed to be on the floor during the consideration of S. 1438.

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

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

On September 26, 2001, the Senate amended and passed S. Res. 147, as follows:

S. RES. 147

Whereas alcohol and drug addiction is a devastating disease that can destroy lives, families, and communities;

Whereas according to a 1992 National Institute on Drug Abuse study, the direct and indirect costs in the United States for alcohol and drug addiction was $246,000,000,000, in that year;

Whereas scientific evidence demonstrates the crucial role that treatment plays in restoring those suffering from alcohol and drug addiction to more productive lives;

Whereas in 1999, research at the National Institute on Drug Abuse at the National Institutes of Health showed that about 14,800,000 Americans were users of illicit drugs, and about 3,500,000 were dependent on illicit drugs; an additional 8,200,000 were dependent on alcohol;

Whereas the 1999 National Household Survey of Drug Abuse, a project of the Substance Abuse and Mental Health Services Administration, showed that drug use varies substantially among States, ranging from a low of 4.7 percent to a high of 10.7 percent for the overall population, and from 8.0 percent to 18.3 percent for youths age 12–17;

Whereas the Office of National Drug Control Policy's 2001 National Drug Control Strategy includes the reduction of the treatment gap for individuals who are addicted to drugs as one of the top 3 goals for reducing the health and social costs to the public;

Whereas the lives of children, families, and communities are severely affected by alcohol and drug addiction, through the effects of the disease, and through the neglect, broken relationships, and violence that are so often a part of the disease of addiction;

Whereas a National Institute on Drug Abuse 4-city study of 1,200 adolescents found that community-based treatment programs can reduce drug and alcohol use, improve school performance, and lower involvement with the criminal justice system;

Whereas a number of organizations and individuals dedicated to fighting addiction and promoting treatment and recovery will recognize the month of September of 2001 as National Alcohol and Drug Addiction Recovery Month;

Whereas the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment, in conjunction with its national planning partner organizations and treatment providers, have taken a Federal leadership role in promoting Recovery Month 2001;

Whereas National Alcohol and Drug Addiction Recovery Month aims to promote the societal benefits of substance abuse treatment, laud the contributions of treatment providers, and promote the message that recovery from substance abuse in all its forms is possible;

Whereas the 2001 national campaign embraces the theme of ''We Recover Together: Family, Friends and Community'', and highlights the societal benefits, importance, and effectiveness of drug and treatment as a public health service in our country; and

Whereas the countless numbers of those who have successfully recovered from addiction are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and make positive contributions to their families, workplaces, communities, States, and the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September of 2001 as ''National Alcohol and Drug Addiction Recovery Month''; and

(2) requests that the President issue a proclamation urging the people of the United States to carry out appropriate programs and activities to demonstrate support for those individuals recovering from alcohol and drug addition.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider calendar No. 413, the nomination of Marianne Lamont Horinko to be Assistant Administrator at the EPA; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President of the United States be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nomination was considered and confirmed, as follows:

ENVIRONMENTAL PROTECTION AGENCY

Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, OCTOBER 2, 2001

Mr. LEVIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. Tuesday, October 2; further, that on Tuesday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Department of Defense authorization bill with 30 minutes of debate equally divided between

the chairman and ranking member of the Armed Services Committee, or their designees, prior to 10 a.m., whereupon a rollcall vote on cloture on the bill will occur; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. LEVIN. The Senate will convene on Tuesday at 9:30 a.m. with 30 minutes of closing debate prior to the 10 a.m. rollcall vote on cloture on the DOD authorization bill. All second-degree amendments to the DOD bill must be filed prior to 9:45 a.m. on Tuesday. The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 7:40 p.m., adjourned until Tuesday, October 2, 2001, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 1, 2001:

MARIANNE LAMONT HORINKO, OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.