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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

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

Here is a promise from God for today. It is as sure as it was when it was spoken by Isaiah so long ago. Hear this word for today! ''Fear not, for I am with you; be not dismayed, for I am your God. I will strengthen you, yes, I will help you, I will uphold you with My righteous right hand.''—Isaiah 41:10.

Let us pray.

Dear God, we claim this promise as we begin this day's work. Your perfect love casts out fear. Your grace and goodness give us the assurance that You will never leave nor forsake us. Your strength surges into our hearts. Your divine intelligence inspires our thinking. We will not be dismayed, casting about furtively for security in anything or anyone other than You. Fortified by Your power, help us to focus on the needs of others around us and of our Nation. May this be a truly great day as we serve You. Bless the Senators as they place their trust in You and follow Your guidance for our Nation. You, dear God, are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 2, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, today the Senate will resume consideration of the Defense authorization bill, with approximately 25 minutes to be equally divided prior to a 10 a.m. cloture vote. I just left the majority leader and he hopes we can invoke cloture and we can complete consideration of this bill today. The two managers have worked extremely hard. They were here until 8 last night working on as many amendments as they could clear.

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

I am on the floor a lot. I appreciate the work done by the managers of the legislation. The work done by Senators LEVIN and WARNER has been exemplary. They have worked diligently and very closely, trying to work on this most important piece of legislation.

I say to everyone, Democrats and Republicans, it would be a tremendous blow to these two men and how hard they have worked—as well as to the Senate and this country—if cloture is not invoked on this most important piece of legislation.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1438, which the clerk will report.

The 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 ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the chairman and ranking member or their designees.

The Senator from Virginia.

Mr. WARNER. Madam President, I first thank the assistant majority leader for his words on this subject. I associate myself with the need to move forward on this bill. I am going to vote for cloture. I am about to leave and go into my party's conference and so indicate and encourage others to do likewise.

Madam President, when I looked at the television this morning and saw our President with the leadership reconciling differences, such as the budget, our President moving to make the tough decision, but it is a correct one given the security arrangements in place, to open National Airport, these are bold initiatives. Now the Senate has the opportunity to move forward and complete today a bill for the men and women of the Armed Forces, men

and women who, with their families, are now preparing to face an unknown situation but facing it with commitment and courage. I hope this Senate stands tall behind them and moves forward with this legislation.

I ask my distinguished chairman to allocate a few minutes of his time to me. I have reserved the equal amount of time for those who may wish to come to the floor in opposition to this cloture motion. I stand strongly in favor of it so America can move forward and we can support the men and women of the Armed Forces of the United States and their families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. First, I thank my dear friend from Virginia for all his work on this bill, for his comments, his determination to proceed on a bipartisan basis to a real test of wills. This vote we are now about to cast will decide whether we are going to have this year a Defense authorization bill which will provide funds for our military, pay raises for our men and women in the military, housing allowances which are desperately needed, the equipment that they need in order to prepare and to go to war, should that be their fate, and it surely looks as though that is now clearly ahead.

What we are hoping for, looking for this morning, is a strong bipartisan expression of national resolve and national unity by voting for cloture on this bill. It is the only way we will complete action on this bill. There has been an effort to debate matters on this bill that are unrelated, important matters but not matters that are directly related to providing and equipping the men and women in our forces.

This is the bill that provides the authorization required by the Department of Defense for their programs for the year 2002 that also includes the provisions for the Department of Energy. The bill is consistent with the national security priorities of the President of the United States and the Secretary of Defense. At a time when we are deploying forces around the world and mobilizing our National Guard and Reserve units to augment our active forces, it is a bill which is essential to our national security.

I am hoping that any partisan differences will be set aside. I am hoping that differences over particular provisions can be set aside. None of us agree with every provision in this bill. Some of us have taken steps to make sure that this bill could pass on a bipartisan basis and some of those steps have been very difficult steps for many of us to take. Many of us have had to take steps to preserve our rights to debate certain issues at a later time rather than at this moment in our history. I know that personally because I am one of those persons who has had to make a decision on language which I crafted and fought so hard for in committee as chairman, to set aside that issue—not to bury it; we are talking here national missile defense, but to save that debate for another day when two things could happen.

One, we could debate it in an environment which makes it possible for the pros and cons of that issue to be debated; second, at least to have a chance of prevailing on the issue, which is not possible under the current circumstances.

Nonetheless, the point is, some of us, on both sides of the aisle, have taken difficult steps. Some who oppose the BRAC provision, by the way—I am looking at our Presiding Officer—are faced with a decision: Will they vote for cloture on a bill which contains a provision to which they object? This was a close vote on BRAC, something like 53–47, if I remember. That means some of us who very much oppose that provision are now faced with a cloture vote. Are they going to vote to bring to an end debate on a bill that contains a provision to which they so strongly object? I am confident that most of the Senators who voted against the BRAC provision nonetheless will see that the bill overall is essential to our national security and to the well-being of our forces and to their success.

This bill contains a pay raise for military members that ranges from 5 percent to 10 percent depending on grade, the largest pay raise in two decades. We have been making progress on pay by the way. The last administration, as well as this one, has been making significant progress in making more adequate our pay for men and women in the Armed Forces. So we have the largest pay raise in two decades. We have authority and authorization for funding to increase the basic allowance for housing to eliminate the difference between the allowance that military members receive and the actual out-of-pocket expenses, and we are doing this now, a full 2 years earlier than the Defense Department's plan. So we are trying to eliminate that differential a lot faster than we had planned.

Our bill extends and modifies the authority to pay 18 different bonuses and special pays to military members in order to recruit and retain a high-quality force. We authorize new accession bonuses for military services to offer officers in critical skills. We authorize funding for a new TRICARE for Life Program that we enacted last year for military retirees over the age of 65.

All of this is hanging in the balance. The question is whether or not those who favor a debate on a comprehensive energy bill are going to use that issue and their inability to get it debated on this bill as an excuse to vote against this bill, or whether or not some who oppose the BRAC provision are now going to vote against cloture in order to bring down a bill which contains provisions which are so critical to the well-being of the men and women in the military and the success of their operations.

There are many other provisions in this bill which I will just briefly summarize. We have multiyear authority for the F–18E/F and the C–17 aircraft programs. We have a new round, as I have mentioned, of base closures in the year 2003, which the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have told us is critically needed for the improvement of DOD facilities in the future. We repeal a limit on the dismantlement of certain strategic delivery systems.

The last administration wanted us to get rid of this restriction. The uniformed military wanted us to get rid of this restriction. Their civilian leadership wants to get rid of this restriction. This administration wants to get rid of the restriction in order to reduce the size of our offensive nuclear forces. We have missiles that our military does not want—nuclear-capable missiles with nuclear warheads on them. The military says: we do not want them; we do not need them; it costs us money to maintain them. Yet Congress has forced the military to keep these systems that they do not want. This administration says please get rid of this limit. The last administration said please get rid of it. Again, our administration and military want us to get rid of it.

Congress now has a chance to get out of this artificial and costly and ineffective restriction on the limitation/reduction of nuclear forces.

We have had a lot of opportunities to amend this bill. We have been debating it over the course now of 6 days. We have adopted 76 amendments. Two amendments have been tabled. One amendment has been withdrawn. We have tried to get a finite list of amendments so debate could be finally brought to an end, so we could finally have a bill. As is usually done in the Senate, an effort is made to say bring your amendments here, tell us what you want to offer, and let's agree on a so-called finite list of amendments.

There has been an unwillingness to do that. The people who are trying to bring to the floor a debate on a matter unrelated to the matters in this bill have said they will not agree to such a finite list. So here we are in a situation where we have no way to bring debate on this bill to an end without cloture. We are more than willing to consider any relevant amendment, any germane amendment. But what we cannot do is just set aside the Defense authorization bill to begin a week-long or month-long debate on an energy bill. That is what we cannot do if we are going to act on behalf of the men and women in the Armed Forces, and to try to assure their success when they go into combat.

So that is the dilemma that we have had. The managers have worked hard, as Senator REID has mentioned. I thank him very much for his comments. Our leadership has worked hard to get that finite list. We have not been able to do it. Now we face a very clear

vote as to whether or not we are going to demonstrate the support for our Armed Forces by voting for cloture on this bill. That is the simple issue. It has come down to that. We are not trying to preclude anybody from offering a relevant or germane amendment. Quite the opposite. We have been here now for days saying bring your amendments to the floor.

It is going to come down to this vote. I am very much afraid that unless we get cloture the Defense authorization bill, so important to our forces, is going nowhere this year. That would be a horrendous message to send to the men and women and to the Nation and to the world. I hope that message will not be sent; rather, a message of unity and determination will be sent by a strong bipartisan vote for cloture on this bill.

Madam President, I know there are others who are going to want to speak between now and 10 o'clock. I will reserve the remainder of my time. I know Senator WARNER has his time, the remainder, reserved. I wonder if we could ask the Chair how much time we each have reserved?

The ACTING PRESIDENT pro tempore. The majority has 2 minutes and the minority has 10 minutes 45 seconds.

Mr. LEVIN. I thank the Chair. I do not see anyone else who wants to speak, so I suggest the absence of a quorum.

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

The second assistant bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, I ask unanimous consent that the Senator from Oregon be granted 3 minutes without changing the time for the vote.

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

The Senator from Oregon.

Mr. WYDEN. Madam President, I urge my colleagues to support Chairman LEVIN on cloture this morning.

As our country prepares to go to war against terrorism, this is not the time to be taking urgently needed national defense legislation hostage.

Protecting our Nation's energy infrastructure from attacks may well need to be part of our national defense strategy. But there is not one single provision in the energy legislation that some want to graft onto the defense bill that will in any way help protect our energy facilities from attack.

In fact, one of the bills that some are claiming is urgently needed for our energy security would actually undermine the security of our oil supply—by allowing Alaskan oil to be exported overseas.

While the House energy bill would restrict exporting of oil from the Arctic refuge, a Senate version of that bill would allow that same oil—that some are claiming we need to reduce our dependence on foreign oil—to be exported overseas. Those who claim we need to address energy policy as part of the defense bill can't even seem to agree whether we need to restrict Alaskan oil exports in order to increase our energy security.

The issue of energy security and the role of Alaskan oil ought to be debated in the Senate, but it should be done as part of the debate on energy policy.

I think this is particularly important for all the residents of the west coast of our country because it is clear that it is a very tight market on the west coast of the United States. We have seen again and again evidence that the markets on the west coast have been manipulated, that oil has been sold to Asia at a discount, and the companies then make up for it by sticking it to consumers in Oregon, Washington, and California.

This is an extraordinarily important issue. One version that has been presented to the Senate would allow the oil that is so important to our country to reduce our dependence on foreign oil to be exported. We aren't going to improve our Nation's energy security by short-circuiting the process on this legislation.

I urge my colleagues to support Chairman LEVIN and support cloture this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, in the weeks since September 11, Congress has risen to the occasion and worked in a bipartisan manner to address the many problems caused by the atrocities committed against our country. The American public can be proud of how their elected representatives have responded to this grave national emergency. I am proud of our performance.

But I am worried that in a few minutes, the Senate may undo all our good work of the past three weeks, bring an end to the bipartisan cooperation that has distinguished this institution, and give the public a reason to be ashamed of us.

Obviously, with America at war, the Defense authorization bill may be the most important legislation we will pass since September 11. Recognizing that importance, Democrats and Republicans on the Armed Services Committee have worked together to resolve differences that might have imperiled the bill's passage and threaten our bipartisan cooperation.

The chairman of the committee, Senator LEVIN, has agreed at the minority's urging to remove a provision in the bill restricting the administration's ability to develop a ballistic missile defense. I commend the Senator for that act of statesmanship, and for keeping his priorities straight in this critical hour.

Regrettably, some senators have decided that passing a defense authorization bill should take a backseat to fighting over our differences on energy policy and to denying the President, the Joint Chiefs and the Secretary of Defense the ability to reorganize our military to respond to the new threats that confront this nation.

Every civilian and uniformed leader of the United States armed forces has recognized that an additional round of base closings will be necessary to reorganize the military. We cannot, in this national emergency, let our parochial concerns override the needs of the military.

Nor should we insist on fighting over our differences on energy policy if the consequence of our insistence is that we fail to provide the military with the resources they need to maintain their readiness as they prepare to wage what the President has correctly called a ''new kind of war.'' There will be time enough for that debate. But not now, not on this bill.

I beg my colleagues to continue to distinguish themselves and the Senate by keeping the national interest first, second and last, to work together, as the country expects and needs us to, and to surrender, if only temporarily, the habits of partisanship and parochialism that have no place in this crisis.

Madam President, I ask unanimous consent that letters from Secretary Rumsfeld and Chairman Shelton to Senators LEVIN and WARNER be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, September 21, 2001.

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

DEAR MR. CHAIRMAN: I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

Since that fateful day, the Congress has provided additional billions of taxpayer funds to the Department. We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element of ensuring the right mix of bases and forces within our warfighting strategy.

No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, ''we face new and sudden national challenges,'' and those challenges will force us to confront many difficult choices.

In that spirit, I am hopeful the Congress will approve our request for authority to

close and realign our military base facilities. Thank you for the opportunity to provide our views in this important matter.

Sincerely,

DONALD RUMSFELD.

WASHINGTON, DC,
September 25, 2001.

Hon. JOHN WARNER,
Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: As the full Senate deliberates the FY 2002 Defense Authorization Bill I would like to reiterate how critically important it is that Congress authorize another round of base closures and realignments.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We can not afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Sincerely,

HENRY H. SHELTON,
Chairman of the Joint Chiefs of Staff.

Mr. LIEBERMAN. Madam President, I rise today to express my strong opposition to the attempt to add energy legislation to the Defense authorization bill.

This debate comes at a moment of historic challenge. We are a nation poised for battle against a shadowy enemy that has as its aim the destruction of America and all that we stand for. Our President has prepared us for a sustained military campaign, and at this time there can be no higher priority than to pass this critical legislation to support our armed services and the men and women who we will send into this war to, literally, defend our freedom. In that context, the amendment is an unnecessary and divisive distraction from that high purpose, which ultimately will do little to strengthen our national security.

My friend from Oklahoma is right to be concerned about our national energy policy. In fact, I believe we must take a fresh look at our policies in light of the terrible events of September 11. In particular, we must look at the vulnerability of our energy infrastructure to terrorist attack, and refocus our energy policy to ensure that we address our weaknesses.

On that point, let me quote from a recent letter from a former Director of the CIA, a former Chairman of the Joint Chiefs of Staff, and the former National Security Adviser to President Reagan:

Our refineries, pipelines and electrical grid are highly vulnerable to conventional military, nuclear and terrorist attacks. Disbursed, renewable and domestic supplies of fuels and electricity, such as energy produced naturally from wind, solar, geothermal, incremental hydro, and agricultural biomass, address those challenges.

The authors of the letter continue by stating that we must limit our vulnerabilities and increase our energy independence by passing, among other things, a Renewable Portfolio Standard. The energy proposal under consideration, however, does not include this innovative measure, or many of the other steps we can and must take to protect and enhance the security of energy infrastructure because it was drafted long before the terrible events of September 11 forced us to rethink our positions.

Just as problematic, these amendments would open the priceless Arctic National Wildlife Refuge for oil production. In the view of many, myself included, opening the refuge to drilling is not just bad environmental policy, it is bad energy policy and would do next to nothing to reduce our dependence on foreign oil. In fact, as we have repeatedly pointed out, the refuge would not provide a drop of oil for at least a decade. This 10-year figure is a conservative estimate that was made by the Department of Interior under President Reagan, and proof positive that ANWR is not the answer or even an answer to our current crisis, let alone our long-term needs.

What this proposal would do, however, is severely threaten a national environmental treasure, which is the last thing the American people would expect us to do at this moment of crisis. In times such as these, many of us found solace in nature, including many people at the heart of these horrific terrorist attacks. The New York times reported in the days following the attacks that Manhattan citizens were flocking to a garden in lower Manhattan to seek comfort, to grieve, and to connect with each other in sharing our grief.

In my view, we need to know that vast natural areas such as the Arctic refuge exist as we cope with the events of the past month. Nature reminds us of the eternal rhythms of life of which we are a part and which will endure over time. Ensuring an enduring refuge in the Arctic, no matter how uncertain other parts of our life may seem right now, provides us solace and perspective in these trying times. This crisis has reawakened us to the importance of protecting our values, and I believe that the Arctic wilderness has a place on that list.

The time to debate the merits of energy policy is not today, and not as an amendment to the Defense authorization bill. Debating the merits of these, and other, provisions will take time, time we do not have now. There will be deep divisions and much disagreement. As Senator MURKOWSKI said just last week, consideration of energy legislation on the defense bill is ''inappropriate.'' ''[T]here is a place for the consideration of domestic energy development. . . . That belongs in the energy bill where it should be debated by all individual members.''

We should leave this Arctic refuge debate for another day and focus with intensity on the task at hand: supporting and strengthening our Armed Forces. This is not the time for the distraction and division that this amendment would create.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I am pleased to say that my colleague, Senator MCCAIN, and I think one or two others in our conference strongly support cloture. I am pleased to say that I think momentarily the Senate will see a very strong vote in favor of cloture and for moving ahead on this bill. I thank my colleague, the Senator from Arizona, and others for their support in this matter.

I say to the chairman we will make as much progress as possible today, and we will have to vigilantly enforce the rules with regard to germaneness if we are to achieve our results. But we have stood steadfast on both sides of the aisle on behalf of the men and women of the Armed Forces. I am proud of the Senate on this day.

Mr. LEVIN. Madam President, I know the hour of 10 has arrived. I thank my good friend from Virginia for his work in his conference. I am optimistic, with his words now and with Senator MCCAIN's efforts and others in the Republican conference, that we now have an opportunity to get cloture. We hope that is true. We will find out shortly. The stakes here are great.

I yield any time that I have.

Mr. WARNER. Madam President, I wonder if we might extend the time of the vote by 2 minutes to allow the Senator from Alaska to address the Senate, and then the vote will take place at 10:02.

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

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, good morning. And I thank my good friend, Senator WARNER.

Let me indicate my support for the DOD authorization bill. It has never been my intent to block this legislation. However, as a consequence of the manner in which the objections were heard relative to the DOD authorization bill, and the effort to put H.R. 4, the House energy bill, as an amendment on it, I felt compelled to come before this body and ask the majority when we might take up an energy bill, a national energy security bill that addresses protecting the critical energy infrastructure of our Nation, whether it be electric reliability, pipeline safety, and provisions of the administration's energy security proposal. There were other issues relative to securing domestic supplies: Price Anderson, clean coal, ANWR, hydro provisions,

and a title reducing demand and increasing efficiencies.

I felt it imperative, based on the requests from the White House, the Vice President, and the Secretaries of Energy and Interior, that we have some assurance that the Senate will complete its work on a national energy security package. The House has done its work. H.R. 4 has passed the House of Representatives. Unfortunately, the majority did not see fit to give us an indication of whether or not we would likely take up an energy bill in the remainder of this session.

That was my request relative to the authorization bill pending before us this morning. We still have not received any assurance from the majority that they intend to take up a national energy security bill this session. I encourage them to reconsider that. I advise my colleagues that I will be pressing this issue on other opportunities before this body.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair and wish the occupant of the chair a good day. And I thank my friend, Senator WARNER.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 163, S. 1438, the Department of Defense authorization bill:

John Kerry, Jon Corzine, Debbie Stabenow, Byron Dorgan, Maria Cantwell, Patty Murray, Harry Reid, Zell Miller, Daniel Inouye, James Jeffords, Richard Durbin, Kent Conrad, Jack Reed, Charles Schumer, Joseph Lieberman, John Edwards, Tom Daschle, and Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on S. 1438, a bill 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, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—100

Akaka	Allen	Bayh
Allard	Baucus	Bennett
Biden	Feingold	Mikulski
Bingaman	Feinstein	Miller
Bond	Fitzgerald	Murkowski
Boxer	Frist	Murray
Breaux	Graham	Nelson (FL)
Brownback	Gramm	Nelson (NE)
Bunning	Grassley	Nickles
Burns	Gregg	Reed
Byrd	Hagel	Reid
Campbell	Harkin	Roberts
Cantwell	Hatch	Rockefeller
Carnahan	Helms	Santorum
Carper	Hollings	Sarbanes
Chafee	Hutchinson	Schumer
Cleland	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith (NH)
Collins	Jeffords	Smith (OR)
Conrad	Johnson	Snowe
Corzine	Kennedy	Specter
Craig	Kerry	Stabenow
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
Dayton	Landrieu	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	Lott	Wellstone
Edwards	Lugar	Wyden
Ensign	McCain	
Enzi	McConnell	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. I move to reconsider that vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to be recognized to bring up an amendment. Prior to that, I yield no longer than 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I did not hear what was asked.

Mr. INHOFE. Mr. President, I have asked to be recognized to bring up an amendment that is at the desk. However, in deference to the Senator from Arizona and the Senator from Oregon, I have yielded them 5 minutes, but I want to retain my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I do not intend to object, I wonder whether or not that amount of time is sufficient for both of them.

Mr. MCCAIN. It is sufficient.

Mr. LEVIN. Will the Senator yield 10 minutes if they need it?

Mr. INHOFE. Not to exceed 10 minutes. I amend my request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not take more than 1 minute because we need to move forward with this legislation. In fact, we need to move forward with it urgently. I hope there will be time agreements and amendments decided on so we can finish this bill today. We have to move on to airport security and other important issues.

(The remarks of Mr. MCCAIN and Mr. WYDEN are printed in today's RECORD under ''Morning Business.''

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1735

Mr. INHOFE. Mr. President, I call up amendment No. 1735, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1735.

(Purpose: To add an expression of the sense of the Senate on comprehensive national energy legislation that ensures the availability of adequate energy supplies to the Armed Forces)

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.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to reread that because this is very simple. This is not the comprehensive amendment I had which would have put H.R. 4 into the Defense authorization bill.

There is no one in this Chamber who wants to have a Defense authorization bill more than I do. I will not jeopardize that. However, this amendment is simply a sense of the 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 the comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure there is an adequate supply of energy for the Armed Forces.

The reason I am bringing this issue up is I cannot imagine that someone would not want to support it. Right now we are, as we all know—you have heard me say this many times—56.6-percent dependent upon foreign sources of oil for our ability to fight a war. Roughly half of that comes from the Middle East and the largest, fastest growing contributor to energy, to oil that is imported by the United States, is Iraq.

So what we are saying is we are dependent upon Iraq for our ability to fight a war against Iraq. Now, that is insane.

The very least we can do is recognize that energy is a national defense issue. So I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. NELSON of Florida. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:36 a.m., recessed until 10:54 a.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, before we recessed subject to the call of the Chair, I called up amendment No. 1735. I want to read it again because, as I stated before, to even consider that our energy dependence upon foreign sources is not a defense issue I think is ludicrous.

Instead of offering the long amendment, I have merely offered a sense-of-the-Senate amendment that says:

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.

I think the strongest point we can make about our dependency upon the Middle East is the fact that the most rapidly growing contributor to our energy supply in the Middle East, Iraq, is a country with which we are at war. It is absurd not to at least make this commitment as a sense of the Senate to get this done.

I ask this amendment be agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I make a motion that the Chair rule this amendment is dilatory.

Mr. INHOFE. Will the Senator withhold that motion for just a moment so I can ask a question?

Mr. REID. I will be happy to.

Mr. INHOFE. I assure you, if you make the motion and the Chair rules it is not in order—I think if the Chair read it very carefully, it would be in order, but if it rules that it is not in order, I will not challenge the ruling of the Chair for obvious reasons. I do want as much as anyone in the Senate an authorization to pass, and pass quickly. I know if we had that motion and overruled the ruling of the Chair, that would open it up and it would be disaster and we would not get a bill. So I would not do that. I am not going to. I ask you not make that motion, but if you do make the motion, I encourage the Chair to realize and read—this is not the amendment I had before. This is merely directly relating to defense.

Mr. REID. Mr. President, I have been advised by my friend from Delaware he wishes to speak, and of course postcloture he has a right to speak for up to an hour. I would not stand in his way of doing that, so I withdraw my previous point of order.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wanted to speak on a matter of strategic airlift capability, but I do not want to get in the way of the sense-of-the-Senate amendment of the Senator from Oklahoma. I would like to say this, if I could. Obviously, we are not going to vote on the energy package that the House passed as an amendment to this bill. The Senator from Oklahoma and I have spoken. I don't think that is appropriate. Having said that, if we have not learned any other lesson from the events of 3 weeks ago, I hope we have learned that this country needs an energy policy.

I finished my active-duty tour of the Navy in 1973 and went to the University of Delaware on the GI bill. My first recollection of being in Newark, DE, was sitting in a line trying to buy gas for my car. That was 28 years ago. We did not have an energy policy then; we don't have an energy policy today; and we need one today a lot more than we did then.

Mr. President, 28 years ago about a third of the oil we consumed in this Nation was coming from places outside of our Nation's border. Today it is almost 60 percent, and we still have no energy policy. My hope is that by the time we adjourn from this first session later this year, we will have taken up the legislation we are working on in the Energy Committee on which I serve and be in a position to go to conference with the House on a very important matter.

Mr. INHOFE. I say to my friend from Delaware, that is exactly what this amendment does. It is a sense of the Senate to do exactly what he has suggested. I certainly think it would be appropriate at this time to include this sense-of-the-Senate amendment.

Mr. CARPER. Mr. President, I retain my time. Whether this is germane or not I don't know, but I know the issue is relevant and it is an important issue for our country and for this body. It is my hope, speaking to my friend and our leader from Nevada, that before we leave here we will have taken up and passed a comprehensive energy policy for our country, which we desperately need.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the majority leader many times in the last week about this issue of energy policy. The majority leader, myself, and Senator LEVIN—if he were here—recognize the importance of developing an energy policy. I agree with my friend from Delaware.

I was Lieutenant Governor of the State of Nevada during that time. I came back and had meetings with Vice President Ford as a representative of the National Lieutenant Governors Conference. The purpose of that meeting was to talk about energy.

The first energy czar was a man named Bill Simon, who later came to the Department of Energy.

There is no question we need to do something about energy policy in this country. There is no question about it. Senator DASCHLE, the majority leader, realizes that. He wants to move to an energy bill just as quickly as is possible. But we have lots of problems in this country as a result of what happened on September 11 in New York.

It only exacerbates the problem as it relates to energy. We understand that. I have spoken to Senator BINGAMAN several times in the past week. He is doing his very best to report out a bill. I have spoken to the minority leader. The place that Republicans and Democrats want to go is basically the same. Probably 75 to 80 percent of the things that both parties want energywise we can all agree on. Some of the other things we can't agree on. One example, of course, is ANWR, which is a real problem.

We understand the intentions of the Senator from Oklahoma. I have spoken to him many times on this issue.

The majority leader is going to get to the energy bill—hopefully this year—as quickly as he can. We know we have to do something with an airline safety bill. We have a stimulus package. We have workers who have been displaced. We have to do something about that. We have to finish this very important Defense bill. It is important. We are so happy that the Senate invoked cloture. We have 13 appropriations bills we have to complete. We have a lot of work to do. The majority leader recognizes that more than anybody else.

Mr. President, I make a point of order that the amendment filed by my friend from Oklahoma is dilatory.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't know what the order is right now. The Senator from Delaware may have the floor. Is that correct?

The PRESIDING OFFICER. The floor is open.

Mr. INHOFE. Mr. President, I understand what the Senator from Nevada, the distinguished assistant majority leader, said. The problem is that we have been talking about this now—I personally, since the eighties when then-Secretary of the Interior Don Hodel and I would tour the Nation to explain to the Nation that our dependency on foreign sources of oil for our ability to fight a war was not an energy issue; it was a national security issue. At that time, we were 37-percent dependent on foreign sources of oil for

our ability to fight a war. Now it is much more serious. We have gone through the 1990 Persian Gulf war. I think everyone realizes that.

The problem I have is the statement of the Senator from Nevada that nothing is going to happen, that this is merely a sense of the Senate. I know the Chair has ruled it is not germane. I will not challenge that and put in jeopardy the Defense authorization bill. I don't want to do that.

I only say this: Talk is cheap. We have been sitting around talking about it. The statement made by the Senator from Nevada is the same statement they made back in the 1980s and all during the 1990s. Every time we try to bring up an energy bill, they say: Yes, we all want it. Yet do they really want it?

We will continue in our efforts. I will continue in such a way as to not jeopardize in any way the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I say from this side of the aisle that we welcome the decision not to challenge the bill so that we can go forward. The points the Senator made are well taken. Our Nation's trade deficit this year will exceed $300 billion. We consume oil from other places around the world. As sure as we are meeting here today, some of those billions of dollars we are paying for oil from other sources—including from places where people do not like us very much—are surely going to fuel the kind of terrorism which happened 3 weeks ago this morning for a whole host of reasons.

I pledge to work with my friend from Oklahoma and others on the Energy Committee to get this legislation moving and out of committee. There is a lot on which we can agree. ANWR may be one. On some points we disagree. A lot we can agree on. We need to do that and move.

I really want to say this morning a word or two with respect to the Defense authorization bill as it pertains to our strategic defense capability.

The tragedy of 3 weeks ago this morning left many dead. There are a number of uncertainties that grow out of those attacks: Who planned them? Who executed them? Who funded them? Who supported them? Who harbors the terrorists today? How will we respond?

Amid those uncertainties, there are a number of things we know for sure. They include the fact that this war is going to be unlike any war we have fought in my lifetime and before—unlike World War II, in which many of our fathers served, unlike Korea, unlike Vietnam, where my generation served, and unlike the Persian Gulf war barely a decade ago.

This we know: Our success in this war against terrorism will depend on many factors:

The readiness of our forces we are deploying;

Our ability in gathering the support of the other civilized nations of the world to join us in this war;

The quality of the intelligence, the reliability of the intelligence that we gather and that we receive from others with whom we work;

Our ability to understand our intelligence and to act effectively in a timely manner in response to that intelligence;

Our ability to deploy covert operations and do so successfully.

And our success in the world also depends in no small part on our ability to move quickly at a moment's notice large numbers of men and women and materiel from the United States to other parts of the world.

There are many military bases around the world, out of which I used to operate as a naval flight officer, that are closed today. While we work with nations that are sympathetic to our cause against terrorists in order to try to secure air space and to try to secure airfields to use, the fact of the matter is we simply don't have the bases to deploy troops that we used to at airfields and ports. We depend more than ever on an air bridge that is going to be comprised of C–17s and on an air bridge that will be comprised of C–5s.

When I was a member of the active-duty forces, even though I was in the Navy, I flew a fair amount on C–141s, a transport aircraft that the Air Force uses. They are the workhorse for the Air Force. C–5s were introduced, and we had a combination of the C–141 and the C–5 to provide an air bridge in earlier wars.

The C–141 is old today. It is being retired. Its place is being taken by the C–17, a terrific aircraft. The C–17 carries about half the load of a C–5. While it has pretty good legs and can travel a pretty long distance, it doesn't have the legs or the ability to travel far distances that the C–5 enjoys. The C–5 has been with us more than two decades—C–5As and now C–5Bs. The aircraft is about half the age of the B–52.

I was struck when we started to ratchet up to see B–52s being called on again to serve our Nation. It has been around 50 years and is still ready to work for us. The C–5, having half the years and age of the B–52, is certainly able to work a bit longer alongside the C–17.

Someone gave me a sheet of paper today with a picture of the C–5. This picture shows some idea of the life remaining in the C–5 with respect to its ability to play a major role in our strategic airlift capability. The fuselage is good for another 30-plus years; stabilizers, another 40-plus years; wing service, over 50 years; the fuselage, another 50-plus years; forward fuselage, there is plenty of durability left in the C–5 aircraft.

There are two things the C–5 needs in order for us to be able to maximize its effectiveness in this war and in any other war that may come our way over the next 40 years. One is an avionics package. When you sit in the cockpit of the C–5 and look at the instrumentation, you think you are looking at a plane that is 25 years old; and you are. The aircraft needs a new avionics package. The bill before us today provides a very substantial step to enable us to put that avionics package in place in the C–5 to enhance its capability.

Another major component of this bill deals with the engines that are mounted on the wings of the C–5. Most of the new airliners that are flying in our skies and around the world today have engines that can generally fly for 10,000 hours before they need to be changed. The engines on the C–5s, which I said earlier are over 20 years old, those engines need to be changed about every 2,500 hours. We need to reengine, if you will, the C–5s. If we do that, with modern engine technology, we will be able to get 10,000 hours between engine changes, as they do in the commercial fleets.

The combination of those two steps—to introduce into and incorporate into our C–5 aircraft, the C–5As and C–5Bs, a modern avionics package, and to also reengine the aircraft in years going forth—will enable us to fully benefit from the 30 or 40 years that are still left in those planes. There are a lot of air miles to be traveled, a lot of troops to be carried, a lot of tanks and helicopters and trucks to be moved. The C–5 and the C–17 can do it.

With the adoption of this legislation, our air bridge from this country to other troubled points around the world will be reinforced and made stronger for this generation and for generations to come.

I yield back my time, Mr. President.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Nevada.

AMENDMENT NO. 1760

Mr. REID. Mr. President, I send an amendment to the desk. It is a filed amendment. It is amendment No. 1760.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [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, proposes an amendment numbered 1760.

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

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

The amendment is as follows:

(Purpose: To strike the condition precedent for the effectiveness of the dual compensation authority provided in section 651)

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 State Code, as added by the amendment

made by subsection (a), for any period before the effective date under paragraph (1).

Mr. REID. Mr. President, I rise today to offer an amendment along with Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUYE, Mr. HUTCHINSON, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, Mr. DODD, Mr. DORGAN, and Mr. BILL NELSON.

Our amendment will correct an inequity for veterans who have retired from our Armed Forces with a service-connected disability.

This amendment is identical to the bill I sponsored on January 24, S. 170, the Retired Pay Restoration Act of 2001. The Retired Pay Restoration Act currently has almost 80 cosponsors, 80 Senators, approximately. This clearly illustrates the bipartisan support for this legislation.

As with the bill, this amendment will permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans disability compensation.

In 1891, the original inequitable 19th century law was passed to prohibit the concurrent receipt of military retired pay and VA disability compensation. When this original law was enacted, the United States had an extremely small standing army. Only a portion of our Armed Forces consisted of career soldiers.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability. The law simply discriminates against career military men and women. I repeat, under the current law, if you retire from the military and have a service-connected disability, you have to waive your retirement pay. When I first heard about this, I could not believe it. I thought my staff had given me bad advice. They had not.

But adding to this injustice is the fact that the Federal employee has been able to collect VA disability compensation while working for the Federal Government—but not if you are in the military. You can work for the Department of Energy or the Park Service, and if you have a service-connected disability, you can draw your whole retirement pay. But if you retire from the military, no chance, you have to waive that or a portion of it. The civil service retiree may receive both his civil service retirement and VA disability with no offset at all.

Disabled military retirees are only entitled to receive disability compensation if they agree to waive their retirement pay or a portion of it equal to the amount of the disability compensation. This requirement clearly discriminates unfairly against disabled career soldiers by requiring them to essentially pay their own disability compensation.

If you are in the military, and you get out with a service-connected disability, you can draw all that pay unless you retire from the military. If you work for Sears & Roebuck, or if you work for the Interior Department, you get it all, but not if you are retired from the military. How unfair.

To understand the law's unfairness, one must look at why the Government pays retirees and disabled veterans. Military retirement pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is the promised reward for servicing at least two decades, and many times more, under conditions most Americans find intolerable. You are told when to get up, when to go to bed, where you are going to live, and what you are going to do. That is what the military is all about.

Veterans disability compensation, on the other hand, is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury.

Military retirement pay and disability compensation were earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements.

One of our valued staff on the minority side, every time there is a military bill, comes in this Chamber proudly wearing on his lapel a medal, the Silver Star. He wears that very proudly. But if he has a service-connected disability—and he may have one—he can draw that because he is not a retiree from the military or, if he is, he cannot. It does not make sense. It is not fair. Current law ignores the distinction between these two entitlements. Military retirement pay and disability compensation were both earned and awarded for entirely different purposes.

This amendment represents an honest attempt to correct an injustice that has existed for a long, long time, for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

It is unfair for our veterans not to receive both of these payments concurrently. Today we have 560,000 disabled military men and women who have sacrificed a lot for this country. Today nearly one and a half million Americans dedicate their lives to the defense of our Nation. And that is going up as we speak. The U.S. military force is unmatched in terms of power, training, and ability. Our great Nation is recognized as the world's only superpower, a status which is largely due to the sacrifices that veterans have made during the last century.

This past weekend I read a book written by Stephen Ambrose. It is his latest book. It is about B–24s. It is the history of these bombers during World War II. It is a fascinating history. The losses of B–24 pilots and crews were unbelievable. They were shot down all the time. They were big, heavy, awkward airplanes, and very hard to fly. And they lost a lot of them in noncombat situations. But it is an example of the sacrifices made by people who have served our country in the military.

Why should not someone who flew a B–24, has a service-connected disability, and has retired from the military, be able to draw that disability compensation as a result of being hurt flying a B–24?

Rather than honoring their commitment and bravery, the Federal Government has chosen instead to perpetuate a 110-year-old injustice.

I know the Senate will seriously consider passing this amendment. With almost 80 cosponsors, it is a fair statement that this amendment should pass. I hope the Senate will pass this amendment to end at last this disservice to our retired military.

Some believe this amendment may be too expensive. This country has saved lots of money by not doing the right thing in years past. We have 1,000 World War II veterans who die every day. From today to tomorrow, there will be 1,000 funerals held for World War II veterans. Since last June, we have fallen a little short. It has not been quite 1,000 a day. It has been close. Since then we have lost 465,000 veterans. These dedicated service people will never have the ability to enjoy their two well-deserved entitlements. To delay any action on this amendment means we will continue to deny fundamental fairness to thousands of our Nation's retirees.

If we can pass this legislation and give a World War II veteran 1 month of the compensation they deserve before they pass on, we should do that.

This amendment is supported by numerous veterans' service organizations—I cannot name them all—the Military Coalition, the National Military/Veterans Alliance, the American Legion, Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and the Uniformed Services Disabled Retirees, plus many more.

This is the right thing to do, and we must eliminate this century of sacrifice. Our veterans have earned this. Now is our chance to honor their service to the Nation.

I hope this legislation passes overwhelmingly and that it is not taken out in conference. We passed the amendment last year. Out of 100 percent of what we needed, we maybe got 2 percent to help just a few people. We need to help them all.

It is not easy for me to stand here and say that 1,000 World War II veterans die every day, but that is a fact. They do. Many of those World War II veterans are today receiving unfair payments by this Government. They are not able to receive their retirement and their disability. They have to waive part of their retirement. That is unfair.

I hope this amendment is adopted. I am not going to require a vote on it. I am not one who believes a big heavy vote helps in conference. Everyone

knows this has almost 80 Senate cosponsors. It is something the veterans community supports wholeheartedly.

I was talking to one of the Armed Services staff people today. They get more mail on this issue than any other issue because people are desperate. They know they are dying off.

I hope this amendment will be accepted. I repeat, I am not going to require a recorded vote. But the conscience of this Senate calls out for recognizing the sacrifices made by these veterans and that we adopt this amendment in the Senate and make sure the same happens in conference because they deserve this.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. REID. Are we going to take action on this amendment? Is the Senator from Kansas speaking on my amendment?

Mr. ROBERTS. Mr. President, I was not planning to, unless the distinguished Senator would ask me to do so. I have worked with him at great length on the Ethics Committee. Is the amendment ethical?

Mr. REID. The two managers are not here, Mr. President. I have no objection, if the Senator from Kansas is going to file another amendment, to setting mine aside.

Mr. ROBERTS. I think the agreement was, at least as far as this Senator understood, that I was going to have 20 minutes to talk about an amendment I had planned on introducing. I am not in a position to acquiesce to the Senator's request. I would have to check with our leadership in that regard. I have no doubt the Senator has an outstanding amendment.

Mr. REID. The Senator has every right under postcloture to speak for an hour on anything relating to defense as he wishes. I know he has been a very stalwart member of the committee and has done so much for defense issues over the years. I certainly look forward to listening to him for 20 minutes.

Mr. ROBERTS. I thank my friend and colleague.

The PRESIDING OFFICER. The Senator from Kansas.

ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM

Mr. ROBERTS. Mr. President, in the interest of germaneness and to move this bill along, I am acceding to the request by the distinguished chairman of the Armed Services Committee, Senator LEVIN, and Senator WARNER, our distinguished ranking member, in that I had intended on introducing an amendment. I am going to speak to the amendment. I think my decision will be to simply lay down the amendment as a freestanding bill.

Having said that, I rise this morning to warn my Senate colleagues about an urgent issue facing the Senate and this Nation. This issue has been identified many times now by various respected commissions, by leaders within the military, the academic, political, and national security communities. Whether we admit it or not, the need for action is instinctively understood by most Members of this body.

However, despite months and years of hearings, testimony, and warnings, until September 11 there was little sense of urgency or desire to make changes to the structure of the Senate required to address the problems of homeland security and terrorism.

I know the distinguished majority leader and our Republican leader and a few other Senators and staff have certainly given this recognition serious and careful consideration. As the former chairman of the Subcommittee on Emerging Threats and Capabilities within the Armed Services Committee, now the ranking member—the distinguished Senator from Louisiana, MARY LANDRIEU is now the chairman—I come to this issue after 3 years of hearings and testimony from virtually all the experts and more than 40 agencies of the Government.

It gives me little solace and a great deal of frustration to find the fine members of the subcommittee and our excellent staff in the role of Paul Revere, but unable to awaken the Federal Government, our colleagues, and the American people.

Let me share two paragraphs from the very first report our subcommittee issued to the Congress, to the press, and to the public:

> The terrorist threat to our citizens, both military personnel and civilians at home and abroad is real and growing. The proliferation of weapons of mass destruction and individual acts of terrorism have dramatically raised the stakes and increased the potential of massive casualties in the event of the terrorist attack.

I further quote from the first report of the subcommittee:

> Further, the serious prospect that known terrorist Osama bin Laden or other terrorists might use biological and chemical weapons as well as individual acts of terrorism is of great concern. His organization is just one of approximately a dozen terrorist groups. bin Laden, for example, has called the acquisition of these weapons ''a religious duty'' and noted that how to use them is up to us.

My colleagues, that was 3 years ago. We also stressed in our report that to confront this continuing and growing threat, it was critical that our governmentwide efforts to combat terrorism be coordinated and clearly focused. We noted at that time there were approximately 40 Federal departments and agencies with jurisdiction in the fight against terrorism.

Last spring, members of the Intelligence, Armed Services, and Appropriations Committees for the first time joined together and asked these same agencies to testify. All claimed jurisdiction. Many claimed they were in charge. We asked them three things: What is your mission? What do you really do? Who do you report to?

The bottom line: The hearings demonstrated that too many Federal agencies do not have a firm grasp of their roles and responsibilities for preventing and preparing for and responding to acts of domestic terrorism.

This patchwork quilt approach is not a substitute for a national strategy, the purpose of which would be to coordinate our Federal agencies into an effective force. It seems to me the administration is now working overtime to get that job done. Obviously, the administration has the attention of all Members of the House and Senate and the American people.

Along with that summation, the three committee chairmen and two subcommittee chairmen sent a list of recommendations to the Bush administration. We responded after those hearings. Now that situation has dramatically changed. The attack on the United States, the deaths of more than 6,000 Americans, and the very real probability that other attacks on the United States by terrorists are not only possible but probable require—require—that the Senate take action now to create a single entity to focus the action of the Senate—not the Federal agencies, not the House, but the Senate—on homeland security and terrorism.

I remind my colleagues that as tragic as September 11 was, it was not the first act of terrorism in this regard: The 1993 bombing of the World Trade Center, the bombing of the U.S.S. *Cole*—the Intelligence Committee, by the way, is still progressing on an investigation in regard to the U.S.S. *Cole*—and the bombing of our embassies. These earlier attacks and the promises and threats that prefaced them should have been the clarion call to prepare adequately for homeland security. They were not. If we now fail to properly organize and coordinate our actions in the Senate as the Nation fights a war against terrorism, we will be part of the problem, not the solution.

We do not now speak with one voice. As a body and as individual Members, we do not know all of the actions being taken within the various committees and subcommittees with jurisdiction or self-declared jurisdiction over homeland security and terrorism. I know this for sure in regard to reading about hearings that were held 2 weeks before, hearings we held in the Emerging Threats Subcommittee with the same witnesses, or that there were hearings planned 2 weeks down the road from hearings we had planned, not that we had the exact answer to the problem by any means. Bluntly put, the Senate cannot be a contributing partner with the Executive to win the war against terrorism unless we are properly organized.

On the other hand, we have done some good work. Last year, the Emerging Threats and Capabilities Subcommittee, in an attempt to reduce confusion and focus action, required the Department of Defense to establish a single Assistant Secretary to speak for the Department. Members of the Senate Appropriations Committee have worked hard to require a similar single point of responsibility in the Department of Justice.

Last Thursday, the President of the United States designated Pennsylvania Gov. Tom Ridge, a former colleague of ours in the House, to head up a new Cabinet-level organization to focus attention and to speak for the administration on homeland security.

Last week, the House of Representatives of the United States established a subcommittee to be the single voice for the House. The Senate leadership knows, I am sure—I have talked with them at length—that we must create a single committee in some form to coordinate and to prioritize initiatives and programs concerning homeland security and terrorism.

Mr. President, we have not done so. I say to my colleagues, it is our turn to act. The select committee I am recommending with this legislation will allow us to speak with one voice and be a key partner with the administration and the House of Representatives in the war on terrorism.

Before I outline my proposed legislation, let me give some background regarding this urgent need.

First, there is precedent for creating a select committee to address a very significant problem. The Truman committee: Convinced that waste and corruption were strangling the Nation's efforts to mobilize itself for war in Europe, President Truman conceived the idea for a special Senate committee to investigate the national defense program. Many consider this to be one of the most productive committees in the Senate's history.

The Arms Control Observer Group provided a way for Senate leaders to observe arms reduction talks and anticipate issues that might block eventual ratification.

Y2K was created to examine the year 2000 problem in the executive and judicial branches of the Federal Government, State governments, and the private sector operations in the United States and abroad. Everybody owes a debt of thanks to the distinguished Senator from Utah, Mr. BENNETT, for his leadership in that regard.

Each of these organizations was created to solve a particular problem in extraordinary times, and they proved to be invaluable. This is an extraordinary time.

To combat terrorism and protect our homeland is an issue demanding unity of effort in the Senate. Several studies and commissions have been conducted on the threat of terrorism and the preparedness of America to cope with an attack. We all know what they are. There is the Bremer commission, the Hart-Rudman commission, the Gilmore commission, and a study by the Center for Strategic and International Studies; the acronym is CSIS. Each had elements of agreement. They all recommended the following:

No. 1, the threat to our homeland is real. It is not a matter of if but when. Sadly, we know the answer to when. The people who planned the terrorist attack and killed 19 of our service men and women on the U.S.S. *Cole* are the same kind of people who planned the attack in New York and Washington and the same kind of people who are planning the next attack.

Point No. 2, from all of these commissions, all of these experts: The executive branch is fragmented and poorly organized to prepare or deal with such an attack. The President is stepping up to that issue. So is Tom Ridge.

Point No. 3, the Nation needs a strategy to address the problems in international terrorism. I think the President is doing a good job on that respect with the help of his Cabinet, with the help also of the international community.

Point No. 4—and this is the point I want to make as of today—the Congress is as poorly organized and fragmented as the executive branch.

Finally, if we need another example of why we must coordinate our actions on this issue, we need only look at the various legislative proposals moving through the Senate to direct the administration to reorganize the executive branch to face this war on terrorism. These actions are certainly well meaning.

I do not oppose each or any of them, and I do not perjure their intent or the intent of the distinguished Senators who have introduced the bills. But, I say to my colleagues, could we not better serve the Nation in this critical time if there were a single select committee to coordinate and prioritize our efforts?

Could not a single committee serve the Nation better and work more closely with the President than all of the various committees we have now with some measure of jurisdiction over homeland security and terrorism?

How many committees and subcommittees must the administration meet with to take action now, to put politics second and America first?

How many chairmen and ranking members must Governor Ridge meet with and convince before he can take action?

Could not a single coordinating and prioritizing committee better serve the Nation during this war on terrorism and serve the Senate as well?

During the hearings of the Emerging Threats Subcommittee, we asked all the witnesses to state what keeps them up at night, what was their biggest worry, and to prioritize homeland security threats.

Their suggestions mirror the threats now receiving national press attention and the priority challenges that now face Governor Ridge as he comes to the Senate asking for immediate consideration and expedited action.

The first concern mentioned by our witnesses was the danger of an attack using bioterrorism. Goodness knows, we have seen headlines about that. The probability is low or perhaps medium, but the risk is severe, if not chaotic. Were I to be asked by Governor Ridge and his staff, I would recount that concern and recommend immediate funding and policy reforms.

I see the distinguished former chairman of the full Armed Services Committee, the ranking member, the gentleman I like to refer to as the ''chairman emeritus,'' the distinguished Senator from Virginia, who is very much aware of an exercise that was just taken at Andrews Air Force Base called ''Dark Winter,'' the use of biological weaponry. The results were very grim.

I think both Senator WARNER and this Senator would meet with Governor Ridge and say: Tom, this is something that must be addressed and is being addressed by the Secretary of Health and Human Services, Secretary Thompson. But on whose door will the Governor knock? Certainly, the Health, Education, Labor, and Pensions Committee; certainly the Armed Services Committee; perhaps our subcommittee; the Intelligence Committee; and the Government oversight committee, and, of course, the Appropriations Committee and the appropriate subcommittee on the Appropriations Committee. And let's not ever forget the growing danger of agriterrorism. So, obviously, he better knock on the door of the sometimes powerful Senate Agriculture Committee.

The second priority concern stressed by the experts was the danger of a cyber-attack, or information warfare. So Director Ridge doubtlessly would knock on the door of the Commerce Committee again, as well as the Armed Services Committee, the Judiciary Committee, doubtlessly the Banking Committee and others. Now I could go on, but I think my point has been made.

The third priority concern was the danger of a chemical attack, and the fourth, the danger of any possible use by a state organization or a nonstate organization of terrorists using a weapon of mass destruction.

As the September 11 tragedy demonstrated, there were few threats that were not discussed or that will be as Governor and now Director Ridge comes to the Senate to brief Senators to ask for our advice, our expertise, and our support, and we have that. We have had many hearings. We have many staff experts, and we have good judgments as evidenced by the Senator from Virginia and others who have worked so hard on this issue. That is how it should be.

We have a great many Senators, as I have indicated, who have considerable expertise and experience. They can, and we will, be part of the answer, but we do not have time to introduce bill after bill and hold hearing after hearing and request Governor Ridge to knock on virtually every committee and subcommittee door of the Senate in a merry-go-round of turf contests.

I know that senior committee chairmen and senior ranking members and even subcommittee members and ranking subcommittee members care about

turfs. Scratch their turf, and it is like Ferdinand the bull. He does not smell flowers; he gets upset.

I say again, the House has acted. The administration has acted. We have not. It is time. Last Sunday, Secretary of Defense Rumsfeld issued the long awaited Quadrennial Defense Review. In his forward he states:

The vast array of complex policy operational and even constitutional issues concerning how we organize and prepare to defend the American people are now receiving unprecedented action throughout the United States Government. Importantly, since the scope of homeland defense security responsibilities span an array of Federal, State, and local organizations, it will also require enhanced interagency processes and capabilities to effectively defend the United States against attacks.

Then he went on to say: The recent establishment of the Office of Homeland Security will galvanize this vital effort.

That is the word, ''galvanize.'' ''Galvanize,'' that is the word, to be sure. Various dictionaries define ''galvanize'' as follows, and I quote:

To arouse to awareness and action; to spur; to startle.

Erskine Childers of dictionary fame said:

A blast in my ear like the voice of 50 trombones galvanized me into full consciousness and action.

Mr. President, the Senate of the United States will not be able to galvanize or even play a significant part in winning the war against terrorism if in coming to the Senate the President, Tom Ridge, and the American people have to knock on 100 doors and listen to 100 different trombones. That is not galvanizing anything.

My proposed legislation would do the following: First, establish a Select Committee on Homeland Security and Terrorism. It would be cochaired by the majority and the minority leaders. It would have membership designated by the leadership from committees with preeminent and primary jurisdiction. Note I said preeminent and primary jurisdiction over homeland security and terrorism. And it would be responsible to coordinate and prioritize initiatives and programs of the U.S. Government concerning homeland security and terrorism.

It would submit to the Senate appropriate proposals for legislation and report to the Senate concerning such activities and programs.

This is a modest proposal. It is not written in stone. This proposal is not perfect. There is no such thing as a perfect bill. It is one that does not take authority away from committees, despite a lot of discussion that that might be the thing to do; the committees that certainly currently have the jurisdiction over these matters. It does allow the Senate to have a single voice and a single point of contact the administration can deal with as we fight this war on terrorism.

It is the right thing to do. It must be done now if the Senate is to be a key player and a meaningful partner in this Nation's war on terrorism.

I have a more detailed summary of the bill. I ask unanimous consent that the summary be printed in the RECORD.

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

ROBERTS RESOLUTION ESTABLISHING A SELECT COMMITTEE

1. Establishes a Select Committee on Homeland Security & Terrorism.

2. Select Committee would coordinate and prioritize federal initiatives toward genuine homeland security and preventing incidents of terrorism in the U.S.

3. Select Committee will have a legislative jurisdiction and shall have referred to it all legislation substantively connected to addressing homeland security and terrorism challenges.

4. Composition of Select Committee would be: two co-chairmen (Majority Leader and Minority Leader), two vice-chairmen (appointed by majority and minority leaders), chairmen and ranking members of Senate committees with clear jurisdiction (as determined by leaders), four members not sitting on such committees, and four members with expertise in the area of homeland security and terrorism (these eight members will also be appointed by the majority and minority leaders).

5. The Select Committee will hold hearings, compel the attendance of witnesses, draft legislation, report legislation, and generally be the focal point for the Senate's legislative and policy response to the challenge of keeping the American homeland safe and prepared in regards to incidents of terrorism and the phenomenon of 21st century terrorism (where each incident is exponentially more catastrophic than the last).

6. Select Committee will periodically report to the Senate and the committees of the Senate on the federal long term policy response to challenge of homeland security and terrorism.

7. Select Committee will require an annual report from the President outlining the coordinated federal long term policy response to challenge of homeland security and terrorism.

8. Select Committee is to compliment (by coordination and prioritization) the work of other committees in the Senate on homeland security and terrorism. Other committee jurisdiction is not removed by this proposal.

9. After introduction, the resolution will be referred to the Senate Committee on Rules and Administration for further consideration.

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to compliment my distinguished colleague, a member of the Armed Services Committee. Let the RECORD reflect he was the chairman of the Emerging Threat Subcommittee, which as a new chairman I created many years ago. Many of us on the committee, preeminent and foremost our distinguished colleague, Senator ROBERTS, in his tireless efforts, brought to the attention first of the committee, then the Senate as a whole, the serious looming threats across the board. Often he was alone in those efforts, but he had me by his side. I say the two of us, I suppose, in some respects at times had to forge ahead.

I do not say that in a partisan way because both sides of the aisle, in terms of our committee, at times had to push hard to get measures through and to eventually get what money we could from the Appropriations Committee to support the initiatives of the former chairman of the Subcommittee on Emerging Threats.

We are fortunate the Senator remains as the ranking member under the chairmanship of the distinguished Senator from Louisiana.

I have not had an opportunity to examine the format of the Senator for this important initiative that must be taken at some point by the leadership of the Senate and hopefully the endorsement of the full Senate. From what I have heard of the Senator's remarks, I think it is a landmark place from which to begin to examine this question.

If I might inquire, perhaps in the Senator's extended remarks he covers the budgetary authority. That, as the Senator knows, is very important. For example, in our bill now pending before the Senate for the Armed Forces for fiscal year 2000, we have a number of billions of dollars directed towards the President's initiatives, the initiatives of the Congress of the United States, to thwart terrorism. How would that be treated under the proposal the Senator from Kansas has? Would that jurisdiction over those funds—would we have, should we say, coequal authority of, say, the Armed Services Committee and other committees that have jurisdiction over portions of terrorism?

Mr. ROBERTS. If the Senator will yield, I will be happy to respond. The second point, which will be inserted in the RECORD following my remarks, the select committee would coordinate and prioritize the Federal initiatives toward genuine homeland security and preventing incidents of terrorism.

It would have a legislative jurisdiction and have referred to it all legislation substantially connected to addressing homeland security and terrorism challenges, but the budget authority, of course, stemming from the Budget Committee and all the work they do and all the work the appropriators do would still remain in the Armed Services Committee. It is more of a clearinghouse.

I suspect Director Ridge would come to the select committee, indicate his advice and counsel from the National Security Council, all that he has talked to, that we have the top five priorities and that, as a result, would go to our committee. We would recommend to the committees of jurisdiction, which I would think would be no more than four or five. They would not lose their jurisdiction.

There was a great deal of concern, when I talked to various ranking members and chairmen of these committees, that they did not want to lose jurisdiction. Some thought about making them ex officio, but in terms of the budget authority, obviously the Senator from Kansas and the distinguished

chairman of the Armed Services Committee would have a direct say in terms of the authorization. It would be like everything else we do that is subject to our work with the appropriators.

Mr. WARNER. If I might continue, one area of work of the Senator, as the former chairman, and I presume now in this bill the current chairman, is to prioritize those funds that go to the National Guard support teams. We started out 3 years ago with I think 4, 5, 6. Our committee each year increased the number of teams, increased the funding for the teams. Their teams would be the first responders; or maybe the local police, fire, and other authorities would be the first responders.

There was a problem because we only had so many teams for the 50 States. How many teams are we up to now?

Mr. ROBERTS. If the distinguished Senator will continue to yield, we increased that number by 22. There was a GAO report, as the Senator knows. He always sat as the presiding chair and now ranking member at the subcommittee because of his intense interest. We would not have the subcommittee focus on this problem without the leadership and inspiration of the Senator from Virginia.

The GAO issued a rather critical report in regard to the teams, what we call civil support teams, the idea being that very well trained National Guard units could be within 4 hours of any community to be one of the first responders and signal back to the Federal Government—now with the FBI, with FEMA, with the Red Cross, with everybody concerned—exactly what the problem was.

That report found no fault in the raid teams. That report focused on the lack of direction and leadership within the Department of Defense. We fixed that problem with the help of the able staff, including the able staff member sitting to the Senator's right. He goes on periodic inspections to make sure these raid dreams are up to snuff. It means within 4 hours of anywhere in the United States you will have a crack professional and well-trained National Guard team to come in to immediately recognize the problem, indicate to the first responder, and also Washington, exactly what the problem is, and respond as fast as possible.

It was that initiative that the distinguished Senator mentioned to this Senator, and we were able to increase the number of teams even before the Department of Defense clearly recognized that need.

Mr. WARNER. I wanted to discuss that. There was a clear and historic bipartisanship in the work by the committee.

I pose it as a question now: Supposing in a future budget coming before the Congress from President Bush's team, and Mr. Ridge would have a voice, of course, and say, arbitrarily, he needed another 10 teams, and that funding is in the Department of Defense budget, and our committee decided we ought to have 20 teams. However, the new committee that you envision would, I presume, get the budget request, as would the Armed Services Committee, and would either have to agree with our committee or disagree, and if there is a disagreement, how do you resolve it?

Mr. ROBERTS. The same way we resolved the problems with Y2K. The leadership would have to make a decision in regard to the prioritization of what the distinguished Senator is talking about.

I point out No. 8 in the summary of the bill. The select committee is to complement—complement, by coordination and prioritization—the work of other committees in the Senate on homeland security and terrorism. Other committee jurisdiction is not removed by this proposal. I cannot imagine that the Select Committee on Homeland Security and Terrorism would not adhere to the recommendations of the Armed Services Committee, more especially the subcommittee on which I serve, and also the budget as submitted by the administration. The budget authority is more of a notification authority to this select committee. It is not ''triplication''—if there is such a word—in terms of the Budget Committee.

I do not want in any way to tread on the expertise and the knowledge of the distinguished chairman and all the members of the committees that have jurisdiction. The Senator might remember we had a chart that we showed weeks ago, before September 11. The Senator may remember he was an active participant when we had the 40 agencies that came in. We asked: What is your mission? Who do you report to? Who is in charge? As a matter of fact, I think you were the Senator who showed up with the chart that showed it was a hodgepodge. It would be impossible for anyone to figure it out. I held up a much smaller chart of ''stovepipes,'' if you will.

At that time, I thought there were five major committees that had jurisdiction that somehow could recommend or at least be part of this select committee, either ex officio or official. We had decided now to make them members because I didn't want to scratch that term. I have since found out there are eight, and there may be nine, and it may be growing more than that. It did affect our budget.

Mr. WARNER. The RECORD should reflect the important contribution by that group of Senators. Senator JUDD GREGG was in the leadership at that time. You were present. Senator STEVENS, Senator INOUYE, Senator LEVIN attended a lot of these. We had 2 full days of hearings.

Mr. ROBERTS. Senator MIKULSKI was very active, Senator HOLLINGS was very active, Senator STEVENS was there, as I have indicated, and Senator SHELBY on the Intelligence Committee. We had the Armed Services Committee, Intelligence, and the appropriators.

Mr. WARNER. That was an important piece of work we did.

Again, if no standing committee gives up any jurisdiction, I am still having difficulty understanding exactly how this new committee will function. I ask the question in a supportive manner and in no way to infer that I am not supporting the ultimate objective, especially of the leadership itself, to establish such a format. If we don't have some yielding of jurisdiction, I am not sure how that committee functions.

Mr. ROBERTS. If the Senator will yield again, I will try to do this one more time. We had plans A, B, C. The first plan was to create a task force. Then we thought after September 11 that yet another task force was not the thing to do. The task force was to be a clearinghouse of all the major committees that had that jurisdiction. The task force was to at least let everybody know that the left hand knew what the right hand was doing. We have had meetings like that. Members come once, staff members come later, and simply protect the turf of the subcommittee or the committees.

We said: We will hold a hearing on that. Why would you want to hold a hearing when we already held one? With whom are you working downtown in terms of the agencies? And round and round and round. So we decided the task force would not fit the bill.

Then we had another plan. This plan I call the Bennett plan, although I am not sure the distinguished Senator from Utah would take credit for it, or even should. But it was based on the committee that he chaired in regard to the Y2K challenge we had. In this particular case, you had the majority leader, the minority leader designating two designees to be vice chairmen, which we do. He called it the worker bees, so they could get that done. They basically were in charge of that particular effort. It didn't mean that the Commerce Committee—I do not remember the other main committee involved; perhaps it was the Governmental Affairs Committee; I may be misspeaking—could not introduce legislation and have budget authority, which they did. It was an effort to make sure that the Senate of the United States was on top of this issue and everybody knew what was occurring.

When the leadership would come to Senator BENNETT or Senator DODD, the other participant, they would say: This is our best recommendation.

I will say any senior committee chair who has a strong feeling, I understand that, but in the end it will have to be a decision by the executive, by our leadership, hopefully by a single committee that can serve as a clearinghouse to prioritize. I don't think we get into the budgets that much.

Plan C is the one I have introduced to make sure your senior committee

chairmen, or at least part of the action, are not ex officio. Plan C was put in. First, this is flexible; this is not ''the'' plan.

I am trying to prompt action. Frankly, what I am trying to do when we have a problem in Dodge City, and you have to use a cattle prod and start to push a little bit, that is what we are doing. I think it is a pretty good bill, but it may not be the best bill, and there may be another way to approach this.

The distinguished Senator knows what has happened. We have been talking about this now for 6 months.

Mr. WARNER. In fairness, Senator LOTT has hosted several meetings—you and I have been present—so he could look at all options on it.

Mr. ROBERTS. Yes, I have been present.

Mr. WARNER. I want to follow this carefully.

Mr. ROBERTS. I have discussed this with the minority leader. I gave a similar plan, and I said it is not so much whether it is this plan or that plan, we must have a single select committee. We thought about a standing committee, and we said: No, that is going too far. You know and I know that if you tread on the turf of an important committee chairman, they will say no to the leadership. That is precisely what has happened. I am not going to get specific, but we have been working on this for 6 months to a year, and if we just get into personalities and turf fights, there ought to be a way to work this out. So this select committee would prioritize and coordinate with Tom Ridge. My word, if he can do it with 40 agencies, we can do it here with all the subcommittees and committees we have in the Senate. If we do not, we will not be part of the answer.

Mr. WARNER. Mr. President, I think the Senator is aware that I, in my capacity as ranking on Armed Services, have not objected to what Senator LOTT has put out as some format. To the contrary, I have indicated to him my strongest support for whatever evolves, hopefully with his leadership and others'—yourself—out of this effort.

I commend the Senator but I am prepared to make whatever adjustments are necessary in order for this very important concept to be formalized and instituted in the Senate.

I thank the Senator.

Mr. ROBERTS. I thank the Senator for his help, support, leadership, and advice, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator from Kansas for his continuing leadership. He was an absolutely marvelous chairman of the Emerging Threats Subcommittee and took that committee in a direction that really foresaw some of the activities that we have seen in the year since he began that effort. For that foresight we are all in his debt. He has continued that as ranking member of the Emerging Threats Subcommittee now, with Senator LANDRIEU as Chair.

But he has really been way, way ahead of his time. He has prodded us, as he used the image, in more ways than one and more times than just a few. I know the leadership is discussing some kind of a select committee. Hopefully they will come to some kind of conclusion so we can act with one voice.

He has been sometimes a lone voice, often a voice with a lot of support—but nonetheless a strong voice in that direction. I thank him again as I often have publicly and privately for his extraordinary work on our committee and in the Senate.

Mr. ROBERTS. I thank the distinguished chairman and my good friend and colleague for his very kind remarks.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1760

Mr. REID. Mr. President, I ask we return to amendment No. 1760.

The PRESIDING OFFICER. The amendment is pending.

Mr. WARNER. Mr. President, for the record, the amendment is accepted on this side.

Mr. HUTCHINSON. Mr. President, I am proud to be lead Republican sponsor of the concurrent receipt amendment offered by my distinguished colleague from Nevada, Senator REID. Now is the time to restore fairness to our military retired. Men and women who served our country, who dedicated their lives to the defense of freedom have earned fair compensation.

Our veterans have earned and deserve fair compensation. I have been a longstanding supporter of efforts to repeal the 110-year-old law that prohibits military retirees from collecting the retired pay that they earned as well as VA disability compensation.

This amendment will correct the inequity of disability compensation for our Nation's military retirees. Today, our military retirees are forced to fund their own disability compensation. Essentially, it is the view of this government, that those that have already given so much for our Nation must provide more. These are worthy Americans who answered our Nation's call for 20 years or more. They are veterans who stood the line, defending our Nation, during peacetime and conflict.

Today as we face a new enemy we have the duty to show our men and women in uniform that we as a nation fully support them, that the United States Senate recognizes their sacrifice. I urge my colleagues on both sides of the aisle to support this important amendment.

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

The amendment (No. 1760) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative 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.

AMENDMENT NO. 1834

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator THOMAS and Senator GRAMM of Texas.

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

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. THOMAS, for himself and Mr. GRAMM, proposes an amendment numbered 1834.

The amendment is as follows:

Strike the material beginning with page 264, line 21 and ending with page 266, line 6.

Mr. LEVIN. Mr. President, I am sure we all remember the lengthy, spirited debate on the question of whether or not private businesses in this country should have an opportunity to bid on items which the Government is buying or whether they ought to be preempted from being able to bid on those items by the monopoly position of Federal Prison Industries. The Senate spoke and spoke loudly. Senator GRAMM strongly opposed it. He had some suggestions afterward which I find acceptable, Senator THOMAS finds acceptable, and those suggestions are now incorporated in the amendment which we have sent to the desk. It leaves intact the thrust of our amendment.

I ask unanimous consent the amendment be considered.

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

Mr. LEVIN. Last week, the Senate voted 74–24 to table an amendment that would have removed the Federal Prison Industries provision from the bill. This vote was an overwhelming victory for those who believe, as I do, that Federal Prison Industries should not be able to prohibit private sector companies and their employees from bidding on federal contracts that are paid for with their tax dollars.

Under Section 821 of the bill, which has now been endorsed by the full Senate, FPI's ''mandatory preference''

would come to an end, and Federal Prison Industries would have to compete for future Department of Defense contracts. Under this provision, the Department of Defense, not Federal Prison Industries, would be responsible for determining whether Federal Prison Industries can best meet the Department's needs in terms of price, quality, and time of delivery. If DOD determines that the FPI product is not the best available in terms of price, quality, and time of delivery, the Department is directed to purchase the product on a competitive basis.

Today, we are agreeing to an amendment that would modify the Federal Prison Industries provision. In particular, this amendment would delete language from the bill which specifically addresses: (1) DOD purchases of integral or embedded products from FPI; (2) DOD purchases of national security systems from FPI; and (3) DOD purchases in amounts less than the micropurchase threshold of $2500.

The first thing that I would like to emphasize about this amendment is that it does not in any way alter or undermine the key language in the provision, which would end FPI's mandatory preference and allow private companies to compete against FPI for Department of Defense contracts. Would the Senator from Wyoming agree with this?

Mr. THOMAS. Absolutely. The Senate voted overwhelmingly to end FPI's mandatory preference on DOD contracts, and we have not and would not agree to any amendment that would undermine that action. As Senator LEVIN stated, last week's vote sent a clear message that the Senate fully supports eliminating FPI's mandatory source status.

Mr. LEVIN. I would now like to address the language that we are removing from the bill.

First, we are removing language that would have expressly stated that DOD may not be required to purchase integral or embedded products from Federal Prison Industries. This provision was intended to address FPI's practice of using its mandatory source status to insist that it get a share of projects that would ordinarily be performed by a single general contractor.

While we believe that some of FPI's practices in this area have been abusive, we are dropping this language from the bill because we do not believe that it is necessary. Since the language in the bill would end FPI's mandatory source status, FPI would no longer have the leverage it has used in the past to insist that contracts be divided up, that contract specifications specifically require the use of FPI products, or that subcontracts be awarded to FPI.

Let me be clear. We expect FPI's abusive practices to end under this provision. It is our belief that with the elimination of the mandatory preference, these practices will come to a stop. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree. The only reason for dropping this language from the bill is that it is redundant.

Mr. LEVIN. Second, we are removing language from the bill that would have expressly stated that DOD may not be required to purchase national security systems from FPI.

There are certain types of products that are inappropriate to produce in our prisons. I don't think we want guns produced in our prisons. I don't think we want missile guidance systems to be produced in prisons. I don't think we want rocket launchers to be produced in prisons. I don't think we want bullet proof vests to be produced in prisons.

We have agreed to drop the language in the bill because it is unnecessary. With the elimination of the mandatory preference, DOD will no longer be required to purchase any product from FPI, unless the Department determines that FPI offers the best product and the best price, and with a delivery schedule that meets the Department's needs. For this reason, we do not believe that is necessary to retain the language singling out national security systems.

Would the Senator from Wyoming agree with this?

Mr. THOMAS. I do agree and in fact, I think the American public would be shocked to learn that under a depression-era statute the DOD is required to purchase national security products from Federal prisoners.

In addition, FPI's entry into services generally, and data services related to mapping and geographic information in particular is troubling. This is an inappropriate area for prison work for a number of reasons. First, Congress has included mapping and geographic information services within the statutory definition of professional architect-engineer (A/E) services. This law requires Federal agencies to award A/E contracts (including those for surveying or mapping services) to firms based on their ''demonstrated competence and qualification'' subject to negotiation of a fee ''fair and reasonable to the government'', rather than awarding such contracts to the lowest bidder. The vast majority of States have also adopted this process in their codes and it is recommended by the American Bar Association in its Model Procurement Code for State and Local Governments.

Public health, welfare and safety is dependent on the quality of work performed by professionals in the fields of architecture, engineering, surveying and mapping. To add to these highly technical and professional services the drawings, maps and images processed by prison inmates is questionable to the public interest.

There are prisons engaged in a variety of digital geographic information services, including converting hard copy maps to electronic files; plotting maps at various scales; creating databases with information on homeowners, property appraisal and tax assessment; digitizing, and other computer aided design and drafting and geographic information services. FPI is involved in a program to provide support services to some of the Nation's most classified and sensitive mapping programs. I believe it is highly inappropriate for prisoners to be involved in programs where their work later becomes classified.

It is unwise to provide inmates access to information about individual citizens' property and assets, address information, and other data that carries serious civil liberty implications. I want to emphasize that inmates working for FPI in geographic information services often have access to homeowner data, property appraisal and tax assessment records and other information that most citizens would not want in prisoners' hands. It is equally dangerous in today's climate to give prisoners access to underground utility, infrastructure or power system location data.

Moreoever, to train prisons in imaging techniques and technologies makes the potential for utilizing such skills in nefarious counterfeiting operations upon release from incarceration too tempting.

These are examples of where prison industries has gone too far and where constraints are needed.

Mr. LEVIN. finally, we are removing language from the bill that would have stated that DOD may not be required to make purchases with a value less than the micropurchase threshold of $2500 from FPI.

The micropurchase threshold is important, because the removal of statutory requirements on small purchases makes it possible for DOD and other agencies to use efficient purchasing methods, including credit cards. For this reason, DOD has long sought, within the executive branch, an exemption from FPI's mandatory source requirement for purchases less than $2,500. So far, FPI has been willing to grant an exemption only for purchases up to $250.

We are removing this language from the bill so that the Department of Defense and the Department of Justice can continue efforts to work it out within the executive branch. It is our hope that, with the elimination of the mandatory preference for DOD purchases from FPI, the two agencies will be able to work this issue out in a constructive manner. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree with the good Senator from Michigan and want to point out that FPI has been fighting such changes for more than 5 years. Furthermore, FPI's reluctance to increase the micropurchase threshold points to FPI's unwillingness to recognize the legitimate needs of its Federal agency customers.

Lastly, I want to point out that this amendment does nothing to address the numerous other competitive advantages that FPI enjoys. As I pointed out

on the Senate floor last week, FPI will retain advantages such as: paying inmates between $.23—$1.15 per hour; not having to pay Social Security or Unemployment compensation; not having to pay for employee benefits; exemption from paying Federal and State income tax, excise tax, and State and local excise taxes; and utilities being provided by the host prison.

Under this amendment FPI will continue to enjoy these, and other, competitive advantages. In no way does this amendment shut down FPI. In fact, FPI will continue to produce products for DOD contracts because the private sector cannot compete against not having to pay market wages, employee benefits, and Federal and State taxes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the chairman, Senator THOMAS, and the senior Senator from Texas for reconciling differences on an issue which was of great importance to all parties. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 1834) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1805

Mr. DURBIN. Mr. President, last week I offered an amendment that would allow a needed land transfer agreement to take place in North Chicago among the Navy, the Department of Veterans Affairs, and the Finch Medical School.

The managers of this bill accepted my amendment and I thank them for their help. I want to take this opportunity to explain what the amendment does.

The Navy's only boot camp facility is at the Great Lakes Naval Training Center in North Chicago, IL. Its Recruit Training Center area is a very long, thin stretch of land hemmed in by railroad tracks and by land that the Navy transferred to the Department of Veterans Affairs, VA, many years ago. This layout forces recruits to do so much marching simply in the course of moving about the area in a normal day of training that these 19-year-olds have been suffering from overuse injuries.

Both the barracks and the large drilling facilities used by recruits were built hastily during World War II and are in desperate need of replacement. These military construction projects have been endorsed by the Navy and by Congress, but the layout of the Recruit Training Center must be modified before all the buildings needing replacement can be built.

The VA land adjacent to the Recruit Training Center was leased to the Finch Medical School, which is affiliated with the North Chicago Department of Veterans Affairs Medical Center. The VA also has more land and buildings than it needs for veterans health care delivery today.

The Navy, the VA, and the Finch Medical School have been in negotiations to set up a land swap that would benefit all concerned. The Finch Medical School is amenable to giving up the land on which it carries a 99-year lease so that the Navy can use that land. The VA is willing to transfer the land the medical school has leased for other VA property that the VA no longer needs. I commend all the parties for their willingness to work together, compromise, and find a solution that benefits all parties. The details of this agreement are still being worked out, and a public hearing will be held on it as well.

This amendment simply authorizes the Navy to use up to $2 million of Operations and Maintenance funds to fulfill its obligations, once a final agreement is reached.

I appreciate the support from the bill's managers on this amendment. The rebuilt Recruit Training Center area will allow a major improvement in the training environment as well as the quality of life for new recruits. This amendment is absolutely necessary for the Navy to carry out the plans for its new Recruit Training Center.

Mr. LEVIN. It is now the understanding that we will recess until 2:15 and that we will be back at that time. We hope to be able to work out a pending amendment or two so we can complete consideration of this bill, hopefully before the briefing which has been scheduled for, I believe, 2:30. It would be our goal that we can use that 15 minutes to resolve these pending amendments, that we can then go to final passage right after the 2:30 briefing. That would be my goal.

Mr. WARNER. Mr. President, I share that goal. After carefully offering opportunity to my colleagues, I understand, if we resolve the matters with Senator ALLARD, that may conclude the amendments. It won't seal them off, but we have made a great deal of progress.

Mr. LEVIN. Senator ALLARD, Senator NELSON of Florida and others, Senator DODD, are working hard to see if we can come up with something which moves in the direction we all want to move in terms of voting rights for our military personnel and that does so in a way that we can protect against any unintended consequences. That is our hope over the lunch period. We will come back at 2:15 with high hopes and, if not, we will have to resolve it in other ways.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk.

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

Mr. HELMS. I thank the Chair.

Mr. President, parliamentary inquiry, please. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1724

(Purpose: To protect United States military personnel and other elected and appointed officials of the United States government against criminal prosecution by an international criminal court to which the United States is not party)

Mr. HELMS. Mr. President, I call up amendment No. 1724 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MURKOWSKI, proposes an amendment numbered 1724.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HELMS. Mr. President, I have worked with our colleague from Georgia, Senator MILLER, to craft legislation to protect our soldiers and officials from illegitimate prosecutions by the International Criminal Court. Senator MILLER and I and Senators LOTT, WARNER, HATCH, SHELBY, and MURKOWSKI together introduced the American Service Members Protection Act on May 9 of this year. We have worked since that time with the administration to craft the pending amendment, and the administration favors this amendment quite strongly.

Our soldiers and decisionmakers will be all the more exposed to the risk of illegitimate prosecution as they proceed with ''Operation Enduring Freedom,'' as it has been named, against those who on September 11 committed mass murder against innocent American civilians.

The pending amendment ensures that countries, or overzealous prosecutors and judges, will never be able to use this court to persecute American military personnel carrying out war against terrorism.

At this time of national mobilization to fight terrorists who killed thousands of American citizens in New York and Pennsylvania and right near us at the Pentagon, there is a consensus in Congress that we should give the President the tools he needs to carry out the mission.

Chairman HENRY HYDE, of the House International Relations Committee, and I have painstakingly negotiated refinements to the American Service Members Protection Act with the Bush administration, and this revised version of the bill gives the President the flexibility and authority to delegate provisions in the legislation to Cabinet Secretaries and their deputies in this time of national emergency.

As a result of these careful negotiations, I have a letter dated September 25, 2001, from the Assistant Secretary of State for Legislative Affairs. His name is Paul V. Kelly. He indicates in his letter that the administration supports enactment of the precise language in my amendment to the Defense authorization bill. By the way, I submitted that letter for the RECORD last week, specifically on September 26.

So it will be a matter of record again, I ask unanimous consent that the letter from Assistant Secretary of State for Legislative Affairs Paul V. Kelly be printed in the RECORD at this point.

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

DEPARTMENT OF STATE,
BUREAU OF LEGISLATIVE AFFAIRS,
Washington, DC, September 25, 2001.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives.

DEAR MR. CHAIRMAN: This letter advises that the Administration supports the revised text of the American Servicemembers' Protection Act (ASPA), dated September 10, 2001, proposed by you, Senator Helms and Mr. DeLay.

We commit to support enactment of the revised bill in its current form based upon the agreed changes without further amendment and to oppose alternative legislative proposals.

We understand that the House ASPA legislation will be attached to the State Department Authorization Bill or other appropriate legislation.

Sincerely,

PAUL V. KELLY,
Assistant Secretary, Legislative Affairs.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor. Does the Senator from North Carolina yield the floor?

Mr. HELMS. If the Senator will indicate why he is seeking recognition, I will be glad to consider it.

The PRESIDING OFFICER. The gentleman from North Carolina has the floor.

Mr. LEVIN. As manager of the bill, I say to my friend from North Carolina I did not hear that last unanimous consent request. I am sorry.

Mr. HELMS. I just inserted a letter in the RECORD.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina is speaking. The Senator will continue speaking, and the Senate will be in order.

Mr. HELMS. I thank the Chair.

We have a responsibility as Senators to enact an insurance policy for our troops and our officials—such as Secretary of State Powell—to protect them from a U.N. Kangaroo Court where the United States has no veto. That is precisely what this amendment is all about. Let me state for the record, to be absolutely certain there is no mistake made about it, (1) this amendment will prohibit U.S. cooperation with the court, including use of taxpayer funding or sharing of classified information; (2) it will restrict a U.S. role in peacekeeping missions unless the United Nations specifically exempts U.S. troops from prosecution by this international court; (3) it blocks U.S. aid to allies unless they too sign accords to shield U.S. troops on their soil from being turned over to the court; and (4) it authorizes the President to take any necessary action to rescue U.S. soldiers, any service man or woman, improperly handed over to that Court.

Now, then, my very good friend from Connecticut, and he is my friend—we have worked together on a number of things—Senator DODD, has made comments about this legislation which I feel obliged to address. This past Wednesday, September 26, the distinguished Senator from Connecticut, here on the Senate floor, said:

''This amendment is called, ironically [Senator DODD said], the American Servicemen's Protection Act. It is anything but [said Senator DODD]. The establishment of this amendment places our men and women in uniform in greater jeopardy than they would be if we were to participate in trying to develop the structures of this court to minimize problems.

Now that is quoting Senator DODD, my friend, a friend of all of ours.

But that's not the case. I hope I might persuade Senator DODD to withdraw that statement because it is not the case. Let me repeat for emphasis, it is not the case at all. The pending amendment does nothing whatsoever to preclude the Bush administration from taking any action it deems necessary to address our concerns during the Preparatory Commission meetings of the International Criminal Court.

However, we should not be misled: the negotiators of this Court have no intent to amend the treaty creating the Court to meet our objections. In fact, negotiators voiced a loud cheer when they finished negotiation of the treaty in 1999—over the objections of the United States of America.

Senator DODD himself acknowledged that the Rome Treaty creating the Court is fatally flawed, when he stated:

In fact, if, for some reason, miraculously the proposal were brought to this Senate Chamber this afternoon, and I were asked to vote on it as is, I would vote against it because it is a flawed agreement.

Also, when President Clinton signed the Rome Treaty on December 31, 2000, he stated that he would not send the treaty to the Senate for ratification and recommended that President Bush not transmit it either, given the remaining flaws in the Court.

So let me be, as the saying goes, perfectly clear. The pending amendment would shield American service people, men and women, from a court run amok. U.N. bodies often run amok. For instance, filled with dictatorships, the U.N. Human Rights Commission condemned the only democracy in the Middle East, Israel, in multiple resolutions earlier this year.

And just five weeks ago, the United Nations Conference on Racism in Durban South Africa, became an agent of hate rather than against hate. If U.N. commissions and conferences run amok, a permanent court, not subject to Security Council approval—and immune to a U.S. veto—could well turn on us, and on our democratic allies (the most likely one being Israel).

We need only to look back to the Kosovo War when the Bosnian Tribunal's chief prosecutor attempted to undertake an investigation of NATO for war crimes abuses.

Mr. President, despite the importance of this pending amendment with my sponsorship and that of others, opponents may want to hide behind procedural objections in an effort to just make our amendment go away. Unfortunately, this kangaroo court is not going away, it will be there, and the risk to our service men and women will exist as long as it is there unless we do something, as described in this amendment.

In the meantime, our Secretaries of State and Defense are telling us and the American people at the same time to get ready for a long campaign against global terrorists. We owe it, don't we, to our men and women representing this country, both in the military and in civilian agencies, to ensure their actions are not the subject of second-guessing by United Nations judicial bodies?

Mr. WARNER. Mr. President, would the Senator kindly yield for me to make this observation?

It had been the intention of the leadership of the Senate, and the managers, in order to accommodate Senators desiring to attend the briefing, to go into recess subject to the call of the Chair. Is that correct?

Mr. REID. I appreciate very much the Senator from North Carolina allowing us to interrupt. We have a number of people attending from the administration.

Mr. HELMS. Of course. I understand.

Mr. REID. We would be happy to allow the Senator to complete his statement, and as soon as that statement is completed, we ask the Senate be in recess subject to the call of the Chair, and at some subsequent time after we come back, I understand some people may want to raise a point of order against this amendment.

Mr. HELMS. I understand the same thing. I have about 2 minutes more. I will stop now.

Mr. REID. No, no. We thought the Senator from North Carolina was going to speak much longer. We would be happy to wait until——

Mr. HELMS. I wouldn't think of putting you in that position.

Mr. President, let me yield to the Senator on condition that I will have the floor when the Senate reconvenes.

Mr. REID. It is my understanding the Senator would want the floor when the Senate comes back in session?

Mr. HELMS. I think that was my unanimous consent request.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair on the condition that when the Senate does reconvene the Senator from North Carolina will resume the floor.

There being no objection, the Senate, at 2:32 p.m., recessed subject to the call of the Chair and reassembled at 3:37 p.m. when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Carolina.

Mr. HELMS. Forgive me for not standing, but who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 1724

Mr. HELMS. Mr. President, I will finish my statement in a moment, but, first of all, I ask unanimous consent that the Senator from Nebraska, Mr. HAGEL, be added as a cosponsor to amendment No. 1724, now pending.

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

Mr. HELMS. I do not know how many people were listening breathlessly when I made the first part of my statement earlier today, but I will not repeat it. I will have mercy upon you.

This is a very important amendment. I want to serve notice to the managers of the bill that I shall not contest or try to contest any motion that may be made on this amendment. I do hope the managers will give some thought as to whether they will support my offering this amendment freestanding as a bill, but that is up to them.

Mr. President, to complete my statement that I began earlier, the Veterans of Foreign Wars of the United States has sent me a letter in support of my amendment. I want to read part of it. It is from Robert E. Wallace, the Executive Director. It is addressed to all Members of the Senate, dated October 2. It says:

On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, S. 1438, the ''American Service Members' Protection Act of 2001.'' We think this legislation brought forward by Senators Jesse Helms (R–NC) and Zell Miller (D–GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation's military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.

We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before this court even though the United States is not a party to the treaty. The court will claim jurisdiction to indict, prosecute, and imprison persons accused of ''war crimes,'' ''crimes against humanity,'' ''genocide,'' and other ''crime of aggression'' (not yet defined by the ICC.)

I ask unanimous consent the entire letter be printed in the RECORD.

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

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, DC, October 2, 2001.

To: All Member of the U.S. Senate.

From: Robert E. Wallace, Executive Director.

On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, S. 1438, the ''American Service Members' Protection Act of 2001.'' We think this legislation brought forward by Senators Jesse Helms (R–NC) and Zell Miller (D–GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation's military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.

We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before the court even though the United States is not a party to the treaty. The court will claim jurisdiction to indict, prosecute, and imprison persons accused of ''war crimes,'' ''crimes against humanity,'' ''genocide,'' and the ''crime of aggression'' (not yet defined by the ICC). These crimes are expansively defined by the treaty and would be interpreted by the court's judges, who will be appointed with no input from the United States. The ICC will not be required to provide Americans the basic legal protections of the constitution. We think it is wrong to expect our servicemen and women to serve their country under this threat.

Also, it is equally important the President, cabinet members, and other national security decision-makers not have to fear international criminal prosecution as they go about their work. Congress has a responsibility to ensure that Americans are not brought before an international criminal tribunal for simply performing their duty to their country.

The Veterans of Foreign Wars of the United States supports enactment of this amendment to S. 1438 as written. Therefore, we strongly urge you to support this amendment offered by Senator Helms and others, and vote for the amended bill when it comes to the floor of the Senate for vote.

Mr. HELMS. Mr. President, I hope Senators will support this legislation, to protect soldiers and their civilian leaders from this new U.N. court. The President and his national security team support the legislation and have raised no concerns about acting on it now. In fact, there is greater need to enact this legislation now. We must not send our troops out to fight terrorists, or any other aggressors, without protection from trumped-up claims that they committed ''war crimes'', ''crimes against humanity'' or some new, undefined, catch-all ''crime of aggression'' before the Court.

I urge support for this legislation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will momentarily make a parliamentary inquiry as to germaneness. I say to my friend, who has been by my side in the Senate the 23 years I have been here, I was a cosponsor from day one. Should the Senator elect to pursue this as a freestanding or in other measures legislatively, I would like to be a cosponsor.

At the appropriate time—I see another colleague who wishes to address the issue—I will make the inquiry with regard to germaneness. The distinguished chairman and myself have made clear, in order to manage this bill, I will have to move for those amendments on my side, and he is going to move accordingly on germaneness for amendments on his side.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand the postcloture situation we are now in and the germaneness argument that the Senator from Virginia has just placed.

I stand in support of the concept and the intent that Senator HELMS brings to the floor as it relates to the International Criminal Court.

I, along with Senator HELMS and a good many others, have worked for some time to clarify this Nation's position in relation to the Rome treaty and the International Criminal Court. We became signatories to that in the final days of the Clinton administration and even then President Clinton spoke about it with concern. We are now faced with participating or not participating in something that we believe, as the Senator has just spoken to, puts our men and women in uniform at risk and the possibility that an international body, as adjunct of the United Nations, might choose to prosecute them, even though they were under the direct orders of our Commander in Chief in the execution of their duties.

If we were to gain on an International Criminal Court a rogue prosecutor, it is also arguable that civilians serving at the behest of the United States could become subject to the same prosecution. In other words, what is happening, by engaging in and/or participating in what we believe to be an illegitimate body and the formation of that body, it appears we are beginning to agree or to associate ourselves with it for certain purposes.

I don't believe we ought to be doing that. In fact, when we were dealing with Justice-State-Commerce appropriations, we passed, by voice vote, an amendment that would prohibit any moneys being spent for the purpose of the ICC preparatory commission and/or direct participation in the International Criminal Court.

What is at question? Our sovereignty, the right of this country to protect its citizens under our judicial system, but to hand that system and the absence of that protection off to an international body.

Senator HELMS has spoken to what we deem are rogue adjuncts of the United Nations—the conference that was held in Durban, South Africa that we had to withdraw from, along with the State of Israel, because of racist expressions that that conference was willing to make concerning certain nations with which we could not agree. The International Criminal Court stands alone by the characteristics of the defining language within the Rome treaty. In other words, once it is ratified, it isn't just a question of our men and women in uniform becoming subject to it. It is a question of any citizen of the world 18 years of age or older or any nation in the world becoming subject to it.

That is why I believe we ought to disassociate ourselves and, in fact, reverse our policy and work to deny its ratification.

I have a second-degree amendment I would offer, but I understand there will be a question of germaneness. If that question fails, then I would offer that second degree. It does not disallow the protection the Senator from North Carolina has brought but says that we protect others—and that is, citizens—in that we don't associate ourselves with the International Criminal Court, nor do we allow on special cases confidential information to flow from our Government to the court. In other words, we should not be facilitators to a court that by its very definition denies our citizens the right of sovereignty and the protection under our judicial system. That is what is at issue. None who study it deny that.

Those who have joined with me in my second degree are Senators LOTT, NICKLES, ALLEN, SMITH, CRAPO, KYL, and a good many others. It is a subject that deserves a stand-alone debate on the floor and full consideration by the Senate. At stake, I believe, are everything Senator HELMS has spoken to and, additionally, what I have just spoken to. That is why it is important that at some time this Senate collectively speak out against the whole of the ICC and the illegitimacy that we think it creates and the denial of the sovereignty of our citizens within the construct of the judicial system of our country.

Mr. FEINGOLD. Mr. President, I am deeply concerned about the amendments introduced by Senators HELMS and CRAIG relating to the proposed International Criminal Court. Regardless of how one feels about the court, this amendment could have the unintended but devastating effect of alienating our allies and undermining the global coalition against terrorism. By imposing sweeping limitations on the President's capacity to cooperate with other countries on security and intelligence matters, and by taking a unilateral approach to an important global issue, this amendment weakens the United States hand in pursuing the most urgent foreign policy priority before us—building an strong and lasting coalition to fight terrorism.

I recognize and share many of the concerns with the proposed International Criminal Court, but this bill would not accomplish its primary objective of protecting American service members. It could in fact have the opposite effect, particularly as it stands to jeopardize our country's ongoing diplomatic efforts to build a broad coalition in opposition to terrorism. I urge you to oppose the amendment at this extraordinary moment in our national history.

Let me just highlight a few of the ways in which this amendment could tie the hands of our President and our diplomats as they move forward in building a coalition to combat terrorism. The amendment, if fully enacted, would limit the ability of our President to enter into global security alliances at a time when such alliances may be more important to our national interest than ever before. The amendment could also limit our ability to share essential security information with some of our closest allies in the war against terrorism. This limitation is particularly offensive, as it comes at a time when we are asking those same allies to share their intelligence information with us as we track the global terrorist networks that may have been involved in the devastating attacks of September 11.

Finally, and perhaps most significantly, a much noted provision in the Helms bill would allow the President ''to use all means necessary and appropriate to bring about the release'' of certain U.S. citizens detained by, or at the request of, the International Criminal Court. As such, the bill has been labeled the ''Hague Invasion Act'' by some opponents, a point that serves to highlight how provocative the measure may appear to even our closest allies. Of course, our first priority must be to protect our service members. But this amendment would not accomplish that goal, and we simply cannot afford to create a rift in our growing global alliance against terrorist networks by adopting such a troubled amendment. This is the wrong amendment. And this amendment is offered at the wrong time; it is offered just as we are beginning to realize important diplomatic successes in building a global coalition against terrorism. I would urge all of my colleagues to oppose it.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry regarding the germaneness of the amendment by the Senator from North Carolina.

The PRESIDING OFFICER. The Chair rules that the amendment is not germane.

Would the Senator from Virginia state the question? Would the Senator from Virginia restate the question?

Mr. WARNER. I asked the Chair as to the parliamentary status of this amendment. The Chair has responded. I was awaiting the Chair's ruling. I raised a point of order, but I mean, the Chair then rules that the amendment falls, am I not correct?

The PRESIDING OFFICER. That is correct. If the Senator will bring the point of order, the Chair will rule.

Mr. WARNER. I have done that.

The PRESIDING OFFICER. The Chair rules that the amendment is not germane. The amendment falls.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I wonder if the managers of the bill would be willing to support a suggestion by me and perhaps Senator CRAIG that this be converted into a freestanding bill, as suggested by the Senator from Idaho, and be considered immediately following passage of this pending legislation?

Mr. WARNER. Mr. President, I cannot exercise the decision of the leaders as to when it would be brought up.

It certainly can be introduced today as a freestanding measure, again with the second-degree amendment of the Senator from Idaho. I indicated I would like to be a cosponsor. As to the time it will be considered by the Senate, that is within the purview of the two leaders.

Mr. HELMS. I understand. I wonder if the distinguished Senator from Michigan will comment.

Mr. LEVIN. There is objection to scheduling debate on a subsequent bill. I have to object, if that is a unanimous consent request.

Mr. HELMS. I understand.

Mr. WARNER. I am not sure I understood it as a unanimous consent. It was an inquiry to the managers. I certainly have indicated my support for it, and Senator LEVIN and I are of the opinion it is a matter that has to be addressed by the leadership as to the schedule.

Mr. HELMS. Mr. President, we will be here on another day in another way. I thank the Chair and the distinguished Senator from Virginia.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, we have the matter of the Allard amendment. That is the only amendment on this side I have knowledge of, I so advise the chairman. I am advised that Senator ALLARD is on his way. I wonder if the chairman might comment on his knowledge. Senator ALLARD indicated to me he believed his amendment had reached a resolution and that it could be cleared on both sides.

Mr. LEVIN. That is my understanding, and there will be a voice vote on this matter. The Allard amendment is germane. My understanding is he will modify that amendment, and he will then agree to a voice vote on it.

Mr. WARNER. On our side, I know of no further amendments. May I inquire of my colleague, the chairman?

Mr. LEVIN. I know of no further germane amendments anyone intends to offer. If there are such germane amendments that have been filed, I hope somebody will let us know very quickly. Otherwise, as soon as we dispose of the Allard amendment, we will want to presumably go to third reading.

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

The PRESIDING OFFICER (Mr. CORZINE). WITHOUT OBJECTION, IT IS SO ORDERED.

Mr. REID. Mr. President, the majority leader has asked that I advise the Senate there will be two votes beginning at 4:45, one on final passage of this bill and the other dealing with another matter, the Vietnam trade bill, a motion to proceed.

I ask unanimous consent that following the disposal of the Allard amendment there be no amendments in order and that we could then go to third reading.

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

Mr. REID. Mr. President, with that unanimous consent agreement having been granted, we can start the vote at 4:30. I ask unanimous consent the vote begin at 4:30.

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

AMENDMENT NO. 1755

(Purpose: To maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each of the votes cast by such voters is duly counted)

Mr. ALLARD. Mr. President, I call up the amendment numbered 1755.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1755.

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

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

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 1755, AS MODIFIED

Mr. ALLARD. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1755), as modified, is 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;

(B) each valid ballot cast by such a voter is duly counted; and

(C) 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.

(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 lacked a notarized witness signature, an address other than on a Federal write-in absentee ballot (SF186), or a postmark, provided that there are other indicia that the vote was cast in a timely manner; or

''(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms, unless there is a lack of reasonable similarity between the signatures.

''(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. The Secretary shall notify the Armed Services Committees of the Senate and the House of Representatives of any decision to delay implementation of the demonstration project.

(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 for uniformed services voters 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) ABSENTEE REGISTRATION.—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 uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) 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).

Mr. WARNER. I ask to be a cosponsor.

Mr. ALLARD. Mr. President, would you add the following cosponsors: Senator WARNER, Senator ALLEN, Senator HAGEL, Senator CLELAND, and Senator BILL NELSON.

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

Mr. ALLARD. In 1864, in the midst of a civil war, the United States of America held an election. In 1944, in the midst of a world war, the United States of America held an election. And in 2002, and in 2004, no matter what military actions we are involved in for the current war on terrorism, the United States of America will hold elections. It is a fundamental part of our system, of our democracy. Our claim to being the world's foremost champion of ''liberty and justice for all'' depends on the regular, free, and pure exercise of citizen's voting rights. And now that we are deploying troops overseas as the beginning of this campaign, it is our duty to correct the flaws in the absentee military voting system that became so glaringly obvious during the last election. To that end I introduced S. 381, which after much helpful input from the co-sponsors has been modified into what is before us today. Let me briefly describe this amendment so we can move forward. This amendment prohibits States from disqualifying our men and women in the military from voting based on their ballot's lack of postmark, address, notarized witness signature, or a reasonably similar signature. The current language in the bill only offers military voters a ''meaningful opportunity to exercise voting rights.'' This does not ensure that our fighting men and women will be able to vote. Our amendment will instead move us toward that goal. The amendment also facilitates voting for men and women in the services who are separated before an election and because of residency requirements previously faced problems voting. There is a provision for electronic voting, strongly endorsed by Senator BILL NELSON, that sets up a demo for that purpose. There is a requirement for a report that will be filed with the Department of Defense by the States, reporting to them on how the States are addressing existing problems with their absentee military voting requirements, so our military men and women will have an opportunity to vote.

That is basically the amendment. I hope we can move forward with it.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. I wish to compliment our colleague. This amendment was worked on on both sides. I believe that is included in the RECORD.

Mr. ALLARD. It is important to include that in the RECORD. I thank the Senator for that reminder. It was worked on diligently by both sides. There is mutual support to move forward. I thank the Senator for his help and for the support of Senator LEVIN.

Mr. WARNER. And the Senator from Florida.

Mr. ALLARD. The Senator from Florida as well as Senator DODD worked on this amendment. I appreciate their input.

Mr. WARNER. In our early discussions today, the Senator from Florida worked some constructive changes. The Rules Committee has overall jurisdiction of voting in elections. Senator DODD, the ranking member of the Rules Committee, collaborated on this issue, and it was badly needed. We suffered, as a nation, when we had the problems in Florida. I am not suggesting guilt anywhere, but there was a lot of confusion with the unexpected situation. There was great controversy over the men and women in the Armed Forces, particularly those beyond our shores serving in posts overseas, as to their ballots, when they were finally received in that State—and indeed we found other States had problems, so it was not exclusively a problem for Florida.

This amendment will go a long way toward clarification.

Mr. ALLARD. The Senator from Virginia has a lot of constituents from his State who have dedicated their lives to protecting the citizens of this country, and I have a lot of citizens in Colorado who have dedicated their lives to serving in the military and protecting and securing the interests of the United States. This is a moral issue. We need to make sure they have an opportunity to vote and do not lose that right.

I thank the manager of the bill for his effort in working on this compromise.

Mr. LEVIN. Mr. President, I thank Senator ALLARD, Senator WARNER, and others who worked so hard on this amendment. We made some very important progress in the bill that came from committee on assuring voting rights for men and women in the Armed Forces and those who leave the Armed Forces, for a short period of time after their departure.

Senator ALLARD has worked hard and has suggested some additional ways in which we can give that assurance that every eligible voter serving in our military does have a meaningful opportunity to vote and that properly cast ballots will be counted. I commend him.

Senator BILL NELSON of Florida, Senator DODD, and Senator MAX CLELAND worked so hard. I ask unanimous consent someone who has also worked extremely hard on this issue and made wonderful contributions, Senator LANDRIEU of Louisiana, be added as a cosponsor to this modified amendment.

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

Mr. LEVIN. In addition, Mr. President, I express my thanks to Senator ALLARD. This is a complicated issue, and it is important we hear from a number of sources, including secretaries of state of the various States, between now and the time we go to conference. We will be seeking to get their input on this language. We have not had a chance to do that. There may need to be some additional work.

In the meantime, I support the amendment and hope we will adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, Mr. ALLARD.

The amendment (No. 1755), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

Mr. DOMENICI. 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. CARPER. 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. CARPER. Mr. President, under the unanimous consent agreement adopted a few minutes ago, no further amendments are in order.

Senator TORRICELLI, Senator BIDEN, and I have expressed a strong interest in an issue that cannot be addressed on the floor through amendment and, as it turns out, may not need to be offered through an amendment. I want to take a moment to speak to that before we come to the vote. Before doing so, I again compliment Senator LEVIN, the Chairman of the committee, and the ranking Republican, Senator WARNER, helping us to navigate through some difficult waters as we come to the close of debate on this bill.

The issue that Senator TORRICELLI and Senator BIDEN and I expressed concern about involves the Department of Defense. The Department of Defense, it turns out, is the only consumer of a military grade propellant which is manufactured through a joint venture between two companies, General Dynamics Ordnance Tactical Systems and Alliant Techsystems.

Previously, nitrocellulose, which is used to make this propellant had been provided to General Dynamics by two sources: Alliant Techsystems, and Expro, Inc. Green Tree Chemical Technologies, which it turns out has operations in the State of the Presiding Officer and is headquartered in the State of Delaware, provided Expro with base components used to manufacture nitrocellulose. Since the joint venture with Alliant Technologies, General Dynamics terminated their contract with Expro, Inc.

Concerns have been expressed by Green Tree Technologies that with the current joint venture we would end up with a sole source provider for nitrocellulose. This propellant is used to make, among other things, weapons; and if there is only one provider of nitrocellulose we may put ourselves in some jeopardy as a nation if we should lose that one source.

There are further concerns that have been raised with respect to possible antitrust violations. For this reason, the Federal Trade Commission has opened an investigation concerning the joint venture between General Dynamics and Alliant Techsystems. Since the Department of Defense is the only purchaser of military-grade nitrocellulose, they have the determining role in whether or not the FTC moves forward with their review.

Senator TORRICELLI prepared an amendment. It is not going to be offered, but it is an amendment that says we need the Department of Defense, specifically the Army, to signal to the FTC that they have an understanding of the concerns over the possible antitrust issues and concerns over permitting this joint venture to go forward, limiting ourselves to one source for nitrocellulose.

The amendment encourages the Department of Defense to express its view of the Federal Trade Commission investigation within 30 days of enactment. It is my understanding that the Department of Defense will formally indicate their view of the FTC investigation in the coming week.

What we had sought to accomplish through amendment appears to have been accomplished without the adoption of this amendment, which I believe is good news, not just for Green Tree Technologies, but I think it is good news for the Department of Defense and ultimately for the taxpayers of this country. With sign off from the Department of Defense, the FTC is free to move forward and to make whatever rulings or decisions they see fit.

While the amendment will not be offered, I want to say to Senator TORRICELLI, thank you very much for raising this issue and providing the leadership here in the Senate for the committee to make sure we address these matters.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am sorry I did not have an opportunity to hear all of Senator CARPER's words, but I think I understand enough to know what he has indicated, that apparently there has been now a statement from the DOD to the FTC on this matter. If so, that was the purpose of the Torricelli amendment which was supported, I believe, by the Senator from Delaware and one other Senator.

Mr. CARPER. And Senator BIDEN.

Mr. LEVIN. Senator BIDEN as well. If that information for whatever reason turns out not to be accurate, Senator TORRICELLI, Senator CARPER, Senator BIDEN, and others have my assurance that I will be putting tremendous weight on the Department of Defense between now and conference to be certain those views are expressed, whatever those views are. It is not up to me, at least, to express an opinion as to the substance of the matter. I do not know enough about it. But they have apparently now expressed those views. If

they have not, I will do everything within my power to make certain they do between now and the time this bill comes back from conference.

I thank Senator TORRICELLI and Senator CARPER for their position on this matter now.

Mr. WARNER. Mr. President, might I also add the Chairman and I had to make a decision to move on the question of germaneness. I do it on my side; the chairman was prepared to do it on his side. There was clearly a question of germaneness.

We have a number of Senators—another one just appeared. We had a list of over 100 amendments. We have been waiting. We stayed here until late last night and tried to consider them. I regret if there was a miscommunication. As captain of the ship, I take responsibility. But in good conscience, I have claimed many times and stated at lunch today among my colleagues that we were moving to final passage. As far as I knew, no amendments were going to be brought up.

I regret profusely, I say to my friend, and I yield the floor if he wants to make a few comments.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Very briefly, again to Senator WARNER, I understand the difficult position he and Senator LEVIN found themselves in with respect to germaneness. I thank Senator LEVIN very much for the assurances he has given us. We look forward to working with the Senator to a satisfactory conclusion.

Mr. ALLEN. Mr. President, I want to state for the record why I voted in support of the request from President Bush for an authorization of a Base Realignment and Closure Commission in fiscal year 2003.

I support a BRAC round in 2003 for three reasons: First, I am confident that with an objective analysis of their military value, Virginia bases will score well compared to other installations throughout the Nation. I am sensitive to the fact that BRAC is an emotional issue. As unemotional as we would like to make it, we cannot get completely away from the emotion that is involved with closing installations and potentially uprooting people's lives. While I am sensitive to the emotions involved, I am confident that Virginia will come out well.

Virginia bases have, in past years, demonstrated their military value and will do so again this time. As Governor of Virginia, I, in 1994, established the Virginia Office of Base Retention and Defense Adjustment. We coordinated an effective State effort to assess the attributes of our military facilities to protect Virginia interests in the 1995 BRAC rounds. Indeed, after the 1995 BRAC, some 4,000 jobs were returned to Virginia that were lost in the 1993 BRAC round.

Finally, Fort Pickett was on the 1995 BRAC list until we negotiated a transfer to the Virginia National Guard to serve as Headquarters of the Commonwealth's Department of Military Affairs. So our bases are not only operationally important to their own services but they are interwoven in a web of joint-ness in which our military puts great value. We are operating at peak capacity in Virginia. We are efficient and we are ready to serve our national interests and meet the challenges of a BRAC round.

Second, the Department of Defense has indicated that a BRAC is needed on the merits. They have indicated there is a 25 percent excess infrastructure throughout our military installations. The Bush administration believes we could save $3.5 billion by consolidating operations. We then have a responsibility to work for more efficiency so that our resources can be allocated where they are needed most. These resources can be used to improve pay for our Soldiers, Sailors, Airmen, and Marines. Savings can be used to acquire upgraded, more technologically advanced equipment, armaments, and spare parts; all to better protect our uniformed personnel. Indeed, these savings can even be used to upgrade facilities in which our services are located.

Finally, during this time of national emergency, we should give due deference to the decisions of the President, Secretary of Defense, and the Pentagon. The administration has said we, as a nation, need to authorize a commission. Secretary Rumsfeld called it ''imperative to convert excess capacity into war-fighting ability.'' During a time of national emergency and throughout our ''war on terrorism,'' it is important to support the National Command Authority in their decisions to wage war and structure an efficient war machine. Again, because this is a highly emotional issue and affects the lives of people throughout the land, Congress must have confidence in the recommendations of the administration, Department of Defense, and the commission. I am confident of the Secretary's ability to ensure the integrity of the BRAC process which is so important to the accurate assessment of our future operational needs and force structure.

Again, I am aware of the concerns that many of my fellow Virginians feel as we approach BRAC once again. But I remain committed to supporting the Bush administration during this time of national emergency. When thinking objectively, everyone understands the urgency of utilizing our assets in the most effective manner possible. I am confident in the Secretary and commission's ability to conduct an objective assessment of the Nation's defense infrastructure needs.

Mr. MCCAIN. Mr. President, I rise today in support of S. 1438, the National Defense Authorization Act for Fiscal Year 2002. At the outset, I must commend Senate Armed Services Committee Chairman CARL LEVIN for agreeing to a compromise to the committee-reported version of the defense authorization bill, by restoring $1.3 billion for the President's missile defense proposal, and removing language that would have harmed timely deployment of a missile defense system for America. I was deeply concerned during committee consideration when the restrictive bill language on missile defense was added and the cut in the missile defense program occurred, causing committee Republicans to vote unanimously against reporting out the bill.

In my 18 years in Congress, I had never seen a Defense authorization bill reported out of committee strictly on party lines. I am very proud, however, of the unified efforts and spirit of my colleagues since the tragic attacks on September 11, and I am pleased that we are working together to enhance our national security at this crucial time in our country's history.

It is tremendously important to me that the committee included language in the defense authorization bill and report that would authorize payment of retired pay and disability pay for military retirees and other eligible veterans—a practice known as ''concurrent receipt.'' For the past 10 years, I have offered legislation on this issue. This matter is of great significance to many of our country's military retirees, because it would reverse existing, unfair regulations that strip retirement pay from military retirees who are also disabled, and costs them any realistic opportunity for post-service earnings. I am pleased that the committee, for the first time, has included language that describes this offset as unfair to disabled career service members.

My friends, we must do more to restore retirement pay for those military retirees who are disabled. I have stated before in this chamber, and I am compelled to reiterate now—retirement pay and disability pay are distinct types of pay. Retirement pay is for service rendered through 20 years of military service. Disability pay is for physical or mental pain or suffering that occurs during and as a result of military service. In this case, members with decades of military service receive the same compensation as similarly disabled members who served only a few years; this practice fails to recognize their extended, clearly more demanding careers of service to our country. This is patently unfair, and I will continue to work diligently to correct this inequity.

In the legislation we are considering today, there are several provisions that will significantly improve the lives of active duty members, reservists, military retirees, veterans, and their families. It will come as no surprise, however, that I would like to emphasize that this year's Defense authorization bill contains nearly $1 billion in pork—unrequested add-ons to the defense budget that deprive our military of vital funding for priority issues. While this year's total is far less than in previous years, it is still $1 billion too

much. Given the grave circumstances facing our nation today, we need to demonstrate to all Americans that we can do better.

Over the past six years, Congress has increased the Presidents' defense budgets by nearly $60 billion in order to address the military services' most important unfunded priorities. Still, I think it is worth repeating, until the message sinks, in, that the military needs less money spent on pork, and more money spent wisely to redress the serious readiness and modernization problems caused by a decade of declining defense budgets.

Every year as we work on defense authorization legislation, however, certain items are funded that are not on the Service chiefs' unfunded requirements list and, frankly, whose merits are questionable. For example, I have noticed in the fiscal year 2002 bill a total increase of nearly $55 million for advanced automotive technology and related fuel cell technology research—it sounds like the Motor City will be pleased, but what about the Service Chiefs? The auto industry also must be pleased with funding for the National Automotive Center's SmarTruck Army program. In a Washington Post investigative report last year, it was revealed that the SmarTruck, which was envisioned as a modified Ford F–350 pick up, has developed into a vehicle that looks like it should be in the next James Bond movie—all paid for with American taxpayers' hard-earned money.

I am also concerned that despite the President's clear budget request for the procurement of 2 C–130J aircraft for the Air Force, the committee voted by the narrowest margin to add $99 million for an additional, unrequested C–130J for the Little Rock Air Force Base. DoD and GAO have regularly criticized the C–130J program for serious cost overruns and development delays; moreover, there is a significant surplus of this platform in the Air Force inventory—called ''an embarrassment of riches'' by the Air Force Chief of Staff. This continued procurement clearly makes the contractor happy,but what about the Service Chiefs? For the $99 million cost of 1 C–130J, our Navy could have procured 2 additional F/A–18 E/Fs, to respond directly to the critical need of replacing aging Navy aircraft inventory—an inventory whose airplanes average 18 years old. In fact, the CNO, Admiral Vernon E. Clark, USN, testified before the committee this year that he needs to procure 180 jet aircraft per year just to sustain the 1997 Quadrennial Defense Review level, considerably more than the 48 F/A–18 E/Fs provided in our bill.

Just as discouraging, given its pork barrel nature, is a provision that would delay the B–1B Lancer bomber force restructuring or downsizing at a cost of $165 million to U.S. taxpayers. This provision has literally made it illegal for the Secretary of Defense to reduce, retire, dismantle, transfer, or reassign the Air National Guard B–1B Lancer bomber force by 33 aircraft until the following reports have been prepared: The National Security Review, the Quadrennial Defense Review, the Revised Nuclear Posture Review, the Secretary of Defense Report on the B–1B Lancer Bomber, the Bomber Force Structure Report, and a Comptroller General Report on the B–1B Lancer Bomber I have never witnessed a more absurd illustration of congressional micro-management, and at such a great cost; the service chiefs will be unable to make wise use of this $165 million in fiscal year 2002 and the taxpayers' money will again be spend imprudently.

I would like to mention one further example of wasteful spending. For the last several years, Congress has added money for cultural and historic preservation activities, which is funded through a program called the Legacy Resource Management Program, fancy terminology for pork. The fiscal year 2002 defense authorization bill will add $8 million to this program, principally for recovery and preservation of the C.S.C. *Virginia*, which ran aground near Craney Island near the James and Elizabeth Rivers and was set on fire after being abandoned in May 1862. Now, my friends, can't we agree that there are much more pressing needs, such as improving military readiness and providing quality-of-life benefits to our service men and women, than raising this Civil War ironclad?

I also hope that we can re-focus our attention on reforming the bureaucracy of the Pentagon. With the exception of minor changes, our defense establishment looks just as if did 50 years ago. We must continue to incorporate practices from the private sector, like restructuring, reforming, creating efficiencies, and streamlining to eliminate duplication and capitalize on cost savings.

More effort must be made to reduce the growth trend of headquarters' staff and to decentralize the Pentagon's morass of bureaucratic fiefdoms. Although nearly every military analyst shares these views, this bill instead moves significantly in the direction of increasing the size of headquarters staff, thereby eliminating any incentive for the Pentagon to change its way of doing business with its bloated organization and outdated practices.

In addition, I appreciate that the Administration and the majority of my colleagues supported one round of Base Realignment and Closure in 2003, but more must be done to eliminate unnecessary and duplicative military contracts and military installations. Every U.S. military leader, civilian and uniformed, has testified about the critical need for further BRAC rounds. We can redirect at least $6 billion per year by eliminating excess defense infrastructure. There is another $2 billion per year that we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional $5 billion that can be saved each year by eliminating ''Buy America'' restrictions that undermine U.S. competitiveness overseas. Despite these compelling facts, the defense bill did not address many of these critical issues. And, unfortunately, it includes several provisions that move expressly in the opposite direction. Again, I am pleased that many of my colleagues voted to support Secretary Donald Rumsfeld and General Henry H. Shelton, USA, and approve another round of BRAC by a 53 to 47 rollcall vote.

In addition, sections in this bill designed to preserve depots, and to funnel work in their direction irrespective of cost, are examples of the old philosophy of protecting home-town jobs at the expense of greater efficiencies. And calling plants and depots ''Centers of Excellence'' does not, Mr. President, constitute an appropriate approach to depot maintenance and manufacturing activities. Consequently, neither the Center of Industrial and Technical Excellence nor the Center of Excellence in Service Contracting provide adequate cloaks for the kind of protectionist and parochial budgeting endemic in the legislating process. Similarly, whether the Center of Academic Excellence in Information Assurance Education through the information assurance scholarship program is worthy of the $5 million earmarked in the budget is certainly not academic, but clearly debatable.

Last year the Defense appropriations bill included a provision statutorily renaming National Guard armories as ''Readiness Centers,'' a particularly Orwellian use of language. By legally relabeling ''depot-level activities'' as ''operations at Centers of Industrial and Technical Excellence,'' we further institutionalize this dubious practice, the implications of which are to deny the American public the most cost-effective use of their tax dollars. When will it end?

In closing, I would like to reiterate my strong commitment to continuing to work for enactment of meaningful improvements for active duty and Reserve service members. They risk their lives to defend our shores and preserve democracy, and we can not thank them enough for their service. But, we can pay them more, improve the benefits for their families, and support the Reserve Components in a similar manner as the active forces. Our service members past, present, and future need these improvements.

We owe so much more to the honorable men and women in uniform who defend our country. They are our greatest resource, and I feel they are woefully under-represented. At this time of national sorrow, resoluteness, when we in Congress have witnessed so many moving demonstrations of American patriotism, is there any greater duty facing us than to work in unity in full support of our service men and women? We must pledge to do our best on their behalf.

Mr. President, I request unanimous consent that a list of items added to the Defense authorization bill by Congress be printed in the RECORD.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 NON-PRIORITY ADDS-ONS

[In millions of dollars]

Army Missile procurement: HMDA/SSS	40.0
Navy Aircraft procurement: Navy JPATS (Add 10 Navy JPATS)	44.6
Air Force Aircraft procurement: C–130J	99.0
Air Force Research and Development, Test and Evaluation:	
Fly-by-Light UCAV	4.0
F–15 IFF (Air Force Reserve components)	8.4
Army Research and Development, Test and Evaluation:	
FADEC (Full Authority Digital Electronic Control for Helos)	8.0
LOLA (Liquid or Light end Air Boost Pump for Helos)	2.0
Navy Research and Development, Test and Evaluation:	
JASSM	8.1
Laser Welding and Cutting	4.3
Chemical Agents & Munitions Destruction, Defense:	
Laser Addictive Manufacturing Initiative	4.0
M291 Decontamination Kits	3.4
Army Research, Development, Test and Evaluation:	
University and Industry Research Centers (lightweight composite mats)	0.75
Advanced Materials Processing Research in Nanomaterials	4.0
CKEM Miniaturized Inertial Measurement Unit (IMU)	2.0
Single Alloy Tungsten Penetrator	5.0
Actuated Coolers for Portable Military Applications	2.0
Ground Vehicle Batteries	1.5
C3 Tech and Commercial Wireless Reliability Tested	1.0
Geosciences and Atmospheric Research	3.0
Personal Warfighter Navigation-MEMS	5.0
Combat Vehicle and Automotive Advanced Technology	5.0
Mobile Parts Hospital Technology (MPHT) Program	8.0
Networked STEP-Enabled Production	5.0
Plasma Energy Pyrolysis Systems (PEPS)	3.0
Managing Army Technology Environmental Enhancement Program	1.0
Information Operations Training (Functional Area 30)	1.0
Navy Research, Operations, Test and Evaluation:	
Southeast Atlantic Coastal Ocean Observing System	8.0
Marine Mammal Low Frequency Sound Research	1.0
Fusion of Hyperspectral and Panchromatic Data	5.0
Advanced Personal Communicator	3.0
Bio-sensor Nanotechnology	4.0
Integrated Bioenviromental Hazards Research Program	3.0
Modeling, Simulation and Training Immersion Facility	2.0
High Brightness Election Source Program	2.5
High Performance Wave Form Generator (Electronic Warfare)	3.0
Nanoscale Devices	1.0
Nanoscience and Technology	3.0
Wide Bandgap Semiconductor Research Initiative	2.5
Ship Service Fuel Cell Technology Verification and Training Program	5.0
Nanoparticles for Neutralization of Facility Threats (Weapon)	2.0
Urban Operations Environment Lab	4.0
ITC Human Resource Enterprise Strategy	5.0
Air Force Research, Development, Test and Evaluation:	
Environmentally Sound Corrosion Coatings	1.5
Metals Affordability Initiative	5.0
Titanium Matrix Composites	7.5
UV Free Electron Laser	2.5
Information Protection and Authentication	3.0
Advanced Aluminum Aerostructures	5.0
Cyber Security Research	5.0
Defense-wide Research, Development, Test and Evaluation:	
National Nanotechnology Initiative	5.0
Bioinformatics Program	1.5
Fabrication of 3D Microelectronics Structures	2.0
Nanomaterials for Frequency Tunable Devices	3.0
0.25/0.18 Micrometer Radiation Hardening Electronics Process	3.0
Device Pre-Detonation Technologies	2.0
Electrostatic Decontamination System	8.0
Standoff Detection of Explosives	5.0
Unmanned Ground Combat Vehicle	11.0
UXO Environmental Security Remediation	5.0
Fluorescence Based Chemical and biological point detectors	2.0
Counter Drug Activities: National Guard Support	40.0
Operations & Maintenance:	
Army: Live Fire Range Targets	11.9
Navy:	
Shipyard Apprentice Program	4.0
Corrosion Prevention (Pacific)	2.0
Air Force: Civil Air Patrol	4.5
Defense Wide:	
Kahololawe	35.0
Cultural and Historic Activities (Raising Civil War Ships)	8.0
MILCON:	
Planning and design, Mountain Home AFB, Idaho	0.87
PAX River Aircraft prototype facility	1.45
Naval War College National Research Center, Newport RI	1.79

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 NON-PRIORITY ADDS-ONS—Continued

[In millions of dollars]

Engineering Control and Surveillacne System (ECSS)	1.6
Tactical Communications ONBD Trainer	4.0
C–17 Maint. Trainer/Sim.	21.1
AEGIS ORTS	6.0
COTS Sonar for MCM	5.0
NULKA Anti-ship Missile Decoy System	14.0
Future Ship Systems Technical Demonstrations	5.0
Modular Advanced Composite Hull Form	4.0
Ocean Modeling for MCM	2.0
Advance SSN Systems Development	1.9
Power Node Control Center (PNCC)	3.0
Improved SSN Antenna UHF Technology Improvement	3.0
Supply Chain Best Practices	6.0
Modeling and Simulation Initiatives	7.0
DDG–51 Composite Twisted Rudder	3.0
Sub Composite Sail	2.0
AEGIS Common Ground and Decision Upgrade	5.0
Multi-million Maritime A/C	53.8
Army, Other Procurement: Secure Enroute Comms.—Flying LAN	13.1
Air Force, Aircraft Procurement: Defense Airborne Reconnaissance Program (U–2 SYERS Spares)	3.0
Air Force, Other Procurement:	
Evolved Expendable Launch Vehicle	3.8
Hydra—70 Rockets	20.0
Army Research, Development, Test and Evaluation:	
Tactical Unmanned Aerial Vehicles	6.0
LIDAR Sensors	5.0
Enhanced Scramjet Mixing	2.5
Navy Research, Development, Test and Evaluation: Re-entry Systems Application Program (RSAP)	2.0
Air Force Research, Development, Test and Evaluation:	
Hand-Held Holographic Radar Gun for the B–2	2.9
Dragon (U–2) JMIP SYERS Polarimetric Sensor Upgrade	4.0
Space Surveillance Modernization—Camera Augmentation	8.0
Defense-wide Research, Development, Test and Evaluation:	
Accelerate Navy UCAV	9.0
Thermionic Technology	8.0
Magdelina Ridge Observatory	9.0
Software Defined Radio	5.0
Aerostat for CMD	3.8
SMDC Advanced Research Center	8.0
Space and Missile Defense Battlelab	11.0
Excalibur/Scorpius	15.0
Water-Scale Planarization	7.5
Bottom Anti-Reflective Coatings	2.5
Privateer C3I	2.8
Broadcast-Request Imagery Technology Development (BRITE)	3.0
Defense Systems Evaluation	1.5
Intelligence Spatial Technology for Smart Map	1.0
Big Crow	5.0
Army Operation and Maintenance: Reserve Land Forces Readiness-Information Operations Sustainment	5.0
Navy Operation and Maintenance: NAVOCEANO SURF Eagle	4.0
Air Force Operation and Maintenance: Replace/Refurbish Air Handlers at Keesler AFB Medical Center, MS	3.0
Defense-wide Operation and Maintenance:	
Commercial Imagery Initiative	10.0
Environmental Restoration for Former Defense Sites in Alaska and other places	40.0
Air National Guard Operation and Maintenance	164.8
Total pork (in billions of dollars)	1.05

Mr. KYL. Mr. President, I rise to speak to an amendment to the fiscal year 2001 National Defense Authorization Act.

This body is understandably focused right now on the issues of terrorism and homeland defense. It is entirely appropriate. With the imminent release of the Quadrennial Defense Review, however, we should not lose sight of the broader picture of U.S. foreign policy and national security for the decades ahead. While we can and will wage the war against international terrorism that is our duty, we cannot afford to ignore other future national security concerns that will most assuredly require the United States to maintain a large and robust conventional military capability.

Chief among our concerns to U.S. national security and alliance relations remains the threat to Taiwan, and to U.S. interests in the Asia Pacific of an emerging China. My intent here is not to beat the drums of war, for the events of September 11 have already heightened our emotions and awareness of the dangers that confront us in the 21st century. It would be irresponsible of us, however, to ignore Chinese military modernization and its implications for U.S. national security. That is why I believe it imperative that the United States be more aware of the nature of China's modernization programs. An integral part of those efforts is China's acquisition of advanced technologies, including dual-use technologies.

My amendment is simple. It requires the Secretary of Defense to provide an assessment of China's efforts at acquiring certain military-related technologies, how its military strategy relates to its technology requirements, and the impact those technology requirements and that military strategy have on our ability to protect our interests in the Pacific. The amendment would also require the Secretary of Defense, in consultation with the Secretary of Commerce, to develop a list of technologies that, for purposes of national security, should be denied the People's Republic of China.

This amendment is entirely consistent with Congress' overwhelming support for such initiatives as the creation at the National Defense University of a Center for the Study of the Chinese Military, and with the emphasis we have place in force structure discussions on the future challenge of China's growing military strength. It is a commonsense amendment that I hope will have bipartisan support.

Mr. CRAIG. Mr. President, in reviewing S. 1438, I came across a provision that would have disastrous consequences, no matter what its original intentions might have been.

I am talking about section 1062, making it unlawful for individuals to possess any ''significant military equipment'' ever owned by the Department of Defense that is not demilitarized and giving the Attorney General the authority to seize such items. ''Significant military equipment'' can mean a wide variety of goods; for example, it can include military vehicles, aircraft, ammunition, firearms and parts. ''Demilitarization'' can mean a number of things, too, including cutting or destruction.

The Department of Defense already can, and does, demilitarize some military equipment before surplusing it. I am not advocating a change in that current authority.

However, section 1062 of S. 1438 goes well beyond this current authority. By making possession of such equipment illegal, it would create tens of thousands of lawbreakers overnight, veterans, collectors, sportspeople, even museums that have been legally purchasing surplus equipment from the government for decades. Worse, this section provides for the confiscation and destruction of items that are now private property.

Consider the chaos and injustice that would result from enactment of this provision. Veterans service organizations across the country who have acquired military firearms to use for ceremonial purposes, they would be criminals. Americans who learned to shoot and acquired a firearm through the government's own Division of Civilian Marksmanship program would find themselves being served with a warrant by the same government for the same firearm. Museum displays or airshows featuring military vehicles or crafts would be threatened. A firearm containing a military surplus replacement part would now be subject to confiscation and destruction or begin rendered inoperable. In my own state, a collector of military Jeeps would risk losing his investment and his collection through no fault of his own.

This provision is breathtaking in its reach and unfairness, capturing millions of items and their law-abiding owners. This is why an even less-onerous provision in the last DOD Authorization bill was dropped during the House-Senate conference on that bill. That same conclusion must be reached by the conferees on S. 1438; this provision must be dropped in order to prevent certain harm.

PRIVATE INSURANCE PRODUCTS OF BRAC INSTALLATIONS

Mr. SMITH of New Hampshire. Mr. President, it is well known that concerns about future liability have been a significant impediment to the remediation and reuse of military installations closed through the BRAC process. Private insurance products have proven an effective tool for addressing the liability concerns of local governments, contractors and developers of BRAC installations. With these products in hand, local governments, contractors, and developers of BRAC installations have been willing to accept the early transfer of contaminated DOD sites, and they have been willing to accept fixed price arrangements with DOD to complete the cleanup of sites. These arrangements encourage the better coordination of remediation and reuse, accelerating both, they save the Federal Government significant money in the process. Would the distinguished managers of the bill agree that the military services should consider the use of private insurance products as a method for expediting the remediation and reuse of BRAc installations, when appropriate cost savings can be achieved?

Mr. LEVIN. I do believe the services should consider such insurance products.

Mr. WARNER. I agree

Mr. WELLSTONE. Mr. President, I rise to address the subject of our Nation's security needs in the context of the Defense authorization bill presently before the Senate.

I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. They deserve the targeted pay raises of 5–10 percent and deferred maintenance for base housing included in this bill. For many years running, those in our armed forces have been suffering from a declining quality of life, despite rising Pentagon budgets. The pressing needs of our dedicated men and women in uniform, and those of their families, must be addressed as they mobilize for duty in response to the attacks of September 11th. This bill does largely address those needs, and I will vote for it today.

Even so, I have a number of concerns about the bill, especially about its missile defense provisions. The initial committee language would have cut total funding for missile defense programs from $8.3 billion to $7 billion. In addition, it would have required that President Bush return to Congress with a specific request for funds for any missile defense tests that would violate the ABM Treaty, with congressional approval then required to spend those funds. I am disappointed that this language was removed.

I oppose the plan to deploy a national missile defense shield for many reasons. The crucial question is whether a missile shield will make the United States more or less secure. After studying the matter carefully, I have concluded that deploying a missile shield is likely to make us less secure, and that we would be better off using these funds to finance key anti-terrorism initiatives.

The new funding language in the bill allows the President to choose between missile defense research and development and combating terrorism. I believe that fighting terrorism should take priority over missile defense, and should receive most or all of the new funding. I further believe that spending to combat terrorism is more important than digging silos at Fort Greely, AK. Crews there have already begun construction of a 135-acre missile field and are planning to begin building silos in the Spring of 2002. Russian officials have said they would view construction of the Fort Greely missile silos as a violation of the ABM Treaty.

Moreover, Moscow has said it would react to U.S. treaty withdrawal by abandoning all arms and nonproliferation treaties with Washington and might respond to the missile shield by putting multiple nuclear warheads on some of its missiles. Is it worth jeopardizing the system of stable nuclear deterrence that has worked for almost 40 years to build a very costly system that we don't know will work? I believe it is urgent that we strongly support the renewed efforts of Senator LEVIN and others to require the President to seek congressional approval before spending funds for missile tests that would breach the ABM Treaty.

I believe in maintaining a strong national defense. We face a number of credible threats in the world today, including terrorism and the proliferation of weapons of mass destruction. We must make sure we carefully identify the threats we face and tailor our defense spending to meet them. We could do a better job of that than this bill does, and I hope that as we move to conference, the committee will make every effort to transfer funds from relatively low-priority programs to those designed to meet the urgent and immediate anti-terrorism and defense needs of our forces.

Mr. HATCH. Mr. President, I want to express my support for this bill. On balance, I believe it will greatly benefit our national defense and our country. Importantly, we have taken steps to increase pay and benefits for our men and women in uniform and reverse the neglect of our Armed Forces over the past decade. For this alone, the legislation is an important priority.

Let me take a moment to highlight a few of the bill's other provisions that have special significance.

First is the amendment I supported concerning the waiver authority for the 50/50 rule which governs outsourcing of maintenance depot work. The amendment moves waiver authority to the Secretary of Defense from the service secretaries. It also requires the Secretary to explain how he will meet the requirements if he requests a waiver. This is vitally important in order to maintain our depot infrastructure which is a crucial national asset.

Also of great interest to our veterans is a provision in the bill that addresses the concurrent receipt problem. For too long, we have penalized our disabled military retirees by forcing them to give up their retirement in order to receive disability pay. Senator REID's amendment fixes this by allowing our military retirees to receive both their retirement pay and their disability pay. The sacrifice of disabled veterans should not be diminished by this unfair penalty, and I am happy to have cosponsored Senator REID's amendment which rectifies this inequity.

I am also pleased that S. 1438 includes another provision which would address a gross inequity in the law. Currently, a retirement-eligible service member who dies in the line of duty is not considered vested in the military retirement program. The bill we are passing today will allow for the posthumous retirement of the member and thus provide additional benefits to the surviving spouse and children.

The bill also includes an additional $5 million for consequence management training involving weapons of mass destruction. This will make use of the unique training capabilities that exist at Dugway Proving Ground in Utah. I think we will all agree this is very timely given the terrorist threats our nation is facing.

I am committed to ensuring adequate resources are available to train units, civil support teams and other teams and individuals in combating terrorism. To that end, I support the bill's

provision to require the Secretary of Defense to report back on the capabilities of defense installations, such as Fort Leonard Wood and Dugway Proving Ground, to train first responders.

Along with the positive aspects of the bill, there are still provisions with which I disagree. First and foremost of these is the authorization for a round of base closures in 2003. This is simply not the moment to spend inordinate amounts of time and federal tax dollars preparing for base closings. The Nation's military bases and the military establishment need to be focused on the war effort. I hope that this unwise language will be dropped by the conferees.

Additionally, I oppose the provision concerning the Federal Prison Industries. Any change to Federal Prison Industries should be part of a comprehensive overhaul rather than piecemeal changes in an unrelated bill. The ability to put prisoners to work greatly contributes to their rehabilitation. Without a market for the goods, an important tool is eliminated. Again, I am hopeful this provision will be dropped in conference.

I was very disappointed, that the bill did not include the Service Members Protection Act. By prohibiting the Government from cooperating in any way with the International Criminal Court, this legislation would protect our service members from unjust and arbitrary prosecutions for carrying out policies of the United States Government. I will continue to work with Senator HELMS, the author of the legislation, to secure its passage.

Before closing, I also want to discuss Senator DOMENICI's amendment to make spending for the Radiation Exposure Compensation Trust Fund mandatory. I am heartened the amendment will be included in the bill we are about to pass. I strongly support this amendment and commend Senator DOMENICI on a job well done.

Over the past months, Senator DOMENICI and I have worked together to make needed improvements to the RECA program. We have been joined in this effort by Majority Leader TOM DASCHLE and Senators BINGAMAN, REID, CAMPBELL, WELLSTONE and JOHNSON.

I feel safe in speaking for all of us when I express the shock and outrage we felt upon learning that the RECA trust fund was empty and that our constituents were receiving IOUs for the compensation they deserved. We vowed to our constituents that we would work day and night to ensure that funding for RECA would be guaranteed, and when this amendment is enacted, that promise will be fulfilled for the next decade.

As my colleagues are aware, earlier this year, I introduced legislation, S. 898, which includes language similar to the Domenici amendment. This language would also make spending for RECA mandatory, so that the appropriators would automatically fund the program each year. It will guarantee that all eligible individuals would receive their compensation in a timely manner.

Despite all of our efforts, despite the RECA claimants' good faith, and despite the hard work of Justice Department officials administering the program, the Trust Fund became depleted in March of 2000. This situation was simply unacceptable. RECA claimants began receiving ''IOU'' letters from the Federal Government in lieu of checks until we approved this year's supplemental appropriations bill, which covered the past IOUs and all claims approved as of September 30, 2001. However, many new claims will be approved in the coming years and, therefore, it is imperative that spending for this program become mandatory.

And while these mandatory funds will provide a substantial amount of money to the RECA trust fund from fiscal year 2002 through fiscal year 2011, it is important to know that this will not completely solve our constituents' concerns, we will still need more Federal money to provide compensation to all RECA victims. Let me assure these individuals, especially my fellow Utahns, that I will continue to fight this battle until all individuals are compensated by the Federal Government.

On a whole, this is a very good bill crafted by very good lawmakers. It begins to provide the Defense Department with adequate resources after 10 years of erosion. However, this is only the first installment; there is yet much to be done. I hope to work with my colleagues in the days and months ahead to ensure that we strengthen our defense posture as quickly and as effectively as possible.

Mr. FEINGOLD. Mr. President, under normal circumstances, it is likely that I would have opposed this bill. Under normal circumstances, I may have offered amendments to realign the Pentagon's lingering cold war mentality with the realities of the post-cold war world. Under normal circumstances, there would have been a more comprehensive debate on the proposed national missile defense system.

But as we all know, these are not normal times. The tragedies that began to unfold in New York, Washington, DC, and Pennsylvania on September 11, and the bold strike against terrorism that this country and our men and women in uniform are about to launch, demand a unified Congress and a unified nation. For those reasons, I will vote in favor of this bill.

The events of the past three weeks have crystalized support for our Armed Forces and have made it very clear that we should ensure that they have the resources necessary for the daunting task that lies ahead. But this strong sense of unity does not require Congress to abdicate its responsibility to review closely the funding requests of the President, and it does not prohibit discussions about the direction of federal spending, including defense spending.

Each year that I have been a member of this body, I have expressed my concern about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills. I am troubled that the Department of Defense does not receive the same scrutiny as other parts of our Federal budget. This time of unprecedented national crisis underscores the need for the Congress and the administration to take a hard look at the Pentagon's budget to ensure that scarce taxpayer dollars are targeted to those programs that are necessary to defend our country in the post-cold war world and to ensure that our Armed Forces have the resources they need for the battles ahead.

I look forward to reviewing carefully the recently released Quadrennial Defense Review, a document which I believe should have been submitted in conjunction with the fiscal year 2002 defense budget request. At a time when the Department of Defense has rightly undertaken a comprehensive review of our military and its missions, it is troubling that we will pass yet another defense bill that is largely rooted in the long-ended cold war. I commend the Secretary of Defense for acknowledging the impact of the September 11 terrorist attacks on our future defense strategy, and urge him to continue to analyze of the role of our Armed Forces in combating terrorism and other challenges of the post-cold war world.

This bill is not perfect. To be sure, there are some good things in it. I am pleased that the committee has reduced the President's procurement request for the troubled V–22 Osprey from 12 aircraft to nine. I remain concerned, however, that those nine aircraft, and the Ospreys that have already been built and are currently being built, will require costly and extensive retrofitting following the ongoing review of the program. Since it remains unclear whether many of the problems with this aircraft can be fixed, and since the Department of Defense's decision on whether to move forward with this program remains a long way off, I am pleased that the committee has included language in its report requiring the Department of Defense to study alternatives to this aircraft.

We owe it to our men and women in uniform to provide them with safe, effective equipment. Their safety should be the principle that guides the important decision as to whether to proceed with this program. We should not move forward until we know for certain that this aircraft is safe and that the design flaws addressed in numerous reports have been corrected.

We also owe it to our military personnel and their families to provide them with decent facilities and housing. For that reason, I strongly support the provision of this bill that authorizes another round of base closures. We should continue to reassess our base structure to ensure that we are maximizing the use of our defense facilities.

By closing bases that are no longer needed, we can help to ensure that our military personnel and their families are not being forced to live and work in hazardous conditions. The decision to move forward with another round of base closures is an example of the hard decisions that this body will have to make as we face the realities of the Federal budget.

I am also concerned that this bill again focuses on procurement of costly weapons systems at a time when we should be redirecting more funding to readiness and to quality of life programs for our men and women in uniform and their families. I regret that this bill authorizes the conversion of four Trident I submarines to carry conventional weapons when the Defense Department requested the conversion of two submarines and the retirement of two submarines. I also regret that we continue to procure cold war-era weapons such as the Trident II submarine-launched ballistic missile and that we continue to operate the Navy's Extremely Low Frequency communications system.

This is a time for the administration, the Congress, and the country to stand together in the face of the horrific attacks on September 11. We must do everything we can to support our military personnel as they prepare to combat the forces of evil who perpetrated these vicious crimes and those who offer them financing, shelter, and support. While this bill is far from perfect, I will vote in favor of it.

Mr. WARNER. Mr. President, we are about to vote in 2 or 3 minutes; am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I would like at this time again to thank all colleagues for their assistance in getting this very important piece of legislation up and carefully considered over a period of several days.

I thank the staffs—on my senior staff, Les Brownlee, who hopefully will be moving on to other assignments here in the near future, and David Lyles, his counterpart, and others. I am most grateful. Senator LEVIN and I have been on this committee 23 years. I guess this is our 23rd bill. We have had tremendous cooperation from colleagues, staff, and otherwise.

This morning it was quite clear there was unanimity on both sides of the aisle to proceed with this bill.

I thank my distinguished chairman. It is a pleasure to work with him. We had some hard decisions to make and I think we made them basically together. We eliminated from the bill many provisions which the chairman felt very strongly about regarding the missile defense funding language. But it was done, and done in a spirit to get this bill up and passed in the Senate, so now we go to the House and conference and hopefully we will send up to the President a very fine bill on behalf of the men and women of the Armed Forces.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank Senator WARNER, his staff, and all the Members of the Armed Services Committee for working in such a spirit of unity.

Our committee always is able to come together on national security matters. It has always been a joy to work on the Armed Services Committee because that committee works in such a bipartisan spirit.

There are differences from time to time, but those differences are resolved in ways which contribute to the security of this Nation. Now that we are in an emergency situation, more than ever it is essential that this committee help lead the way, in a way that does not avoid debate on issues but, where we were unable to resolve issues, that they be deferred. There are some issues that have been deferred to a later date for reasons I expressed at great length yesterday. The Presiding Officer had an opportunity to listen to that.

We have preserved our position on that. It is an important position, and we will raise that if and when the circumstances are appropriate. But for the time being, what is important is that this Senate now has a chance to express with one unified voice support for the men and women in the military, to make sure they have everything they need; that they have the resources, training, the equipment; that they have the pay; that they have the housing.

We have done everything we can, working with the administration, to speak with one strong and unified voice that the men and women in the military should be able to count on us in normal times and surely they ought to be able to count on us in these emergency times. I believe very firmly this bill does exactly that.

It could not have been accomplished, again, without the assistance of our staffs.

They are extraordinary. Again, Senator WARNER, as always, has worked very closely to make sure we could act together. For that I am grateful. I think the Nation is in his debt.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent for 3 minutes.

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

Mr. DOMENICI. Mr. President, I have nothing but accolades for the chairman and for the distinguished Senator from Virginia. This was a tough bill to put together. This is not the first time that it was tough and we got it done. We have had some where we didn't get it done. We had some that didn't reach conference until some events which weren't planned broke and it gave the bill momentum.

I am not here to complain about their efforts, their diligent work. But I am a little concerned about the fact that I had some very good amendments pending. There is a very serious misunderstanding because it seems to me that my staff was working with staff on a number of these amendments.

I was preparing to pull some of the amendments in a negotiation process. I want to state two of them that would have been very important to have. It has cosponsors, such as Senator MURKOWSKI, Senator BINGAMAN, Senator LUGAR, Senator BIDEN, Senator HOLLINGS, Senator LANDRIEU, and Senator THURMOND.

It has to do with trying to make sure the United States in its workings with Russia on plutonium disposition programs, which I happen to have something to do with—$200 million was appropriated to start this program in an urgent supplemental 2 years ago. You all know we have been having some very difficult problems carrying that nonproliferation agreement to fruition. It was supposed to be for America getting rid of some of its plutonium and Russia getting rid of some of theirs in a kind of collateral way. And we were putting up $200 million to get it going.

The administration has decided to change the program by cutting two or three pieces of the program but offered no plan.

All this says is when you have a plan, send it up, and we will consider it. In the meantime, we don't think you should pick a piece out of the program without telling us how you are going to keep it intact.

I think anybody around here would have accepted that, or at least would have thought it was something very serious, unless they do not care about the program. There are some who do not think the plutonium disposition program is very good. But they don't have the luxury of deciding that it is not good. It is the law of the land right now. It is hard and difficult to get it done.

An example of another one: Senator BINGAMAN, Senator LUGAR, and Senator HAGEL. This is on the coordination of nonproliferation programs and assistance thereto.

There is no question on the part of those experts around who looked at this issue that we have to coordinate these programs. We have come to the word ''coordination'' after this terrorist attack as it applies to a lot of programs. We must coordinate better between the FBI and their information system, the CIA and theirs, and DOE and theirs. We finally decided to get something coordinated.

Frankly, on the nonproliferation programs, we are desperately in need of coordination. God forbid that something happens and we will say, Where was the coordination? At least we can say we have been trying for a long time to get coordination. We didn't get it in this amendment because for some reason somebody here had a misunderstanding with us—neither of these two

Senators—or they just didn't think we ought to be doing this kind of thing on this bill.

In a sense, the cloture may very well have closed these off, but in the middle of negotiations we thought we should probably not have thought that. We probably should not have. Unless it gets done, we shouldn't think that in negotiations.

Having said that, I want to put these two amendments in by way of some thought that will go into what I was talking about. I will choose to take the remainder of my amendments and put them in now so that somebody at some point will be able to look and see if their amendments were reasonably good amendments. I believe with the exception of one or two, which I was prepared to change or withdraw, they are very good amendments. Ultimately, they are needed and should be paid for.

I will submit the package for perusal by those who might want to take a look to see if we could have made the bill a bit better, and at least be given some reasonable consideration.

I thank the Senators. I yield the floor.

Mr. WARNER. Mr. President, if I might for 1 minute, I think the Senator from New Mexico has some very constructive suggestions. I am familiar with them. I spoke just this morning with Senator LUGAR about a letter which he wrote to the Secretary of Defense, which is the subject matter of one of these amendments. I would have signed the letter with him. Yesterday I was engaged here. I hope in the context of the conference and otherwise we can address these important matters.

Mr. DOMENICI. It will be in the RECORD.

Mr. LEVIN. Mr. President, if the Senator from New Mexico will yield, let me also say, as someone who supports those amendments, that I will be working very hard in conference to see if we can find some way that is permitted in conference to get some of those issues resolved. I happen to be one who strongly supports those amendments. I thank him.

Mr. DOMENICI. The Senator from Michigan has attended a number of meetings where these issues were discussed. They are really serious issues. They will be coming along in a very good way.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I congratulate our two managers for the outstanding job they have done in getting us to this point. It was not easy. I am grateful to my chairman and to our ranking member for the excellent job they did in maneuvering and orchestrating the effort to this point. I expect we will have a very good vote, thanks in large measure to their leadership.

After this vote, it is my intention to move to the Vietnam trade bill. There may be a request to have a vote on the motion to proceed. It would be my desire to have the vote, if it is required, immediately following the vote on the Defense authorization bill. I urge Members to stay until we can clarify whether or not a second vote is required. If it is not required, the vote on the Defense authorization bill will be the final vote for the day.

We will be on the Vietnam trade bill either way—either on the motion to proceed, which I don't expect, or on the bill itself.

As my colleagues I am sure know, there is a 20-hour time limit. It is my hope and my plea that we don't feel the need to spend all 20 hours on this bill. It is an important piece of legislation. I don't minimize it. But we have a lot of work to do in what is a short workweek once again. We will take up the bill. I am hopeful we can have a good debate tonight and then vote on it tomorrow, and hopefully early in the day.

I ask my colleagues to stay on the floor until we know for sure whether there is a second vote. I urge my colleagues as well to come and debate this bill so we can move it along and, hopefully, vote on its final passage sometime tomorrow.

Mr. LEVIN. Mr. President, could I add my thanks to the majority leader for his very strong and determined leadership to bring this bill to a close. I must say it could not have happened without the determination of the majority leader to finally just simply file cloture. That is what it came to. We were not able to bring this to closure without that cloture motion.

The majority leader's leadership has been absolutely superb and essential. That is going to permit us to have a strong vote and a unified, bipartisan voice in support of our troops. Both the majority leader and the Republican leader at an earlier time had sought to limit amendments to some kind of procedure. I thank both the majority and Republican leaders for that effort. They did not succeed in achieving that, but the next step will be taken. The majority leader took that action. That is the true mark of leadership, and the Nation is very much in his debt.

Mr. DASCHLE. I thank the chairman for his comments.

Mr. WARNER. Mr. President, I join in thanking the Republican and Democrat leadership for their assistance in getting us to this point. Senator LOTT and Senator NICKLES also were on the floor last night until 8 o'clock, as was Senator REID. We thank them.

Mr. DASCHLE. I thank the Senator from Virginia.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from South Carolina (Mr. THURMOND), is necessarily absent.

I further announce that if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote ''yea.''

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—99

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gramm	Nickles
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Helms	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Torricelli
Dayton	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden

NOT VOTING—1

Thurmond

The bill (S. 1438) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: Calendar No. 156, S. 1417; Calendar No. 157, S. 1418; and Calendar No. 158, S. 1419; that all after the enacting clause be stricken, en bloc; that the following divisions of S. 1438, as passed the Senate, be inserted as follows: Division A, S. 1419; Division B, S. 1418; and Division C, S. 1417; that the bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; and that the consideration of these items appear separately in the RECORD. I further ask unanimous consent that with respect to S. 1438, S. 1417, S. 1418, and S. 1419, as passed the

Senate; that if the Senate receives a message from the House with respect to any of these bills, the Senate then proceed to the House message; that the Senate disagree to the House amendment or amendments, agree to the request for a conference on the disagreeing votes of the two Houses, or request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, sometimes seemingly small issues take on a great significance in large debates. I raised the prospect of objecting to going to conference on this bill because of an issue that both in my State and potentially in my country looms very large.

A week ago, I raised with the committee my concerns that because of a merger by General Dynamics and another corporation, the United States of America is being left with one producer of smokeless gunpowder. One. One plant, one company, one location.

It is a highly volatile matter. Aside from the questions of what this does to the competitiveness for cost for the Pentagon, the waste it may produce, there is the danger of loss of production.

I remind my colleagues this is what fuels the TOW missile, hundreds of which are probably now making their way to the Middle East for antitank operations; our strategic forces with the Trident, the Hellfire missile that is used from aircraft and helicopters, one manufacturer.

It is my understanding the Pentagon is now considering acquiescing to an action by the Federal Trade Commission because of concerns about what this will do to government costs, monopoly status, safety and quality for what is a matter of great significance to our Armed Forces.

It was my hope and intention to include an amendment in the legislation that would have put the Senate on record that indeed the Federal Trade Commission should investigate and, if appropriate, take the proper action.

In my judgment, the right action is for the Pentagon to indeed ensure there are two suppliers and to divide the contract as we do with so many other items that are important for national security.

Because of the cloture vote, I could not include this amendment in the legislation, but it is my understanding the Secretary of Defense has now decided on the merits, on his own volition, to accede to the Federal Trade Commission.

I inquire of the chairman of the committee his understanding of this action and whatever actions he might be taking in coming days in regard to this concern.

Mr. LEVIN. I thank my friend from New Jersey for a number of things: First, for voting for cloture in a very difficult situation where he had an amendment about which he feels so strongly, which I happen to support. The amendment was also, of course, cosponsored by Senators CARPER and CORZINE. Even though this amendment would not be in order after the cloture vote, the stakes were so great in terms of the Nation's security to get this bill passed that we had a strong vote for cloture nonetheless. This was true of the Senator from New Jersey and a number of other Senators who knew their amendments would not be in order if cloture, in fact, were invoked. I thank him for putting that need of this Nation so high that even though this amendment which is so important then could not be made germane, nonetheless cloture was voted for.

We understand the Defense Department is going to express a view on this matter to the Federal Trade Commission, if it has not already done so, within the next few days. While I am not in a position to take a position on the merits because I do not know enough about the merits, and I would not do it anyway, I nonetheless believe it is important that the Department of Defense express itself, as the Senator's amendment provided for, since the amendment simply said it was the sense of the Senate the Department of Defense should express its views on the antitrust implications of the joint venture described in subsection A to the FTC not later than 30 days after enactment.

I felt that was a very reasonable approach. It did not weigh in on the merits. It simply said this matter was so important the Defense Department should express its views.

The Senator has my assurance that if for any reason the Defense Department does not express its views to the FTC before we complete conference, or if it has not already done so, I would take whatever steps I could to make sure that, in fact, it does so before we bring back the conference report to the Senate.

Mr. TORRICELLI. Reclaiming my time, I thank the chairman of the committee, Senator LEVIN, for his consideration and his support. I believe the Secretary of Defense will make a proper communication to the Federal Trade Commission. If for any reason he does not, I am very grateful the chairman of the committee will express his own views at the appropriate time.

Obviously, if this is not successful in conference with this matter, we will return on the appropriations bill. What matters most is not simply the Greentree Chemicals and these few hundred people in Parlin, NJ, and those who work in Delaware. They matter to me and they matter to me enormously. More significantly, at a time when we have seen the vulnerability of our country and at a time of national emergency, the Nation, for principal defense items, cannot either on this specific item or speaking more broadly in national defense generally ever limit itself to single suppliers or create choke points in supplying our Armed Forces.

Today I am rising on behalf of a small company in New Jersey, but tomorrow it could be somebody in any city in any State in America. The principle still stands. We live in an age of terrorism, and even if we did not, we live in a time where simple industrial accidents cannot impair the ability of our country to supply ourselves or our Armed Forces.

I thank the Secretary of Defense for the action he has promised with the Federal Trade Commission, and I am particularly grateful to the Senator from Michigan for his own statement of support.

I withdraw my objection.

The PRESIDING OFFICER. Is there any further objection? Without objection, it is so ordered.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2002

The bill (S. 1417) to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division C of S. 1438, which will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2002

The bill (S. 1418) to authorize appropriations for fiscal year 2002 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division B of S. 1438, which will be printed in a future edition of the RECORD.)

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR THE FISCAL YEAR 2002

The bill (S. 1419) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division A of S. 1438, which will be printed in a future edition of the RECORD.)

Mr. LEVIN. Mr. President, I ask unanimous consent that S. 1438, as

passed the Senate, be printed as a Senate document.

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

Mr. LEVIN. To the members of our committee, including the Presiding Officer who served so well to bring this bill to the floor; to Dave Lyles and our staff on this side of the aisle; Les Brownlee and his staff, but most important perhaps of all Senator WARNER for, as always, his extraordinary efforts to produce a bill in a bipartisan fashion, I am truly indebted. More importantly, the Nation has been advantaged by his service, and I am very grateful personally to him for all of his efforts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I echo the compliments made by Chairman LEVIN for the work of Senator WARNER. I will also say that Senator LEVIN did an outstanding job. It was great the Senate was able to work. We had no partisan votes, as I recall, on the DOD authorization bill, a very important bill for our national security and important for us. So now we can go on and finish the DOD appropriations bill, a very critical bill as well.

Again, my compliments to Chairman LEVIN and Senator WARNER for their leadership, and for all Senators working together to get this bill passed as expeditiously as we did.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VIETNAM TRADE ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to calendar No. 154, H.J. Res. 51, the Vietnam trade bill.

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

The legislative clerk read as follows:

A joint resolution (H.J. Res. 51), approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

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

The motion was agreed to.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 10 minutes.

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

INTERNET TAXING

Mr. MCCAIN. Mr. President, the Senator from Oregon and I, along with the Senator from North Dakota, Mr. DORGAN, and the Senator from Massachusetts, Mr. KERRY, and others have been working for years on the issue of Internet tax. We still have not reached an agreement. The moratorium expires very soon.

We will be introducing legislation today for another 2-year extension of the Internet tax moratorium. I hope we can get agreement on that, and in calmer and quieter times, we will be able to address and debate the issue of international taxation, which is a very difficult, very complicated, and an increasingly important issue to Governors, legislators, mayors, and city council members.

At this point in our American history, we need an extension of a couple years so in calmer and quieter times we can come to some agreement on this very important issue. That does not mean the Senator from Oregon and I are opposed to Internet taxes per se, but we have a long way to go before we are in agreement, so we will be introducing legislation today. I hope we can get unanimous agreement on it and move forward.

I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, today with Senators MCCAIN and LEAHY, I am introducing legislation that would extend the moratorium on discriminatory taxes on electronic commerce.

Senator MCCAIN is absolutely right. The moratorium expires in a few days, and we are very hopeful the bipartisan bill we are going to introduce today is going to help bring the Senate together on what has surely been a very contentious issue.

Considerable confusion even exists as to what the current law entails. For example, there are countless stories written that say there is a ban on Internet taxes. That is absolutely incorrect. The only thing that is banned today is taxes that single the Internet out for discriminatory treatment. We are extending that ban.

As Senator MCCAIN has noted, there are strong feelings on both sides of this issue. I happen to believe very strongly that no jurisdiction in this country has shown they have been hurt by their inability to discriminate against the Internet. Certainly folks in State and local government feel very strongly about it, and they have a right, at this time of economic concern, to know where the revenue is going to be for their essential needs.

Senator DORGAN, Senator KERRY, Senator HOLLINGS, and I intend to continue the very constructive conversations we have had literally for 18 months on the issue, but because it is important to move forward quickly, given the fact the moratorium expires, Senator MCCAIN, Senator LEAHY, and I are introducing our bipartisan effort today and plan to continue our conversation with our colleagues.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. 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 17, 2001 in Helena, MT. An openly gay student at Carroll College withdrew from school 14 days after being knocked unconscious and beaten in his dorm room. The victim did not initially report the incident due to fear of further retribution. Someone struck the student in the head with a bottle as he returned to his room from the dorm showers early in the morning and then beat him while he was unconscious. The attacker also wrote ''Die Fag'' on his body with an ink marker.

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.

ADDITIONAL STATEMENTS

HONORING DEAN DORT, CHARLES ORLEBEKE, AND DAVID WILLIAMS

• Mr. LEVIN. Mr. President, I want to commend the services of three midwesterners who are ending their terms on the Northeast-Midwest Institute's Board of Directors.

Dean Dort, Charles Orlebeke, and David Williams have provided stable leadership, offered a wealth of ideas, and advanced the Institute's credibility. Dean Dort is vice president of international affairs for Deere & Company, which is headquartered in Moline, IL. He has been a criminal trial lawyer, a Federal Criminal Court Judge, the representative of the Secretary of the Army to the United States Congress, and Washington counsel for Deere & Company.

Charles Orlebeke is a professor of urban planning and public affairs at the University of Illinois at Chicago. He previously served as executive assistant to Michigan Governor George Romney, founding dean of the urban planning and policy program at the University of Illinois at Chicago, and assistant under secretary and assistant secretary for policy development at the U.S. Department of Housing and Urban Development.

David Williams is vice president of Earth Tech, an engineering firm based in Chicago. He has served as commissioner of public works for the City of Chicago; a member of the Illinois Public Utilities Commission; and city manager of Inkster, Michigan. The Northeast-Midwest Institute provides policy

research for the bipartisan Northeast-Midwest Senate Coalition and its Great Lakes Task Force, which I co-chair with Senator MIKE DEWINE of Ohio. I again want to commend Dean Dort, Charles Orlebeke, and David Williams for their service on the board of the Northeast-Midwest Institute. They have provided valued counsel and helped increase that organization's reputation and effectiveness.●

TRIBUTE TO DANE GRAY BALES, A KANSAS LEGACY

● Mr. ROBERTS. Mr. Chairman, I rise today to call attention to the death, August 26, 2001, of a good friend and distinguished Kansan, Dane Gray Bales of Logan, KS.

Mr. Bales was born in 1918 to a pioneer Kansas family. He served in the Army Air Corps in WWII and returned home to Kansas to work for the Hansen Oil Company.

Throughout his life he was a community builder and civic leader known across the State. Fort Hays State University gave him its Distinguished Service Award in 1985.

Mr. Bales is best known for his untiring support for higher education in Kansas. With his wife, Polly, he was life member of the University of Kansas Chancellor's Club, the School of Business Dean's Club, the School of Fine Arts Dean's Club, the Williams Fund, Jayhawks for higher education, the Mt. Oread Fund and other organizations.

They were major contributors for the Dane and Polly Bales Organ Recital Hall and the Wolff Organ and they established the first organ professorship at the University of Kansas.

I submit for the record a recent article from the Hays Daily News that comments on Mr. Bales' outstanding life of service to Kansas and the eulogy delivered by Kenneth Tidball, superintendent of schools in Logan.

I ask that the article and eulogy be printed in the RECORD.

The material follows:

[From the Hays Daily News, Sept. 2, 2001]

LOGAN LEGACY

Flags flew at half-staff. Downtown businesses closed early. For at least an hour on Wednesday afternoon, this small Phillips County community closed up shop to pay its respect to a man who was more than just a lifelong resident.

Dane Bales embodied the tradition of small-town Kansas. While he carried the portfolio of an accomplished businessman, political activist and world traveler, Bales' appreciation and love for his hometown was one of his greatest attributes.

It was something he had learned at an early age.

His uncle, Dane G. Hansen, the namesake of a multimillion-dollar trust fund and not-for-profit foundation in downtown Logan, exemplified the same characteristics.

Hansen never married, and at the time of his death in 1965, his estate, valued at between $9 million and $16 million, was left to a foundation bearing his name. Those funds were to be used explicitly for the betterment of area residents.

That money had grown first from a simple general store, handed down to Hansen by his parents, Danish immigrants who were part of Logan's original settlement in the late 19th century. His business dealings later developed into a lumberyard, then road construction and finally the oil business. Ultimately, Hansen's success developed into exactly what he wanted, innumerable opportunities for Kansas residents.

For 36 years, it all overseen by his nephew, the lone descendant of the Hansen family.

At the time of Hansen's death, Bales was named to head the family trust and also was one of seven men handpicked by his uncle to head the Hansen Foundation. Now, Bales' widow, Polly, said the family legacy will continue, just without a family patriarch heading the board.

The couple's only son, Dane G. Bales Jr., died of leukemia in May 1998. His widow, Carol, now of Atchison, still serves as a trustee for the trust and foundation.

Polly Bales said legal documents stipulate that the trust will continue for 20 years after the death of the Hansen family's final descendant. That now ensures it will continue through 2021.

Although his life was surrounded by great experiences and people of all walks of life, this week Bales was remembered as a man who loved a few simple things.

The Rev. Ron Lowry told the hundreds of people who packed into the Logan United Methodist Church for Bales' funeral that he frequently tries to ''find the unique'' things in a person. That was a simple task this week, he said. ''There were so many unique things about Dane.''

Neighbor Kenneth Tidball talked about Bales' passion for golf. And while he loved Kansas football and basketball, golf had been his game for a number of years. He played his last round of 18 holes less than a month ago.

Following a lifelong admiration for airplanes, at age 46 he learned to fly and bought his first plane. Also an accomplished ham radio operator, Lowry said he shared that hobby with Bales. As he talked to Polly Bales about it, she joked with Lowry that if he's ever able to send a message to Bales' signal, he was to notify Bales that she also expected to hear from him.

''I appreciated the kind of love they had for each other,'' Lowry said. ''They were such a complement to each other.''

The two met while students at the University of Kansas. Polly Bales said her husband of nearly 60 years was dating her roommate while they were in school.

''I was trying to get the two of them together,'' she recalled.

Then one night, Bales called and asked if she wanted to go to Kansas City to attend an Ella Fitzgerald concert.

''I said, 'Oh I sure did.' That's how it started. We dated for at least a year and a half. I wasn't trying to get him. I didn't really notice him, but that's how it worked out,'' she said.

Their love of the Jayhawks was a shared passion. They were members of countless school-related organizations and activities, all dedicated to the promotion of higher education.

For 21 years they have hosted the area KU Honors Program, and in recent years have welcomed KU Chancellor Robert Hemenway's Wheat State Whirlwind Tour to the Dane G. Hansen Memorial Museum and Hansen Plaza. They were among the first to tour with the KU Flying Jayhawks and traveled with the group on 30 international trips.

They were major contributors for the Dane and Polly Bales Organ Recital Hall, adjacent to KU's performing arts center in Lawrence, and the couple since have established the university's first organ professorship.

Although Polly Bales said at first they ''protested a little bit'' the name of the recital hall, school officials told them that the Board of Regents already had decided on its name.

''So much of what we have is because of the Hansens. We thought that would be the name attached to it, but they said it was done. That was what they had decided,'' said Polly Bales, a former organ student at KU. ''What an honor.''

In 1985, the couple were awarded the Fort Hays State University Distinguished Service Award. Two years later, they were included in the KU Gallery of Outstanding Kansans, and both have received the Fred Ellsworth Medallion from the university.

''We were in pretty heady company,'' Polly Bales said with a smile.

Earlier this year, the couple received the Volunteers of the Year award from a 10-state district of the Council for Advancement and Support of Education.

All of those recognitions, which Polly Bales said they both cherished, hang in the hallway of the couple's home, built on the same stretch of land where Bales was born and where he died, and just across the street from Hansen Plaza.

''I always told him he didn't go too far,'' Polly Bales said of her husband, joking that he was born, worked and even died in an area equivalent to the size of a couple of city blocks.

His steadfast commitment to his hometown has not gone unnoticed. His death in fact brought an end to a long-standing record in Logan, 130 continuous years of business by a member of the Hansen family.

This week's issue of the Logan Republican, the weekly newspaper, refers to Bales on its front page as ''a legend.''

''The love he had for our community was extraordinary. He could have chosen to make his home anywhere in the world but he chose to stay in Logan, Kansas, where his family roots had long been a part of our community. The recognition and prestige he gave our little town will forever be remembered.''

Even among all of their success and fortune, Polly Bales said she knows her husband would be floored by all the attention showered on him this week. Floral shops delivered more than 80 arrangements in his name, and just one day's mail, full of sympathy cards and condolences, filled a couple of shoeboxes.

''He would be so thankful. I know he would,'' she said as tears filled the corners of her eyes. ''I'm so lucky that I fell into this family. They're so loving, and they've always taken care of me. But I'm going to miss him.''

EULOGY FOR DANE GRAY BALES

(By Kenneth Tidball, Superintendent of Schools, Logan, KS, August 29, 2001)

A reporter from a big city newspaper called me Monday at my office to ask me why I was doing the eulogy for Dane Gray Bales. He said why isn't the governor or the chancellor of KU or Congressman Moran doing it. I told him I didn't know why, but I could tell him this, no one could be more honored, no one could feel more privileged than I did to talk about what a wonderful, kind, loving man Dane was.

I told that reporter that I felt so inadequate to do justice to the man we've come to honor today. There are so many of you gathered here that have had a much longer relationship with Dane that I have; some of you did business with Dane; some of you played golf with Dane; some of you flew, or skiied, or traveled or went to ballgames or supported KU or loved chocolate or did several of those things that made up such a

large part of Dane's life; I didn't have those special opportunities.

My special opportunity was that Dane was my neighbor. When we moved back to Logan, God saw to it that we had the special privilege of moving next door to the Bales. There I learned to respect and admire a descendent of true pioneer stock, a man with more determination and tenacity than most of us have bones in our body, a man who could do hand-to-hand combat with his fountain in the yard, or underground sprinkler and make them work again. He could also talk about world affairs, the stock market, education and consumer prices.

But a special delight was I always knew things were right with the world when I would look out my east window and see Dane up on his roof with his leaf blower, or getting ready to go play golf; wrestling with his fountain or getting ready to play golf; filling his bird feeder, putting ears of corn out for the squirrels, or getting ready to go play golf. There's no doubt about it, Dane loved to play golf.

Some of his golfing buddies have told me stories about Dane's game. Rich Wallgren says his special putting technique, the jump-n-putt, should be adopted by the PGA tour.

Jerry Patterson gave me the following observation from which I now quote:

''I have played a lot of golf with Dane, all over the state of Kansas and in a few other states as well. Dane was a very honest person in all that he was involved in. At the age of 83 his golf game wasn't as good as it might have once been and after tallying up, say an 8 on a hole, the scorekeeper, which was usually Rich or I, would try to make it a little easier on him. We'd ask Dane, 'You had a 7 didn't you?' He would answer back 'No, I had a dag-blasted 8.' If you are a golfer you know when someone offers to give you one less stroke on a hole, it tests your honesty. Dane always declined.

Dane loved the game of golf and when we had finished for the day, he would often ask, 'Where are we going tomorrow?' The answer from the rest of us usually was, 'I don't care, wherever you guys want to.' ''

Dane played 18 holes less than a month ago.

As dedicated as he was to his golf, he was even more dedicated to the responsibility of his office. Less than three weeks ago, Dane came back from KU medical center to work in his office for two hours because the trustee meeting was the following day. Dane faithfully felt the responsibility and the importance of carrying out the wishes of his Uncle Dane and rarely missed a meeting of either the Foundation or the Trust. As they traveled around the world, to 60 different countries, I always knew they would be home for the third Friday of the month.

There is no doubt that Dane was respected by important people and men of position. He was invited by then Secretary of Defense Dick Cheney to become a member of the Joint Civilian Orientation Committee and later the Defense Orientation Conference Association. With these organizations, Dane visited U.S. military installations in the U.S. and abroad.

Dane was among the first six men inducted into the Kansas Oil Pioneer Hall of Fame.

He and Polly were awarded the Fred Ellsworth Medallion for unique and significant service to KU and the Distinguished Service Award from Fort Hays State University. He and Polly received the Volunteer Award for District 6 for the Advancement and Support of Education.

He was a member of the Chancellor's Club, School of Business Dean's Club, Williams Fund, School of Fine Arts Dean's Club, Friends of the Lied Center, Friends of KU Libraries, Friends of Spencer Museum of Art.

Dane and Polly were honored by the KU Gallery of Outstanding Kansans in 1987.

There is no doubt about it, Dane has made his mark on the face of this earth. In the oil industry, in defense, in education, in the world of music with his role in the construction of the Bales Recital Hall at KU, and in cancer research.

A few years ago, I wrote Dane a short letter congratulating him for some recent honor bestowed upon him. I'm going to share with you the gist of that letter. ''In 1964 my father met D.G. Hansen. When he came back from that meeting he told me he had just met the smartest man he'd ever met. I would say the smartest man I ever met was Dane Bales.''

You know something, Dane would not like for us to make over him this way, he would be uncomfortable and embarrassed.

But I can't help it. I admired him so, I respected him so, and I, like the rest of you, will miss him so.

Dane was not a demonstrative person, but his love for Polly was legendary, and although they won't get to celebrate their 60th wedding anniversary this November, the last sentence that Dane said to Polly was ''I love you.'' What a beautiful memory.

I'm going to close with a quotation from a letter written by a grand-nephew of Dane's just last week. ''A man who spends his life doing God's work and helping others, is a man that will be remembered forever in the hearts of loved ones and all who have known him. I feel my life has been enriched having been able to say that Dane is my uncle. I know in the Bible that a 'proud person' is a sinner, but I will be forever 'honored' for what my Uncle Dane stands for and believes in. With all my love, Michael.''

My life has been enriched having been able to say that Dane was my neighbor.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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. WYDEN (for himself, Mr. MCCAIN, and Mr. LEAHY):

S. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act for 2 years, and encourage States to simplify their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. HATCH, Mr. DAYTON, Mr. AKAKA, Mr. JOHNSON, Mr. ALLARD, Mr. CRAPO, Mr. CRAIG, Mrs. LINCOLN, Mr. HELMS, and Mr. NELSON of Florida):

S. 1482. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 1483. A bill to amend Family Violence Prevention and Services At to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL:

S. 1484. A bill to prevent fraud in the solicitation of charitable contributions, and for other purposes; to the Committee on the Judiciary.

By Mrs. CARNAHAN:

S. 1485. A bill to amend the Poison Prevention Packaging Act to authorize the Consumer Product Safety Commission to require child-proof caps for portable gasoline containers; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS:

S. Res. 165. A resolution establishing a Select Committee on Homeland Security and Terrorism; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KENNEDY, Mr. BROWNBACK, Mr. BIDEN, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLEN, Mr. FEINGOLD, Mr. BENNETT, Mr. SCHUMER, Mr. JEFFORDS, Ms. CANTWELL, Mr. EDWARDS, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mrs. MURRAY, Mr. CORZINE, Mrs. BOXER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. CLELAND, Mr. LIEBERMAN, Mr. CARPER, Mr. TORRICELLI, Mr. SARBANES, Mr. LEVIN, Mr. INOUYE, Mr. JOHNSON, and Mr. REID):

S. Con. Res. 74. A concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. INOUYE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 96

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 96, a bill to ensure that employees of traveling sales crews are protected under there Fair Labor Standards Act of 1938 and under other provisions of law.

S. 721

At the request of Mr. HUTCHINSON, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from New Hampshire (Mr. GREGG)

were added as cosponsors of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) 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. 1140

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. AKAKA), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1147

At the request of Mr. NICKLES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1147, a bill to amend title X and title XI of the Energy Policy Act of 1992.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. NELSON of Florida) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Kansas (Mr. BROWNBACK) 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. 1465

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1465, a bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003.

S.J. RES. 8

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S.J. Res. 8, a joint resolution designating 2002 as the ''Year of the Rose''.

AMENDMENT NO. 1721

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1721 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.

AMENDMENT NO. 1724

At the request of Mr. HELMS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 1724 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.

AMENDMENT NO. 1750

At the request of Mr. DEWINE, his name was added as a cosponsor of amendment No. 1750 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.

AMENDMENT NO. 1755

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1755 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.

At the request of Mr. CLELAND, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

AMENDMENT NO. 1760

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. NELSON of Florida), the Senator from Oregon (Mr. SMITH of Oregon), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1760 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.

AMENDMENT NO. 1806

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1806 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. WYDEN (for himself, Mr. MCCAIN, and Mr. LEAHY):

S. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act for 2 years, and encourage States to simplify their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, I want to add my support to promoting electronic commerce and keeping it free from discriminatory and multiple State and local taxes. I am pleased to join the senior Senator from Oregon and the senior Senator from Arizona as an original cosponsor of the Internet Tax Moratorium Extension Act. I commend Senator WYDEN and Senator MCCAIN for their continued leadership on Internet tax policy.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is key to reaching its full potential, and creating new tax categories for the Internet is exactly the wrong thing to do. E-commerce should not be subject to new taxes that do not apply to other commerce.

Indeed, without the current moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on E-commerce. Let's not allow the future of electronic commerce, with its great potential to expand the markets of Main Street businesses, to be crushed by the weight of discriminatory taxation.

We also need a national policy to make sure that the traditional State and local sales taxes on Internet sales are applied and collected fairly and uniformly. This two-year extension of the current moratorium gives our Governors and State legislatures time to simplify their sale tax rules and reach consensus on a workable national system for collecting sales taxes on E-commerce.

E-commerce is growing, our moratorium law is working, and we should keep a good thing going. I am proud to cosponsor the Internet Tax Moratorium Extension Act to encourage online commerce to continue to grow with confidence. I urge my colleagues to support its swift passage into law.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. HATCH, Mr. DAYTON, Mr. AKAKA, Mr. JOHNSON, Mr. ALLARD, Mr. CRAPO, Mr. CRAIG, Mrs. LINCOLN, Mr. HELMS, and Mr. NELSON of Florida):

S. 1482. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, I am pleased to introduce the Animal Health Protection Act, AHPA, of 2001. I am proud that my good friend from Indiana, Senator LUGAR, stands with me today, as well as Senators HATCH, DAYTON, AKAKA, JOHNSON, ALLARD, CRAPO, CRAIG, LINCOLN, and HELMS. This legislation modernizes and consolidates important animal health statutes. We support the AHPA as a means towards improved domestic livestock protection.

As many of my colleagues are aware, the U.S. Department of Agriculture, USDA, is currently more prepared to protect our Nation's plants from foreign pests and diseases than to protect our domestic livestock from the same threats. Last year, the Plant Protection Act, a bill that greatly improved plant protection regulations, was signed into law. We need similar action to protect animal agriculture. The AHPA will expand USDA's legal authority to protect animals to that currently afforded for plant agriculture.

The AHPA updates and consolidates animal quarantine and related laws, some of which date back to the late 1800's and replaces them with one flexible statutory framework. USDA will be better prepared to take more effective, expeditious action to protect animal health.

This legislation also gives USDA authority to specifically address modern threats to all aspects of animal health. One such threat is foot-and-mouth disease. As our friends in Great Britain can attest, an outbreak of this destructive disease can cost a Nation billions of dollars and millions of livestock. In the U.K. alone, over one million animals had to be destroyed as a result of FMD. If we do not update our laws, I worry that our Nation will be vulnerable to the introduction and spread of foreign animal diseases like FMD or ''mad cow disease'', BSE. The recent discovery of BSE in Japan shows that the threats are still current. The price of prevention is vigilance.

Finally, this legislation has become even more important since the tragic events of September 11. Concerns about biosecurity and possible biological or chemical attacks directed at our Nations food supply must be taken very seriously. This legislation is crucial to fully protect domestic livestock and the U.S. food supply from these threats.

I hope that the Senate will be able to move quickly on this legislation, and I thank Senator LUGAR and others for working with me to get it introduced.

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. 1482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Animal Health Protection Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Restriction on importation or entry.
Sec. 5. Exportation.
Sec. 6. Interstate movement.
Sec. 7. Seizure, quarantine, and disposal.
Sec. 8. Inspections, seizures, and warrants.
Sec. 9. Detection, control, and eradication of diseases and pests.
Sec. 10. Veterinary accreditation program.
Sec. 11. Cooperation.
Sec. 12. Reimbursable agreements.
Sec. 13. Administration and claims.
Sec. 14. Penalties.
Sec. 15. Enforcement.
Sec. 16. Regulations and orders.
Sec. 17. Authorization of appropriations.
Sec. 18. Repeals and conforming amendments.

SEC. 2. FINDINGS.

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

(A) animal health;

(B) the health and welfare of the people of the United States;

(C) the economic interests of the livestock and related industries of the United States;

(D) the environment of the United States; and

(E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this Act;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this Act are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

(i) to prevent and eliminate burdens on interstate commerce and foreign commerce;

(ii) to regulate effectively interstate commerce and foreign commerce; and

(iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANIMAL.—The term ''animal'' means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term ''article'' means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term ''disease'' means—

(A) any infectious or noninfectious disease or condition affecting the health of livestock; or

(B) any condition detrimental to production of livestock.

(4) ENTER.—The term ''enter'' means to move into the commerce of the United States.

(5) EXPORT.—The term ''export'' means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) FACILITY.—The term ''facility'' means any structure.

(7) IMPORT.—The term ''import'' means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) INTERSTATE COMMERCE.—The term ''interstate commerce'' means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) LIVESTOCK.—The term ''livestock'' means all farm-raised animals.

(11) MEANS OF CONVEYANCE.—The term ''means of conveyance'' means any personal property used for or intended for use for the movement of any other personal property.

(12) MOVE.—The term ''move'' means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

(13) PEST.—The term ''pest'' means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) An animal.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(15) STATE.—The term ''State'' means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) THIS ACT.—Except when used in this section, the term ''this Act'' includes any regulation or order issued by the Secretary under the authority of this Act.

(17) UNITED STATES.—The term ''United States'' means all of the States.

SEC. 4. RESTRICTION ON IMPORTATION OR ENTRY.

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) REGULATIONS.—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled

under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) DESTRUCTION OR REMOVAL.—

(1) IN GENERAL.—The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this Act; or

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) REQUIREMENTS OF OWNERS.—

(A) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(i) a means of conveyance used in connection with the importation of an animal;

(ii) an individual involved in the importation of an animal and personal articles of the individual; and

(iii) any article used in the importation of an animal.

(B) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(i) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and

(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

SEC. 5. EXPORTATION.

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;

(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;

(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) REQUIREMENTS OF OWNERS.—

(1) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(A) a means of conveyance used in connection with the exportation of an animal;

(B) an individual involved in the exportation of an animal and personal articles of the individual; and

(C) any article used in the exportation of an animal.

(2) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and

(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) CERTIFICATION.—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

SEC. 6. INTERSTATE MOVEMENT.

The Secretary may prohibit or restrict—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and

(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

SEC. 7. SEIZURE, QUARANTINE, AND DISPOSAL.

(a) IN GENERAL.—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—

(A) is moving or has been moved in interstate commerce or has been imported and entered; and

(B) the Secretary has reason to believe may carry, may have carried, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this Act;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been handled, in interstate commerce in violation of this Act;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this Act; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this Act.

(b) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence in the United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock of the United States, the Secretary may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of the pest or disease; and

(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the pest or disease.

(2) STATE ACTION.—

(A) IN GENERAL.—The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

''(i) the Governor or an appropriate animal health official of the State; or

''(ii) in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

(B) NOTICE.—Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;

(ii) issue a public announcement of the proposed action; and

(iii) publish in the Federal Register—

(I) the findings of the Secretary;

(II) a description of the proposed action; and

(III) a statement of the reasons for the proposed action.

(C) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

(c) QUARANTINE, DISPOSAL, OR OTHER REMEDIAL ACTION.—

(1) IN GENERAL.—The Secretary, in writing, may order the owner of any animal, article, facility, or means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

(2) FAILURE TO COMPLY WITH ORDERS.—If the owner fails to comply with the order of the Secretary, the Secretary may—

(A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b); and

(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

(B) LIMITATION.—Compensation paid any owner under this subsection shall not exceed the difference between—

(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and

(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(C) REVIEWABILITY OF DETERMINATION.—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review.

(3) EXCEPTIONS.—No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this Act;

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this Act;

(C) any animal, article, or means of conveyance that is refused entry under this Act; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this Act by the owner.

SEC. 8. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) GUIDELINES.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) WARRANTLESS INSPECTIONS.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this Act;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this Act; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 7(b), on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 7(b).

(c) INSPECTIONS WITH WARRANTS.—

(1) IN GENERAL.—The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this Act.

(2) APPLICATION AND ISSUANCE OF WARRANTS.—

(A) IN GENERAL.—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this Act, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this Act.

(B) EXECUTION.—The warrant may be applied for and executed by the Secretary or any United States marshal.

SEC. 9. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) IN GENERAL.—The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

(b) COMPENSATION.—The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this Act.

SEC. 10. VETERINARY ACCREDITATION PROGRAM.

(a) IN GENERAL.—The Secretary may establish a veterinary accreditation program that is consistent with this Act, including the establishment of standards of conduct for accredited veterinarians.

(b) CONSULTATION.—The Secretary shall consult with State animal health officials regarding the establishment of the veterinary accreditation program.

SEC. 11. COOPERATION.

(a) IN GENERAL.—To carry out this Act, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons.

(b) RESPONSIBILITY.—The person or other entity cooperating with the Secretary shall be responsible for the authority necessary to carry out operations or measures—

(1) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(2) using other facilities and means, as determined by the Secretary.

(c) SCREWWORMS.—

(1) IN GENERAL.—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) PROCEEDS.—

(A) INDEPENDENT PRODUCTION AND SALE.—If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be—

(i) deposited into the Treasury of the United States; and

(ii) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(B) COOPERATIVE PRODUCTION AND SALE.—

(i) IN GENERAL.—If the Secretary cooperates to produce and sell sterile screwworms under paragraph (1), the proceeds of the sale shall be divided between the United States and the cooperating national government or international organization or association in a manner determined by the Secretary.

(ii) ACCOUNT.—The United States portion of the proceeds shall be—

(I) deposited into the Treasury of the United States; and

(II) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(d) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) CONSULTATION WITH OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary shall consult with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) LEAD AGENCY.—The Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

SEC. 12. REIMBURSABLE AGREEMENTS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into reimbursable fee agreements with persons for preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities shall—

(1) be credited to accounts that may be established by the Secretary for carrying out this section; and

(2) remain available until expended for the preclearance activities, without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this Act relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) USE OF FUNDS.—All funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(d) LATE PAYMENT PENALTIES.—

(1) COLLECTION.—On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31, United States Code.

(2) USE OF FUNDS.—Any late payment penalty and any accrued interest shall—

(A) be credited to the account that incurs the costs; and

(B) remain available until expended, without fiscal year limitation.

SEC. 13. ADMINISTRATION AND CLAIMS.

(a) ADMINISTRATION.—To carry out this Act, the Secretary may—

(1) acquire and maintain real or personal property;

(2) employ a person;

(3) make a grant; and

(4) notwithstanding chapter 63 of title 31, United States Code, enter into a contract, cooperative agreement, memorandum of understanding, or other agreement.

(b) TORT CLAIMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with an activity authorized under this Act.

(2) REQUIREMENTS.—A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary not later than 2 years after the date on which the claim arises.

SEC. 14. PENALTIES.

(a) CRIMINAL PENALTIES.—Any person that knowingly violates this Act, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates this Act, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A)(i) $50,000 in the case of any individual, except that the civil penalty may not exceed $1,000 in the case of an initial violation of this Act by an individual moving regulated articles not for monetary gain;

(ii) $250,000 in the case of any other person for each violation; and

(iii) $500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, alteration, defacing or destruction of a certificate, permit, or other document provided under this Act that results in the person's deriving pecuniary gain or causing pecuniary loss to another person.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

(A) the ability to pay;

(B) the effect on ability to continue to do business;

(C) any history of prior violations;

(D) the degree of culpability; and

(E) such other factors as the Secretary considers to be appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—

(A) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(B) REVIEW.—The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(C) INTEREST.—Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(c) SUSPENSION OR REVOCATION OF ACCREDITATION.—

(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this Act that violates this Act.

(2) FINAL ORDER.—The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(3) SUMMARY SUSPENSION.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this Act.

(B) HEARINGS.—The Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be deemed also to be the act, omission, or failure of the other person.

(e) GUIDELINES FOR CIVIL PENALTIES.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this Act.

SEC. 15. ENFORCEMENT.

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary may gather and compile information and conduct any inspection or investigation that the Secretary considers to be necessary for the administration or enforcement of this Act.

(2) SUBPOENAS.—

(A) IN GENERAL.—The Secretary shall have power to issue a subpoena to compel the attendance and testimony of any witness and the production of any documentary evidence relating to the administration or enforcement of this Act or any matter under investigation in connection with this Act.

(B) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.

(C) ENFORCEMENT.—

(i) IN GENERAL.—In case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, to require the attendance and testimony of any witness and the production of documentary evidence.

(ii) NONCOMPLIANCE.—In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(iii) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as contempt of the court.

(D) COMPENSATION.—

(i) WITNESSES.—A witness summoned by the Secretary under this Act shall be paid the same fees and mileage that are paid to a witness in a court of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(E) PROCEDURES.—

(i) PUBLICATION.—The Secretary shall publish procedures for the issuance of subpoenas under this section.

(ii) REVIEW.—The procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and, to be effective, be signed by the Secretary.

(iii) DELEGATION.—If the authority to sign a subpoena is delegated to an agency other than the Office of Administrative Law Judges, the agency receiving the delegation shall seek review of the subpoena for legal sufficiency outside that agency.

(b) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this Act that are referred to the Attorney General by the Secretary or are brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this Act, or to enjoin any interference by any person with the Secretary in carrying out this Act, in any case in which the Secretary has reason to believe that the person has violated, or is about to violate this Act or has interfered, or is about to interfere, with the actions of the Secretary; or

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this Act.

(c) COURT JURISDICTION.—

(1) IN GENERAL.—The United States district courts, the District Court of Guam, the District Court of the Northern Mariana Islands, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories and possessions are vested with jurisdiction in all cases arising under this Act.

(2) VENUE.—Any action arising under this Act may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(3) EXCEPTION.—Paragraphs (1) and (2) do not apply to subsections (b) and (c) of section 14.

SEC. 16. REGULATIONS AND ORDERS.

The Secretary may promulgate such regulations, and issue such orders, as the Secretary determines necessary to carry out this Act.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—In connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such funds as the Secretary determines are necessary for the arrest, control, eradication, or prevention of the spread of the pest or disease of livestock and for related expenses.

(2) AVAILABILITY.—Any funds transferred under this subsection shall remain available until expended, without fiscal year limitation.

(c) USE OF FUNDS.—In carrying out this Act, the Secretary may use funds made available to carry out this Act for—

(1) printing and binding, without regard to section 501 of title 44, United States Code;

(2) the employment of civilian nationals in foreign countries; and

(3) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

SEC. 18. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of law are repealed:

(1) Public Law 97–46 (7 U.S.C. 147b).

(2) Section 101(b) of the Act of September 21, 1944 (7 U.S.C. 429).

(3) The Act of August 28, 1950 (7 U.S.C. 2260).

(4) Section 919 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2260a).

(5) Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306).

(6) Sections 6 through 8 and 10 of the Act of August 30, 1890 (21 U.S.C. 102 through 105).

(7) The Act of February 2, 1903 (21 U.S.C. 111, 120 through 122).

(8) Sections 2 through 9, 11, and 13 of the Act of May 29, 1884 (21 U.S.C. 112, 113, 114, 114a, 114a–1, 115 through 120, 130).

(9) The first section and sections 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, 114d–1).

(10) The Act of June 16, 1948 (21 U.S.C. 114e, 114f).

(11) Public Law 87–209 (21 U.S.C. 114g, 114h).

(12) Section 2506 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 114i).

(13) The third and fourth provisos of the fourth paragraph under the heading ''BUREAU OF ANIMAL INDUSTRY'' of the Act of May 31, 1920 (21 U.S.C. 116).

(14) The first section and sections 2, 3, 4, and 6 of the Act of March 3, 1905 (21 U.S.C. 123 through 127).

(15) The first proviso under the heading ''GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY'' under the heading ''BUREAU OF ANIMAL INDUSTRY'' of the Act of June 30, 1914 (21 U.S.C. 128).

(16) The fourth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''ANIMAL AND PLANT HEALTH INSPECTION SERVICE'' of title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (21 U.S.C. 129).

(17) The third paragraph under the heading ''MISCELLANEOUS'' of the Act of May 26, 1910 (21 U.S.C. 131).

(18) The first section and sections 2 through 6 and 11 through 13 of Public Law 87–518 (21 U.S.C. 134 through 134h).

(19) Public Law 91–239 (21 U.S.C. 135 through 135b).

(20) Sections 12 through 14 of the Federal Meat Inspection Act (21 U.S.C. 612 through 614).

(21) Chapter 39 of title 46, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Section 414(b) of the Plant Protection Act (7 U.S.C. 7714(b)) is amended—

(A) in paragraph (1), by striking '', or the owner's agent,''; and

(B) in paragraph (2), by striking ''or agent of the owner'' each place it appears.

(2) Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(A) by striking subsection (b) and inserting the following:

''(b) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.'';

(B) in the third sentence of subsection (e), by inserting ''to an agency other than the Office of Administrative Law Judges'' after ''is delegated''; and

(C) by striking subsection (f).

(3) Section 11(h) of the Endangered Species Act of 1973 (16 U.S.C. 1540(h)) is amended in the first sentence by striking ''animal quarantine laws (21 U.S.C. 101–105, 111–135b, and 612–614)'' and inserting ''animal quarantine laws (as defined in section 2509(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(f))''.

(4) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking ''of the cattle'' and all that follows through ''as herein described'' and inserting ''of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines''.

(5) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—

(A) in subsection (c), by inserting after paragraph (1) the following:

''(2) VETERINARY DIAGNOSTICS.—The Secretary may prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act that relate to veterinary diagnostics.''; and

(B) in subsection (f)(1), by striking subparagraphs (B) through (O) and inserting the following:

''(B) section 9 of the Act of August 30, 1890 (21 U.S.C. 101);

''(C) the Animal Health Protection Act; or

''(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.''.

(c) EFFECT ON REGULATIONS.—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 16 that supersedes the earlier regulation.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 1483. A bill to amend Family Violence Prevention and Services Act to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I am introducing legislation today, with Senator MURRAY, that would address one of the most challenging and tragic crimes in our society. This bill is the Children Who Witness Domestic Violence Act. It is a comprehensive first step towards confronting the impact of domestic violence on children. This bill addresses the issue from multiple perspectives by providing funds for several key programs.

The bill would support multi-system interventions for children who witness domestic violence by providing nonprofit agencies with funding to bring various service providers together to design and implement intervention programs for children who witness domestic violence. These working partnerships would take advantage of local resources such as counselors, courts, schools, health care providers and battered women's programs to best address the needs of children in violent homes.

The bill would also create opportunities for domestic violence community agencies and elementary and secondary schools to work together to address the needs of children who witness and experience domestic violence. For example, domestic violence agencies could work with schools to provide domestic violence training to school officials and to students so they can make appropriate referrals and can understand how witnessing domestic violence impacts children's behavior and achievement. The groups could provide anger management and other educational programming to students so they can learn about and deal with the problem as they experience it.

The bill would also provide training to child welfare, and where appropriate, to court and law enforcement personnel to assist them in recognizing and treating domestic violence as a serious problem threatening the safety and well being to both children and adults. Training would include teaching staff to recognize the overlap between child abuse and domestic violence and to better identify the presence of domestic violence in child welfare cases. Staff would also be taught how to increase the safety and well-being of child witnesses of domestic violence as well as the safety of the non-abusing parent so that children can stay with their non-abusing parent when it is safe to do so.

The bill would provide funds to shelters so they can run programs to address the physical, emotional and logistical needs of children who stay there. The bill also would give funds to States to assist private and public agencies and organizations in expanding crisis nurseries—temporary respite care for children who are at risk of abuse in their homes. Such nurseries have proven effective in preventing child abuse and in keeping families together in a safe way, when possible.

Finally, the bill would fund comprehensive research to investigate the link between domestic violence and child abuse, the link between childhood exposure to domestic violence and violent behavior in youth and adults, and other key issues that can provide insight into appropriate remedies for this devastating problem.

Mr. President, I introduce this legislation today, because, as I have said before, nowhere is violence more isolated from view, more difficult to combat and more far reaching in its impact than violence in the home. To turn a blind eye to the suffering of the victims of domestic violence and their children is to be, however unwittingly, complicitous in the crime because it is out of sight and behind closed doors that domestic violence thrives.

This bill reflects the fact that the effects of domestic violence extend far beyond the moment when violence occurs. One of the most compelling marks that violence against women leaves is on our children. I am reminded of the voice of Quinese Robinson, a teenager from Minneapolis, who just last year, came home to find that her mother's husband had brutally murdered her mother. Quinese simply said, ''My Mom is the most important person in our life. When he killed her, he basically killed all four of us, because we do not have a mother.''

This is one story among millions. It is estimated that as many as 10 million children witness violence in the home each year, and much of this violence is repetitive. As many as 70 percent of children who witness domestic violence are also victims of child abuse. If we are serious about helping children and reducing youth violence, we cannot ignore the impact of domestic violence on children.

Studies indicate that children who witness their fathers beating their mothers suffer emotional problems, including slowed development, sleep disturbances, and feelings of hopelessness, depression, and anxiety. Many of these children exhibit more aggressive, antisocial, and fearful behaviors. They also show lower social competence that other children.

Children in homes where their mothers were abused have also shown less skill in understanding how others feel when compared to children from nonviolent households. Even one episode of violence can produce post-traumatic stress disorder in children. Children who witness domestic violence are at higher risk of suicide.

Jeffrey Edleson and others at the Minnesota Center Against Violence and

Abuse at the University of Minnesota collected multiple studies on the devastating results of this trauma. The examples are painful, but they deserve telling. One 4 year old girl named Julie witnessed her father stab her mother to death. In describing the event, Julie consistently placed her father at the scene of the crime and recounted her father's efforts to clean up after the crime. She could not describe her father's actions but when the district attorney saw Julie stabbing a pillow and crying ''Daddy pushed Mommy down,'' he was sure that the father had committed the crime.

A child who was being treated at San Francisco General Hospital saw his father cut his mother's throat. For a period of time after the crime, the child could not speak.

Not surprisingly, Edleson found that children growing up in violent families are more likely to engage in youth violence and that the social and economic risk factors for youth violence correspond to the risk factors for domestic violence and child abuse.

The Office of Juvenile Justice and Delinquency Prevention at the U.S. Dept. of Justice identifies family violence as a major risk factor in the lives of serious, violent and chronic juvenile offenders. It is estimated that as many as 40 percent of violent juvenile offenders come from homes where there is domestic violence.

In addition to increasing violence, witnessing domestic violence directly hinders school achievement. Child witnesses have higher incidences of impaired concentration, poor school attendance, being labeled an underachiever, and difficulties in cognitive and academic functioning.

As this overwhelming research indicates, domestic violence and violence against women permeate our entire society. People who try to keep family violence quiet and hidden behind the walls of the home ignore its tragic echoes in the hearts and minds of our children, in our schools, on the streets and in our human relationships.

In the face of this devastating situation, I call on my colleagues to say to these child witnesses around the country, that they will not suffer in silence, for that is what their abusers want them to do. Their cries will not be muffled behind closed doors and by the fear inflicted by abusive parents. We need to provide these children with a way out of violence and a way to deal with the pain of violence.

This bill represents a modest step to address this devastating problem. I urge my colleagues, in the names of all of these children, to support this critical legislation.

By Mr. MCCONNELL:

S. 1484. A bill to prevent fraud in the solicitation of charitable contributions, and for other purposes; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, the Nation's armies of compassion have rallied in response to the events of September 11 and thus far have contributed more than $676 million to our Nation's charities. But this largess have proven an irresistible target to criminals who prey upon the generous and good-hearted nature of Americans in this time of national emergency. We heard reports of false charities exploiting well-intentioned Americans during the Gulf War and after the Oklahoma City bombing and we now hear similar reports that the September 11 attacks have given these unusually heartless criminals new opportunities to perpetrate fraud.

Almost daily we hear of American citizens receiving solicitations from phony charities. News reports from more than a dozen States, from New York to Florida to California, reveal that Americans are being asked to contribute to what turn our to be bogus victim funds, phony firefighter funds and questionable charitable organizations. The fraudulent solicitation of charitable contributions is a problem all across our Nation.

Well-meaning Americans unwittingly contribute an estimated $1.5 billion per year in contributions to fraudulent charities. This $1.5 billion is intended to feed rescue workers, shelter the homeless, and care for those who have lost loved ones. Instead, this money is siphoned into the pockets of cold-hearted criminals. In the wake of the September 11 attacks, the amount of misappropriated contributions will surely increase. The Better Business Bureau reports that inquiries from consumers about dubious fund-raising practices have increased approximately 40 percent since September 11. Unfortunately, these criminals frequently prey upon our Nation's seniors, whose fervent patriotism and generous hearts can make them easy marks for a grifter's scam.

These crooks often try to confuse their victims by using names that sound like reputable charities and relief efforts. For example, some scam artists ask for donations to the Red Cross of America or the Armenian Red Cross, not the legitimate relief organization known the world over as the American Red Cross. Other crooks use the name ''firefighter fund'' or ''victim's survivors fund'' in their fraudulent appeals.

While an informed donor is the first line of defense against sham solicitors, there also are steps Congress should take in addressing this problem. Current Federal law targets fraudulent solicitations and telemarketing scams related to the sale of products and services and sweepstakes and contests, but does not specifically cover the fraudulent solicitation of charitable contributions. That is why I rise today to offer legislation, the Crimes Against Charitable Americans Act, which would authorize law enforcement and regulatory agencies to specifically target these fraudulent solicitation.

My bill, the Crimes Against Charitable Americans Act, strengthens Federal law by first, making it a Federal crime to fraudulent solicit charitable contributions or donations. This crime would be punishable by a fine and imprisonment for 5 years, or both, and those convicted would be ordered to provide restitution to their victims. Second, my bill increases the penalty from 1 year to 5 years for those convicted of impersonating members or agents of the Red Cross in order to solicit contributions. Third, my bill directs the Federal Trade Commission, the Federal agency with primary enforcement against consumer fraud, to include charitable solicitations within its definition of telemarketing and to promulgate rules designed to end such fraudulent practices. These FTC regulations also give local and state officials the authority to persecute violators, which will increase the possibility that scam artists will be caught and punished. Finally, this legislation broadens the definition of telemarketing in federal law to include charitable solicitations and provides for up to a 10-year sentence enhancement for anyone who fraudulently solicits charitable contributions in connection with the commission of other Federal crimes. This maximum sentence enhancement of 10 years is reserved for those criminals who target our generous seniors with fraudulent appeals for money.

There are more than half-a-million federally recognized charities in America that raised more than $200 billion in contributions last year. Those who seek to profit from tragedy, especially the events of September 11, deserve a special degree of society's scorn and a special punishment under federal law. Not only do they steal valuable resources from the most worthy of recipients, but they erode the trust of the American people in legitimate charitable organizations. America is a generous and compassionate Nation and we must preserve the integrity of our charities and their ability to help others. The Senate can protect the noble work of our Nation's charities by passing the Crimes Against Charitable Americans Act.

I ask unanimous consent that the text of the bill, a letter of endorsement from the Bluegrass Area Chapter of the American Red Cross, and information sheets from the Federal Trade Commission and the AARP about fraud and charitable donations be printed in the RECORD.

There being no objection, the bill and the additional material were ordered to be printed in the RECORD, as follows:

S. 1484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crimes Against Charitable Americans Act of 2001''.

SEC. 2. FRAUD AND FALSE STATEMENTS.

Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1037. Fraud and related activity in the solicitation of charitable contributions

''(a) OFFENSE.—It shall be unlawful for any person to knowingly and fraudulently solicit, cause to be solicited, or receive contributions, donations, or gifts of money or any other thing of value—

''(1) for an alleged charitable or beneficial organization, or an alleged charitable or beneficial purpose; and

''(2) in connection with a disaster or emergency which has been officially designated a Federal disaster or Federal emergency by the President or any other appropriate Federal official.

''(b) PENALTY.—A person who is convicted of an offense under subsection (a)—

''(1) shall be fined under this title or imprisoned for not less than 5 years, or both; and

''(2) shall be ordered by the court to pay restitution to any victim, and may be ordered to pay restitution to others, who sustained losses as a result of fraudulent activity of the offender under subsection (a).''.

SEC. 3. TELEMARKETING AND CONSUMER FRAUD ABUSE.

The Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.) is amended—

(1) in section 3(a)(2), by inserting after ''practices'' the second place it appears the following: ''which shall include fraudulent charitable solicitations, and'';

(2) in section 3(a)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) a requirement that any person engaged in telemarketing for the solicitation of charitable contributions, donations, or gifts of money or any other thing of value, shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to solicit charitable contributions, donations, or gifts, and make such other disclosures as the Commission considers appropriate, including the name and mailing address of the charitable organization on behalf of which the solicitation is made.''; and

(3) in section 7(4), by inserting '', or a charitable contribution, donation, or gift of money or any other thing of value,'' after ''services''.

SEC. 4. RED CROSS MEMBERS OR AGENTS.

Section 917 of title 18, United States Code, is amended by striking ''one year'' and inserting ''5 years''.

SEC. 5. TELEMARKETING FRAUD.

Section 2325(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting ''; or'';

(3) by inserting after subparagraph (B) the following:

''(C) a charitable contribution, donation, or gift of money or any other thing of value,''; and

(4) in the flush language, by inserting ''or charitable contributor, or donor'' after ''participant''.

AMERICAN RED CROSS,
Lexington, KY, October 2, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL, I have reviewed your proposed Crime Against Charitable Americans Act of 2001 and on behalf of the Bluegrass Area Chapter of the American Red Cross fully endorse your efforts.

Whether handling donated funds or fees for products and services, upholding the public's trust is critically important to the Red Cross. The Red Cross is committed to high standards of financial stewardship and those who fraudulently solicit charitable contributions or donations erode the basic foundations of our organization.

I commend you for stepping forward in this effort to stop those who breed on opportunities of national disaster for personal gain. If I can be of assistance in promoting this act, let me know.

Sincerely,

PAUL B. HAY,
Executive Director.

HELPING VICTIMS OF THE TERRORIST ATTACKS: YOUR GUIDE TO GIVING WISELY

In the wake of the September 11 terrorist attacks on the World Trade Center and the Pentagon, Americans are opening their hearts and wallets to help the nation recover. If you're thinking about donating to the cause, here are some tips to help you give wisely:

Donate to recognized charities you have given to before. Watch out for similar sounding names. Some phony charities use names that sound or look for those of respected, legitimate organizations.

Give directly to the charity, not solicitors for the charity. That's because solicitors take a portion of the proceeds to cover their costs. That leaves less for the victims.

Do not give out personal or financial information—including your Social Security number or credit card and bank accounts numbers—to anyone who solicits a contribution from you. Scam artists use this information to commit fraud against you.

Check out charities. Contact the Better Business Bureau's Wise Giving Alliance: 4200 Wilson Blvd, Suite 800, Arlington, VA 22203; (703) 276–0100; www.give.org.

Don't give cash. For security and tax record purposes, pay by check. Write the official name of the charity on your check. Or you can contribute safety online through www.libertyunites.org.

Ask for identification if you're approached in person. Many states require paid fundraisers to identify themselves as such and to name the charity for which they're soliciting.

To report a fraud, contact the Federal Trade Commission toll-free: 1–877–FTC–HELP (1–877–382–4357) or use the complaint form at www.ftc.gov. The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. The FTC enters Internet, telemarketing, identify theft and other fraud related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

[From AARP Bulletin Online, Oct. 2001]

TRAGEDY CAN BE OPPORTUNITY FOR CON ARTISTS

Be very cautious of anyone soliciting money to help rescuers and victims of the recent tragic events in New York and Washington, D.C. The U.S. Postal Inspection Service, and other law enforcement agencies, are warning people about phone calls, e-mails or any other attempts to obtain donations.

Shortly after the tragedy, con artists claiming to represent victims, firefighters, law enforcement or charities were asking for money. If you want to donate, contact legitimate charities yourself rather than responding to requests.

Older consumers report that, on average, they get more than six calls or letters seeking charitable donations every week. That's more than 300 calls or letters every year. More than two-thirds of older consumers are not confident that unknown callers ''really represent the organization they say they do.'' [For more information, visit the AARP website's Telemarketing Fraud section.]

TIPS FOR CHARITABLE GIVING

Before you give, get more information:

Ask the charity's full name, address and telephone number.

Ask how much of your donation goes to the program that the request describes—and how much goes to administrative costs.

Call your state Attorney General or Secretary of State's office to see if the charity is registered.

Depending on your state, charities must file financial and other disclosure statements; get copies, and review them.

Don't provide your credit-card number or personal information to telephone or e-mail solicitors.

BE SURE YOU KNOW WHO IS CALLING

If a fundraiser calls, call the charity directly to ask if it is really sponsoring a fundraising drive.

Also beware of phony charity names that sound similar to legitimate organizations. Don't assume that you know a group because the name or symbols seem familiar.

PROTECT YOUR CHARITABLE DOLLARS

To ensure that your contributions actually benefit those in need, follow these guidelines:

Pay with a check or money order made out to the charity—not the fundraiser itself.

Don't give money at the door to a courier or messenger—nor by leaving a check under the doormat. Send your contribution directly to the charity.

Don't feel pressured to make a donation on the spot. There will be plenty of opportunities to contribute in the future.

Keep records of your donations and pledges, and check your records if someone says you made a pledge that you don't recall.

Know the difference between tax deductible and tax exempt. Donations to tax-exempt organizations are not necessarily tax deductible for you. If your donation is tax deductible, get a receipt.

ONLINE GIVING

The AARP Bulletin is providing links to some of the legitimate charities collecting money to help the victims of the September 11 tragedies.

The following Web sites can provide additional information on charitable giving and charity fraud.

Federal Trade Commission: If you suspect charity fraud, you can file a report online with the Federal Trade Commission. http://www.ftc.gov/.

Better Business Bureau: The Better Business Bureau has much advice on charitable giving, including donating used cars and tax deductibility issues. http://www.give.org/tips/index.asp.

Wise Giving Alliance: Want to check out national charities? This site has reports on hundreds of charities, how much of the money raised goes to administrative or fund raising costs, contact information and charitable missions. http://www.give.org.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 165—ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM

Mr. ROBERTS submitted the following resolution; which was referred

to the Committee on Rules and Administration:

S. RES. 165

Resolved,

SECTION 1. ESTABLISHMENT OF SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM.

(a) ESTABLISHMENT.—There is established a select committee of the Senate, to be known as the Select Committee on Homeland Security and Terrorism (in this resolution referred to as the ''Select Committee'').

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of the Select Committee are—

(A) to assist the Senate in coordinating and prioritizing Federal reforms, initiatives, and proposals to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States;

(B) to consult with and receive testimony from the President's Office of Homeland Security and other appropriate Federal agencies;

(C) to make such findings of fact as are warranted and appropriate; and

(D) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the Select Committee may determine to be necessary or desirable.

(2) LEGISLATIVE JURISDICTION.—There shall be referred to the Select Committee all proposed legislation, messages, petitions, memorials, and other matters relating to Federal reforms, initiatives, and proposals to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States.

(c) COMPOSITION.—

(1) IN GENERAL.—The Select Committee shall be composed, as follows:

(A) The Majority Leader of the Senate and the Minority Leader of the Senate.

(B) The chairman and ranking minority member of each of the committees designated by the Majority and Minority Leaders of the Senate, acting jointly, as having primary and preeminent jurisdiction over homeland security and terrorism.

(C) Two Members of the Senate who do not serve on any committee designated under subparagraph (B), appointed by the Majority Leader.

(D) Two Members of the Senate who do not serve on any committee designated under subparagraph (B), appointed by the Minority Leader.

(E) Two Members with expertise and experience in homeland security and terrorism, appointed by the Majority Leader.

(F) Two Members with expertise and experience in homeland security and terrorism, appointed by the Minority Leader.

(2) COCHAIRMEN.—The Majority and Minority Leaders of the Senate shall serve as cochairmen of the Select Committee.

(3) CO-VICE CHAIRMEN.—The Majority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(C) to serve as co-vice chairman. The Minority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(D) to serve as co-vice chairman.

(4) SERVICE.—For the purpose of paragraph 4 or rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the Select Committee shall not be taken into account.

SEC. 2. POWERS.

(a) IN GENERAL.—For the purposes of this resolution, the Select Committee is authorized—

(1) to make investigations into any matter within its jurisdiction;

(2) to make expenditures from the contingent fund of the Senate;

(3) to employ personnel;

(4) to hold hearings;

(5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(6) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946;

(7) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents; and

(8) to take depositions and other testimony.

(b) ADMINISTRATION OF OATHS.—The chairman of the Select Committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the Select Committee may be issued over the signature of the chairman, the vice chairman or any member of the Select Committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 3. REPORTS.

(a) TO THE SENATE.—The Select Committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the homeland security and antiterrorism activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees.

(b) FROM THE EXECUTIVE BRANCH.—The Select Committee shall obtain an annual report from the President. The report shall review the activities of the agencies or departments concerned to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States. An unclassified version of the report may be made available to the public at the discretion of the Select Committee.

SEC. 4. INFORMATION SHARING.

It is the sense of the Senate that the head of each department and agency of the United States should keep the Select Committee fully and currently informed with respect to homeland security and antiterrorism activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency, except that this does not constitute a condition precedent to the implementation of any such activity.

SEC. 5. CONSTRUCTION.

Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any homeland security or antiterrorism matter to the extent that such matter directly affects a matter otherwise within the jurisdiction of such committee.

SENATE CONCURRENT RESOLUTION 74—CONDEMNING BIGOTRY AND VIOLENCE AGAINST SIKH-AMERICANS IN THE WAKE OF TERRORIST ATTACKS IN NEW YORK CITY AND WASHINGTON, D.C. ON SEPTEMBER 11, 2001

Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KENNEDY, Mr. BROWNBACK, Mr. BIDEN, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLEN, Mr. FEINGOLD, Mr. BENNETT, Mr. SCHUMER, Mr. JEFFORDS, Ms. CANTWELL, Mr. EDWARDS, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mrs. MURRAY, Mr. CORZINE, Mrs. BOXER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. CLELAND, Mr. LIEBERMAN, Mr. CARPER, Mr. TORRICELLI, Mr. SARBANES, Mr. LEVIN, Mr. INOUYE, Mr. JOHNSON, and Mr. REID) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

S. CON. RES. 74

Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

Whereas Sikh-Americans form a vibrant, peaceful, and law-abiding part of America's people;

Whereas approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

Whereas Sikh-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

Whereas the Sikh faith is a distinct religion with a distinct religious and ethnic identity that has its own places of worship and a distinct holy text and religious tenets;

Whereas many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward Arab-Americans and Muslim-Americans in the wake of the September 11, 2001 terrorist attack;

Whereas Sikh-Americans, as do all Americans, condemn acts of hate and prejudice against any American; and

Whereas Congress is seriously concerned by the number of hate crimes against Sikh-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent hate crimes against all Americans, including Sikh-Americans; and

(4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit hate crimes.

Mr. DURBIN. Mr. President, today I rise with 31 of my Senate colleagues to submit a resolution condemning bigotry and violence toward Sikh-Americans.

Last week, Amrith Kau Mago, a student at George Washington University, from my home State of Illinois, came to my office and brought the serious issue of hate crimes against Sikh-Americans in the wake of terrorist attacks on September 11, to my attention.

On the morning of September 11, 2001, our world as we knew it changed forever. On September 11, terrorists coordinated an attack on the American people by hijacking four commercial airplanes and flying them as missiles into occupied office buildings, the World Trade Center in New York and the Pentagon in Virginia. The staggering loss of life of over 6,000 innocent people, more than in any other day in our Nation's history; firefighters and police officers crushed under the rubble as they risked their lives to assist victims; shaken sense of security and confidence in our society; and a national anxiety about our future.

While we search for understanding, we must do our duty as Americans. We bury our dead. We comfort the wounded. We honor our heroes. And we work to protect and defend our Nation.

Unfortunately, in the aftermath of September 11, there are those, who in misguided anger and fear turned on their neighbors and fellow Americans. They mistook symbols of religious belief, such as turbans and beards, for distrust, terror, and destruction. In a twisted gesture of revenge, some vigilantes across America have taken it up on themselves to threaten, harass, and even kill our fellow Americans simply because some share some outward appearance of these terrorists, turbans, beards, olive skin.

In the past three weeks, the Sikh community has received nearly 300 reported incidents of threats, assaults, violence, and even death. Of course this is wrong and every American must speak out against it. Sikhism, like Islam, Hinduism, Buddhism, Judaism, Christianity, and Catholicism, is a religion based on teachings of peace, love, and equality. Over 22 million Sikhs around the world today follow there values everyday. That is why it was so painful to me to learn that Sikh Americans are suffering from injustice targeted at them simply for their dress and customs.

We must embrace the diversity that makes America what it is, a diversity that our enemies cannot understand or accept. We are a land of immigrants, and from the beginning of our Nation's history, we have always welcomed people from other nations.

Of the thousands who perished that tragic day of September 11, citizens of over 80 countries were included among Americans.

Recent terrorist attacks should never cloud our judgment when it comes to our fellow Sikh-Americans. Sikh-Americans share with us the pain and sorrow of September 11 tragedy. Hate crimes and violence, especially violence stemming from bias and bigotry should never be tolerated.

That is why today I am submitting a resolution condemning bigotry and violence against Sikh Americans. I am pleased to say that 31 of my Senate colleagues have already cosponsored the resolution and we expect that many others will join us in condemning hate crimes against Sikh-Americans. Representatives HONDA and SHAYS have expressed interest in introducing the exact same resolution in the House. Our country stands united with all Americans, including Sikh-Americans.

More than ever before, this is a time for us all to stand together. We are, of course, the United States of America. But today, we are a United America. As we stand together strongly against terrorism, let us also stand together as a country against prejudice and injustice targeted at each other.

Our enemies may hate us but we cannot be guided by hate, and we in America cannot hate one another. We are brothers and sisters under God's eyes. We are fellow American's under our Nation's flag and with this battle we must stand together, united by love and understanding.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1821. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1602 submitted by Mr. ALLARD and intended to be proposed 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 1822. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1823. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1824. 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 1825. 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 1826. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH, of New Hampshire, Mr. NICKLES, Mr. CRAPO, and 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 1827. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH, of New Hampshire, Mr. NICKLES, Mr. CRAPO, and 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 1828. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 1769 submitted by Mr. DODD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1829. 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 1830. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1831. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1832. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1833. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1834. Mr. LEVIN (for Mr. THOMAS (for himself and Mr. GRAMM)) proposed an amendment to the bill S. 1438, supra.

SA 1835. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1836. Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. HOLLINGS, Ms. LANDRIEU, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1837. Mr. DOMENICI (for himself 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 1838. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1839. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1840. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1841. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1842. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1821. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1602 submitted by Mr. ALLARD and intended to be proposed 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 to be inserted, 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;

(B) each valid ballot cast by such a voter is duly counted; and

(C) 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.

(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.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter.''.

(b) DISTRIBUTION OF STANDARDS BY THE PRESIDENTIAL DESIGNEE.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking ''and'' before ''(B)''; and

(2) by inserting before the period at the end the following: '', and (C) the standards submitted by the State under section 102(c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) 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), 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 further 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) IN GENERAL.—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.

(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 where such use is consistent with State law.

''(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 under paragraph (1), 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) 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 as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) 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 as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) 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 available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b) 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) ABSENTEE REGISTRATION.—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 uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) 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 who 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; and

(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 1822. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD 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 to be inserted, 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;

(B) each valid ballot cast by such a voter is duly counted; and

(C) 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.

(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.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter.''.

(b) DISTRIBUTION OF STANDARDS BY THE PRESIDENTIAL DESIGNEE.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking ''and'' before ''(B)''; and

(2) by inserting before the period at the end the following: '', and (C) the standards submitted by the State under section 102(c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) 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), 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 further 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) IN GENERAL.—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.

(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 where such use is consistent with State law.

''(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 under paragraph (1), 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) 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 as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) 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 as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) 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 available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b) 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) ABSENTEE REGISTRATION.—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 uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) 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 who 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; and

(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 1823. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed 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 to be inserted, 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;

(B) each valid ballot cast by such a voter is duly counted; and

(C) 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.

(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.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter.''.

(b) DISTRIBUTION OF STANDARDS BY THE PRESIDENTIAL DESIGNEE.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking ''and'' before ''(B)''; and

(2) by inserting before the period at the end the following: '', and (C) the standards submitted by the State under section 102(c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) 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), 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 further 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) IN GENERAL.—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.

(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 where such use is consistent with State law.

''(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 under paragraph (1), 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) 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 as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) 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 as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) 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 available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b) 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) ABSENTEE REGISTRATION.—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 uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) 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 who 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; and

(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 1824. 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:

Beginning on page 6 of the amendment, strike line 20 and all that follows through the end of the amendment and insert the following:

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).

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 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.

(e) 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.

(f) 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.

(g) 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, covered United States persons 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.—Covered United States persons 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) covered United States persons 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, covered United States persons 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) covered United States persons 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 covered United States persons 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 covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons 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 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 COVERED UNITED STATES PERSONS 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 taken or directed by the President 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. 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 covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.

SEC. 1413. 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. 1414. SENSE OF CONGRESS.

It is the sense of Congress that the President should take all appropriate steps to remove United States support for the Rome Statute.

SEC. 1415. 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, other persons employed by or working on behalf 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).

SA 1825. 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:

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

1066. Closure of Vieques Naval Training Range.

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

''(e) NATIONAL EMERGENCY.—

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

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

''(B) The President determines that, in light of such national emergency, the actions required by subsections (b), (c) and (d) would be inconsistent with the national security interest of the United States.

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

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

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

SA 1826. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. NICKLES, Mr. CRAPO, and 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:

Beginning on page 6 of the amendment, strike line 20 and all that follows through the end of the amendment and insert the following:

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 any 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 any 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 any 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) 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 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.

(e) 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.

(f) 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.

(g) 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,

covered United States persons 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.—Covered United States persons 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) covered United States persons 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, covered United States persons 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) covered United States persons 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 covered United States persons 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 covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons 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 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 COVERED UNITED STATES PERSONS 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 taken or directed by the President 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. 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 covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.

SEC. 1413. 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. 1414. SENSE OF CONGRESS.

It is the sense of Congress that the President should rescind the signature made on behalf of the United States to the Rome Statute.

SEC. 1415. 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, other persons employed by or working on behalf of the United States Government, and other United States citizens 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).

SA 1827. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. NICKLES, Mr. CRAPO, and 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:

Beginning on page 6 of the amendment, strike line 20 and all that follows through the end of the amendment and insert the following:

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 any 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 any 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 any 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) 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 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.

(e) 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.

(f) 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.

(g) 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, covered United States persons 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.—Covered United States persons 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) covered United States persons 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, covered United States persons 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) covered United States persons 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 covered United States persons 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 covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons 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 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 COVERED UNITED STATES PERSONS 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 taken or directed by the President 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. 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 covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.

SEC. 1413. 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. 1414. SENSE OF CONGRESS.

It is the sense of Congress that the President should rescind the signature made on behalf of the United States to the Rome Statute.

SEC. 1415. 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, other persons employed by or working on behalf of the United States Government, and other United States citizens 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).

SA 1828. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 1769 submitted by Mr. DODD and intended to be proposed 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 the matter proposed to be inserted, strike all and insert the following:

TITLE—BIPARTISAN FEDERAL ELECTION REFORM ACT OF 2001

Strike all after the enacting clause and insert the following:

SEC. ___01. SHORT TITLE.

SHORT TITLE.—This Title may be cited as the ''Bipartisan Federal Election Reform Act of 2001''.

Subtitle A—Blue Ribbon Study Panel

SEC. ___11. ESTABLISHMENT OF THE BLUE RIBBON STUDY PANEL.

There is established the Blue Ribbon Study Panel (in this title referred to as the ''Panel'').

SEC. ___12. MEMBERSHIP OF THE PANEL.

(a) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members as follows:

(1) 3 members appointed by the Majority Leader of the Senate.

(2) 3 members appointed by the Minority Leader of the Senate.

(3) 3 members appointed by the Speaker of the House of Representatives.

(4) 3 members appointed by the Minority Leader of the House of Representatives.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) shall be chosen on the basis of experience, integrity, impartiality, and good judgment.

(2) PARTY AFFILIATION.—Not more than 6 of the 12 members appointed under subsection (a) may be affiliated with the same political party.

(3) FEDERAL OFFICERS AND EMPLOYEES.—Members appointed under subsection (a) shall be individuals who, at the time appointed to the Panel, are not elected or appointed officers or employees of the Federal Government.

(c) BALANCE REQUIRED.—The Panel shall reflect, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Panel under section 103, and regional and geographical balance among the members of the Panel.

(d) DATE OF APPOINTMENT.—The appointments of the members of the Panel shall be made not later than 30 days after the date of enactment of this Act.

(e) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member of the Panel shall be appointed for the life of the Panel.

(2) VACANCIES.—A vacancy in the Panel shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(f) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Panel 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.

SEC. ___13. DUTIES OF THE PANEL.

(a) STUDY.—The Panel shall complete a thorough study of—

(1) current and alternate methods and mechanisms of voting and counting votes in elections for Federal office;

(2) current and alternate ballot designs for elections for Federal office;

(3) current and alternate methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that all registered voters appear on the polling list at the appropriate polling site;

(4) current and alternate methods of conducting provisional voting that include notice to the voter regarding the disposition of the ballot;

(5) current and alternate methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including blind and disabled voters and voters with limited English proficiency;

(6) current and alternate methods of voter registration for members of the Armed Forces and overseas voters, and methods of ensuring that such voters timely receive ballots that will be properly and expeditiously handled and counted;

(7) current and alternate methods of recruiting and improving the performance of poll workers;

(8) Federal and State laws governing the eligibility of persons to vote;

(9) current and alternate methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections;

(10) matters particularly relevant to voting and administering elections in rural and urban areas;

(11) conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time; and

(12) the ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—After studying the matters set forth in paragraphs (1) through (11) of subsection (a), the Panel shall develop recommendations regarding each matter and indicate which methods of voting and administering elections studied by the Panel under such paragraphs would—

(A) be most convenient, accessible, and easy to use for voters in elections for Federal office, including members of the Armed Forces, blind and disabled voters, and voters with limited English proficiency;

(B) yield the most accurate, secure, and expeditious system, voting, and election results in elections for Federal office;

(C) be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote; and

(D) be most efficient and cost-effective for use in elections for Federal office.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—After studying the matter set forth in subsection (a)(12), the Panel shall recommend how the Federal Government can best provide assistance to State and local authorities to improve the administration of elections for Federal office and what levels of funding will be necessary to provide such assistance.

(c) REPORTS.—

(1) FINAL REPORT.—

(A) IN GENERAL.—Not later than the date that is 6 months after the date on which all the members of the Panel have been appointed, the Panel shall submit a final report to Congress and the Election Administration Commission established under section ___21.

(B) CONTENTS.—The final report submitted under subparagraph (A) shall contain a detailed statement of the findings and conclusions of the Panel as to the matters studied under subsection (a), a detailed statement of

the recommendations developed under subsection (b), and any dissenting or minority opinions of the members of the Panel.

(2) INTERIM REPORTS.—The Panel may determine whether any matter to be studied under subsection (a), and any recommendation under subsection (b), shall be the subject of an interim report submitted as described in paragraph (1)(A) prior to the final report required under paragraph (1), and in time for full or partial implementation before the elections for Federal office held in 2002.

SEC. ___14. MEETINGS OF THE PANEL.

(a) IN GENERAL.—The Panel shall meet at the call of the chairperson.

(b) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Panel have been appointed, the Panel shall hold its first meeting.

(c) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. ___15. POWERS OF THE PANEL.

(a) HEARINGS.—

(1) IN GENERAL.—The Panel may hold such hearings for the purpose of carrying out this title, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this title.

(2) OATHS AND AFFIRMATIONS.—The Panel may administer oaths and affirmations to witnesses appearing before the Panel.

(3) OPEN HEARINGS.—All hearings of the Panel shall be open to the public.

(b) VOTING.—Each action of the Panel shall be approved by a majority vote of the members of the Panel. Each member of the Panel shall have 1 vote.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any Federal department or agency such information as the Panel considers necessary to carry out this title. Upon request of the Panel, the head of such department or agency shall furnish such information to the Panel.

(d) WEBSITE.—For purposes of conducting the study under section ___13(a), the Panel may establish a website to facilitate public comment and participation. The Panel shall make all information on its website available in print.

(e) POSTAL SERVICES.—The Panel 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 Panel, the Administrator of General Services shall provide to the Panel, on a reimbursable basis, the administrative support services that are necessary to enable the Panel to carry out its duties under this title.

(g) CONTRACTS.—The Panel may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

SEC. ___16. PANEL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Panel 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 Panel.

(b) TRAVEL EXPENSES.—The members of the Panel 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 Panel.

(c) STAFF.—

(1) IN GENERAL.—The Panel may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Panel 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 Panel 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 Panel 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. ___17. TERMINATION OF THE PANEL.

The Panel shall terminate 30 days after the date on which the Panel submits its final report under section ___13(c)(1).

SEC. ___18. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle B—Election Administration Commission

SEC. ___21. ESTABLISHMENT OF THE ELECTION ADMINISTRATION COMMISSION.

There is established the Election Administration Commission (in this title referred to as the ''Commission'') as an independent establishment (as defined in section 104 of title 5, United States Code).

SEC. ___22. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—

(1) COMPOSITION.—The Commission shall be composed of 8 members appointed by the President, by and with the advice and consent of the Senate.

(2) RECOMMENDATIONS.—Prior to the initial appointment of the members of the Commission and prior to the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the officer involved.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) shall be chosen on the basis of experience, integrity, impartiality, and good judgment.

(2) PARTY AFFILIATION.—Not more than 4 of the 8 members appointed under subsection (a) may be affiliated with the same political party.

(3) FEDERAL OFFICERS AND EMPLOYEES.—Members appointed under subsection (a) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees of the Federal Government.

(4) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment not later than the date on which the Commission first meets.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of 4 years, except that of the members first appointed—

(A) 4 of the members, not more than 2 of whom may be affiliated with the same political party, shall be appointed for a term of 5 years; and

(B) 4 of the members, not more than 2 of whom may be affiliated with the same political party, shall be appointed for 4 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall not affect its powers, but be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual chosen to fill a vacancy on the Commission occurring prior to the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members for a term of 1 year.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson only once during any term of office to which such member is appointed.

(3) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

SEC. ___23. DUTIES OF THE COMMISSION.

The Commission—

(1)(A) not later than 30 days after receipt of the recommendations of the Blue Ribbon Study Panel (in this title referred to as the ''Panel''), shall adopt or modify any recommendation of the Panel developed under subsection (b) of section ___13 and submitted to the Commission under subsection (c) of such section; and

(B) may update the recommendations adopted or modified under subparagraph (A) at least once every 4 years;

(2) not later than 6 months after the date of enactment of this Act, shall issue or adopt updated voting system standards and update such standards at least once every 4 years;

(3) shall advise States regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and compliance with other Federal laws regarding accessibility of registration facilities and polling places to blind and disabled voters;

(4) shall have primary responsibility to carry out Federal functions under title I of

the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) as the Presidential designee;

(5) shall serve as a clearinghouse, gather information, conduct studies, and issue reports concerning issues relating to Federal, State, and local elections;

(6) shall carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7);

(7) shall make available information regarding the Federal election system to the public and media;

(8) shall assemble and make available bipartisan panels of election professionals to assist any State election official, upon request, in review of election or vote counting procedures in Federal, State, and local elections;

(9) shall compile and make available to the public the official certified results of elections for Federal office and statistics regarding national voter registration and turnout; and

(10) shall administer the Federal Election Reform Grant Program established under section ___24.

SEC. ___24. FEDERAL ELECTION REFORM GRANT PROGRAM.

(a) ESTABLISHMENT OF THE FEDERAL ELECTION REFORM GRANT PROGRAM.—There is established the Federal Election Reform Grant Program under which the Commission is authorized to award grants to States and localities to pay the Federal share of the costs of the activities described in subsection (d).

(b) APPLICATION FOR FEDERAL ELECTION REFORM GRANTS.—

(1) IN GENERAL.—Each State or locality that desires to receive a grant under this section shall submit an application to the Commission at such time, in such manner, and containing such information as the Commission shall require (consistent with the provisions of this section).

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) contain a request for certification by the Assistant Attorney General for Civil Rights (in this section referred to as the ''Assistant Attorney General'') described in paragraph (3);

(C) provide assurances that the State or locality will pay the non-Federal share of the cost of the activities for which assistance is sought from non-Federal sources; and

(D) provide such additional assurances as the Commission determines to be essential to ensure compliance with the requirements of this section.

(3) REQUEST FOR CERTIFICATION BY ASSISTANT ATTORNEY GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each request for certification described in subsection (b)(2)(B) shall contain a specific and detailed demonstration that the State or locality—

(i)(I) is in 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), the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), and the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(II) is in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) in conducting elections for Federal office; and

(III) provides blind and disabled voters a verifiable opportunity to vote under the same conditions of privacy and independence as nonvisually impaired or nondisabled voters at each polling place;

(ii) permits provisional voting or will implement a method of provisional voting (including notice to the voter regarding the disposition of the ballot) consistent with the recommendation adopted or modified by the Commission under section ___23(1);

(iii) has implemented safeguards to ensure that—

(I) the State or locality maintains an accurate and secure list of registered voters listing those voters legally registered and eligible to vote; and

(II) only voters who are not legally registered or who are not eligible to vote are removed from the list of registered voters;

(iv) has implemented safeguards to ensure that members of the Armed Forces and voters outside the United States have the opportunity to vote and to have their vote counted; and

(v) provides for voter education programs and poll worker training programs consistent with the recommendations adopted by the Commission under section ___23(1).

(B) APPLICANTS UNABLE TO MEET REQUIREMENTS.—Each State or locality that, at the time it applies for a grant under this section, does not demonstrate that it meets each requirement described in subparagraph (A), shall submit to the Commission a detailed and specific demonstration of how the State or locality intends to use grant funds to meet each such requirement.

(c) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission shall establish general policies and criteria for the approval of applications submitted under subsection (b)(1).

(2) PRIORITY BASED ON DEFICIENCIES AND NEED.—In awarding grants to States and localities under this section, the Commission shall give priority to those applying States and localities that—

(A) have the most qualitatively or quantitatively deficient systems of voting and administering elections for Federal office; and

(B) have the greatest need for Federal assistance in implementing the recommendations, as adopted by the Commission.

(3) CERTIFICATION PROCEDURE.—

(A) IN GENERAL.—The Commission may not approve an application of a State or locality submitted under subsection (b)(1) unless the Commission has received a certification from the Assistant Attorney General under subparagraph (D) with respect to such State or locality.

(B) TRANSMITTAL OF REQUEST.—Upon receipt of the request for certification submitted under subsection (b)(2)(B), the Commission shall transmit such request to the Assistant Attorney General.

(C) CERTIFICATION; NONCERTIFICATION.—

(i) CERTIFICATION.—If the Assistant Attorney General finds that the request for certification demonstrates that a State or locality meets the requirements of subsection (b)(3)(A), or that a State or locality has provided a detailed and specific demonstration of how it will use funds received under this section to meet such requirements, the Assistant Attorney General shall certify that the State or locality is eligible to receive a grant under this section.

(ii) NONCERTIFICATION.—If the Assistant Attorney General finds that the request for certification does not demonstrate that a State or locality meets the requirements of subparagraph (A) or (B) of subsection (b)(3), the Assistant Attorney General shall not certify that the State or locality is eligible to receive a grant under this section.

(D) TRANSMITTAL OF CERTIFICATION.—The Assistant Attorney General shall transmit to the Commission a certification under clause (i) of subparagraph (C), or a notice of noncertification under clause (ii) of such subparagraph, together with a report identifying the relevant deficiencies in the State's or locality's system for voting or administering elections for Federal office or in the request for certification submitted by the State or locality.

(d) AUTHORIZED ACTIVITIES.—A State or locality that receives a grant under this section may use the grant funds as follows:

(1) IN GENERAL.—Subject to paragraph (2)—

(A) a State or locality may use grant funds to implement any recommendation adopted or modified by the Commission; and

(B) a State or locality that does not meet a certification requirement described in subsection (b)(3)(A) may use grant funds to meet that certification requirement not later than the first Federal election following the date on which the grant was awarded or the date that is 3 months after the date on which the grant was awarded, whichever is later.

(2) VOTING MECHANISM REQUIREMENTS.—Any voting mechanism purchased in whole or in part with a grant made under this section shall—

(A) have an error rate no higher than that prescribed by the voting systems standards issued or adopted by the Commission under section ___23(2);

(B) in the case of a voting mechanism that is not used for absentee or mail voting—

(i) permit each voter to verify the voter's vote before a ballot is cast;

(ii) be capable of notifying the voter, before the ballot is cast, if such voter votes for—

(I) more than 1 candidate (if voting for multiple candidates is not permitted) for an office; or

(II) fewer than the number of candidates for which votes may be cast for an office; and

(iii) provide such voter with the opportunity to modify the voter's ballot before it is cast; and

(C) have the audit capacity to produce a record for each ballot cast.

(3) COMPLIANCE WITH EXISTING LAW.—Each recipient of a grant under this section shall ensure that each activity funded (in whole or in part) with a grant awarded under this section is conducted in accordance with each law described in subsection (b)(3)(A)(i).

(e) PAYMENTS; FEDERAL SHARE.—

(1) PAYMENTS.—The Commission shall pay to each State or locality having an application approved under subsection (c) the Federal share of the costs of the activities described in subsection (d).

(2) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs shall be a percentage determined by the Commission that does not exceed 75 percent.

(B) EXCEPTION.—The Commission may provide for a Federal share of greater than 75 percent of the costs for a State or locality if the Commission determines that such greater percentage is necessary due to the lack of resources of the State or locality.

(f) REPORTS.—

(1) STATES AND LOCALITIES.—

(A) IN GENERAL.—Not later than the date that is 6 months after the date on which a State or locality receives a grant under this section, such State or locality shall submit to the Commission a report describing each activity funded by the grant, including (if applicable) sufficient evidence that the State or locality has used or is using grant funds to meet the requirements of subsection (b)(3)(A).

(B) TRANSMITTAL.—Upon receipt of the report submitted under subparagraph (A), the Commission shall transmit such report to the Assistant Attorney General.

(2) COMMISSION.—

(A) IN GENERAL.—Not later than the date that is 1 year after the date on which the first payment is made under subsection (e)(1), and annually thereafter, the Commission shall submit to Congress a report on the activities of the Commission and the Assistant Attorney General under this section.

(B) CONTENTS.—The report submitted under subparagraph (A) shall contain a description of the Federal Election Reform Grant Program established under subsection (a), a description and analysis of each grant awarded under this section, and such recommendations for legislative action as the Commission considers appropriate.

(g) AUDITS OF GRANT RECIPIENTS.—

(1) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this section shall keep such records as the Commission shall prescribe.

(2) AUDITS OF RECIPIENTS.—

(A) IN GENERAL.—The Commission—

(i) may audit any recipient of a grant under this section to ensure that funds awarded under the grant are expended in compliance with the provisions of this title; and

(ii) shall have access to any record of the recipient that the Commission determines may be related to such a grant for the purpose of conducting such an audit.

(B) OTHER AUDITS.—If the Assistant Attorney General has certified a State or locality as eligible to receive a grant under this section in order to meet a certification requirement described in subsection (b)(3)(A) (as permitted under subsection (d)(1)(B)) and such State or locality is a recipient of such a grant, the Assistant Attorney General, in consultation with the Commission shall, after receiving the report submitted under subsection (f)(1)(A)—

(i) audit such recipient to ensure that the recipient has achieved, or is achieving, compliance with the certification requirements described in subsection (b)(3)(A); and

(ii) shall have access to any record of the recipient that the Commission determines may be related to such a grant for the purpose of conducting such an audit.

(h) EFFECTIVE DATE.—The Commission shall establish the general policies and criteria for the approval of applications submitted under subsection (b)(1) in a manner that ensures that the Commission is able to approve applications not later than 30 days after the date on which the Commission adopts or modifies the recommendations under section 203(1).

SEC. ___25. MEETINGS OF THE COMMISSION.

The Commission shall meet at the call of any member of the Commission, but may not meet less often than monthly.

SEC. ___26. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings for the purpose of carrying out this title, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(2) OATHS AND AFFIRMATIONS.—The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) VOTING.—Each action of the Commission shall be approved by a majority vote of the members of the Commission. Each member of the Commission shall have 1 vote.

(c) 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 title. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) 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.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services 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 title.

(f) WEBSITE.—The Commission shall establish a website to facilitate public comment and participation. The Commission shall make all information on its website available in print.

SEC. ___27. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) STAFF.—

(1) APPOINTMENT AND TERMINATION.—

(A) IN GENERAL.—The Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Commission 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.

(c) 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.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission 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. ___28. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Commission such sums as may be necessary to carry out this title.

(b) FEDERAL ELECTION REFORM GRANTS.—For the purpose of awarding grants under section 204, there are authorized to be appropriated to the Commission—

(1) for each of fiscal years 2002 through 2006, $500,000,000; and

(2) for each subsequent fiscal year, such sums as may be necessary.

SEC. ___29. OFFSET OF AUTHORIZED SPENDING.

(a) IN GENERAL.—Budget authority provided as authorized by this title shall be offset by reductions in budget authority provided to existing programs.

(b) COMMITTEES ON APPROPRIATIONS.—The Committees on Appropriations of the House of Representatives and the Senate shall reduce budget authority as required by subsection (a) in any fiscal year that budget authority is provided as authorized by this title.

Subtitle C—Election Administration Advisory Board

SEC. ___31. ESTABLISHMENT OF THE ELECTION ADMINISTRATION ADVISORY BOARD.

There is established the Election Administration Advisory Board (in this title referred to as the ''Board'').

SEC. ___32. MEMBERSHIP OF THE BOARD.

(a) NUMBER AND APPOINTMENT.—The Board shall be composed of 24 members appointed by the Election Administration Commission established under section ___21 (in this title referred to as the ''Commission'') as follows:

(1) 12 members appointed by the chairperson of the Commission.

(2) 12 members appointed by the vice chairperson of the Commission.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) may—

(A) have experience administering State and local elections; and

(B) be members of nongovernmental organizations concerned with matters relating to Federal, State, or local elections.

(2) PROHIBITION.—A member of the Board appointed under paragraph (1) may not be a candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), or hold a Federal office (as defined in such section) while serving as a member of the Board.

(3) FEDERAL OFFICERS AND EMPLOYEES.—No member of the Board may be an officer or employee of the Federal Government.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Board under subsection (a) shall be made not later than 90 days after the date on which all the members of the Commission have been appointed under section ___22.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a period of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Board shall not affect its powers, but shall be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy on the Board occurring prior to the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced.

(3) EXPIRATION OF TERMS.—A member of the Board may serve on the Board after the expiration of the member's term until the successor of such member has taken office as a member of the Board.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a chairperson and vice chairperson from among its members to serve a term of 1 year.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

SEC. ___33. DUTY OF THE BOARD.

It shall be the duty of the Board to advise the Commission on matters relating to the administration of elections upon the request of the Commission.

SEC. ___34. MEETINGS OF THE BOARD.

(a) IN GENERAL.—The Board shall meet at the call of the chairperson.

(b) ANNUAL MEETING REQUIRED.—The Board shall meet not less often than annually.

(c) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. ___35. VOTING.

Each action of the Board shall be approved by a majority vote of the members of the Board. Each member of the Board shall have 1 vote.

SEC. ___36. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Board shall serve without compensation, notwithstanding section 1342 of title 31, United States Code.

(b) TRAVEL EXPENSES.—Each member of the Board 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 Board.

SEC. ___37. TERMINATION OF THE BOARD.

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. ___38. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle D—Transition Provisions

Transfer to Election Administration Commission of Functions Under Certain Laws

SEC. ___41. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Administration Commission established under section ___21 all functions which the Office of the Election Administration, established within the Federal Election Commission, exercised before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting ''and'' at the end;

(2) in paragraph (9), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. ___42. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Administration Commission established under section ___21 all functions which the Presidential designee under title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) exercised before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff) is amended by striking subsection (a) and inserting the following:

''(a) PRESIDENTIAL DESIGNEE.—The Election Administration Commission shall have primary responsibility for Federal functions under this title as the Presidential designee.''.

SEC. ___43. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Administration Commission established under section ___21 all functions which the Federal Election Commission exercised under the National Voter Registration Act of 1993 before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking ''Federal Election Commission'' and inserting ''Election Administration Commission''.

SEC. ___44. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission for appropriate allocation.

(b) PERSONNEL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission.

SEC. ___45. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Administration Commission under section ___23.

(b) TRANSITION.—With the consent of the entity involved, the Election Administration Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

Coverage of Election Administration Commission Under Certain Laws and Programs

SEC. ___46. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ''or the Election Administration Commission'' after ''Commission''.

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ''or the Election Administration Commission'' after ''Commission''.

SEC. ___47. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting '', the Election Administration Commission,'' after ''Federal Election Commission,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Administration Commission under section ___23.

Subtitle E—Absent Uniformed Services Voters

SEC. ___51. MAXIMIZING ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(1) in the matter preceding paragraph (1), by striking ''it is recommended that the States'' and inserting ''each State, in each election for Federal office, shall''; and

(2) by striking the heading and inserting the following:

''SEC. 104. MAXIMIZING ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)) is amended—

(A) in paragraph (2), by striking ''as recommended in'' and inserting ''as required by''; and

(B) in paragraph (4), by striking ''as recommended in'' and inserting ''as required by''.

(2) Section 104 of such Act (42 U.S.C. 1973ff–3) is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(C) in paragraph (5) (as so redesignated), by striking ''the State or other place where the oath is administered'' and inserting ''a State''.

Subtitle F—Miscellaneous

SEC. ___61. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Any right or remedy established by this Act is in addition to each other right and remedy established by law.

(b) SPECIFIC LAWS.—Nothing in this Act may be construed to authorize or to require conduct prohibited under the following laws, or to supersede, to restrict, or to 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 Rehabilitation Act of 1973 (42 U.S.C. 701 et seq.).

(4) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(5) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(c) EFFECT ON PRECLEARANCE REQUIREMENTS.—Any approval or certification by the Election Administration Commission or the Assistant Attorney General for Civil Rights of the application of a State or locality submitted under section ___24(b)(1) shall not affect any requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c).

SA 1829. 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:

In lieu of the matter proposed to be inserted, insert 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—Uniformed Services Overseas Voting

SEC. ___41. 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. ___42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

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

''(c) GENERAL PRINCIPLES FOR VOTING BY OVERSEAS AND ABSENT UNIFORMED SERVICE VOTERS.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States.

''(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.''.

SEC. ___43. 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. ___44. 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 ___42, is further amended by inserting after subsection (a) the following new subsection (b):

''(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. ___45. 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 ___42(1), is further 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. ___46. 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 ___45, 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. ___47. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) IN GENERAL.—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.

(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. ___48. 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.

Subtitle E—Miscellaneous

SEC. ___51. 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 1830. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed 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 the matter proposed to be inserted, on page 2, between lines 18 and 19, insert the following:

(e) 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 east a vote and an equal opportunity to have that vote counted.

SA 1831. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed 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 to be inserted, insert 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—Uniformed Services Overseas Voting

SEC. ___41. 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. ___42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

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

''(c) GENERAL PRINCIPLES FOR VOTING BY OVERSEAS AND ABSENT UNIFORMED SERVICE VOTERS.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States.

''(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.''.

SEC. ___43. 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. ___44. 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 ___42, is further amended by inserting after subsection (a) the following new subsection (b):

''(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. ___45. 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 ___42(1), is further 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. ___46. 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 ___45, 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. ___47. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) IN GENERAL.—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.

(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. ___48. 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.

Subtitle E—Miscellaneous

SEC. ___51. 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 1832. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD 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 the matter proposed to be inserted, on page 2, between lines 18 and 19, 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 an equal opportunity to have that vote counted.

SA 1833. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD 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 to be inserted, insert 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—Uniformed Services Overseas Voting

SEC. ___41. 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. ___42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

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

''(c) GENERAL PRINCIPLES FOR VOTING BY OVERSEAS AND ABSENT UNIFORMED SERVICE VOTERS.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States.

''(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.''.

SEC. ___43. 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. ___44. 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 ___42, is further amended by inserting after subsection (a) the following new subsection (b):

''(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. ___45. 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 ___42(1), is further 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. ___46. 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 ___45, 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. ___47. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) IN GENERAL.—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.

(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. ___48. 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.

Subtitle E—Miscellaneous

SEC. ___51. 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 1834. Mr. LEVIN (for Mr. THOMAS (for himself and Mr. GRAMM)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike the material beginning with page 264, line 21 and ending with page 266, line 6.

SA 1835. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle C—Coordination of Nonproliferation Programs and Assistance

SEC. 1231. SHORT TITLE.

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

SEC. 1232. FINDINGS.

Congress makes the following findings:

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

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

(3) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1234. DUTIES OF COMMITTEE.

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

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

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

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

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

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

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

(1) arrange for the preparation of analyses on the issues and problems relating to coordination within and among United States departments and agencies on nonproliferation efforts of the independent states of the former Soviet Union;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terrorism or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

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

(2) The report shall include the following:

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

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

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

SEC. 1236. ADMINISTRATIVE SUPPORT.

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

SEC. 1237. CONFIDENTIALITY OF INFORMATION.

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

SEC. 1238. STATUTORY CONSTRUCTION.

Nothing in this title—

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

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

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

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

SA 1836. Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. HOLLINGS, Ms. LANDRIEU, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) LIMITATION ON MODIFICATION OF UNITED STATES PARTICIPATION IN PROGRAMS.—No modification may be made in United States participation in the current United States and Russia plutonium disposition programs until the date on which the Secretary of Energy notifies the congressional defense committees of the modification.

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

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

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

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

(d) ELEMENTS OF NOTIFICATION OF MODIFICATION.—In notifying the congressional defense committees of any proposed modification to United States participation in a current United States or Russia plutonium disposition program under subsection (a), the Secretary shall provide the committees with—

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

(2) a specification of the costs of such modification, including any costs to be incurred in long-term storage of weapons-grade plutonium or for research and development for proposed alternative disposition strategies; and

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

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

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

(C) the Russian Federation.

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

Department to meet commitments for such activities in such fiscal year.

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

SA 1837. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1066. CRITICAL INFRASTRUCTURES PROTECTION.

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

(1) The Information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

(i) the analysis conducted under that subparagraph;

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

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

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to members of the Board and other policymakers, and to departments and agencies of the Federal Government and private sector persons and entities upon request, regarding means of enhancing the stability of, and preserving, critical infrastructures.

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

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

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

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

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

SA 1838. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

SA 1839. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

(1) by inserting ''(1)'' after ''(a)'';

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

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

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

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

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

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

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

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

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

SA 1840. Mr. DOMENICI submitted an amendment intended to be proposed by

him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

SA 1841. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 215. ADDITIONAL FUNDING FOR ADVANCED TACTICAL LASER.

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

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

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

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

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

SA 1842. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a hearing to receive testimony on 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; and other proposals related to energy infrastructure security.

The hearing will take place on October 9 at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

Those wishing to submit written statements should address them to the Committee on Energy and Natural Resources, Attn. Jonathan Black, United States Senate, Washington, D.C. 20510.

For further information, please call Patty Beneke at 202/224–5451 or Deborah Estes at 202/224–5360.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 2, 2001, to conduct an oversight hearing on the ''Trade Promotion Coordinating Committee, TPCC.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 2, at 10 a.m. to conduct a hearing. The committee will receive testimony on the status of proposals for the transportation of natural gas from Alaska to markets in the lower 48 States and on legislation that may be required to expedite the construction of a pipeline from Alaska.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the Nomination of Eugene Scalia, to be Solicitor for the Department of Labor during the session of the Senate on Tuesday, October 2, 2001. At 10:30 a.m.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 2, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on the interaction of old-growth forest protection initiatives and national forest policy.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet on October 2, 2001, at 10 a.m. on surface transportation security.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the Finance Committee be discharged from further consideration of the nomination of Thomas B. Wells to be a judge of the United States Tax Court; that the HELP Committee be discharged from further consideration of the nomination of Leslie Lenkowsky to be chief executive officer for the Corporation for National Service; that the Senate proceed to their immediate consideration; that the nominations be considered en bloc and confirmed; that the motions to reconsider be laid on the table, any statements be printed at the appropriate place in the RECORD, the President be immediately notified, and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Thomas B. Wells, of Maryland, to be a Judge of the United States Tax Court for a

term expiring fifteen years after he takes office.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Leslie Lenkowsky, of Indiana, to be Chief Executive Officer of the Corporation for National and Community Service.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, OCTOBER 3, 2001

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, October 3; further, on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.J. Res. 51, the Vietnam Trade Act.

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

PROGRAM

Mr. REID. Therefore, Mr. President, the Senate will convene on Wednesday at 10 a.m. and resume consideration of the Vietnam Trade Act. We hope to complete action on the Vietnam Trade Act early tomorrow morning, or certainly before noon, and begin consideration of the Foreign Operations Appropriations Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. 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 5:26 p.m., adjourned until Wednesday, October 3, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 2001:

DEPARTMENT OF ENERGY

MICHAEL SMITH, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE ROBERT WAYNE GEE.

DEPARTMENT OF STATE

LYONS BROWN, JR., OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

ERIC M. JAVITS, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES CURIE, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE NELBA R. CHAVEZ, RESIGNED.

DEPARTMENT OF JUSTICE

DAVID E. O'MEILIA, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE STEPHEN CHARLES LEWIS, RESIGNED.

DAVID R. DUGAS, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE LEZIN JOSEPH HYMEL, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. DANIEL JAMES III, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

GREGORY A. ANTOINE, 0000 MC

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RICHARD A. GUERRA, 0000
JEFF B. JORDEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MARTIN B. HARRISON, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate October 2, 2001:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LESLIE LENKOWSKY, OF INDIANA, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

THE JUDICIARY

THOMAS B. WELLS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT.